

**Clifton Heights Borough Council  
Meeting Minutes  
Tuesday, February 19, 2013**

**Present:**

Anthony Casadei, Council President  
Edward Martin, Council Vice President  
Betsy Berry, Councilwoman  
Mike Humphreys, Councilman  
Leona Papale, Councilwoman  
Karen Peterson, Councilwoman  
Jane Tumolo, Councilwoman

**Others Present:**

Joseph T. Kelly, Mayor  
Francis J. Catania, Solicitor  
J.P. Kelly, Engineer  
Timothy Rockenbach, Chief of Police  
Tony Tartaglia, Borough Manager/Code

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Swearing-In of Part-Time Police Officer:**

Mayor Kelly swore in Ryan Berry as a part-time police officer.

**Public Comment:**

Rich DePompeo, 224 E. Broadway Ave., thanked the Police Department for their efforts in controlling the traffic on East Broadway Ave. He said that he really appreciates their increased presence on the street.

Fred Rich, 82 Chester Ave., said that the past couple of weeks while driving up Baltimore Pike around 2pm, the traffic has been terrible starting at Walt's Steaks and all the way to Oak Lane. He said that he's not sure why and that the starting time of 2pm doesn't coincide with rush hour. He said that this has happened several times over the past few weeks and at first he thought it was the new light at the trolley stop, but that light will change and the traffic continues all the way up to Oak Avenue. He said that over the weekend, he came up Springfield Road and tried to turn left onto Baltimore Pike and he couldn't turn.

President Casadei said that he has had the same experience with the traffic recently. He said that he checked out the traffic today around 3pm. He said that cars were left on both sides after the light changed from green to red in each direction, which is unbelievable. He said that they contacted PENNDOT about that some time ago. He asked Mr. Tartaglia if he remembered the Economic Development meeting they had at Borough Hall about 2 years ago. He said that they are aware of the problem because they are planning to re-signal the lights from Church Lane in Lansdowne to Bishop Ave. He said that he doesn't think that is going to solve the problem

because it is the volume of traffic that is the problem. He said that he doesn't think that re-signaling the lights will work, but they'll have to wait and see. He said that he agrees with Mr. Rich 100%, but in the 46 years that he has lived here, the traffic has gotten worse each year.

Mr. Rich said that the last couple of weeks have really been bad, so he wanted to note it.

Councilman Martin said that the issue wasn't really a Council issue but a police issue and with the upcoming re-signaling and the new intersection that is supposed to break ground in Spring 2014, hopefully that will fix the issue.

Councilwoman Papale said that the other issue with that is that people will start cutting through the side streets. She said that she'd hate to see people who aren't familiar with the area flying up the side streets. She said that she's seen people do that and go through the stop signs.

Mayor Kelly said the only change he's aware of in the last few weeks would be the opening of the new business where the Knights of Columbus used to be.

President Casadei said that he thinks it's just something that continues to get worse year after the year, and it's increased volume in general.

Councilwoman said it would be a PENNDOT issue and not a Council issue.

#### **Meeting Minutes:**

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

#### **Mayor's Report:**

Mayor Kelly thanked the Highway Dept for taking care of the minor snow that they had. He said that there were no problems with the snow or the ice.

#### **Police Report:**

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

#### **Fire Report:**

A motion was made by Councilman Humphreys to accept the fire report as presented; 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; seconded by Councilman Martin; and carried unanimously by a roll call vote of 7-0. (Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo –yes, Papale – yes, Casadei – yes.)

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

A motion was made by Councilwoman Papale to accept the manager's report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

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

J.P. Kelly said that he had two items that required action. He said that they have prepared the 2013 County Aid Application and they request authorization to submit the application to the County.

A motion was made by Councilwoman Berry to authorize the Borough Engineer to submit the 2013 County Aid application; seconded by Councilman Martin; and carried unanimously by a vote of 7-0.

Mr. Kelly said that the bid opening for the property formerly known as the Scally property took place on February 14<sup>th</sup>. He said that he included the bid tabulation, and he recommends that the contract be awarded to A.J. Jurich for a bid price of \$153,736.

A motion was made by Councilman Martin to award the contract to A.J. Jurich as recommended by the Borough Engineer.

Councilwoman Berry asked if she could inquire about the scope of work because that is a lot higher than she was anticipating.

Mr. Kelly said that the scope was attached, and he would go over it because it is extensive. He said that it includes the removal of the building, removal of a couple of above grade oil tanks, repair of the existing stucco wall, landscape bed, an EP Henry area for future memorials, future memorial footings installed, 3 flag poles with solar lights, small patio area & welcome wall with Clifton Heights Borough lettering, more landscaping, traffic control devices, and some other items. He said that all of that includes the purchase and installation of all materials.

Mayor Kelly said that it is a lot more than demolition.

Mr. Kelly said that it is a lot more than demolition and it is through CDBG and approved by CDBG. He said that the contract and bid opening were all CDBG approved. He said that the County had approved everything and that they would be ready to start the work once the paperwork is completed.

Councilwoman Berry seconded the motion made by Councilman Martin to award the contract to A.J. Jurich; the motion was carried unanimously by a vote of 7-0.

A motion was made by Councilman Martin to name the area the Nicholas A. Micozzie Passive Meditative Park, or whatever the proper nomenclature would be.

He said that for all of the things that he's done for this town and the people and the children, he would deserve at least this.

Councilwoman Peterson seconded the motion for naming the park; and the motion was carried unanimously by a vote of 7-0.

Mayor Kelly said that was a job well done by Councilman Martin on that motion.

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

Mr. Catania said that for Kent Mills, 500 East Broadway Ave., because the owner has resisted the Borough's attempts to come to a pre-demolition meeting, he has contacted Judge Durham and asked her to re-list the matter and have an immediate hearing on their petition for contempt. He said that there is no reason that the owner cannot come to a demolition meeting and start tearing down the property. The Borough is ready, willing and able to give them the necessary permits, and they are simply not agreeing to a time for the meeting. Again, he has asked Judge Durham to intervene. He said that he will report back, but that should get resolved prior to the next meeting.

2 action items.

Mr. Catania said that for the JMC Contractors item, the work was done, so the 1<sup>st</sup> item would be to authorize the release of the \$7,000 remaining payment for the underlying work. And the 2<sup>nd</sup> item would be to make a claim under the maintenance bond for the fact that after the work was completed, it started to deteriorate.

A motion was made by Councilwoman Berry to authorize the release of the balance of monies owed to JMC Contractors for the work done on East Baltimore Pike; seconded by Councilman Martin; and carried unanimously by a vote of 7-0.

A motion was made by Councilman Martin to make a claim under the maintenance bond to have the bonding company pay for any remedial work that Mr. Kelly or Mr. Tartaglia include in their reports that needs to be completed. I seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

Mr. Catania said that his final item is the result of the request of the Department of Environmental Protection that wants to impose a civil penalty on the Borough. He explained that the Borough had a sewer line break in March 2012, and the Borough reacted promptly the remedy that break.

Mr. Kelly said that they immediately installed a bypass pump.

Mr. Catania said that despite the fact that the DEP recognizes that the Borough addressed the problem quickly, they want to impose a fine of \$3,950. The Borough offered a compromise of \$1,000, and the DEP has refused that. He said that it would be his recommendation at this time, because of the costs of litigating this, that the more prudent path would be to pay the \$3,950. He said that they should pay the fine under protest and not sign the consent agreement and proceed to have their grievances heard.

A motion was made by Councilwoman Berry to pay the \$3,950 DEP fine without signing the consent agreement.

Councilman Martin asked if they could include in correspondence that the Borough spent over \$300,000 to rectify the situation.

Mr. Catania said that they pointed that out in their meeting with the DEP, and they acknowledged that but still issued the fine.

Mayor Kelly asked what the DEP would do to the Borough if they did not pay the fine.

Mr. Catania said that would result in a civil hearing, and they would allege that the Borough violated the law by allowing that break to happen. Their attitude is that this is a matter of strict liability. It doesn't matter that the Borough did everything that they could have possibly done. It happened, so the Borough has to pay.

Councilman Martin seconded Councilwoman's Berry motion to pay the DEP the \$3,950 fine without signing the consent agreement; the motion was carried unanimously by a vote of 7-0.

Mr. Catania said that next month they would do the codification ordinance, along with the UCC ordinance and the parking changes.

### **Old Business:**

No old business.

### **New Business:**

Councilwoman Papale said that the Delaware County SPCA was looking for locations to host vaccination and micro-chipping clinics. She said that she would like to offer the Borough Hall as a location.

Mayor Kelly said that sounded like a good idea in theory but asked if they would take their dogs that get picked up.

Councilman Martin said the SPCA hasn't been very gracious with the Borough in the recent past.

Mr. Tartaglia said that he would be against allowing them to use the Borough's facilities for various and numerous reasons.

Councilwoman Papale said considering those points, she would rescind that offer of the Borough Hall as a location.

### **Ward Reports:**

#### **First Ward:**

Councilman Papale had nothing to report.

#### **Second Ward:**

Councilman Humphreys had nothing to report.

Councilwoman Berry had nothing to report but asked everyone to be vigilante while driving at night and be wary of teenagers out, dressed in dark clothing stepping into roadways where you wouldn't expect them.

**Third Ward:**

Councilman Martin had nothing to report.

Councilman Casadei thanked everyone for their support during his recent illness.

**Fourth Ward:**

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo had nothing to report.

**Closing Public Comment:**

No closing public comment.

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy

Clifton Heights Borough Secretary