

## **TULLYTOWN BOROUGH COUNCIL MEETING**

### **JULY 5, 2016**

President May Kucher called the meeting of the Tullytown Borough Council to order on Tuesday, July 5, 2016 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Rob Humzer and Jean McMullen who recently passed away.

Present at the meeting:

Mayor Cutchineal  
Councilwoman Grady  
Councilwoman Kettler  
Councilwoman Slemmer  
Councilman Pirolli  
Councilwoman Gahagan  
Councilman Shellenberger  
Councilwoman Kucher

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
Kurt M. Schroeder, P.E., Gilmore & Associates, Inc, Borough Engineer  
Alison Smith, Borough Coordinator  
Dan Doyle, Chief of Police  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

### **SOLICITOR'S REPORT ON EXECUTIVE SESSION**

There was no executive session this meeting.

### **PUBLIC COMMENT**

Rick Johnson, Deputy Chief of Tullytown Fire Co., 347 Main St, Tullytown, advised the Fire Company is holding a Fire House Tour to raise money for local firehouses. The dates are Sunday, July 17<sup>th</sup> 12 to 7 pm and Wednesday, July 20<sup>th</sup> 3 to 8 pm.

Rick also announced they have a junior fire fighter team who are competing in the Keystone Fire Fighters Conference on July 16<sup>th</sup>. He introduced the 4 members of the team.

## **COUNCIL MINUTES**

A motion was made by Mr. Pirolli to approve the minutes of the June 7, 2016 Council meeting, seconded by Mr. Shellenberger. The motion carried with a unanimous vote of Council in favor.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mr. Pirolli made a motion to approve the monthly bills, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

### **RECONCILIATION STATEMENT**

A motion was made by Mr. Shellenberger to approve the Reconciliation Statement for June, 2016, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner advised that Karyn Snyder resigned from the Park & Recreation Committee due to personal issues. Council accepted her resignation.

## **GENERAL BUSINESS**

### **ONE APPOINTMENT TO SHADE TREE COMMISSION**

Mrs. Conner advised that Pat Carroll resigned last month. She added that both Wilhelmina Conca and Michele Gelber have expressed interest in being appointed.

Mr. Pirolli made a motion to appoint Wilhelmina Conca to the Shade Tree Commission, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

A motion was made by Mr. Shellenberger to appoint Michele Gelber as an Alternate Member to the Shade Tree Commission, seconded by Mr. Pirolli. The vote of Council was 6 in favor 1 against (Tina Grady). The motion carried.

### **DISCUSSION—SHADE TREE ORDINANCE/TREE SURVEY**

Mrs. Conner advised that for the record, Mrs. Kettler arrived at the meeting.

Mrs. Smith advised the Shade Tree Commission was created to provide property owners with an entity to work with on a daily basis rather than having to wait for Council meetings. She added the Commission was given the ability to charge fees, cite property owners and fine them, assess costs the Borough might spend to maintain the trees to property owners, and approve or deny requests to prune or cut down the trees.



She also added that the Commission is also responsible for assessing the tree condition from time to time and providing recommendations to Council.

Mrs. Smith further advised that the original authority was given to Council through state legislation. She added that Council started to discuss amending the authority that is vested in the Commission.

Mr. Sellers explained that Council needs to consider either to have the Shade Tree Commission continue with their authority or to take back the power and the Shade Tree Commission would not be delegated that authority—it would return to Council and Shade Tree Commission could be more of an advisory role. Mr. Pirolli suggested the Shade Tree Commission be an advisory committee.

Mr. Pirolli made a motion to direct solicitor to review alteration of Ordinances #345 and #346 to make shade tree commission advisory in nature and to return powers for shade trees to the Council level. Mr. Shellenberger seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Smith also advised that mentioned in the shade tree survey, there were 2 trees designated as high risk. She indicated that we need to direct the property owners to take the trees down.

Mr. Chase suggested that he agrees that the Shade Tree Commission should be advisory—he feels someone with authority from the Borough should do that as well. Mrs. Smith commented that either the Shade Tree Commission can contact the owners or it can be done through her office.

Mr. Shellenberger asked Mr. Chase if he would like to handle that. Mr. Chase commented that someone with authority from the Borough should approach the residents.

Ms. Gahagan made a motion that Alison Smith send the 2 residents a letter to remove the trees, Mr. Pirolli seconded the motion.

Mrs. Kettler asked if a deadline will be set. Mrs. Smith advised that we will give the 2 residents 15 days and if no response, the Borough will handle and charge the property owners.

