

**TULLYTOWN BOROUGH COUNCIL
RE-ORGANIZATION & COUNCIL MEETINGS
JANUARY 2, 2018**

The Honorable Judge Robert Wagner, Jr., swore in the newly elected officials; namely: Mayor Cutchineal, Council Members Matt Pirolli, Holly Kettler, Linda Slemmer, Mary Ann Gahagan and MaryAnn Johnson and Michael Sidoti, Tax Collector.

Mayor Cutchineal called the Re-Organization and Council Meetings to order on Tuesday, January 2, 2018 at 6:35 p.m.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esquire, Borough Solicitor
Alison Smith, Borough Coordinator
Daniel Doyle, Chief of Police
Joe McPadden, Borough Treasurer
Nancy Conner, Borough Secretary

NOMINATION AND ELECTION OF COUNCIL PRESIDENT

Mr. Pirolli nominated Mary Ann Gahagan as Council President.
There were no other nominations.

Roll call vote was taken:

Mrs. Chrzanowski—for
Mrs. Kettler—for
Miss Slemmer—for
Mr. Pirolli—for
Ms. Gahagan—abstain
Mrs. Johnson—for
Mr. Shellenberger—for

The vote was 6 in favor, 1 abstention; the motion carried.

Ms. Gahagan then chaired the Re-Organization/Council meetings.

NOMINATION AND ELECTION OF COUNCIL VICE PRESIDENT

Mr. Pirolli nominated Joe Shellenberger.

There were no other nominations.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—for

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

ELECT A PRESIDENT PRO TEM IN THE ABSENCE OF BOTH PRESIDENT AND VICE PRESIDENT

Miss Slemmer nominated Mrs. Kettler.

There were no other nominations.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—for

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

APPOINTMENT OF VACANCY BOARD CHAIR

Mrs. Chrzanowski nominated Victoria Bleistein.

There were no other nominations.

Roll call vote was taken:

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

Mr. Shellenberger made a motion to adopt Resolution #381, seconded by Mrs. Johnson. All of Council was in favor of the motion; the motion carried.

SOLICITOR APPOINTMENT

Mr. Pirolli made a motion to retain our Borough Solicitor, Michael T. Sellers, Esquire, seconded by Mrs. Johnson.

Roll call vote was taken:

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

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

ENGINEER APPOINTMENT

Mrs. Kettler made a motion to appoint Gilmore & Associates as Borough Engineer, seconded by Mrs. Chrzanowski.

Roll call vote was taken:

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

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

SECRETARY APPOINTMENT

Mr. Pirolli made a motion to appoint Nancy Conner as Borough Secretary, seconded by Mrs. Chrzanowski.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

TREASURER APPOINTMENT

Mr. Pirolli made a motion to appoint Joe McPadden as Borough Treasurer, seconded by Miss Slemmer.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

AUTHORIZE SECRETARY TO ADVERTISE 2018 COUNCIL MEETINGS AND PLANNING COMMISSION MEETINGS

Mr. Pirolli made a motion to authorize the secretary to advertise the 2018 Council meetings and Planning Commission meetings. Mrs. Johnson seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for
Mrs. Johnson—for
Ms. Gahagan—for

PUBLIC COMMENT

Rich Hart, 50 Stream Lane, Levittown, commented that it has been a pleasure to serve the Borough over the last 8 years as tax collector.

COUNCIL MINUTES

Mr. Pirolli made a motion to approve the minutes of the December 5, 2017 Council meeting, seconded by Mrs. Johnson.

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

TREASURER'S REPORT

MONTHLY BILLS

Mr. Shellenberger made a motion to pay the monthly bills in the amount in \$23, 113.70. Mr. Pirolli seconded the motion.

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for December, 2017, seconded by Mr. Shellenberger.

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

COMMUNICATIONS

Mrs. Conner advised she had no communications for the month.

GENERAL BUSINESS

HEARING—3 PLEASANT LANE-APPLICATION FOR CONDITIONAL USE/ACCESSORY STRUCTURE—CONSIDERATION

Applicants, John and Judith Malloy were present at the meeting. Mr. Sellers advised this is a hearing on the application of the Malloy's for a conditional use for 3 Pleasant Lane pursuant to the Tullytown Borough Code. He advised the applicant seeks to construct an accessory structure in the nature of a backyard gazebo Section 185.191(3)(c) allows a maximum size of 144 square feet and a conditional use approval is required for a size in excess of that square footage. He added that Council will apply the standards of Section 1109 of the Zoning Ordinance which include the following: (1) a proposed accessory structure is in accordance

with the Borough's community goals and objectives of the zoning ordinance; (2) it is in the best interest of the Borough convenient to the community and the public welfare; (3) the accessory structure is suitable for the property in question and the existing or intended character of the neighborhood and (4) the use is suitable with respect to traffic and safety.

Mr. Sellers further advised that the Planning Commission has reviewed the application regarding the suitability of this proposed conditional use and voted to recommend approval of the conditional use application.

Mr. Sellers added that a court stenographer was present to record proceedings and proof of mailing to property owners along with legal advertising and posting of the property has been accomplished.

Mr. & Mrs. Malloy both explained what they are proposing to build.

Mr. Shellenberger commented that the Malloy's property is beautiful—they keep it up very well—they have a huge side yard so he doesn't think drainage will ever be an issue and he sees no problem with the gazebo being constructed.

Mrs. Judith Malloy thanked everyone for their support during the entire process.

Mr. Sellers asked if any members of the public or Council wish to be heard. There were no comments.

Mr. Pirolli made a motion to approve the conditional use application of John and Judith Malloy, 3 Pleasant Lane, to allow construction of the backyard gazebo with a total square footage of 180 square feet. Miss Slemmer seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

Mr. Sellers advised the record of the hearing be declared closed.

ARBY'S-PRELIMINARY FINAL LAND DEVELOPMENT—CONSIDERATION

Ms. Sandra Worrall was present on behalf of Arby's restaurant to discuss application for Arby's restaurant location at Levittown Town Center. 147 Levittown Parkway.

Mr. Sellers advised that the current applicant proposes to construct an 850 sq. foot addition to the existing structure which will contain an Arby's restaurant with drive-through service.

He added that the proposed use is D13 shopping center complex which complies with the Tullytown Borough ordinance. He stated that prior to this evening, the required reviews have been obtained from the Bucks County Planning Commission and Borough Engineer, Gilmore & Associates. Mr. Sellers further stated that the Borough Planning Commission also reviewed and issued a recommendation that Council consider preliminary final land development approval at this meeting subject to the review letters of Bucks County Planning Commission and Gilmore & Associates as well as the grant of certain waivers which were detailed before the Planning Commission and included in its recommendation to Council.

Ms. Worrall advised that Arby's is requesting approval of land development. There were no questions of Council. There were no questions from members of the public as well.

Mr. Shellenberger made a motion to grant preliminary/final approval for the Arby's Land Development Application, 147 Levittown Parkway, TMP #46-006-027-003-002, conditioned on the following:

1. Compliance with the review letter of Gilmore and Associates dated December 7, 2017; and
2. Compliance with the review letter of Bucks County Planning Commission dated November 11, 2017.

Council grants waivers from SALDO requirements as follows:

153.613(G) from parking lot dimensions to allow 10 x 20 parking spaces for the area adjacent to building and south parking area.

153-400(D) from separate required submissions of preliminary and final plans for approval.

153-503.A(1) and 504.A(1) from the required scale of 1" to 50 or 1" to 100 feet.

153-503.C(3) & 153-504.C(3) to show street and utility information, conditioned on applicant's supplying all information that may be required in the future.

Applicant will provide adequate guarantees by way of a financial security agreement in a form satisfactory to the Borough;

Applicant will specifically obtain reviews, approvals, permits and enter into all necessary agreements with the following as required: The LBCJMA as the agency supplying water and sewer services, and otherwise guarantee the availability of public water and sewer; the Bucks County Conservation District; the PADEP; and the Tullytown Borough Fire Marshal.

Applicant will comply with the Borough Engineer's recommendations for storm water best management practices and execute a Storm Water Management Agreement in a form acceptable to the Borough;

Applicant shall pay all administrative costs and fees, and review and professional fees in connection with the application;

Applicant will cooperate with Tullytown Borough in completion of a possible easement agreement in the future to create a trail connection between the D & L Canal and Community Park.

Applicant will assure all signs shall comply with the Borough Ordinance requirements and not be erected until permits are obtained;

Applicant shall assure all lighting shall conform to the Borough Ordinance requirements;

Applicant's plan shall be ADA compliant in all respects.

Mr. Pirolli seconded the motion.

Mr. Sellers asked Ms. Worrall if the applicant agrees with those conditions. Ms. Worrall advised they do.

Roll call vote of Council was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

Mr. Pirolli made a motion to approve Resolution #382, seconded by Mr. Shellenberger.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

ONE APPOINTMENT TO LBCJMA

Mrs. Chrzanowski made a motion to appoint Roberta DePalo, seconded by Miss Slemmer.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

Mr. Pirolli made a motion to adopt Resolution #383, seconded by Miss Slemmer.

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

PARK DONATION POLICY-RESOLUTION TO AMEND

Mr. Shellenberger made a motion to adopt Resolution #384, seconded by Mrs. Johnson.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

ONE APPOINTMENT TO ZONING HEARING BOARD

Mrs. Conner advised that Robert Gabriele's term expired and he is interested in being re-appointed.

Mr. Pirolli made a motion to re-appoint Bob Gabriele via Resolution #385, seconded by Miss Slemmer.

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

TWO APPOINTMENTS TO THE PLANNING COMMISSION

Mrs. Conner advised that Philip Antolino's term expired and he is interested in being re-appointed.

Miss Slemmer made a motion to re-appoint Philip Antolino to the Planning Commission, seconded by Mr. Shellenberger.

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

Mrs. Conner advised that Rich Altmiller's term expired on the Planning Commission and he also expressed interest in being re-appointed.

Mrs. Chrzanowski made a motion to re-appoint Rich Altmiller, seconded by Mrs. Johnson.

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

ONE APPOINTMENT TO SHADE TREE COMMISSION

Mrs. Conner advised that Wilhelmina Conca's term expired on the Shade Tree Commission and she is interested in being re-appointed.

Miss Slemmer made a motion to re-appoint Wilhelmina Conca to the Shade Tree Commission, seconded by Mr. Shellenberger.

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

PCABC PROPOSED AGREEMENT--CONSIDERATION

Chief Doyle advised that Mr. Sellers reviewed the Coordination Agreement between the Bucks County Chiefs of Police Association and the Borough of Tullytown. He added that a copy of that agreement was also distributed to Borough Council.

Chief Doyle stated that this agreement allows the Bucks County Chiefs of Police as a group to move forward with different grants for the police departments going in as one unit. He asked Council for the authorization for him to sign this agreement and to also grant the Chief authority to act on the behalf of Council as there is an “opt out” clause if he feels it is not in the best interest of the Tullytown Police Department that we can opt out.

Mr. Pirolli made a motion that the Borough of Tullytown, along with the other participating police departments, enter into a Coordination Agreement with the Police Chiefs’ Association of Bucks County, to take advantage of benefits of joint purchases from vendors, among many opportunities; further authorizing the Chief of Police to act on behalf of the Borough to decline participation in any joint action which does not benefit the Borough of Tullytown, during the term of this agreement or any renewal. Mrs. Johnson seconded the motion.

Mrs. Kettler asked if all 40 of the municipalities are going to participate. Chief Doyle advised that Tullytown is the last agency to bring this before Council.

Miss Slemmer asked if all the municipalities approved this agreement. Chief Doyle advised that Morrisville is in discussion and we are the last—the other municipalities approved it.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

COMMITTEE REPORTS

There were no Committee Reports for the month.

BOROUGH REPORTS

MAYOR’S REPORT

Mayor Cutchineal advised that the Police Department had a total of 6,917 complaints including 2 homicide incidents and 2 armed robberies and an increase in retail theft complaints from the previous year of about 120 additional and 16 Narcan uses during the year which remains a big problem.

Mayor also congratulated Carmine Maggio of Stonybrook who is the new commander of Falls Legion Post 834.

CHIEF'S REPORT

Chief Doyle discussed the complaints regarding loitering and speeding vehicles in the area of Levittown Lake and Lakeside Drive. He advised that he did a comprehensive survey of the area and has assigned officers to conduct patrol and speed checks of the area. He also met with the public works foreman and properly posted the speed limit signs, painted lines in the road way for traffic enforcement. Chief Doyle added that he asked Bristol Township Police to borrow their radar unit. Chief advised that there is an occasional speeding vehicle but he feels it is not out of control.

Ms. Gahagan asked if the matter of the closing time of the Park was discussed. Chief Doyle advised that the Park closes at 10:00 p.m. He advised that he contacted the PA Fish and Boat Commission who also did enforcement and they repaired a sign that was knocked down on his request.

Chief Doyle advised that since this complaint, they have issued tickets for loitering, trespassing, public intoxication over at the Levittown Lake—that has basically corrected itself. He added they will continue to monitor that situation.

Chief Doyle also commented that Mayor Cutchineal asked him to review the Police Department's "duty manual" and clean it up and brought up to date. He advised that he will forward to Council for their review and asked if they would vote on it at February Council meeting.

COORDINATOR'S REPORT

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

Regarding the matter of WAWA, Ms. Gahagan asked if the plan will infringe on WAWA property. Mrs. Smith advised that there is enough room to do a 3rd lane—they designed it to be that way. She commented that they plan to change the 4-way stop and make a 2-way stop where Wal-Mart comes out onto Kenwood Drive. She added that they believe they do have enough land to do the 3 lanes. Ms. Gahagan commented that she doesn't think there is enough room for another lane there.

SOLICITOR'S REPORT

Mr. Sellers commented that that he distributed a memo to Council regarding a buy-back of days for a few members of the Street Department.

Mr. Pirolli made a motion to approve the memorandum of understanding between Tullytown Borough and Local 1598 with respect to vacation time for 2017. Mr. Shellenberger seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson—for

Ms. Gahagan—for

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

MISCELLANEOUS COUNCIL BUSINESS

Miss Slemmer requested a short executive session after Council meeting.

Mayor Cutchineal announced the new officers of the Tullytown Fire Department; namely, Chief: Aaron Cohen, Deputy Chief: Jon Nees, Assistant Chief: Rich Dixon, Captain: Rose Wilcox, Captain of Fire Police: Clayton Long, Engineer: Dick Johnson, President: Walt Rodenberger, Vice President: Chip VanDine, Secretary: Karen Cohen, Treasurer: Joe Omlor, Trustees: Lemmie VanDine, Chris Widman, and Frank Baker, Jr.

ADJOURNMENT

There being no further business, a motion was made by Mrs. Johnson to adjourn the meeting, seconded by Mr. Shellenberger. The meeting was adjourned at 7:21 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary