

**Clifton Heights Borough Council
Meeting Minutes
October 21, 2014**

Present:

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

Others Present:

Joseph T. Kelly, Mayor
Acting Solicitor
J.P. Kelly, Engineer
Cynthia Leitzell, Treasurer
Timothy Rockenbach, Chief of Police
Tony Tartaglia, Borough Manager/Code

Pledge of Allegiance

Prayer Led by Mayor Kelly

Public Comment:

Fred Rich, 82 Chester Ave., said that he was commenting on his challenge to the annual inspections of rental properties.

President Casadei noted that that was something that they were in litigation on, so it would be something that he would have to discuss with the Solicitor directly.

Mr. Rich said that he was told that it would be going to mediation at last month's meeting and no progress has been made on that. He said that he was also supposed to be in summary appeals Court on October 29th, and he just received a letter from Mr. Catania that it was continued until December 10th. He said that his original hearing in District Court was April 1st, so it has been 10 months that this has been ongoing. He said that the Borough Council is responsible for taking care of his issue and not a mediation board.

Solicitor explained that he was going to go over this in his report that the date has been continued until December 10th.

Mr. Rich asked why a mediation board needed to be established when there was no need for mediation because Mr. Tartaglia has very obviously been conducting illegal annual inspections of rental authorities without authority. He said that he has provided Borough Council the evidence that there is no ordinance or law that allows for them, and Mr. Tartaglia should be facing punitive sanctions for putting the Borough at risk of a class action lawsuit.

Margaret "Bonnie" Callahan, 235 Woodbridge Ave., said that she has reviewed the minutes from 2012, 2013 and 2014 and she cannot locate where Borough Council has approved Commonwealth Code or any of their employees to do any work in the Borough. She also asked the status of the liens for the properties that were

repaired and maintained by the Borough. She also asked about Council's March 19, 2013 approval of a \$30,000 emergency fund for the demolition of 119 E. Washington Ave, the total cost and if the Borough had received any payment and they still had the same property owner. Her final question was about snow removal because Aldan Borough was paying A to U Services \$74/hour for snow removal and Clifton Heights at the December 19, 2013 meeting approved the amount of \$312/hour for all necessary equipment for snow removal. She asked where the \$238 difference came from and if salt was being provided by A to U Services or by the Borough.

Mr. Tartaglia explained that the contracts were similar between the two boroughs, except Clifton Heights dictated the number and types of vehicles that would be provided during their snow removal services. Aldan's total represents one vehicle and Clifton's total represents 5 vehicles.

Mrs. Callahan asked if that included salt.

Mr. Tartaglia said that it did not.

Mrs. Callahan asked how many vehicles they brought in last year because she only saw two.

Mr. Tartaglia said that there were 4 vehicles, and she only saw two because two were on each side of the Borough.

Mrs. Callahan asked about the status of 119 E. Washington Ave, if the property has been liened or if they have gone after the bank.

Mr. Tartaglia said that the property owner has been notified that they owe the Borough money, and they have informed the mortgage company without hearing back from them.

Mrs. Callahan asked about Commonwealth Code collecting sewer and trash. She said that there is nothing in any of the minutes.

Mr. Tartaglia said that Commonwealth Code does not collect sewer and trash. He said that Commonwealth Code does specific work for UCC and Code Enforcement in the Borough.

Councilman Martin said that she could look at the January 6, 2014 minutes for the appointment of Commonwealth Code.

Mrs. Callahan said that Commonwealth Code has been doing sewer and trash for some time.

Mr. Tartaglia said that he took offense to that because she is completely wrong and the Borough has never paid a penny to Commonwealth Code Enforcement for that.

Mrs. Callahan asked if he did it for free.

Mr. Tartaglia said that he has been doing the sewer and trash collection.

Mrs. Callahan said that she is just trying to clarify.

Mr. Tartaglia said that she was not trying to clarify but was making an accusation of malfeasance of office, and he does not take that lightly.

Mrs. Callahan asked when Gianna Martin was working in Code Enforcement who was paying.

Mr. Tartaglia said that he was paying her from Commonwealth Code Enforcement.

Mrs. Callahan said that he said that Commonwealth Code didn't do sewer and trash.

Mr. Tartaglia said that he said that he said that Commonwealth Code never was paid a penny. He did not say that Commonwealth Code did not put money out on behalf of the Borough. He said that he chooses to do it because the Borough already pays him \$2,000/month to be the Borough Manager, and he does what he needs to do for that \$2,000/month and it is his choice to not ask them for more money.

President Casadei informed Mrs. Callahan that her time was up.

Fran Smith, 33 W. Berkley Ave., thanked the Mayor for meeting with the residents, listening to their concerns and taking them into consideration. She said that they are looking forward to hearing about the specifications of the playground equipment.

Councilman Martin said that they spoke on a Monday night, and he spoke to the Borough Engineer on Tuesday morning, so they are going through the schematics of what they have and costs and the like. He said that Mr. Tartaglia also was following up on the playground front, and they are just waiting to hear back.

Mrs. Smith said that they are looking forward to working together on the project.

Councilman Martin thanked them for bringing it to their attention and for coming up here and sharing her appreciation.

Meeting Minutes:

A motion was made by Councilwoman Berry to accept the September meeting minutes as presented; seconded by Councilman Martin; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mayor's Report:

Mayor Kelly thanked the Fire Department and the surrounding companies for their hard work during the serious fire that they just recently had on South Springfield Road. He said that there were 5 companies there working together as a team to work to save the surrounding houses. He thanked the Police and the American Red Cross as well. He also thanked Penny's Restaurant who pitched in and provided food and drink to all of the people who were working on the fire. He said that this was an example of how great small communities can be. He asked if we could send a letter to Penny's under his signature thanking them.

Mayor Kelly mentioned Halloween hours from 6 to 8 and asked everyone to be safe and aware.

Mayor Kelly also reminded everyone of Community Day on Saturday, November 1st from 10am to 2pm.

Police Report:

A motion was made by Councilman Papale to accept the Police Report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Fire Report:

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

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 Peterson; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Manager's Report:

A motion was made by Councilman Martin to adopt and advertise the 2015 preliminary budget, which reflects no tax increase; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to authorize Peggy Moran to be added as a signor on the TD Bank account; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

A motion was made by Councilman Martin to donate \$275 to the Community Day event to be used for crafts for the children; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Engineer's Report:

J.P. Kelly presented the Engineer's report.

Mr. Kelly said that the 2014 Road Program would begin next week.

Mr. Kelly said that there was no change on the work at Baltimore Pike and Springfield Road since last minute, as they are still waiting on the utilities to be moved off of the pole.

A motion was made by Councilman Martin to follow the Borough Engineer's recommendation and award the CDBG energy efficient lighting bid to Carr & Duff for the contract amount of \$32,480; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

A motion was made by Councilwoman Berry to authorize the engineer to proceed with preparing a bid package for 4 lights and 3 light standards from the foundation up on Baltimore Pike, not to exceed \$19,000; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

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

Solicitor's Report:

A motion was made by Councilman Martin to approve Resolution 14-14, a resolution accepting the tax assessment appeal for 4 Rockbourne Road, agreeing that the property should be valued at \$2.2 million; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Solicitor reported that the trial for the Commonwealth v. Alfred Rich is scheduled for trial on December 10th, but the Solicitor hopes to attempt mediation through the Center for Resolution in Media, which is an alternative dispute resolution forum, used in all areas of litigation. He said that they are a low cost alternative, and they are trying to push them along into scheduling.

Solicitor reported that the summary appeal for the Commonwealth v. Jamie Avilino, which was set for August 19th and the defendant did not appear at that time. The matter was relisted for this morning, and this morning

the defendant was found guilty and fined \$100. He said that the cost for the snow and ice removal were not put into the judgment, so there is consideration about whether there should be further action from the Borough, and they have 30 days to appeal. He said that the Solicitor will be assessing that and be in touch with the Borough Manager.

Mr. Tartaglia explained some confusion that occurred during the trial. She said that the Judge found him guilty but only included the fine and Court costs. Mr. Tartaglia's recommendation was to file a small claim against him at District Court for the cost of the snow and ice removal.

The Solicitor said that attorney's fees could be included in a small claim file.

Councilman Martin asked if this was a habitual snow and ice offender.

Mr. Tartaglia said that this particular individual has had this issue 9-10 times.

A motion was made by Councilman Martin to file a claim in small claims Court to recoup the costs associated with the snow and ice removal and attorney's fees against Mr. Jamie Avilino; seconded by Councilman Humphreys; and carried unanimously by a vote of 8-0.

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

Old Business:

No old business.

New Business:

No new business.

Ward Reports:

Councilman Resnick reminded residents about the food drive for the Boy Scouts on November 8th and November 15th.

Councilwoman Papale said that she was very happy to hear that 500 East Broadway is coming down.

Mayor Kelly thanked Mr. DePompeo and his wife for coming to the hearing.

Councilwoman Berry asked everyone to drive carefully, especially for Halloween. She also reminded everyone about Daylight Savings.

Councilman Humphreys said had nothing to report.

Councilman Martin apologized to the town for the length of time that the owner of 500 East Broadway stalled on the project. He thanked the residents in that area for their patience and support throughout the process.

President Casadei thanked the Chiefs for their work on the fire. He reminded residents to use 911 if they have concerns.

Councilwoman Peterson asked if they could look into the lighting at the tot lot up at Clifton Field, as it was working on and off.

Councilwoman Tumolo had nothing to report.

Closing Public Comment:

Bonnie Callahan, 235 Woodbridge Rd., thanked Council for addressing the lights on Baltimore Pike. She asked if the bid was accepting when the work would start.

Mr. Kelly said that the work would be awarded to one of the two contractors, and the work would start as soon as possible.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary