

# TULLYTOWN BOROUGH COUNCIL MEETING

## September 2, 2014

President Rick Adams called the meeting to order on Tuesday, September 2, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Randy Mihalik, husband of Mary Ann Gahagan, who recently passed away.

Present at the meeting:

Mayor Cutchineal  
Councilman Armstrong  
Councilwoman Gahagan  
Councilman Pirolli  
Councilwoman Kucher  
Councilwoman Kettler  
Councilman Czyzyk—absent due to household emergency  
Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
William Major, Wm. G. Major Associates, Borough Engineer  
Alison Smith, Borough Coordinator  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

### **PUBLIC COMMENT**

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, read that Mr. Armstrong and Mr. Czyzyk are bringing suit against Tullytown Borough. She doesn't understand why they would file suit against the Borough they work for and expend taxpayer's money.

Bill Edwards, 364 Lakeside Drive, Levittown, commented that we don't know the whole story about this lawsuit and he thinks it has to do with signs that were taken down. He asked if an individual of Council violated someone's civil rights—asked for explanation if it is a civil rights case as stated in the newspaper. Mr. Armstrong commented that it is nothing about the signs. Mr. Armstrong added that once the hearing is underway and when a Judge finds that someone is guilty they should be punished.

Mr. Edwards asked Mr. Sellers who is responsible for paying any damages. Mr. Sellers advised there has been a lawsuit that has been filed, a writ, which simply states the Borough has been sued. He added a complaint has not yet been filed which spells out the facts of the lawsuit. Mr. Sellers advised that the Borough was sued; the remedy would be from the Borough. Mr. Edwards said Mr. Czyzyk told him some time ago that Council makes decisions for the residents of Tullytown. Mr. Edwards feels some people just want to get some money out of the Borough.

Adam Kovitz, Red Rose Gate, Levittown, advised that he represents "Sidewalks are for everyone". He discussed the fact that the Borough is not putting in sidewalks on Rt. 13 during the reconstruction. He advised that a friend of his, Sharon Rearick, lost her son who was hit by a car on the roadway and it could have been avoided if sidewalks were put in.

Sharon Rearick, advised she lost her son and pleaded that Borough Council put sidewalks in. She advised that her son was killed on a road that didn't have sidewalks.

Jim Rearick, 6 Jonquil Lane, Levittown, commented that Rt. 13 is being done for safety not for beautification. He asked Council why they haven't agreed to putting in sidewalks. Mr. Adams advised that the canal path can be utilized for people walking to the shopping center and he feels that is a safer way.

Mr. Adams asked Council to recess the meeting for executive session until Mr. Rearick can settle down. The meeting was recessed at 7:15. The meeting reconvened at 7:18 p.m. Mr. Adams advised that he should have just recessed the meeting—not for executive session. Mr. Sellers advised that executive session is for private session for matters under state law. He advised there was no executive session; the meeting was recessed.

Shana Jugler, 9071 Mill Creek Road, Levittown, advised that she travels through Tullytown to get to her mother's house on occasion. She begged Council to put in the sidewalks. She added the Canal path is scary—not safe at this point in time. She added that Bristol Township and Bristol Borough are putting in sidewalks. She commented that the Borough has enough money to put the sidewalks in and to take care of them also. Ms. Jugler added that her brother was 23 years old when he died.

Mr. Armstrong commented that there is no cost to the Borough for the sidewalks—Penndot is paying for the sidewalks if Tullytown wants them. Mr. Pirolli commented that we didn't want the liability. He suggested that a sidewalk can be put in the section of the canal.

Patty Nicols, Croydon, PA, commented that they are not here to argue-- just wanted to show Council what happens when there are no sidewalks available to pedestrians. She said they have statistics on fatalities on Rt. 13 of pedestrians killed due to no sidewalks. She said as a group they are trying to change Council's mind. Ms. Gahagan advised that Council decided on this over a year ago—it wasn't a recent decision.

Mr. Armstrong commented that one concern he has is a person walking up towards our shopping center in the direction from Haines Road—if they are in the northbound lane which is the sidewalk closest to the railroad tracks, roughly 100 yards before Home Depot jug handle, they would have to walk on the road and they would have to stay on that shoulder until they get to the train station or the shopping center. He added that Penndot considers that stretch of highway the most dangerous intersection in the state of Pennsylvania. He added that blood will be on the hands of this Council if we don't do sidewalks and someone gets killed or badly injured.

Nina Chrzanowski asked Mr. Armstrong if he voted yes or no for the sidewalks. Mr. Armstrong said he had no choice he had to vote yes because they wouldn't do the project if we didn't approve it and all 3 municipalities would have been affected. Ms. Chrzanowski commented that Mr. Armstrong brought all these people here thinking he voted for the sidewalks.

Adams Kovitz, 18 Rockwood Road, Levittown, advised their goal was to introduce the Rearick family because of their tragedy. He commented they are talking about 104 crashes along the Rt 13 Tullytown portion from 2007 to 2014 with 2 pedestrian fatalities. He said Council should consider what they have said and make the right decision.

Sally Madden MacKenzie, who lived in Tullytown for 50 years, commented that her son was killed on Rt. 13. She said sidewalks would not have helped her son but she can't bear that another person could go through this pain. She said Council is afraid of the liability. Mayor Cutchineal said she is partially right. She commented that no one wants to go through that heartache. She asked that Council reverse their decision and not worry about being sued.

Caitlin (no last name given) advised that she lived in Tullytown, lived in Farmbrook and now Pinewood. She commented that she couldn't imagine someone being killed. She commented that no one wants to lose family member. She also advised that she used to cross the road with her sister and said it's never safe.

Rich Hart, 50 Stream Lane, Levittown, commended Alison Smith for the work she has done and gives more than people expect. He commented that she has done so much for this Borough in the short time she has been here. He commented that Council should make her full-time.

Mr. Armstrong thanked everyone who spoke about the sidewalk issue and commented that this issue has fallen on deaf ears. Mrs. Kettler commented that she resents Mr. Armstrong's statement. She added that he has no idea what is in her mind and what she is thinking about. She said she is listening and doesn't get involved in the craziness he wants to bring to the Borough meetings. Mrs. Kettler commented there is a better way this could have been handled in her opinion. She advised that she will definitely research this matter and give it some consideration.

Sally Madden MacKenzie, said she was alerted by this situation by Ed Armstrong but she spoke with her own feelings and what she said came from her heart.

## **APPROVAL OF COUNCIL MINUTES**

A motion was made by Mr. Pirolli to approve the minutes of the August 5, 2014 Council meeting, seconded by Mrs. Kettler. Roll call vote was taken as follows:

Mr. Armstrong—for

Ms. Gahagan—abstain as she was not present at that meeting

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for  
Mr. Adams—for

The vote was 5 in favor, 1 abstention; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

A motion was made by Mrs. Kucher to approve the monthly bills, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

### **RECONCILIATION STATEMENT**

A motion was made by Mrs. Kucher to approve the Reconciliation Statement for August, 2014, seconded by Mr. Pirolli. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner advised Pennsbury Manor sent a thank you letter to Council for their contribution and advised that Borough residents will have free admission to the Pennsbury Manor for the year. Mr. Armstrong asked how residents will obtain free admission. Mrs. Conner advised that residents can pick up ID cards from the Borough and they will be sufficient for entry.

## **GENERAL BUSINESS**

### **SEPTA TRAIN STATION PROJECT—ZONING RELIEF REQUEST**

Mr. Sellers advised that SEPTA will go before the Zoning Hearing Board on September 25<sup>th</sup> for zoning relief and commented that Council has the option to support what SEPTA would like to do or oppose and send the solicitor or let SEPTA go before the Zoning Hearing Board without Council input.

Present were: Frank Dillon, of Begley Carlin & Mandio, David Koerner, senior project manager for SEPTA and Tanya Reineman, senior project engineer for SEPTA.

Mr. Sellers described SEPTA's requests for variances as follows:

1. Install buffer yard along Rt. 13 which under our ordinance requires a new canopy tree per 40 feet in the buffer area. SEPTA states that the subsurface conditions, as they exist, along that stretch of Rt. 13 do not allow trees to be planted because of subsurface wiring, sanitary sewers and also electric lines that will be put above that area as part of the station project.

Mr. Sellers advised that SEPTA could come back to the Borough with suggestions on what else could be put there but would not require digging but a buffer.

Mr. Koerner said that they are struggling for ideas on what they can do since the space is limited. Ms. Reineman advised they are planting 96 trees on the site in the rain garden and the

buffer. She commented trees could not be planted in the buffer due to existing underground utilities. Ms. Gahagan asked if shrubs could be put in. Mrs. Kucher asked if anything could be placed there to stop any cars from flying into the parking lot.

Ms. Reineman advised the Rt. 13 project would be complete before SEPTA began construction and she thinks they are putting a guard rail up there. Mrs. Kettler didn't think guard rails are installed there. Mr. Armstrong commented that he sees no reason why some kind of shrubbery can be planted there for aesthetic reasons.

Mrs. Kucher commented that we need more information before we can support this request for variance. Mr. Armstrong suggested a climbing juniper or something that spreads which might avoid a maintenance problem as well. Mr. Koerner advised he does not know what they will be allowed to do—what PennDOT will allow.

Mrs. Smith commented that the plans show there is no buffer. She added this is about aesthetics and safety; the aesthetics might be served by planters, a low wall, something that separates the parking area from Rt. 13.

Mr. Sellers also mentioned another request for variance of SEPTA which is to eliminate the 5 foot setback which allows the parking lot to go up to the edge of the right of way to maximize the parking and it is an existing condition.

Mrs. Kettler asked if the parking spaces will be increased. She asked if that is a requirement. Mr. Koerner advised they are trying to maximize the number of parking spaces. She asked if we really need that many. Ms. Reineman advised under the existing conditions they have 390 parking spaces, under the proposed conditions they are planning on 452 spaces. Mrs. Kettler asked if there is a projection that they are needed. Mr. Koerner commented that riders are increasing and cars are parked illegally at this time.

Mr. Armstrong suggested that a faux rod iron fence 4 feet high with a creeping juniper might be a solution rather than nothing.

Mr. Koerner advised they discussed that today and if Council is in agreement to something like that we can see if they can arrange that. Mr. Armstrong stated he won't accept a parking lot right up against Rt. 13.

Mrs. Kettler commented that we are supposed to be reducing the speed limit there—she said the idea is to make it more aesthetically pleasing. She asked if this could be a deterrent so people don't jump the fence to cross Rt. 13. Mr. Koerner advised that it should be visible.

Mr. Sellers asked Council's opinion on the 5 foot setback. Mrs. Kucher suggested an opinion from our zoning officer. Mrs. Kettler commented that she doesn't like the idea of making the parking spaces smaller to accommodate that.

Mr. Armstrong suggested having part of parking area for compact cars only. Mrs. Kucher commented that our zoning officer strongly recommends that we stick with the 5 foot setback.

Mr. Major advised that setback is generally provided so there would be room for buffer area. He added the compromise would be (his personal observation) that some kind of buffer whether it be a fence, wall or hedge would be beneficial to screen the parking area from headlights of vehicles coming off the parkway as well as to screen those vehicles from headlights operating in the parking area. He would not be adverse to a compromise for that.

Mr. Sellers advised that Council needs to take a position on these matters tonight or SEPTA will go forward to the Zoning Hearing Board without a position taken by Council. He added that Council does not have to take a position on the matters---the Zoning Hearing Board can address without Council input.

Mr. Dillon stated that they could possibly put up a fence which would address Council's concerns. He added that if Council requires a 5 foot setback he understands but they still won't be able to put up trees--can put up fence or some variation thereof but will lose 30 parking spaces which will have a negative impact to the project.

