

**TULLYTOWN BOROUGH COUNCIL
SPECIAL MEETING
July 16, 2009**

President Joseph Shellenberger called the special meeting of the Tullytown Borough Council to order on Tuesday, July 16, 2009.

Present at the meeting:

Mayor Cutchineal
Councilman Adams
Councilman Pirolli
Councilwoman Gahagan
Councilman Shellenberger
Councilman Armstrong
Councilman Fox
Councilman Czyzyk—was absent due to another commitment

Also present:

Michael T. Sellers, Esq., Borough Solicitor
Daniel Doyle, Acting Chief of Police
Robert Shellenberger, Borough Coordinator
Nancy Conner, Secretary

PUBLIC COMMENT

There was no comment from the public.

CONSIDERATION-APPROVAL PURCHASE OF POLICE EQUIPMENT/VEHICLE

Acting Chief Doyle advised he received grant money for \$9,900 for purchase of unmarked police vehicle. He also advised that the vehicle is a 2005 Chevy Impala with 20,473 miles on it. Mr. Adams questioned if there is any warranty.

Duke Snyder, mechanic for Tullytown Borough advised that the price of warranty is \$1,495 for 3 years (36,000 miles). He added the vehicle will be purchased with a 12-month warranty. Acting Chief Doyle advised that he needs to confirm the 12-month warranty. Mr. Sellers confirmed that the warranty can be done as a separate item. Acting Chief Doyle advised that the grant money will be used for the purchase of the vehicle—the cost of warranty will be incurred by the Borough.

After discussion, a motion was made by Mr. Pirolli to authorize the purchase of vehicle by the Police Department in an amount not to exceed \$9,900 with federal grant funds through the Bucks County Security Threat Group, seconded by Mr. Armstrong.

Mr. Armstrong requested that the warranty information be brought to Council at the August 4th Council meeting.

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

CONSIDERATION-APPROVAL FIREWORKS FOR BOROUGH PICNIC

Mr. Sellers advised that Council has received the proposal of International Fireworks Company for the display for the September 12th Borough Picnic. He advised what is required is acceptance of the proposal in the amount of \$9,999 subject to a contract and insurance requirements being met to the satisfaction of the solicitor.

Mr. Shellenberger advised that Mr. Bob Jones indicated there is a construction project going on in the back but they could handle that during the permit phase and Mr. Jones has no issue with approving the fireworks.

Mr. Pirolli made a motion to approve the Fireworks for the Borough Picnic on September 12th, seconded by Mr. Adams. All of Council was in favor of the motion; the motion carried.

OTHER BUSINESS

Mr. Adams made a motion that all of Council should go through the Borough Coordinator and inform him of what is going on. Ms. Gahagan seconded the motion.

Roll call vote was taken:

Mr. Adams—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—abstain

Mr. Armstrong—against—he feels it all depends on what the subject matter is

Mr. Fox—for

The vote of Council was 4 in favor, 1 abstention, 1 against; the motion carried.

Ms. Gahagan discussed the sunshine act violations and asked if a motion had to be made for Mr. Sellers to find out about those violations.

Ms. Gahagan made a motion that Mike Sellers look into and answer Matt Pirolli's questions from the July 7th meeting about the sunshine act violation. Mr. Adams seconded the motion. Mr. Pirolli said that was in reference to the palm scanners that were in the building without Council vote.

Mr. Armstrong asked for clarity of the motion. Ms. Gahagan advised that we are asking Mr. Sellers to look into if the sunshine act was violated.

Mr. Sellers asked Council to allow him if necessary to speak with anyone involved with the transaction. Mr. Pirolli advised that is acceptable.

The vote of Council was as follows:

Mr. Adams—for
Mr. Pirolli—for
Ms. Gahagan—for
Mr. Shellenberger—for
Mr. Armstrong—for
Mr. Fox—for

The vote of Council was unanimous; the motion carried.

Mr. Armstrong advised that at the grand opening of Wal-Mart, we were the recipient of \$2,500 grant from Wal-Mart for the exclusive use of the ball field behind the Levittown Town Center which is now in the hands of the Treasurer.

Mr. Armstrong also made a motion to pay the invoices of Roseberry and Lanctot now that they have clarified who they referred to when they referred to "client" which is generally referring to Ed Armstrong. Mrs. Conner advised that was clarified. Mr. Fox seconded the motion.

After discussion, the vote of Council was as follows:

Mr. Adams—against
Mr. Pirolli—against
Ms. Gahagan—against
Mr. Shellenberger—for
Mr. Armstrong—for
Mr. Fox—for

The vote was 3 in favor, 3 against.

The Mayor broke the tie vote by voting in favor because he stated that whether we like it or not they have performed the work. The motion carried.

Ms. Gahagan made a motion to end the lawsuit, seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Adams—for
Mr. Pirolli—for
Ms. Gahagan—for
Mr. Shellenberger—against
Mr. Armstrong—against
Mr. Fox—against

The vote was 3 in favor, 3 against.

The Mayor advised that he chose to not break that tie as he has before when someone is missing. The motion failed.

Ms. Gahagan made a motion that Mike Sellers proves to her that the President of Council is allowed to appoint a liaison especially when it's involving so much money of the Borough in a lawsuit. Mr. Adams seconded the motion.

Mr. Armstrong questioned the term "proves". Ms. Gahagan advised that proves by law—by the Borough Code—which we follow.

Mr. Sellers suggested that "need to provide an opinion on that issue". He added the Borough Code will certainly be a part of it but there are other aspects. The vote of Council is as follows:

Mr. Adams—for
Mr. Pirolli—for
Ms. Gahagan—for
Mr. Shellenberger—for
Mr. Armstrong—for
Mr. Fox—for

The vote of Council was unanimous; the motion carried.

Acting Chief Dan Doyle advised that the Police Department also received a \$2,500 donation from Wal-Mart which was given to the Treasurer.

Mr. Shellenberger advised that after Council adjourns the meeting, they are going to go into executive session and at the next Council meeting Mr. Sellers will explain why we went into executive session. Mr. Sellers stated that the item involved is a personnel matter. Mr. Sellers advised Council that he requested an executive session.

Mr. Armstrong made the motion to adjourn the meeting and go into executive session, seconded by Mr. Fox. All of Council was in favor of the motion. The motion carried.

The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Conner".

Nancy Conner
Borough Council Secretary