

**Clifton Heights Borough Council  
Meeting Minutes  
March 16, 2010**

**Present:**

Anthony Casadei, Council President  
Edward Martin, Council Vice President  
Mario Alpini, Councilman  
Betsy Berry, Councilwoman  
Leona Papale, Councilwoman  
Harris Resnick, Councilman (arrived late)  
Jane Tumolo, Councilwoman  
Robert Penjuko, Councilman

**Others Present:**

Joseph Kelly, Mayor  
Frank Catania, Borough Solicitor  
Tony Tartaglia, Code Enforcement/Borough Manager  
Chief Walt Senkow, CHPD Police Chief

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Public Comment:**

No opening public comment.

**Meeting Minutes:**

A motion was made by Councilwoman Berry to accept the meeting minutes as presented; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Alpini – yes, Berry – yes, Martin – yes, Penjuko – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

**Mayor's Report:**

Mayor Kelly said that they again survived another month of snowfall in February and that all of the employees did a great job. He said that he talked to a businessman in the town today who complimented all of the men on a job well done.

Mayor Kelly continued that now post-snow, they are aware of the streets being in terrible condition. He said that among many streets, Madison Ave. as it runs toward Oak Ave. was full of serious potholes and that the Borough Engineer and Borough Manager and Borough employees were all aware of it. He said that the delay in correcting the problems is the rains that arrived because if they were filled and then rained on, the top could be washed away. He said that they are hoping to address all of the potholes with the piece of equipment they were scheduled to bring in as long as the weather cooperates.

Mayor Kelly announced that there would be a Monte Carlo night at the races on Saturday, March 27<sup>th</sup> at the De LaSalle Knights of Columbus to benefit the American Troop Support Team. Tickets are \$25/person and the money raised will go towards the supplies and shipment costs for sending items overseas to troops. He said that they would also like to create a fund to establish scholarships for children of fallen and/or disabled soldiers. He said that the information will be posted in Borough Hall.

### **Police Report:**

A motion was made by Councilman Martin to approve the police report; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

### **Fire Report:**

A motion was made by Councilman Martin to approve the fire report; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

### **Code Enforcement Report:**

A motion was made by Councilwoman Berry to approve the code enforcement report as presented; seconded by Councilman Martin; and carried unanimously by a vote of 7-0.

### **Treasurer's Report/Bill List:**

A motion was made by Councilwoman Berry to accept the treasurer's report and pay the bills as funds become available; seconded by Councilwoman Papale; and carried by a roll call vote of 7-0. (Alpini – yes, Berry – yes, Martin – yes, Penjoke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

### **Manager's Report:**

Mr. Tartaglia asked Council members to vote on the Storm water Management Ordinance, Ordinance 822, which had been properly advertised and was ready for approval.

A motion was made by Councilman Martin to approve the storm water management ordinance; seconded by Councilwoman Berry.

Councilwoman Papale asked if Mr. Tartaglia had anything written up for them for the Manager's Report.

Mr. Tartaglia said that he did not, but he could photocopy his write up of notes for everyone if they would like them.

After the question, the motion was carried unanimously by a roll call vote of 7-0. (Alpini – yes, Berry – yes, Martin – yes, Penjoke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia continued that they had Blue Mountain come in and do a presentation and that their plan is to start the single stream recycling program beginning the 1<sup>st</sup> week in May. He said that he has proof cards for Council members to look over so that they can be printed and sent out to residents the 31<sup>st</sup> of March, informing them of the recycling program. He said that to move forward, he needed Council's authority to allow the Solicitor and himself to execute the contract with Blue Mountain.

A motion was made by Councilman Martin to authorize the Borough Manager and Borough Solicitor to execute a contract with Blue Mountain for a single stream recycling program; seconded by Councilwoman Berry.

President Casadei asked if there was sufficient time to get it up and running by May.

Mr. Tartaglia said that there was.

Councilwoman Berry asked to confirm if it was only 1 & 2 on the plastics.

Mr. Tartaglia confirmed that it was only 1 & 2 and that that information was printed on the cards. He said that one side of the cards has the dos & the don'ts – what goes in & what doesn't, and that the other side has

the information about when it starts and when pickups will be. He said that everything can go in one container and that the early estimates are that this is going to make a change of \$27/ton for everything that will move from the trash to the recycling.

Councilwoman Papale asked again if Tony could write something up on that as well, so that she has something on paper.

Mr. Catania said that the term of the contract would be from now until March 31, 2013 and the contract stipulates that it cannot be cancelled unless someone breaches it or both parties agree to it, so he and Mr. Tartaglia would have to work on changing that. He said that beyond the 3 years, it would automatically renew on 1 month terms, which can be terminated by either party on 30 days' notice.

Councilman Alpini asked if the market were to reverse again and they were to lose money on recycling if they would be able to back out of it.

Mr. Catania said that they wouldn't be able to according to how it is written now, but that is what he was referring to in changing the term. He said that this is their starting point, and they will work from there.

Councilwoman Berry asked what term length he was thinking about.

Mr. Catania said that he would think that one year would be the term, but there might be a reason why they included a longer term, so he would check with them and they would figure out what to do, perhaps adding a clause about if the conditions reverse again.

Councilwoman Berry asked if he would notify them immediately if they ran into any problems.

Mr. Catania said that they would have to because they would not be able to move forward without Council's consent.

Councilwoman Berry said that this would take care of the igloos as well because they wouldn't have to have the igloos on their property anymore as of May 1<sup>st</sup> with the single stream recycling.

Mayor Kelly said that he thought it might be a good idea to leave the igloos for the commercial entities in town.

Mr. Tartaglia said that commercial properties would be able to recycle as well.

Councilman Martin said that certain bars and clubs come up on the weekend and drop bottles and such. He said that they would have limited options without that ability.

Mr. Tartaglia said that they could leave the igloos.

Councilman Alpini said that the vote was pending the work to be done by Tony and Frank.

Mayor Kelly said that the motion should read that it is subject to the approval of the Solicitor.

After questions, the motion was carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia said that since the backhoe broke during the snowstorm, they had been using a machine from Hillside Nursery, which now needs the machine back for longer periods of time. He said that in the last month, he has asked the Highway & Sanitation Dept. employees for their input on what kind of machine they thought would be best, and it turns out that it's pretty much the same type of machine that they have been using from Hillside. He said that they have received prices through the State's piggyback system and located a machine very similar to the one that they have been using for a purchase price of \$61,000, with an offer of

\$4,000 for a trade-in for the value of the steel of the broken machine. He said that that is going to be the going price for the machine wherever they get it. He said that they have 2 options – 1 is a municipal lease, but there is a question of whether or not they could pay for it out of liquid fuels with a municipal lease but he is in the process of researching that. The 2<sup>nd</sup> option is an outright buy, taking the money out of the General Fund and just paying for the machine. He said that the Municipal lease would end up costing them roughly \$12,000 over 5 years, whereas it would be done and paid for if they bought it with money out of the Capitol Fund. He said that what is needed now is the authorization to send them the purchase order so that they can have the machine in 6-8 weeks.

President Casadei asked under which plan.

Mr. Tartaglia said that they do not need to know how now; they just need to know that they have the order in line to get the machine ready to ship.

Councilman Alpini said that this machine would be more tailored to their needs now that they no longer do the grass. He said that blue machine was more geared toward grass, and it probably broke because all of the use during the snow. He said that this machine is more geared towards snow.

Mr. Tartaglia said that it is a 588 and will not only be able to do what he is referring to but the hoe portion will be able to assist the Highway Department when they have to move the manholes and lift or reset the gratings. He said that they have been struggling with the equipment up until now. He said that they're also familiar with the controls and operation from using Hillside's similar machine.

A motion was made by Councilman Alpini to authorize the Borough Manager to send the purchase order information to commence the purchase and shipping of the new machine; seconded by Councilman Martin; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia continued that Phillips completed the repairs to the storm sewer down by Rosati's. He said that the system that was put in was apparently a much smaller pipe in a much larger pipe, and that while the bottom portion of it was covered and sealed; the top portion of it was not. So when they looked down there today, you could see the distance of about 4-5 inches between the 2. Obviously when storm water would pass through, it would back up and make mud and pull the thing out, which was the reason for the sinkhole. He said that they filled it with hydraulic cement, crowned it, cased it and modified stone and repaved the top portion of it. He said that he also has an estimate for the storm water inlet down on Seven Oaks Drive. The cost of the contract as \$1,200 and the work proposed would be to saw cut two curbs back and down 18" to pull up the gratings and reseal the inside of it and then pour everything back in and concrete. He said that if Council wishes to repair the storm water inlet on Seven Oaks Drive, he would need authorization to increase the cost of the contract with Phillips by \$1,200.

Councilwoman Berry asked if that was a good price in his estimation.

Mr. Tartaglia said that it's a fair price for it, not cheap, but fair.

Councilman Alpini asked if the street across from that area was starting to split because of that.

Councilman Penjuck said that not completely, but the whole street is starting to crack up. He said that he had talked to the Engineer about looking at the street.

Councilman Alpini asked if this repair would be adequate enough to save that street from getting any worse.

Mr. Tartaglia said that it wouldn't get any worse, that they were going to take apart the inside of the culvert and dismantle the masonry and reseal around the pipes themselves, rebuild the masonry and then re-pour the concrete that supports the inlet itself. He said that it won't get any worse, but it is not going to cure it.

A motion was made by Councilman Martin to authorize the increase of the contract with Phillips by \$1,200 to repair the storm water inlet on Seven Oaks Drive; seconded by Councilwoman Tumolo; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjucke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia said that he had two items to ask for in reference to the streets. He said that they have the company that does patches and repairs that were scheduled for Thursday but moved to Friday because of the rain on Monday. He said that he just needs to know that Council is authorizing a one day service of this machine to do what they can in an 8 hour period. He said that after that time, he plans on coming back to Council with an estimate of what it would cost to complete the project throughout the town.

A motion was made by Councilman Martin to authorize the one day service of the street repair/patch machine to come in and complete what they can in an 8 hour period; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjucke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Councilman Resnick asked if the ground had to be a certain temperature for the patch to take hold when they do the project.

Mr. Tartaglia said apparently not, the machine delivers the material hot into the hole and then shapes or molds it. He said that if there is a little water in the hole, it will actually blow it out of the hole.

Mayor Kelly asked if they could do Madison & Church.

Mr. Tartaglia said that is one of the 1<sup>st</sup> streets on their list, and that it was actually a large problem.

Councilman Martin said that it is not only a large problem; it is a safety hazard because they have kids crossing the street there.

President Casadei asked if that machine could handle that size repair.

Mr. Tartaglia said that the machine could be used on a State Highway and that it just takes time.

President Casadei said that they did a tremendous job the last time that they were in, and the patches and repairs lasted and didn't wash away.

Councilman Alpini said that he assumed that there was a limit to what size hole you would want to take on with this machine. He said that he thought it was good for potholes but not when there is a lot of crumbling area and you have to get in and do removal. He said that would be something that they would address later down the road.

Mr. Tartaglia said that was correct.

Councilman Alpini said that he was thinking in reference to the area next to Clifton Jalousie, which he thinks would be beyond repair at this point.

Mr. Tartaglia said that J.P. has a list of streets that they would attempt to do with Liquid Fuels. He said that they don't know how much money they have already spent on the snowstorm because they are still finishing up the numbers, but he thinks that they should still be able to do some part of the road program. He said that he would focus more on the intersections that he is talking about cross streets, potholes and whatnot with the patch program because he thinks that they could address 3 or 4 intersections as opposed to one street. He said that he wants to get input from the Highway Department and J.P. to come up with a list of intersections.

Mr. Tartaglia said that his last item was what he noted at the caucus meeting the other night, that there was a request to suppress sewer fees for an address of 211 S. Springfield Rd. for a period time. He said that his

recommendation to Council again tonight is that this is only year that they should release those fees because they have received documentation that in 2010 that it is no longer an active sewer rent. He said that if Council chooses tonight, they could vote on whether or not to release him from the fees for 2010 only.

A motion was made by Councilman Martin to release the sewer fees for 2010 only for the address of 211 S. Springfield Rd.; seconded by Councilwoman Berry

Mr. Catania asked if the reason for the release was the non-use of the sewer.

Mr. Tartaglia said that the water company has verified that it has been shut down for calendar year 2010.

After questions, the motion was carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjucke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia said that was all he had for Council.

### **Engineer's Report:**

A motion was made by Councilman Martin to accept the Engineer's Report as presented; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

### **Solicitor's Report:**

Mr. Catania said that they passed the Ordinance No. 822. He said that he requested an Executive Session to report on Labor Negotiations, to discuss a potential litigation matter involving a business in the Borough that has not responded to Code notices, and one other litigation matter regarding payment of fees.

### **Administrative Action:**

No Administrative Actions.

### **Old Business:**

No Old Business.

### **New Business:**

Councilwoman Berry said that she had a few items. She reminded everyone that the Easter Egg Hunt for the kids was Saturday, March 27<sup>th</sup> at 10am at Diamond Street Park and that everyone should get there early because once they start it is over really quick.

She reminded everyone the importance of filling out their census forms and sending them back. She said that she remembers 10 years ago with the census that there were issues with areas of Clifton Heights being listed as Secane. She said that she assumed that was taken care of this time around, but asked for everyone to take a mental note of that when looking over their information. She said that they are so important because they determine funding from the Federal Government.

Mayor Kelly said that he received his yesterday and it took only 5 minutes to complete. He said that it is very simple.

Councilwoman Berry asked anyone who had not updated their handicap parking permits to do so with the Borough Manager or the Borough Secretary. She said that they are to be updated every year so that they can keep a current list.

Councilwoman Tumolo said that the PAL organization has requested the use of the park at Glenwood for batting cages. She said that she is glad to see that the park is being used and that the PAL will be supplying everything that is needed, so she will be in touch with Bob Wassell about that. She said that she would let everyone know when she had any more information.

President Casadei reiterated his message from last month's meeting asking residents to please post their addresses on the front and rear (if accessed from the rear) of their homes so that they can be easily identified in case of emergency.

### **Ward Reports:**

#### **First Ward:**

Councilman Resnick apologized for being late.

Councilwoman Papale reminded residents, with the nice weather approaching again, to please clean up after their dogs while walking them.

#### **Second Ward:**

Councilman Alpini said he had no ward report but also requested an Executive Session to discuss information about the website.

Councilwoman Berry wished everyone a very happy Easter.

Mayor Kelly wished everyone a Happy St. Patrick's Day as well.

#### **Third Ward:**

Councilman Martin complimented the snow removal work again.

Councilman Alpini asked if he had heard anything about the possibility of getting some of the money back.

Councilman Martin said that a couple people had asked him that, and he hadn't heard anything.

President Casadei said that FEMA hadn't made a decision yet.

Councilman Martin said that in 1996 on the day of the storm, the Governor announced that there would be FEMA reimbursement.

Mr. Tartaglia said that he also had not heard anything.

Councilman Martin said that it could be because the last time FEMA allocated money to individual States, and then the money locally was allocated through PEMA. He said that in 1996, thanks to Mr. Catania, they were able to receive almost 100% reimbursement.

Mr. Catania said that he also had heard nothing about any kind of reimbursement.

President Casadei wished everyone a happy St. Patrick's Day and a happy Easter.

#### **Fourth Ward:**

Councilman Penjuck asked residents throughout town to notify the Borough if they are aware of any roadways in need of repair, so they get a complete list to address.

Councilwoman Tumolo said that the 4<sup>th</sup> of July Association has a meeting coming up and is looking for fundraising ideas. She thanked everyone for their support.

Mayor Kelly said that they would need \$20,000 for the festivities this year.

Councilman Martin said that for the last couple of weeks the Borough Manager has had community service workers in sweeping the streets by hand.

Councilwoman Berry congratulated Councilman Penjuko on his granddaughter.

**Closing Public Comment:**

**POST EXECUTIVE SESSION:**

Mr. Catania noted that at 9:00pm, Council reopened the public portion of the meeting.

Mr. Senkow said that he received a call after the caucus meeting the other night telling him to go ahead with the website from the police side. He said that he asked if he had it in the budget, and he told him that he did, so he called his contact and told her to go ahead and he then sent her 4 or 5 pages of information.

Councilman Martin said that he had to apologize profusely because he just found that he was wrong and he provided the wrong information. He said that he was embarrassed to have done that.

Mr. Catania said that they could correct it now; they would just need to know the name of who he would like to contract with and a summary of what the contract is for.

Mr. Senkow said that he provided a copy of the proposal to everyone.

A motion was made by Councilwoman Berry to allow Chief Senkow and the Police Department to set up their website with Jennifer Hoff of Hoff Communications for an amount not to exceed \$2,200; seconded by Councilwoman Tumolo; and carried by a vote of 5-3. (Resnick – yes, Alpini – no, Berry – yes, Martin – yes, Penjuko – no, Tumolo – yes, Papale – no, Casadei – yes.)

A motion was made by Councilwoman Berry to extend Tony Tartaglia's contract as Borough Manager with the same terms for another 30 days; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Councilwoman Berry said she wanted to discuss one time before adjourning. She said that a few months ago at a Thursday meeting, they all discussed the fact that they need to keep costs down. She said that she wanted to remind everyone that everything going to Frank, J.P. or Cyndi should be directed to Tony (Borough Manager) so that when Tony is in touch with them, he can take care of everything at once. She said that she just wanted to remind everyone of that.

Councilman Alpini said that while they are talking about keeping costs down that he wanted to add that in his opinion, they just spent an extra \$2,000 foolishly when they have a chance to accomplish the same thing for \$50. He said that he doesn't think that is an example of controlling expenditures and keeping costs down.

President Casadei said that it was the Police Department's money.

Councilman Alpini said that it was not the Police Department's money, it was the Borough's money and Frank just explained that.

President Casadei said that they received the grant.



Mr. Catania explained that the money was not coming out of grant money.

President Casadei asked if they could have used that money for the Borough.

Mr. Catania said yes.

Councilman Martin said that he thought it was coming out of the Police Budget and not the General Fund.

Mr. Catania said that it was coming out of the Police Budget, but it was not grant money.

**Adjournment:**

A motion was made by Councilman Martin to adjourn; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary