

**Clifton Heights Borough Council
Meeting Minutes
Tuesday, July 26, 2011**

Present:

Ed Martin, Council Vice President
Harris Resnick, Councilman
Mario Alpini, Councilman
Betsy Berry, Councilwoman
Robert Penjuko, Councilman

Absent:

Anthony Casadei, Council President
Leona Papale, Councilwoman
Jane Tumolo, Councilwoman

Others Present:

Frank Catania, Borough Solicitor
Tony Tartaglia, Code Enforcement/Borough Manager

Pledge of Allegiance

Prayer Led By Councilman Martin

Public Comment:

Fred Rich, 82 Chester Ave., said that last week he asked Mr. Tartaglia what had happened to the agent that they paid \$40,000 to market properties like Mac & Sam. He said that the agent did nothing for this \$40,000 and that Mr. Tartaglia responded that the Borough didn't spend \$40,000, that it was turned over to the Economic Development Board. He asked what this secret Economic Development Board was and who the members were and who appointed the members. He asked where the Economic Development Board got the money to pay \$40,000 to this agent that did nothing. He said that he would like those questions answered.

Councilman Martin said that they would respond in writing.

Mr. Rich said that the Economic Development Board is just a group of unelected private citizens who work in an advisory committee and are not authorized to spend taxpayers' money. He said that they are totally unauthorized to spend taxpayers' money. He said that he contends that it is a criminal offense for the Economic Development Board to be spending taxpayers' money. He then read what an Authority is according to the State.

Meeting Minutes:

A motion was made by Councilwoman Berry to accept the meeting minutes as presented; seconded by Councilman Penjuko; and carried by a vote of 5-0.

Police Report:

A motion was made by Councilwoman Berry to approve the police report; seconded by Councilman Alpini; and carried unanimously by a vote of 5-0.

Fire Report:

A motion was made by Councilwoman Berry to accept the fire report as presented; seconded by Councilman Alpini; and carried unanimously by a vote of 5-0.

Code Enforcement Report:

A motion was made by Councilwoman Berry to approve the code enforcement report; seconded by Councilman Resnick; and carried unanimously by a vote of 5-0.

Treasurer's Report/Bill List:

A motion was made by Councilwoman Berry to accept the treasurer's report and pay the bills as money becomes available.

The motion failed for lack of a second.

Manager's Report:

Tony Tartaglia said that the manager's report was the same as what he presented at the Caucus meeting.

Councilman Alpini asked if the manager or one of the Council members should go over what was presented at the Caucus meeting.

Councilman Martin said that they've never done that before.

Councilman Alpini said that no one was here for the Caucus so no one gets to go over the manager's report.

Mr. Tartaglia said that they submitted a proposal to Local 835 and have not had a response. He said that the attorneys are going to be in touch with each other to set something up. He said that they reviewed the insurance claim that he put into a couple of months ago for the lights damaged on Baltimore Pike. He said that they investigated the claim and the Borough has received five checks totaling approximately \$2,400. He is putting together a work order for bidding purposes to immediately replace three of them with the newer LED lighting to evaluate if additional lighting is required. He said that a permit was issued for the demolition of the roof structure surrounding the smoke stack at 500 E. Broadway Ave. The work has begun on the demolition of the existing roof and plans from a registered engineer have been received for the steel structure to replace the roof and a copy of the plans have been forwarded to JP Kelly for his review. They are due back in Court on August 8th for a status update. He said that Kelly Associates will have the bids for the Baltimore Pike sewer reconstruction project ready for review and approval tonight. He said that a new set of plans for the Tyron Property, located at 110 Jackson St., that addressed the concerns of the Zoning Hearing Board. The new plan proposes 60 units with adequate parking and a height not to exceed 35 feet. In all other aspects, the plans appear to conform to either the Zoning Code or to the variances granted by the Board. He said that they have commenced the DROP program for Officer Rich, whose retirement date was February 1, 2011. He said that the 4th of July celebration was a huge success and offered a big thank you to the Police and Highway Departments for their help in making it safe and enjoyable. He said that he met with the representatives of the Clifton Yarn Mills on site to determine the extent of the roof damage with an architect and contractor who are going to submit plans for the reconstruction. They have picked up information from the Borough to facilitate the design process. He said that they are due back in Court for a status meeting on August 8, 2011.

Councilman Alpini asked why the Council meeting was cancelled last Tuesday.

Councilman Martin said that the building was infested with fleas.

Mr. Tartaglia explained the process they went through for assessing and addressing the problem.

Councilman Alpini asked why something like this happened out of the blue.

Councilman Martin said that they had an issue with gnats in the past. He said that they believe what probably happened is that one of the guys who was at a house for an inspection picked up the fleas and tracked them into their office on their shoes accidentally. He said that everything except the Police Station was affected.

Mr. Tartaglia said that they had to address any of the areas with carpeting.

Councilman Alpini asked about the Tyron property and if this 60 unit building is pretty much what they'll be moving forward with.

Mr. Tartaglia said that they still needed to come back before Council because right now they only know what they can build. They have to explain how they will build it and present a complete set of plans for the project.

Councilman Alpini asked if as long as they continue to conform with their existing Zoning Code, there would be no problem with them proceeding, outside of having to reach out to PENNDOT and Delcora.

Mr. Tartaglia said that was correct.

Councilman Alpini commended Mr. Tartaglia on his work to secure the \$2,400 from the insurance company for the street lights. He asked if there was going to be an Executive Session regarding Local 835.

Mr. Catania said no, that they were just trying to agree on a meeting date.

Councilman Alpini asked if it was ready for approval.

Mr. Catania said no, that the Union requested a meeting and the Borough agreed that would be a good idea.

Council discussed the properties of 114-116 Broadway Ave. with the Borough Manager.

The Borough Manager explained that they have gone through all the necessary postings and processes and leans.

Mr. Catania said that the Borough's leans would typically be paid prior to the mortgage. He said that properties like these are usually on the tax sale list and the tax sale happens in September. He said that they check that when the list comes out and update all of their claims to make sure that if the house is sold in a tax sale, that they are paid. He said that the tax sale lists would come out in 2-3 weeks.

Councilman Penjoke asked about a sheriff's sale.

Mr. Catania said that if they wanted to push this through earlier with a sheriff's sale, they would incur the cost of forcing the sale. He said that either way, once the lean is on record, the Borough will be paid first no matter how the property is sold. He said that Mayor Kelly usually attends the sales.

After discussing another property issue with Mr. Tartaglia, Councilman Penjoke said that he believes that council members should be notified when something is going on in their ward. He said that with situations like these, Council members should be notified immediately.

Mr. Tartaglia said that they were addressing situations as they came up and he wasn't sure what exactly they wanted him to do.

Councilman Penjoke said that the Council members should know what is going on that he, as the Borough Manager shouldn't be going ahead and making the decision to hire someone without Council being aware of it because ultimately the Council members are the ones who have to answer for the decisions. The Borough Manager works for the Council, so he should be informing Council. He said that he understands that

emergencies come up, but how can one tree be determined to be more important than another. He said that there is a lot of work to be done in the Borough, so they can't just throw money around. He said that the Borough generally doesn't address any problems until the flood gates have opened and the issue is serious. He said that they should be going around and finding the problems in advance. He asked when that was going to happen – addressing the problems before they are emergencies. He said that apparently there is a tree down at the playground on Springfield Rd. He asked who was in charge of that. He said that Church Street is coming up and eroding, and nothing is being done with that. He said that there are no plans for things like this. He said that he thinks that they keep going around and spending money on things he doesn't think that the Borough should be involved in. He said that they should be helping people to a point, but there is also a point where they should be backing off and the homeowner should be taking responsibility.

A motion was made by Councilman Resnick that Borough Council members be notified when noteworthy events (a downed tree, a nuisance property, etc.) occur in their ward and could require action; seconded by Councilman Alpini; and carried unanimously by a vote of 5-0.

Councilman Alpini asked JP Kelly if he had looked at the 1st block of Church Street on the right hand side in reference to the upcoming Road Program. He said that there are pot holes that must be 6 inches deep. He said that there is pretty much no curb left. He also said that since they are talking about emergency tree work, there are trees that need attention which he assumes are their responsibility.

They discussed the trees and branches that came down.

Councilman Alpini said that he at least presumes that the one piece of sign that is sticking out of the pothole is their responsibility and asked if they could do something about that. And he asked if there was any way that they could do a temporary patch of some sort. He said that since they know of the sewer problem there and the pot holes are bad, he thinks that they should do something to address the problem.

A motion was made by Councilwoman Berry to accept the manager's report; seconded by Councilman Penjuka; and carried unanimously by a vote of 5-0.

Engineer's Report:

J.P. Kelly said that the pre-investigation meeting for the Road Program is scheduled for Thursday and that provided PENNDOT is satisfied, they will issue notice to proceed.

He said that they prepared the contract and bidding specifications to make the necessary repairs to the sanitary line on Baltimore Pike, and that unfortunately, they only received one bid and the sole bidder appears to have made a mathematical error on a line item. He said that if the contractor does not agree with their analysis, he would recommend that they re-bid the project.

A motion was made by Councilman Alpini to re-bid the scope of work for the sanitary line repair on Baltimore Pike if the original bidder does not agree with the Engineer's analysis; seconded by Councilwoman Berry; and carried unanimously by a vote of 5-0.

A motion was made by Councilwoman Berry to approve the Engineer's Report; seconded by Councilman Resnick; and carried unanimously by a vote of 5-0.

Councilman Alpini asked about Maple Terrace in reference to the Road Program.

Solicitor's Report:

Frank Catania said that in addition to the items already covered, they would continue to work on the Police negotiations. He said that they hadn't set a time frame for meetings yet. He said that they completed the Agreement of Sale that they worked on last month and it is being reviewed by the buyer. He said that 500 E.

Broadway is scheduled for another hearing on August 8th and that they would have more news on that next month.

Councilman Resnick updated Council on what is going on and on the work that they said they were going to be completing and the work that was actually completed.

Mr. Catania said that they were going to ask permission to ask J.P. Kelly to Court on August 8th so that he could testify as to how this project could have been approached as opposed to the way that it has been. He said that when they were last in Court, they asked for permission to start to re-issue citations and to make a decision on the citations that are already out there. He said that they would like to use Mr. Kelly's testimony because they would like to recommend a large number for the fines.

A motion was made by Councilman Martin to approve the solicitor's report; seconded by Councilwoman Berry; and carried unanimously by a vote of 5-0.

Ward Reports:

First Ward:

Councilwoman Resnick had nothing to report.

Second Ward:

Councilman Alpini had nothing new to report. He brought up issues that he had with the field.

Councilwoman Berry had nothing new to report.

Third Ward:

President Casadei had nothing to report.

Fourth Ward:

(Councilman Penjuck's ward report could not be heard on the recording device.)

Old Business:

Councilwoman Berry asked if they had heard anything from SEPTA.

Mr. Tartaglia said that they were still having issues with their electrician.

New Business:

None.

Executive Session:

Councilman Martin said that he would go on record that he is not in favor of having an Executive Session in reference to 500 E. Broadway when 3 Council members and the Mayor are not present for the meeting.

Councilman Alpini requested an Executive Session for a property that is available.

Closing Public Comment:

Fred Rich, 82 Chester Ave., asked what the DROP is and what that means.

Mr. Catania said that DROP refers to Deferred Retirement Option Plan and it means that an officer gives a fixed date of retirement and at the beginning of the DROP period, he stops participating in the retirement program and receives his portion of the retirement money now.

Mr. Rich asked how far into the future that goes.

Mr. Catania said that it goes from 1-3 years, and he believes that it is paid out in a lump sum. He said that it is not paid out in cash to spend but goes from the regular retirement fund to a specific fund for the officer.

Post-Executive Session:

A motion was made by Councilman Alpini to pay the bills; seconded by Councilman Resnick; and carried unanimously by a roll call vote of 4-0. (Resnick – yes, Alpini – yes, Berry – yes, Penjoke – yes).

Adjournment:

A motion was made by Councilman Resnick to adjourn; seconded by Councilman Alpini; and carried unanimously by a vote of 4-0.

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary