

TULLYTOWN BOROUGH COUNCIL MEETING OCTOBER 3, 2017

Council President, Joe Shellenberger, called the meeting of the Tullytown Borough Council to order on Tuesday, October 3, 2017 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for the following who lost their lives recently; namely, Sebastian Parto, Josh Redner, Helen Farr and the 2 year old child who lost his life on Rt. 13 today and also for the people in Las Vegas.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esq., Borough Solicitor
Kurt Schroeder, Gilmore & Associates, Inc, Borough Engineer
Alison Smith, Borough Coordinator
Joe McPadden, Borough Treasurer
Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers explained that Council met in executive session before this evening's meeting to discuss status of litigation of Armstrong et al vs. Borough of Tullytown and status of business tax litigation cases.

PUBLIC COMMENT

Aaron Cohen, 274 Lakeside Drive, Levittown, discussed the fire in the industrial park. He thanked the emergency management coordinator for sending out the Borough public works crew to help them remove some trash out of the building. He also thanked his members of the Fire Company and all the other agencies who helped out. Mr. Shellenberger commented that the Fire Company did a wonderful job.

COUNCIL MINUTES

Mrs. Kettler made a motion to accept the minutes of the September 5, 2017 Council meeting, seconded by Mrs. Johnson. All of Council was in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Mr. Pirolli to approve the payment of the monthly bills in the amount of \$64,636.87, seconded by Ms. Gahagan.

Mr. Pirolli asked Mr. McPadden the cost of the Armstrong litigation. Mr. McPadden advised the cost of the litigation was approximately \$45,500.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

The motion passed with a unanimous vote of Council in favor.

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for September 2017, seconded by Mrs. Grady.

The vote of Council was as follows:

Mrs. Grady—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

COMMUNICATIONS

Mrs. Conner advised that the Borough received a resignation letter from Ron Skotleski Productions, our video company.

Mr. Pirolli made a motion to approve the resignation of Ron Skotleski Productions, seconded by Miss Slemmer.

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

GENERAL BUSINESS

WINTER TRAFFIC SERVICES AGREEMENT EXHIBIT "A"—CONSIDERATION

Mrs. Smith advised that our public works plow the roads in the Borough that are owned by the State and the State reimburses the Borough for that work.

Mrs. Kettler made a motion to adopt Resolution #374, seconded by Mrs. Grady.

The motion passed with a unanimous vote of Council in favor.

DISPOSITION OF CERTAIN POLICE RECORDS—CONSIDERATION

Mrs. Conner advised that Chief Doyle indicated the records to be disposed of which are listed on the Resolution.

Mr. Pirolli made a motion to adopt Resolution #375, seconded by Mrs. Kettler.

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

REQUEST TO REMOVE SHADE TREE—CONSIDERATION

Mrs. Smith advised that the trees located on Main Street are trees protected by a particular ordinance and it requires that if a resident wants to take the tree down, they apply for permission of Council. She added it also calls for the resident to replace the tree or pay \$300.

Mrs. Smith advised the tree in question is on 299 Main Street, Cindy Marlow is the owner, 299 Main St, Tullytown. She added that this tree has been certified as half dead by 2 tree services. Mrs. Marlow requested that Council waive both the replanting of the tree and the \$300 payment.

Mr. Pirolli made a motion to grant the wavier request of Cindy Marlow from the requirement to replace a tree at 299 Main Street. Miss Slemmer seconded the motion.

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

HIRE VIDEO PRODUCTION COMPANY—CONSIDERATION

Mrs. Smith distributed the list of 3 proposals for Council to review. She advised the cheapest is Video Gold Production. Mrs. Smith added that Video Gold has already done some work for the Borough and it has been good work. She recommended that Council approve the hiring of Video Gold Productions to do our video services.

Miss Slemmer made a motion to accept the proposal of Video Gold Productions Inc. for the year 2017/2018 for video and broadcasting services to the Borough of Tullytown. Mrs. Kettler seconded the motion.

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

LARGE EVENT APPLICATION—TULLYTOWN FIRE COMPANY FIRE PREVENTION—CONSIDERATION

Mrs. Conner advised that the Fire Company will be holding their Fire Prevention Event this Saturday at Home Depot from 10 am to 2 pm. She added that the Chief of Police, Fire Marshal and Code Enforcement Officer have all reviewed the large event application and approved.

Mr. Pirolli made a motion to approve the Large Event Application of the Tullytown Fire Company for a fire prevention event on October 7, 2017. Ms. Gahagan seconded the motion.

The motion carried with a unanimous vote of Council in favor.

ACT 10—INVESTMENT POLICY STATEMENT—CONSIDERATION

Mr. Sellers explained this matter pertains to the Borough taking advantage of provisions in Act 10 which allows for a greater number of investments to be made by a municipality. He advised this will allow for a better return going forward.

Mr. Pirolli made a motion to approve Resolution #376, seconded by Mrs. Johnson.

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

HB 593 AND AMENDMENT A03263—DISCUSSION/CONSIDERATION

Mr. Sellers advised that several pieces of legislation were designed to permanently take critical funds from local governments such as municipal pension aid funds, volunteer fire relief funds, recycling fund and multimodal funds. He added that the House of Representatives made these proposals intended to try and find funding which is already dedicated to local municipal uses and to use that funding on a one-time transfer basis to plug significant holes in the State budget for Pennsylvania.

Ms. Gahagan made a motion to send correspondence on behalf of Borough Council to the State Representatives and Senator from Bucks County, stating our opposition to any proposed legislation that would take critical funds from local governments, including redirecting funds to the state's general fund through a one-time transfer, in a misguided effort to balance the state budget. Mrs. Johnson seconded the motion.

Mrs. Kettler commented that this is about our state legislators trying to balance their budget on local municipalities' money. She added that she feels this is a disgrace and strongly votes yes to oppose this.

The motion carried with a unanimous vote in favor.

PENNDOT MASTER CASTING AGREEMENT—CONSIDERATION

Mr. Sellers advised Council has to consider this evening a proposed resolution which adopts a new master casting agreement with Penndot. He added the term of this agreement is October 1st through September 30, 2020.

Mr. Sellers advised the agreement is pretty much the same with one change in procedure which has to do with the paperwork on a per project basis.

Mr. Pirolli made a motion to adopt Resolution #377, seconded by Mrs. Grady.

Mrs. Kettler asked for further explanation. Mr. Schroeder of Gilmore Associates advised that Penndot would bid a job with the lowest bid being awarded the project and the Borough would have the option to incorporate the work of adjusting our utilities to a certain elevation to accommodate paving for instance. He added that in that work it would say \$200 to adjust storm inlet and we could go out and do that, not for \$200, or we could just let them incorporate that into their construction contract and we would reimburse them for that.

The vote of Council was unanimous in favor of the motion; the motion carried.

2018 PRELIMINARY BUDGET—CONSIDER APPROVAL/AUTHORIZE ADVERTISING

Mr. McPadden advised that he prepared the budget based on last year's figures and tried to get a more realistic feel. He did mention that he put in \$3,822,000 for the property allocation check which does throw the budget off. He also commented that included in the budget is the purchase of the new truck for \$85,000 of which \$60,000 to come out of Liquid Fuel funds and \$25,000 for the sale of the old vehicle. He also added that some of the salaries were increased by 2.5% and 8% increase in health insurance.

Mr. Pirolli made a motion to adopt the 2018 proposed budget, publish notices, and allow public inspection, as required by law. Ms. Gahagan seconded the motion.

The vote of Council was as follows:

Mrs. Grady—for
Mrs. Kettler---for
Miss Slemmer—for
Mr. Pirolli—for
Ms. Gahagan—for
Mrs. Johnson—for
Mr. Shellenberger—for

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

Mr. Pirolli made a motion to authorize advertisement of the 2018 Tax Levy Ordinance as required by law. Ms. Gahagan seconded the motion.

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

LEVITTOWN/FAIRLESS HILLS RESCUE SQUAD REQUEST FOR DONATION—CONSIDERATION

Mrs. Conner advised that the Levittown/Fairless Hills Rescue Squad has requested a donation of Council. She advised that in 2016, Council made a donation of \$5,000 to the rescue squad.

Mr. Pirolli made a motion to donate \$5,000 to the Levittown/Fairless Hills Rescue Squad, seconded by Mrs. Grady.

The vote of Council was as follows:

Mrs. Grady—for
Mrs. Kettler---for
Miss Slemmer—for
Mr. Pirolli—for
Ms. Gahagan—for
Mrs. Johnson—for
Mr. Shellenberger—for

The motion carried with unanimous vote of Council in favor.

RECENT INDUSTRIAL FIRE--DISCUSSION

Mrs. Johnson advised there was a 3-alarm fire in the Industrial Park. She added that there were some issues and the Fire Company has been involved with the property owner. She further advised that the issues are being handled by the property owner and other people.

She added that the Council Fire Committee is working on other issues on ordinances and policies, etc.

Mr. Shellenberger advised that we are working on this end to find ways of improving our relationship with the businesses in the industrial park to make sure similar problems don't happen in the future.

Mrs. Kettler commented that it is her understanding that we are going to change the lines in the industrial park to 6" lines. She added that she has had some preliminary discussion with Chief Doyle and she is hoping that it doesn't happen again and we get that fixed back there with the correct lines, correct pressure. Mrs. Kettler stated that she couldn't get into town during this fire and many residents complained to her that they had to park their cars and walk back to their homes, some of them had small children at home, etc. causing many problems. Mrs. Kettler advised the issue was that there was not enough water pressure to fight that fire which she feels is a dangerous situation. She added that she is concerned for residents' safety and feels that our fire marshal, Mr. Jones, feels the same.

Mr. Bob Jones, fire marshal, advised that they are working with the property owner as well as the fire department to resolve the water supply issues back there. He added there is also another issue related to public hydrant which failed. He indicated that they had to lay another line down Main Street which shut the town down. Mr. Jones advised that the water supply in the Industrial Park is adequate to start firefighting operations but once the fire gets to a certain size, the water supply has to be increased which they have plans in place for that. He also added that the LBCJMA fixed the failed hydrant the same day.

COMMITTEE REPORTS

There were no Committee Reports.

BOROUGH REPORTS

Mayor Cutchineal reminded everyone that Election Day is November 7th here at the Borough Municipal Building from 7 am to 8 pm. The last day to register to vote is October 10th; last day to apply for civilian absentee ballots is October 31st.

Mayor thanked everyone who participated in the 9-11 Vigil. He added that the comments from the residents were very positive—he thought it was a good one this year.

Mayor Cutchineal also commended our first responders for what they dealt with this week with the shooting on Main Street, the accident today and thanked them for the great job they do.

CHIEF'S REPORT

There was no report for the evening.

COORDINATOR'S REPORT

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

Mrs. Smith advised that there were some comments about the fireworks and International Fire Works was contacted--they assured the Borough that they will make an extra special effort next year to give an even better show.

SOLICITOR'S REPORT

Mr. Sellers advised that there is an application pending for a new Arby's in the old Sonic location. He added that a professional services agreement has to be put in place.

Mr. Pirolli made a motion to approve the Professional Services Agreement with Levittown Meats, LLC for the proposed Arby's location, and authorize the President and Secretary to execute that Agreement. Mrs. Johnson seconded the motion.

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

Mr. Sellers also discussed the Armstrong, et al vs. Tullytown Borough case which has been discussed for a number of years. He advised that he was notified by the Court in Doylestown that the plaintiffs had formally withdrawn the lawsuit.

ENGINEER'S REPORT

Mr. Schroeder advised he had no report for the evening.

MISCELLANEOUS COUNCIL BUSINESS

Mr. Shellenberger advised that the November Council meeting is scheduled for Tuesday, November 14th due to Election Day.

Mrs. Kettler commented that Ed Armstrong, Roberto Campanaro, Ed Czyzyk and George Fox have filed this frivolous lawsuit and have wasted the Borough's money. She commented that our treasurer advised it cost us approximately \$45,000 but she feels it cost more as our administrators' cost has to be considered.

Mrs. Kettler made a motion to take the property improvement checks for these 4 gentlemen and hold them in escrow until we see what we can do to recoup the \$50,000 plus that we lost. Miss Slemmer seconded the motion.

The vote of Council was as follows:

Mrs. Grady—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

Ms. Gahagan made a motion that in light of what happened last evening regarding the Committee meeting she attended—she didn't know that we could bring other individuals to the Council Committee meetings. She added that only one member knew the other people would be attending and stated that in the future when a Committee meeting is called, the chairperson shall advise all members of the Committee who will be attending. Miss Slemmer seconded the motion.

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

Mrs. Grady thanked everyone she has worked with as Council person—the Fire Department, the Police Department, including her toy drive. Mrs. Grady read her letter of resignation from Borough Council as she will no longer be residing in the Borough.

Mr. Pirolli made a motion to accept the resignation of Mrs. Tina Grady, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Sellers advised that with the acceptance of Mrs. Grady's resignation, a vacancy on Council is declared. He added that State law says it has to be filled within 30 days by Council and if not, there is a process going forward which the Vacancy Board would have the opportunity to act within 15 days after the 30 days.

Mr. Pirolli made a motion to open floor for nominations of Council member. Ms. Gahagan seconded the motion.

Mr. Pirolli advised that he knows a person who is interested in being appointed to Council, but that person is the Vacancy chair. Mr. Sellers advised that person would have to first resign from the Vacancy Chair.

Nina Chrzanowski commented that she would like to resign as Vacancy Board chair.

Mr. Pirolli made a motion to accept the resignation of Nina Chrzanowski as Vacancy Board chair, seconded by Mrs. Slemmer.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

The motion carried with a unanimous vote of Council in favor.

Ms. Gahagan made a motion to nominate Nina Chrzanowski.

There were no other nominations; therefore, Mr. Shellenberger closed the nominations.

The vote of Council was as follows:

Mrs. Kettler—for Mrs. Chrzanowski

Miss Slemmer—for Mrs. Chrzanowski

Mr. Pirolli—for Mrs. Chrzanowski

Ms. Gahagan—for Mrs. Chrzanowski

Mrs. Johnson—for Mrs. Chrzanowski

Mr. Shellenberger—for Mrs. Chrzanowski

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

Mrs. Conner presented the “affidavit of residency” for Mrs. Chrzanowski to complete before being sworn in.

Mayor Cutchineal then swore Mrs. Chrzanowski in.

ADJOURNMENT

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

The meeting was adjourned at 7:45 p.m.

Mr. Shellenberger reconvened the meeting at 7:48 p.m.

Present at the meeting:

Mrs. Chrzanowski

Mrs. Kettler

Miss Slemmer

Mr. Pirolli

Ms. Gahagan

Mrs. Johnson

Mr. Shellenberger

Mr. Pirolli made a motion to adopt Resolution #378, appointing Nina Chrzanowski to fill the vacancy on Council, seconded by Mrs. Kettler.

Mr. Sellers explained that Council, a few minutes ago, passed a motion for appointment of Mrs. Chrzanowski to fill the Council vacancy, but without the formal adoption of resolution which is the action to be taken at this time.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

Mrs. Chrzanowski made a motion to adjourn the meeting, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

The reconvened meeting was adjourned at 7:50 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary