

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

**Present:**

Anthony Casadei, Council President  
Edward Martin, Council Vice President  
Betsy Berry, Councilwoman  
Mike Humphreys, Councilman  
Leona Papale, Councilwoman  
Karen Peterson, Councilwoman (arrived late)  
Harris Resnick, Councilman  
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**

Mayor Kelly requested a moment of silence for the 7 marines killed in the training exercises.

**Commendation of Bob & Marie Wassell:**

Mayor Kelly read the resolution Borough Council passed recognizing Bob & Marie Wassell's service to the Borough, especially with their years of service to the Clifton Heights PAL organization.

**Swearing in of new Police Sergeant:**

Mayor Kelly asked Council for a motion to follow the Civil Service recommendation and promote Marie Morgan to Sergeant of the Clifton Heights Police Department.

A motion was made by Councilwoman Berry to promote Marie Morgan to Sergeant of the Clifton Heights Police Department, as per the recommendation of the Civil Service Commission; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

Mayor Kelly swore Marie Morgan in & congratulated her on her new promotion.

**Public Comment:**

No opening public comment.

### **Meeting Minutes:**

A motion was made by Councilwoman Berry to accept the February meeting minutes as presented, with one change on page seven to the name of the park; seconded by Councilman Martin; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

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

Mayor Kelly thanked everyone for being there for Marie & Bob Wassell, on their well deserved recognition. He also thanked all of the police for being present to support the promotion of Sergeant Morgan.

Mayor Kelly announced that the Borough Easter Egg Hunt would be this Saturday at 10am at Diamond Street Park. He said that the Recreation Board does a really great job with this event.

He said that the 4<sup>th</sup> of July Committee would be having a Craft Fair on the same day at Sacred Heart Hall.

He also said that the Clifton Heights Legion Post. 358 would be hosting a March Madness Championship Game Party on April 8. He said that tickets were \$20/person and proceeds would go towards restarting the Memorial Day parade & festivities, which was a great tradition within the Borough for a long time.

He asked everyone to watch the children as the days continue to get longer and the children are out playing. He said that the police will ask anyone playing street hockey in the middle of the street to move to another location because of the danger.

### **Police Report:**

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

### **Fire Report:**

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

### **Code Enforcement Report:**

A motion was made by Councilman Humphreys 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 Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – 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 Councilman Martin; and carried unanimously by a vote of 7-0.

Mr. Tartaglia said that in addition to the Manager's report, he needs a motion tonight for an allocation not to exceed \$30,000 for the emergency demolition of 119 E. Washington Ave.

A motion was made by Councilwoman Papale to approve the allocation not to exceed \$30,000 for the emergency demolition of 119 E. Washington Ave.; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

Mr. Tartaglia said that they would also need a motion to perform an audit of the tax collector's records for the year 2012, for an amount not to exceed \$4,000.

A motion was made by Councilman Martin to approve an audit of the tax collector's records for calendar year 2012 for an amount not to exceed \$4,000; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

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

J.P. Kelly said that the County Aid application for the Road Program had been submitted and that he requests that a scope be developed as soon as possible to avoid any possibility of late filing.

Mayor Kelly said that Sycamore on the hill by Mill St. is starting to collapse, so that is definitely an area they should look at.

Mr. Kelly said that the CDBG property, formerly known as the Scally property, the contracts have been executed and he will submit them to OHCD by Thursday, and he would expect to have a pre-construction meeting scheduled by the end of the following week.

Mr. Kelly said that he submitted his report to the Solicitor on the JMC work so that they can submit the claim on the maintenance bond.

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. (Councilwoman Peterson arrived during the Engineer's report.)

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

Mr. Catania said that as indicated, they are going to make a claim on the JMC Contractors maintenance bond and the Mr. Kelly provided him with a report that he will transmit with the claim.

Mr. Catania said that for the Commonwealth vs. Ruane, a case that he and Mr. Tartaglia had appeared in Court on a month or so ago where he was found guilty building code violation and zoning board violation, and his attorney asked to have the case reheard. Judge Durham allowed the motion and the case was reheard on March 13<sup>th</sup> & Mr. Ruane was again found guilty of violating the Borough's building code & zoning ordinances, so the lower Court's ruling has been reinstated. If he wanted to appeal it again, he would have to go to Commonwealth Court.

In the Rockbourne vs. Borough of Clifton Heights lawsuit, there is a stay order that has been put on the Borough by Judge Durham to not allow the Borough to proceed with closing the building as the DEP requested. His understanding of the issue is that there is a replacement ductile iron pipe that has been set near the property, underneath Darby Creek in an attempt to reinstate the sewer service there. He said that there is an appeal pending before the Environmental Hearing Board of the PA Dept. of Environmental Protection by Rockbourne Investments to try and delay the DEP enforcement action against the Rockbourne property. He said that the Borough is not a party to that, but they will keep track of it.

Mr. Catania said that in litigation, the Borough vs. Kent Mills is coming up to the 1 year anniversary (4/20) of when the owner of the property indicated that he wanted to demolish the property. Despite the Borough's diligent efforts & continuing to appear in Court & scheduling meetings & making themselves available, the owner of the property has not commenced demolition. They have written another letter to Judge Durham asking for a hearing. He said that it is disgraceful that a year has passed and they are not any closer to getting the property demolished.

Mr. Catania said that he and Mr. Tartaglia were in Court for Commonwealth vs. Shaheed. He said that Mr. Shaheed is Brooklyn resident & owner of several properties in Delaware County. He said that on February 27<sup>th</sup>, Judge Durham found Mr. Shaheed guilty of one count of violating the Borough's property maintenance ordinance. He said that they are preparing a District Justice complaint to pursue the reimbursement to the Borough of \$4,000 that the Borough had to put out to clean up the property. He said that they will be advised as to when that hearing is in front of Judge Perfetti.

Mr. Catania said that his final item was pertaining to Milton Thomas who filed a lawsuit against the Clifton Heights Police Department in Federal Court. He said that he is not asking for money, so the insurance company denied coverage. Mr. Thomas wanted his record cleared, and Judge Tucker denied his motion, so the Borough believes that matter has ended.

A motion was made by Councilman Martin to accept the Solicitor's report; seconded by Councilwoman Tumolo; and carried unanimously by a vote of 8-0.

### **Old Business:**

Councilwoman Berry thanked everyone who was involved in the acquisition of the property at Baltimore & Springfield, Mr. Tartaglia, Mr. Kelly, Borough Council. She said that she wanted to make everyone aware that those named were very instrumental in the work done to be able to do something with that corner, especially PENNDOT-wise.

### **New Business:**

Councilman Resnick asked for a donation to the Clifton Heights Boys Scouts in the amount of \$500.

A motion was made by Councilwoman Berry to donate \$500 to the Clifton Heights Boys Scouts; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

## **Ward Reports:**

### **First Ward:**

Councilman Resnick had nothing to report.

Councilman Papale had nothing to report.

### **Second Ward:**

Councilman Humphreys asked everyone to be careful for the kids out playing.

Councilwoman Berry had nothing to report.

### **Third Ward:**

Councilman Martin had nothing to report.

Councilman Casadei had nothing to report.

### **Fourth Ward:**

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo had nothing to report.

### **Closing Public Comment:**

Claudia Fagioli, E. Berkley Ave., said that as the tax collector she was wondering what was said about the tax collector at the meeting because she couldn't hear.

Councilwoman Papale explained that there was a motion to complete an audit for an amount not to exceed \$4,000.

Mrs. Fagioli said that she is the tax collector and that she doesn't get any of the money. She said that it goes directly into the bank and none of the money deposited ever goes to her use. She said that she wanted to make everyone aware of that.

President Casadei asked if that was as of last year.

Mrs. Fagioli said that goes for every year. She said that people pay their taxes at her house as a convenience to them because they want their receipt right then & there because they either don't want to go to the bank or can't go to the bank, so as a courtesy, she accepts their payments and forwards that to the lockbox. She said that she has nothing to do with depositing the money.

President Casadei said that they can't come to her anymore though.

Mrs. Fagioli said that they still come to her so that they can receive a receipt at the time of their payment. She said that they can't do that at any of the banks. She said that they can only do that with a self addressed envelope and there are older people who don't want to do that or can't do

that. So as a courtesy, she expends herself and does for them what they normally would have done, which is to put their check in an envelope along with the tax bill into the lockbox, and the Bank is responsible from there. She said that she doesn't see any of that money, and she wants everyone to be aware of that. She said that she understands that recently there have been some tax collectors who have some things that are not legal, but she would never tarnish the respect that people in Clifton Heights have for the Fagioli name by doing anything illegal.

Councilwoman Papale said that she agrees with Claudia 100%, and she only voted yes in lieu of what had taken place in Aldan. She said that she would like a list of the other Boroughs & communities that are completing audits of their tax collectors.

President Casadei said that they are bonded and the bonding company could come to them tomorrow and ask them if they are completing the necessary steps.

Mrs. Fagioli said that she doesn't care if she's audited because everything will come back perfectly, but she just wanted what she said to be noted in the minutes because of the expense being put forth for the audit.

**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