Mrs. Kucher questioned trees in Levittown as well. Mr. Chase commented that if someone owns a tree that is old and branches ready to fall, that should be addressed as well.

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

**PICNIC EXPENSES—BALLOON MAN—APPROVAL \$525.00**

Mrs. Conner advised that the balloon man expense (Airheads) is \$525.00 for 3 hours at the Borough Picnic. She added that Airheads will be available for Saturday only. A motion was made by Mr. Pirolli to approve the expenditure of Airheads for Borough Picnic in the amount of \$525.00. Mrs. Slemmer seconded the motion. Roll call vote was taken--all of Council was in favor of the motion. The motion carried.

**PICNIC EXPENSES—DUNK TANK—APPROVAL \$300.00**

Mrs. Conner advised the expense for Dunk Tank for Borough Picnic is \$300 payable to Jason's Jumpers. A motion was made by Mrs. Grady to hire Jason's Jumpers for the picnic in the amount of \$300, Mr. Pirolli seconded the motion. The motion passed with a unanimous vote of Council in favor.

**PICNIC—APPROVE POLICY ON TICKET PRICES FOR SPECIFIC INDIVIDUALS**

Mrs. Smith advised that Council approved charging for picnic tickets \$5.00 for residents and non-residents and children under 3 are free. She added that there was a question as to what to charge people volunteering for the picnic. She advised the Park & Rec Committee recommends that volunteers do not have to pay for themselves which includes police working at the event, fire personnel working at the event, vendors, park & rec committee people working that day and volunteers such as those running the games—volunteers' families would purchase tickets at the \$5.00 rate.

Ms. Gahagan made a motion to accept the policy as stated by Mrs. Smith. Mr. Pirolli seconded the motion. Roll call vote was taken—all of Council was in favor. The motion carried.

**REQUEST FOR DONATION – BUCKS COUNTY TOUR OF HONOR**

Mrs. Conner advised that the County is sponsoring the trip to Washington DC for the Veterans. She added they are asking for minimum donation of \$100 which Council donated the same last year. Mr. Shellenberger commented that he rather donate personally and not have the Borough donate as we are going to have to start cutting back with the landfill closing. Mr. Shellenberger advised he will donate \$50.00.

Ms. Gahagan made a motion to donate \$100, seconded by Mr. Pirolli.

The vote of Council was as follows:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—against



Mrs. Kucher—for

The vote was 6 in favor; 1 against—the motion carried.

Mr. Shellenberger advised that he will still donate the \$50.00.

**COMMUNITY PARK—AUTHORIZE ADVERTISEMENT—CONTRACT(S)**

Mrs. Smith advised that the plans were submitted to DCNR and NPDES and we have preliminary approval from both—waiting to do a couple of small changes for the DCNR final and have a meeting with NPDES for the soil.

She added that we are ready to go out to bid for the construction of the park. She commented it is designed so there are 5 packets:

- 1) site work—which is bulk of grading, clearing, building, subgrade, drainage
- 2) concrete—which includes curbs, the walkway around the bocce court and slabs for the pavilion and/or gazebo
- 3) electric—this includes bringing in electric service and installing lights for the walkways and structures
- 4) play and exercise equipment—the play equipment will be broken down as alternate bid
- 5) structures—includes the gazebo and pavilion in the completed plans but the advertisement will be for the gazebo itself alone.

Mrs. Smith advised we will be advertising on Friday—contract specifications are 373 pages which they are still reviewing.

She added that a big piece of this is Public works doing a lot of the work in order to afford the equipment.

She stated that the 5 packets will be advertised and a contractor could bid on one or all of them so we still have the ability to have a general contractor if it was financially feasible.

Mr. Pirolli made a motion to authorize the borough coordinator to advertise for bids for the Community Park. Mrs. Grady seconded the motion. The motion passed with a unanimous vote of Council in favor.

**BOROUGH PARK—APPROVE EXPENDITURE TO REMOVE/TRIM TREES**

Mrs. Smith advised that the company, Shades of Green, who performed the tree survey, also looked at the trees in the Park, upon request. She commented that there were numerous dead branches, bug infestations, 5 trees that should come down as they would be a risk to the people in the park. She asked him to provide an estimate for everything including getting rid of dead branches, pruning for health, fertilizing for health, getting rid of the bugs

and cutting the trees down. She stated the estimate is \$32,000. She commented that it is beneficial to do it all but if Council decided not to do it all, she would ask for \$11,000 to be approved for the trimming of the tree limbs, cutting of the trees and begin the infestation control.

Mrs. Smith commented that we should look at our own public works people on how to fertilize, treating infestation, pruning, etc.

Mrs. Kettler suggested we obtain a few more proposals. Council agreed.

**RESOLUTION—DESTRUCTION OF CERTAIN POLICE RECORDS—CONSIDERATION**

Mr. Pirolli made a motion to approve Resolution #350, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

**HOUSEHOLD HAZARDOUS WASTE COMMITMENT FOR 2017-2020—CONSIDERATION**

Mrs. Conner advised the County has organized the household hazardous waste program and are asking each municipality for a financial commitment as they have done in the past.

Mr. Pirolli made a motion to approve the household hazard waste commitment, in the amount of \$264.06 for the 2017-2020 program, seconded by Mrs. Slemmer. Roll call vote was taken with a unanimous vote of Council in favor of the motion.

**RE-NEGOTIATE VERIZON CONTACT—CONSIDERATION TO JOIN BUCKS CO CONSORTIUM**

Mrs. Smith advised that every Borough and Township negotiates with both Verizon and Comcast in terms of what the municipality will receive as far as payment—we receive about \$24,000 per year.

She stated that the contract will expire in 2019—the last time the contract went through it was done with a consortium of towns negotiating with Verizon. Mrs. Smith advised that the proposal is to join with the Consortium of townships and boroughs—an estimate from 2 lawyers from 2 different townships was between \$8,000 and \$10,000 for them to do the negotiation if we stood singly but going with the consortium, our cost would be \$245.00.

Mrs. Kettler made a motion to authorize the coordinator to join the consortium for Verizon negotiations. Mrs. Slemmer seconded the motion. All of Council was in favor of the motion; the motion carried.

**ST. MIKE'S SCHOOL FLASHER—CONSIDERATION OF OPTION TO INSTALL**

Mrs. Smith introduced Mike Shinton with Gilmore & Associates. She advised he has really good relations with PennDOT and was able to do an excellent job with Amy Kaminski on the traffic signal with SEPTA. She further advised he has worked as best he can to see what we can do with putting the flashers up. She added Mr. Shinton believes that there is one thing PennDOT will accept which is that right now we aren't giving people warning coming out of



Kenwood or out of the strip shopping center and that PennDOT would accept flashers that would address that.

Mrs. Smith advised there are 2 options (per map distributed to Council):

1. Red—for traffic as they face out to the Parkway
2. Blue—puts them on the parkway—does not bracket the crossing but it is sufficiently visible by cars coming up to the crossing so they would see an additional warning.

Ms. Gahagan commented that it seems ridiculous to have flashing lights when they are leaving the school zone. Mrs. Smith advised that PennDOT is not going to grant the Borough the ability to put them there but she added that we will have additional warning on the parkway that is flashing to tell people to go slow.

Mr. Shellenberger commented this was to try to put the light before Hesski's—that was the intent—one light because that is where they cross the children. Mrs. Smith commented that PennDOT is saying that there is sufficient warning on the parkway and they feel additional at that point confuses motorists.

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, questioned the flashers.

Mr. Shinton of Gilmore & Associates advised that PennDOT won't let the Borough put both the overhead and on the side in the same location because in their judgement it is too confusing. He recommends the blue one and you also get the extra set of lights on the parkway. He added if we choose the red, we will need a signal easement from the shopping center because there is no right-of-way there.

Chief Doyle commented that he could put officers out there daily and they could write tickets constantly – people don't look at the lights. He added that we have them—they are reasonably priced and we have to get them put up. He recommends to Council, even though he doesn't agree with it, to go with Option 2 – the blue which puts them on the parkway.

Mr. Pirolli made a motion to go with Option 2 for the flashing lights at St. Mikes, seconded by Mrs. Slemmer. The vote of Council was as follows: 6 in favor, 1 against (Ms. Gahagan). The motion carried.

#### **INVESTMENT FUNDS—CONSIDER PLGIT FOR ADVICE**

Mrs. Smith advised that currently our investment funds are split between 2 providers; PLGIT and Valley Forge—Valley Forge is more expensive. She added that Council asked her to look into finding another vendor for that half of the investments. She researched and suggested Council use PLGIT who is a highly recognized investment firm, who has offered to do the

entire process with us free of charge. She added they will help us write the RFP, advertise formally or send out to firms requesting proposals.

Ms. Gahagan made a motion to accept a proposal of PLGIT to draft an RFP for an investment manager and participate in a review of responses. Mrs. Kettler seconded the motion. All of Council was in favor of the motion; the motion carried.

#### **9-11 EXPENSES—APPROVALS OF CERTAIN EXPENSES**

Mr. Shellenberger made a motion to approve the following expenses:

Men of Harmony -- \$200

Lisa Beth Weber -- \$400

Bucks County Women's Chorus -- \$300

Miscellaneous Expenses -- \$300

Totaling \$1,200.

Ms. Gahagan asked what the miscellaneous expenses were. Mrs. Kucher advised candles, bottled water, gifts for speakers, etc.

Mr. Pirolli seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

#### **BOROUGH REPORTS**

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

Mayor Cutchineal advised they picked the runner's up for the best decorated house at the Memorial Day events. He indicated that 109 Stonybrook Drive, Levittown and 337 Main Street, Tullytown were runner's up.

Mayor advised that the 9-11 Committee is continuing to work on the events—another meeting will be held this Friday, July 8<sup>th</sup>, 4:30 p.m.

Mayor advised the final figures for parade were as follows: budgeted at \$18,000, approved by Council \$15,600 and total cost \$11,900.

Mayor Cutchineal commented that St. Mike's Fair continues to run for 5 more days through July 10<sup>th</sup>. He commented it has been pretty uneventful except for the one night. He asked Chief Doyle if he had any comments. Chief stated that the incident is under investigation.

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

Mrs. Smith commented that the criteria for advertising for a waste pick-up contractor have been finalized for both the base bid (what will be awarded) and alternatives (what might be awarded)



She added the base bid will include:

- 1) Once a week pick-up of recyclables (based on automated pick-up)
- 2) Providing an amount back to Tullytown from the revenue stream the vendor would receive from the recycling
- 3) Operating hours and days.

She indicated the alternative bids would include:

- 1) Once a week pick-up of trash (based on automated pick-up)
- 2) Twice a week pick-up of trash (based on automated pick-up)
- 3) Provision of 2- 96 gallon wheeled, covered containers, one for refuse and one for recycling:
  - a) As a direct purchase cost
  - b) As a lease and return cost
- 4) Cost to pick up additional recycling containers

Mrs. Smith further indicated that there are some final decisions around the duration of the contract—from 1 to 5 years—and the aesthetics of the cans-color, logo, and differentiation between trash and recycling—to be made.

She added the Borough will continue to pick up bulk and landscaping waste.

Mr. Shellenberger commented that if the Borough picks up the bulk, then we are responsible for taking it to the landfill and there is a cost involved in that. He asked if we are going to charge. He said that if we put it into the contract for bulk pick-up, they will pick it up and take it to the landfill and we will get charged for it. Mrs. Smith commented that either way we will get charged for it—either Public Works picking it up but we will still be charged for the dumping fee or we will pay for the contractor to pick it up and do the dumping. Mr. Shellenberger feels it is better if they do it once a month. He added he rather see the contractor pick it up once a month and let the people get used to seeing that we don't do it anymore. He added the public works can be doing other jobs.

Mr. Pirolli commented that we can get a price on both—this way it will keep our public works employees working. Mrs. Kucher commented it is better to have our public works pick-up so residents don't have bulk sitting around for a month.

Council agreed that Mrs. Smith also obtain pricing on bulk pick-up and landscaping waste once a month and twice a month.

Mrs. Smith also advised that electric lights and service were installed in the 2 new pavilions and flood lights that have been in the trees are now on the structures which is a little safer. She added we still have to develop procedures on cost of renting the pavilions and if we want to rent to more than 1 party at a time.

Regarding the street lights, Mrs. Smith advised that the contracted engineer is continuing his inspection and development of a plan to purchase the streetlights and separately to change them to LED's. She added he will have that ready by August for Council to make a decision about that purchase and whether to move forward with LED's.

Regarding FEMA, Mrs. Smith advised that the letter of final determination will be published in September and the maps will be enacted in March of 2017. She added that individual LOMA's will be provided at that time to property owners who submitted surveys that disproved the proposed maps.

Mrs. Smith advised that Public Works has repaired the park walkways and they are in the process of putting in walkways to the 2 new pavilions from the parking lot and the other trails.

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

Mr. Sellers advised he had nothing further to report.

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

Mr. Shinton advised he had no further report.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Mrs. Grady clarified that she voted against the appointment of Michele Gelber as alternate to the Shade Tree Commission.

Mrs. Grady announced that Tuesday, August 2<sup>nd</sup>, from 7 to 9 pm, they are hosting National Night Out at the Borough Park. She advised it is for the Community to get out and get involved with the Police Department. They will be doing fingerprinting, dunk tank, bike registrations, "touch a truck", goody bags and photos--light refreshments will be served.

#### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary