

# **TULLYTOWN BOROUGH COUNCIL MEETING**

## **November 1, 2023**

President Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Wednesday, November 1, 2023, at 7:00 p.m. followed by the Pledge of Allegiance.

Present at the meeting  
Mayor Cutchineal  
Councilman Pirolli  
Councilwoman Chrzanowski  
Councilman Shellenberger - absent  
Councilman Czyzyk  
Councilman Saunders  
Councilman Servis  
Councilwoman Gahagan

Also present:  
Russ Sacco, Solicitor  
Chief Michael Martin  
David Pearl, Fire Marshal  
Sean R. Torpey, Pennoni, Borough Engineer  
Patricia Marks, Borough Secretary

Mr. Sacco announced that prior to the meeting, an executive session was held at 6 PM to discuss personnel issues. Before the next item on the agenda, he asked Council to consider a motion with respect to your labor counsel. There was some confusion in March about the appointment of labor counsel which, after some discussion, made a motion to no longer use the services unless needed. It is not reflected that way in the minutes. If Council would like to consider clarifying that and would like to retain labor counsel at this time, they should make a motion.

Bryan made motion to appoint Offit Kurman as Labor Attorney, seconded by Mr. Saunders.

Mr. Pirolli commented that he said in the back that he would vote against the motion because a motion was made in March to not retain the firm. His point is that if we were going to rehire them, we should have had a motion on the floor before any work was done. Mrs. Chrzanowski agreed that they made a motion to no longer retain the labor counsel.

Roll call vote was taken:

Mr. Pirolli—against

Mrs. Chrzanowski—against

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

The majority of Council was in favor of the motion, the motion carried.

### **Discussion regarding Police Chief's Probationary Period**

Mr. Servis advised that pursuant to the labor contract between Tullytown Borough Council and Michael Martin dated May 4, 2023, Chief Martin was appointed as Chief of Police subject to several conditions. These include Section 1C of the contract; an initial probation period of 6 months during which time Chief Martin would serve at will in such capacity which he could be removed for cause or no cause at the Borough's discretion. This probation period gives Tullytown Council time to review and evaluate the Chief's performance and his relationship with Council before he is given what amounts to a lifetime appointment as Chief of Police.

Mr. Servis made a motion that Tullytown Council hold that Chief Martin does not pass his probation period as provided in the employment contract and that the Borough Council will notify Chief Martin in writing by providing a copy of this statement that a permanent appointment will not be made, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—against

Mrs. Chrzanowski—against

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

The majority of Council was in favor of the motion, the motion carried.

Mrs. Chrzanowski stated that she has 2 letters from 1 full-time and 1 part-time former officers stating that the reason they left was because of this Council, not Chief Martin. They stated if the Chief had more time, it could be a great department. This is a full time officer that took a job here and quit because this Council does not support him. He felt it was not in his best interest to stay here. Another part time officer who left for the same reason. I have a letter from a superior who said what an unbelievable man Chief Martin is. Mrs. Chrzanowski

does not believe they spoke to any of the other officers except for one or two disgruntled officers. This is a disgrace to embarrass and humiliate this man. Mrs. Chrzanowski had copies of chief's reports that shows an increase in productivity. In November, there was a 775% productivity increase. When they interviewed him, they raved about him. Mr. Pirolli said several months ago there was rumblings that the chief was being fired. He stated that obviously there was some decisions being made.

Mr. Sacco asked people to address Council at the podium. Council can speak one at a time and the public will have an opportunity to speak one at a time. It needs to be one at a time and can't be from audience to audience. He asked that people get through this respectfully.

Mrs. Chrzanowski stated that she has the memo about changing the uniforms. It says effective immediately, but it does not require changing uniforms immediately. New hires will receive new uniforms in navy blue. The black uniforms will be phased out so there is no financial hardship.

The Mayor stated that the chief has always done what he was asked to do. He thinks he did a great job here and I wish him luck in the future.

Donna Blank, Lakeside Drive, asked what the reason is for getting rid of this man. The residents have not been asked and are not making the decision. The residents think he is doing a wonderful job and most of the officers think he is doing a good job. Mr. Czyzk does not know what is going on. He doesn't vote unless someone tells him to. You are disrespecting this man and how much he has put into respecting this town. Ms. Blank stated that we voted you in but our words have nothing to do with how you run this town. Why is the public not aware of this? Bryan Servis said he was a great man when he was first hired. Mr. Servis, I have known you along time. You are ignorant, a liar and a convicted felon. It is not about you, its about the residents. We can have 2 convicted felons on Council but can't keep a police chief who can get it back to what it was.

Kelli Donlen, 10 Lakeside Drive stated that she is disappointed in the direction you have decided to go. Since this has been known for a couple of months, I am not sure if it violates the sunshine law. The residents are upset by this decision.

Nate Aldsworth, Tullytown Borough police officer, stated that he has been here 20 years and he has worked for this man. He went through the chain of command and even to the Mayor and he didn't understand how bad morale was. Bryan Servis was the only one in personnel who listened. How would you feel about working 8 shifts in a row and I was told that you can thank me for getting you off? How would you feel if you worked more hours than any other officers with mandatory overtime? He asked to be put on day shift so he can help with his mother. They are being

denied vacation. When is he supposed to see his family, his girlfriend and help his mother. We tried and they have no agenda. He cares about this town and Bryan Servis listened to them. There are serious morale issues in the department. He gets sick to his stomach when he comes to work. He thanks the personnel committee for listening. Officer Aldsworth has spent \$2000 for seasons ticket for the Eagles and he doesn't think he should have to waste that money. No one is working with him. The schedule is not balanced out. In response to a question from the Chief, Officer Aldsworth stated that he has called out sick to attend the games.

Officer Wallace said he asked for one thing. He wanted off when his son was born. This man would not give him additional days off beyond the 10 days in contract. He needed more time. He still needs more time; his wife needs him. Officer Wallace said they would have known how bad things were, if they would have let his wife finish her letter.

Vicki, Chief Martin's daughter, stated that the Chief is her Dad. He is one of the most honest and has the most integrity of anyone she knows. Her father has told her he doesn't have enough officers to fill the shifts. Only full-time officers can be forced to work overtime. Her father has worked overtime without pay more than anyone. You can not blame him with the resources he has been given. It is a shame for everyone in Bucks County. She is proud of him and he has done the best he could.

Michelle, Chief Martin's daughter, stated that she hears disgruntled employees complaining about overtime but Council would not give him the resources he needed. She realizes that it is important to deal with family issues. He has never had a scandal in his career. He is black and white, if someone asks him to do something illegal, he will turn them down time and time again. Her Dad would not ask anyone to do anything he wouldn't do himself.

Debra Henry, 62 Lilac Lane, wants to know why they have such a hard time keeping police officers. She believes you should have 2 officers on at all times. It is safer. She doesn't know why there isn't a list in place. In July, the Chief requested more staff and he was denied because of budget issues. She was hoping for change from Council.

Kelli Donlen, 10 Lakeside Dr., thanked all the police officers. She has had interactions with Nate, Ed, and Andrew. It is a stressful because they won't hire. It is not safe with only one person on a shift. You are saying it is the chief's fault when there are not enough officers. We need to support our officers. If you are disgruntled, maybe try some bargaining instead of making decisions.

Mr. Servis thanked the Chief for his service.

## **PUBLIC COMMENT**

Mike Sidoti, Tax Collector for Tullytown Borough, has some comments from the last meeting. Specifically in regard to merchants now paying their bills. Mr. Servis made a claim that he did not own a business in Tullytown and his business is run in Bristol Township and Bristol Borough and he would take anyone to court over it. He got several calls from residents after that meeting asking if it was true that they have a councilman who does not pay taxes for his business. He contacted the Bristol Township tax collector, Berkheimer, who collects taxes for Bristol Township. They do not know of Mr. Servis' business, and they don't know of Bryan Servis Concrete or Bryan Servis Trucking. He has not paid them any money for any taxes. He then contacted the Bristol Borough tax collector and received the same result. The only thing Mr. Servis has done in Bristol Borough is file a contractor's registration. He then made some inquiries on the internet. Everything comes back to Bryan Servis with an address of 237 Main Street in Tullytown. The business insurance is registered to 237 Main Street. As the tax collector, this is enough to convince him that Mr. Servis owns a business in Tullytown Borough. He will be sending tax forms to fill out and return to the Borough. Mr. Sidoti believes that until he pays those taxes, you should not be able to vote on any tax issue that comes before Council. Mr. Sidoti will provide a monthly update on whether taxes are paid. Mr. Servis stated that he does not own a business in Tullytown. Mr. Servis stated that this is just his mailing address.

Mrs. Chrzanowski made a motion to hire an attorney that can investigate the tax issue with Mr. Servis, seconded by Mr. Pirolli.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—against

Mr. Saunders—against

Mr. Servis—abstain

Ms. Gahagan—against

The majority was against the motion, the motion did not carry.

Chip Taylor, Pennsbury School Board Director, read about the fact the Fire Marshal is not certified for fire inspections. He called and he emailed and he has heard nothing back. All he asked was to call Walt Disney and the Center for Student Learning and let them know what they need to do to be properly inspected. Ms. Gahagan responded that they are dealing with that. Mr. Taylor asked Council how long have you known this for? Have you continued to allow him to run those inspections? When will Council let the school district and the Center for Student Learning know what they need to do to be properly certified? In real life when

people are taking money for a service they are not certified for, it is considered fraud.

Mr. Sacco advised that they did discuss this at length in executive session. It is a personnel issue, but I will let you know that the inspections that the Fire Marshal is doing is limited to a fire prevention inspection. The certification that would be required would be for a typical use and occupancy inspection where they are certifying the building aspect – fire walls, sprinkler system, ingress and egress. I believe what the Fire Marshal is doing is limited to a fire prevention inspection – fire extinguishers, smoke detectors, etc. We are addressing the issue as to who will be performing the fire inspections during a use and occupancy inspection. Mr. Taylor asked if he would be calling the schools to let them know. Mr. Sacco stated that he does not believe the school went through a building inspection, but it was a fire safety inspection in terms of smoke detectors and fire alarms. It will be corrected if they are part of a fire inspection, not fire safety inspection. Mr. Taylor asked if the schools would need to be done twice in one year. Mr. Sacco replied that some may need to be done twice in a year.

## **COUNCIL MINUTES**

### **Council Meeting Minutes October 2023**

Mr. Servis made a motion to approve the minutes of the October 11, 2023 Council Meeting, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

All of Council was in favor of the motion, the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mr. Servis made a motion to approve the monthly bills in the amount of \$62,510.53 seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for, with the exception of the labor attorney bill

Mrs. Chrzanowski—for, with the exception of the labor attorney bill

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

All of Council was in favor of the motion, the motion carried.

### **OTHER EXPENSES PAID IN AUGUST**

Mr. Saunders made a motion to approve the other expenses paid in October, 2023, in the amount of \$585,850.40, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

All of Council was in favor of the motion, the motion carried.

### **RECONCILIATION STATEMENT**

Mr. Saunders made a motion to approve the reconciliation statement for October, 2023, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

All of Council was in favor of the motion, the motion carried.

### **COMMUNICATIONS**

There were no communications for the month.

### **GENERAL BUSINESS**

#### **a) Zoning Hearing Discussion—25 Laurel Lane**

Mr. Sacco stated that there was a zoning hearing board application for 25 Laurel Lane in their packet. The applicant is simply putting up a shed that will exceed permitted impervious surface. If council does not want to take any action, no motion is needed.

#### **b) Public Hearing—Property Allocation Ordinance #407**

Mr. Sacco advised that before Council is Ordinance #407. This is the Property Allocation Ordinance. In the 2023 budget, you voted for \$1,000 property allocation payment that is typically made in October or November of each year. In order to

make that payment, you must pass an Ordinance and that is what is before you – Ordinance #407.

Mr. Servis made a motion to approve the Property Allocation Ordinance #407 in the amount of \$1,000, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

Council was in favor of the motion, the motion carried.

c) Public Hearing—Parking Ordinance Amendment

Mr. Sacco advised that Council voted to advertise Ordinance #408 to increase violations for parking to \$25. The current section only provides for \$5. The change would require payment to be made to the Borough and payment must be made within 10 days.

Mr. Servis made a motion to approve the Amendment to the Parking Ordinance to increase the fine to \$25 and the time to pay to 10 days, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

Council was in favor of the motion, the motion carried.

d) 2024 Tentative Budget — Authorize Advertising

Mr. Sacco advised that there is copy of the 2024 tentative budget in Council's packet. You can make changes to the budget at the time you approve. If you make significant changes, it needs to be readvertised.



Mr. Servis made a motion to approve the advertising of the tentative 2024 Budget, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—against

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

The majority of Council was in favor of the motion, the motion carried.

### **COMMITTEE REPORTS**

There were no committee reports.

### **BOROUGH REPORTS**

#### **MAYOR'S REPORT**

The Mayor reminded everyone that Election Day is Tuesday, November 7<sup>th</sup> from 7 am to 8 pm at Borough Hall.

#### **SOLICITOR'S REPORT**

Mr. Sacco stated that he has received a draft of a Mutual Aid Agreement with several surrounding municipalities. If Council is interested, it can be put on the agenda for December. The Agreement allows Tullytown Borough to share public works services in case of an emergency, due to an accident or storm. He will bring it up at December meeting.

Mr. Sacco updated Council on the earned income tax. It needs to be advertised on three dates and will be voted on at the November 15, 2023 meeting.

#### **ENGINEER'S REPORT**

Council has received a copy of the Engineer's Report.

#### **COORDINATOR'S REPORT**

Council has received a copy of the report.

#### **CHIEF'S REPORT**

Council has received a copy of Chief Martin's report.

#### **FIRE MARSHAL'S REPORT**

Council has received a copy of the Fire Marshal's Report.

An addendum is attached which will be added to the Emergency Operations Plan in case of extreme conditions.

Mr. Pirolli made a motion to approve the Addendum to the Emergency Operations Plan, seconded by Mr. Servis.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

All of Council was in favor of the motion, the motion carried.

Mr. Pearl said that there are 2 separate inspections done. The Use and Occupancy is done by another firm that would be doing the initial fire inspection. That is something that you need a certification number for. What I am doing, and what all Fire Marshals have done here, was a fire safety inspection. That is what I am doing. That is what Danny did and everyone else before me. You are not paying the same person twice. You only get the U&O the first time when you either buy a business, start a new business, or buy a house. Use and Occupancy inspections are not something I am certified or authorized to do. You only get that once. Mr. Taylor addressed the Fire Marshal. Why does every other Fire Marshal have their UCC Certification? It is a two week course and a written test. Mr. Pearl responded that he has taken the course and the test. He stated that other municipalities are set up differently than Tullytown Borough. Our resolution and our code states that I will be doing these fire prevention inspections every two years. It does not say that I am doing the fire inspection which is done at a Use and Occupancy Inspection. Mr. Taylor asked Mr. Pearl about taking the test. Mr. Pearl responded that he did take the test. He had the certificate in the executive session. Mr. Pirolli commented that in the session it was brought up that the school was under the impression that it was a fire inspection. Mr. Pearl commented that he has been doing this for almost 2 years in the schools and they have never questioned anything until very recently.

Mrs. Chrzanowski had a question about his report. She said Mr. Pearl told them months ago that he was no longer permitted to assist with EMT calls and the County reached out to him. She is asking about his report and why he went on 4 EMS calls. She asked if he was taking the Fire Marshal truck when he goes on calls. Mr. Pearl responded that he can absolutely assist EMS whenever needed and is using the Fire Marshal truck. Mrs. Chrzanowski if the County told him not to do it and Mr. Pearl responded that the County did not tell him not to do it. Mr. Servis asked Mr. Pearl if he was a certified EMT and Mr. Pearl responded absolutely. Mr. Pearl explained to Mr. Sacco that he provided paperwork that showed he is

qualified to do everything he is doing and he is still doing it. No one on Council ever came to him and told him not to do anything. Mr. Pearl explained that he told Council he was putting it on hold for the time being because it was up for discussion.

### **CODE ENFORCEMENT REPORT**

Council has received a copy of the Code Enforcement Officer's Report.

### **MISCELLANEOUS COUNCIL BUSINESS**

Mr. Servis asked about the house on Main Street. Mrs. Marks stated that the property was sold at a Sheriff's Sale and is in the process of being cleaned out.

Mr. Servis made motion to appoint Nathan Aldsworth Acting Chief, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—abstain

Mrs. Chrzanowski—abstain

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

The majority of Council was in favor of the motion, the motion carried.

### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Servis to adjourn the meeting. All of Council was in favor of the motion; the motion carried. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Patricia Marks  
Borough Secretary