Mr. Koerner advised if they had the 5 foot setback they still wouldn't be able to put the trees because of the overhead. Mrs. Kettler asked if they would go with 3 foot setback. He feels a 4 foot fence would still deter people from jumping the fence. Mrs. Kettler added that she would be willing to go with the 3 foot setback and the parking spaces need to be the size stated in our ordinance.

Mr. Sellers asked the engineers of SEPTA and Mr. Major if it is possible to determine what the number of feet of setback there are on the current plans.

Ms. Reineman advised that in certain areas it is right up against—the curb line is at the right of way line. She advised where the bank property is there is probably a 3 foot jog where the property line is because the PennDOT right of way varies--from a certain distance to in front of SEPTA property it's as wide as 125 feet for the intersection.

Mr. Major explained right of way to Council. He advised that the "cart way" of a road is the portion that you drive on, about 36 feet wide, then you have the curb, a section of grass, the sidewalk, then the right of way line which is a foot past the sidewalk. He added the right of way line for Rt. 13 is the point that PennDOT owns versus SEPTA—their property abuts right up to that. The cart way is the part that you drive on—approximately 15 feet away from the right of way line.

After further discussion, it was the general consensus of Council that they would agree with the variance for the elimination of buffer requirement of trees but in its place Council would want a condition which would be an ornamental fence 4 feet tall still allowing visibility that to be placed in the right of way space to be acquired from PennDOT. Mr. Sellers commented that he presumes Septa would have no problem with the condition being placed on any approval that

zoning hearing board would give on this item. Mr. Dillon advised they will agree to that and will assume that PennDOT will cooperate with them and for some reason if they don't, they will come back to Council. Council also agreed to support the position of PennDOT for variance from the 5 foot setback otherwise.

2. Building height—Mr. Sellers explained the maximum height under the ordinance is 35 feet—Septa is seeking a variance to allow the maximum height of buildings and associated structures to be 50 feet. Mr. Sellers said the pedestrian overpass has to be accommodated.

All of Council supported that variance request.

3. Signs in BC district—Directional--The ordinance requires signs to be no greater than an area of 4.5 feet and 9 square feet is proposed by SEPTA. The directional sign in the outbound parking area is actually incorporating 3 existing directional signs into one.

Council supports the variance request.

4. Signs in BC district – identification signs—ordinance requirement which limits the size of the signs to 12 square feet; SEPTA proposes signs in the outbound parking to be 20.25 square feet. In addition, it seeks a number of identification signs not to be limited to 1, as it seeks 3 for the parking lot purposes.

All of Council supported that variance request.

5. Signs in HC district relief—total area—SEPTA requests the existing limit of 100 feet as the total area for signs on this property along Rt. 13 be relieved to allow 233 square feet of signage. The use of a train station requires large and prominent signage.

Council supported that variance request.

6. Space for disabled persons—SEPTA seeks relief from the ordinance requirement that it provide 1 handicap parking space for every 25 regular spaces in the parking area. SEPTA currently proposes 452 parking spaces which would mean 18 handicapped spaces—SEPTA is offering 11 handicapped spaces based upon ADA requirements. There are currently 399 parking spaces in existence. Mr. Koerner commented that the existing stations don't have any more uses of the handicap spaces than the ADA requirements.

Mrs. Kucher commented that 11 spots are not enough handicapped spaces as we have many elderly residents. She advised she does not support the 11 spaces. Mrs. Kettler commented that she would compromise with 15 handicapped spots. Ms. Gahagan and Mr. Pirolli agreed with the 11 handicapped spaces with the stipulation. Mr. Armstrong commented that he is okay with the ADA requirement of 11 spaces with the stipulation that they will be increased as needed. Mr. Adams also agreed with the 11 spaces with the stipulation.

The majority of Council agreed to support the 11 handicapped spaces with the stipulation that if there appears to be a greater demand of ADA spaces, SEPTA will increase them as needed.

7. Off street parking design standards. The ordinance requires regular parking stalls to be 10 x 20 feet; SEPTA is seeking variance for the regular parking stalls to be 9 x 18 feet. Mr. Armstrong asked what width parking space is required for a compact car. Mr. Koerner advised that most lots are 8 ½ feet width, some are 9 feet—which is tight for a full-size car.

Mrs. Kettler commented that she had no opinion on this. Mrs., Kucher also commented that she didn't know what decision to make. Mr. Armstrong commented that he was against the smaller parking stalls. It was the general consensus of Council to have the Zoning Hearing Board make the decision on this variance request.

Mr. Dillon stated that they can work on language ahead of time to address the concerns of Council.

A motion was made by Mr. Pirolli to authorize the solicitor to attend the Zoning Hearing Board meeting in support of the positions of Council on the variance requests of SEPTA as stated this evening. Ms. Gahagan seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mr. Pirolli made a motion to authorize the solicitor to attend for the SEPTA project before the Planning Commission on September 8<sup>th</sup>. Mr. Armstrong seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

A motion was made by Ms. Gahagan to authorize the engineer, the zoning officer and the coordinator to attend for the SEPTA project before the Planning Commission on September 8<sup>th</sup>. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

#### **PUBLIC HEARING—PROPERTY ALLOCATION ORDINANCE**

Mr. Sellers advised the proposed ordinance was legally advertised indicating the amount of the property allocation check for \$6,000.

Mr. Adams opened the public hearing. There were no comments or questions from the public or Council.

Mrs. Kettler made a motion to close the floor for the public hearing, seconded by Ms. Gahagan. Roll call vote was taken: all of Council in favor of the motion. The motion carried.

Mr. Pirolli then made a motion to adopt Ordinance #359, Property Allocation Ordinance, seconded by Mrs. Kucher. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.



**MASTER CASTING AGREEMENT WITH PENNDOT**

Mr. Sellers advised that our Borough engineer stated there are a few technical questions which will be looked into further.

Mr. Pirolli made a motion to table this matter, seconded by Mrs. Kucher. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

**APPROVAL—CONTRACT WITH CONSTELLATION ELECTRIC COMPANY**

Mrs. Smith advised she has a proposal from Constellation Electric which is an Exelon Company for a 3-year contract at a fixed price for both gas and electric which will save \$1,000 per year. She added that at the end of the contract, we have the option to continue with Constellation or go back to PECO.

Mr. Pirolli made a motion to accept the contract with Constellation Electric Company, seconded by Mr. Armstrong. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

**APPROVAL—EXPENDITURE PARK & RECREATION COMMITTEE**

Mr. Pirolli made a motion to approve the expenditure of Easter bunny costume for Park & Recreation Committee in the amount not to exceed \$500, seconded by Gahagan. Roll call vote was taken:

- Mr. Armstrong—not present for that vote
- Ms. Gahagan—for
- Mr. Pirolli—for
- Mrs. Kucher—against
- Mrs. Kettler—against
- Mr. Adams—for

The vote was 3 in favor, 2 against; the motion carried.

Mrs. Kettler suggested that the Committees should get 3 prices and advise an exact amount to be approved by Council. Mrs. Conner advised that she can send a memorandum to the Committees to that effect.

**APPROVAL—LARGE EVENT APPLICATION—TULLYTOWN FIRE COMPANY**

Mrs. Conner advised the Tullytown Fire Company submitted a large event application for their fire prevention event to be held on October 4<sup>th</sup> at Home Depot. Mr. Pirolli made a motion to approve the large event application for Tullytown Fire Company, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

**AUTHORIZE ADVERTISEMENT OF AMENDED ORDINANCE RELATING TO STOP INTERSECTIONS**

A motion was made by Mrs. Kucher to authorize the advertisement of the ordinance amendment for adoption at the next meeting. Mr. Pirolli seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

**AUTHORIZE ADVERTISEMENT FOR BIDS OF HVAC SYSTEM FOR MUNICIPAL BUILDING**

Mrs. Smith advised they are proposing to go out for bid for the HVAC and building renovation as a design build project. Mrs. Smith distributed a spread sheet which details each item, the options and the recommended choice. She added that they need an approval on the scope.

Mrs. Kettler made a motion to accept the scope for the HVAC and building renovations as outlined and advertise as such, seconded by Mrs. Kucher. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

**AUTHORIZE DRAFTING OF CODE UPDATE AMENDMENTS**

Mr. Sellers advised that the Borough needs to make amendments to various ordinances and adopt current versions of codes for electrical, plumbing, fire, mechanical, etc. He advised a number of them need updating.

A motion was made by Mrs. Kettler to authorize the solicitor to draft amendments to the ordinances to adopt current versions of codes for building, electrical, mechanical, fire, and any others identified as requiring updates. Mr. Pirolli seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

**RESOLUTION—MINIMUM MUNICIPAL OBLIGATION FOR NON-UNIFORMED PENSION PLAN**

Mr. Pirolli made a motion to adopt Resolution #308, Minimum Municipal Obligation for Non-Uniformed Pension Plan. Mrs. Kettler seconded the motion. Roll call vote was taken: all of Council in favor of the motion; the motion carried.

**RESOLUTION—MINIMUM MUNICIPAL OBLIGATION FOR POLICE PENSION PLAN**

Mr. Pirolli made a motion to adopt Resolution #308, Minimum Municipal Obligation for Police Pension Plan, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

**RESOLUTION—DISPOSING OF CERTAIN WM PERMIT APPLICATIONS AND WATER ANALYSIS REPORTS**

A motion was made by Mrs. Kettler to adopt Resolution #310, seconded by Mr. Pirolli. Mr. Armstrong asked Mrs. Conner how voluminous the information is. Mrs. Conner advised that we have an entire shed storing the WM applications and reports—the volumes of information are huge. She also indicated that both Waste Management and DEP have originals of this information.

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

## **APPROVAL—CONTRACT WITH JIM MILLER ROOFING**

Mrs. Smith advised that last fall the specs were advertised and low bid was awarded to Jim Miller Roofing. She added that we want to move forward and give notice to proceed to this contractor to start on September 8<sup>th</sup> to see if there are additional damages to the roof trusses before we finalize the specs for the HVAC contract.

A motion was made by Mr. Pirolli to approve the notice to proceed for the existing contract at the stated price that was agreed to in the fall, second Mrs. Kucher. 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 that our Police Department is sponsoring a presentation by Matt Weintraub of the Bucks County District Attorney's Office – the public is invited to attend.

Mayor Cutchineal reminded everyone of the Borough Annual Picnic this weekend along with the fireworks.

He advised that next Thursday, September 11<sup>th</sup> is the 9-11 Vigil at the Tullytown Fire Company.

### **COORDINATOR'S REPORT**

Mrs. Smith presented the coordinator's report, a copy of which is enclosed with the minutes.

Regarding the temporary building, Mrs. Smith advised that we need approval for the locks and keys for the building with a value of \$1,968 with Action Lock.

Mrs. Kucher made a motion to approve the expenditure of \$1,968 for Action Lock, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mrs. Smith commented that the new temporary building looks tremendous—she asked Council to come and check it out—she added that the contractor and owner did a marvelous job!

Mrs. Smith discussed the SEPTA traffic light configuration at Rt. 13. She added that there is a light that is planned for Rt. 13 Northbound and that light will give the ability to make a left hand turn onto Rt. 13 Southbound. However, there is not a light at Rt. 13 Southbound—they are creating a merge aisle so those people making a left turn will have their own lane. She added there is not going to be any barriers to keep that lane separate from the speeding traffic that is coming down from Rt. 13 South.

Mrs. Smith indicated that in discussions with PennDOT, SEPTA has moved ahead in conversations with PennDOT about getting approval for this—they have not included the Borough and conversations have been going on since April. She added that PennDOT right now has tentatively willing to agree to not have a signal on Rt. 13 South. The two items that they are discussing is the fact that they are either be able to meet their own standards around weave

distance or for acceleration—they can't meet both. Mrs. Smith advised that PennDOT will hold a meeting that the Borough can attend and bring its issues into the mix. She asked Council if they want to pursue that and then separately whether Council would want traffic engineer who can argue well with SEPTA and PennDOT about the safety of this situation.

Mr. Pirolli made a motion to have the coordinator look for a traffic engineer for the SEPTA traffic light configuration at Rt. 13. Mr. Armstrong seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mrs. Smith also advised that our zoning officer, Sally Bellaspica, tendered her resignation in August which would have been a great loss to the Borough. She added that she has done a phenomenal job, very well qualified and has a professional demeanor which has achieved great results. Mrs. Smith added that she was hired in 2007 and was not given a raise since that time. Mrs. Smith proposed that the Borough pay the zoning officer \$50 per hour and a computer so she may do work from home. She added that the zoning officer works approximately 4 hours a week so the actual change in cost is minimal—she will see more hours due to the SEPTA project; however, SEPTA pays for that. Mrs. Smith advised that she met with the Personnel Committee who agreed with that.

Mr. Pirolli made a motion to give Sally Bellaspica, zoning officer, an increase in her hourly pay to \$50.00, seconded by Mrs. Kucher. Mrs. Kucher commented that we don't have to buy a new laptop as we already have a new one that has not been used. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

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

Mr. Sellers commented on the Community Park issue regarding the easements. He indicated that the easements which are necessary for the Community Park are for pedestrian access from Kenwood Drive and for parking lot behind Home Depot. He stated they have been drafted, re-drafted, edited, revised and now in the hands of the attorneys for Wal-Mart and the bank that finances the shopping center. He added he is awaiting their comments. Mr. Sellers commented that this matter may need to be discussed at the Council's regularly scheduled meeting on September 16<sup>th</sup>. Mrs. Smith commented that the easement has to be in place in order for the DCNR grant money to be awarded to the Borough.

Mr. Pirolli asked Mr. Sellers if he could look into the authentication of the writ that was issued to the Borough. Mr. Sellers advised that the matter is of record in Doylestown—it was served by the Bucks County Sheriff that bears the signature of the prothonotary. Mr. Sellers advised he will check this.

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

Mr. Major advised that most of the engineer's report has been previously covered. A copy of the engineer's report is enclosed with the minutes.

Mr. Major discussed the St. Michael's school zone. He added that with the purchase of the new solar powered lights they are going to require design of the mounting foundations.

Mr. Pirolli made a motion for the engineer to design the mounting foundations for the solar lights for St. Michael's school zone. Mr. Armstrong seconded the motion. Roll call vote was taken: all of Council was in favor of the motion; the motion carried.

Mr. Major advised that the Street Department completed the repairs to the inlet on Pond and Wood Streets and another on River Road. It is anticipated that the inlet repair on Oxford Avenue and Main Street will commence next week.

### **MISCELLANEOUS COUNCIL BUSINESS**

Mr. Armstrong advised this weekend is the 5<sup>th</sup> Annual Stand Down at 5 Points for Veterans. He added if anyone knows of a Veteran who is either homeless or is in need of being connected into the Veteran system; please advise them to come to 5 Points in Levittown.

Mrs. Kucher discussed the possibility of residents not being able to get rid of TV's computers electronics, etc. She suggested that we have our Street Department to pick up maybe one day a month. Mrs. Conner advised that she contacted Bob Jones of Waste Management to see if their electronic recycling plant will accept these electronics.

Mr. Pirolli made a motion to authorize the advertisement of the Borough's move to temporary site, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

### **ADJOURNMENT**

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

The meeting was adjourned at 9:46 pm.

Respectfully submitted,



Nancy Conner  
Borough Secretary