

**Clifton Heights Borough Council  
Meeting Minutes  
November 10, 2015**

**Present:**

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

**Absent:**

Leona Papale, Councilwoman  
Jane Tumolo, Councilwoman

**Others Present:**

Joseph T. Kelly, Mayor  
Frank Catania, 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:**

Vincent Skubach, 134 N. Glenwood Ave., said that at the meetings many years ago when the Borough received the property on Glenwood, they discussed that the property was an unregulated fill. He said that vehicles would pull in there and be asked questions and would just dump. He said that he was told back then during those discussions that he was told by the now Mayor Kelly that he didn't have to worry about that anymore because the Borough was now in possession of that property and it would be decided to be not built upon but to remain as open space. He said that he was told then that the property would just become an extension of the park.

Mayor Kelly confirmed that that was an accurate recollection.

Mr. Skubach said that he reviewed the comprehensive plans from October 2008, which showed the area still as a park/green area, and he was grateful for that.

Mayor Kelly said that his first recollection of the plans for this current project was that it was going to be on the property where the basketball courts are. He said that the Panzini property ends at Fairview Ave., and the other portion of the property was previously held by the Borough. He said that he hasn't seen the plans, but his understanding is that that area will still be green, but the Panzini property will have the retention area for the water on it, and the building will be on the previously owned Borough property.

Mr. Skubach said that his concern is when the area is unearthed, what they will be bringing up and will they be inviting the DEP to visit the Borough. He said that all of the residents own that property, and he wonders if they will be getting a black eye by unearthing unhealthy things.

Mayor Kelly said that he had the same concerns and that those concerns would be addressed by the Borough Engineer with the plans.

Delores Cannon, 132 N. Glenwood Ave., asked who had the authority to decide what would be built on the property next to the municipal parking lot, the old Mac & Sam property. She asked if that was Council or some other authority.

Mr. Tartaglia responded that the property currently belongs to the Clifton Heights Economic Development Board.

Mrs. Cannon asked if there have been or will be public meetings to discuss the use of that land.

Mr. Tartaglia said that the Economic Development Board was a privately held company/corporation, so they would have to propose development, which would then come before Council for review. He said that right now that property and the one at the corner of Baltimore Pike and Springfield Road are in the hands of that corporation. He said that the Borough's property ends at the utility poles, which separate the parking lots.

Fred Rich, 82 Chester Ave., said that he had questions about the Memorial Park at Baltimore Pike & Springfield Rds. and the cost of the park. He said that it was first proposed at the February 19, 2013 Council meeting. He read the minutes from that meeting quoting that the bid be awarded to A.J. Jurich for a bid price of \$153,736, which included the removal of the building on the property, removal of above grade oil tanks, repair of the existing stucco wall, landscape bed, area for memorials and footings for future memorials, 3 flag poles with solar lights, small patio area and welcome wall with Clifton Heights Borough lettering, more landscaping, traffic control devices, and some other items. All items include the purchase & installation of all materials. Mr. Rich said that he remembered that Councilwoman Berry asked Mr. Tartaglia at the caucus meeting that night if that included the removal of the memorial in front of the Rite Aid and moving that up there, and he said that it was included. He said that someone else on Council asked Mr. Tartaglia if that included cutting the corner out, and he said that the \$153,000 included cutting that corner out of the highway. Mr. Rich said that a year or so after completion, there were no lights because it was only solar powered on the flag poles, so they had to add electric. He said that when he saw that, he came to the meeting and asked Mr. Kelly how much more that would be, and he said that would be another \$25,000. He said that he asked then what the cost was up to at that point, and Mr. Kelly told him it was up to \$280,000. He said that was about a year ago, so at this point, it must be over \$300,000 for that project. He said that as soon as they got it all done, the bulldozers came in and flattened the area. He asked how much it cost the Borough for the work completed up there.

Mr. Kelly explained that the improvements done at that intersection were completed with CDBG funds, a grant that was awarded to the Borough for nearly \$200,000. He said that it was 200 for the work and additional for the purchases, but the work was done with CDBG funds. He said that all of that work was completed with the knowledge that the road improvements would be completed after the fact.

Mr. Rich asked why Mr. Tartaglia said that was included in the \$153,000 initially.

Mr. Kelly said that he didn't recall that happening, and he doesn't think that happened.

Mr. Rich said that he remembered it specifically.

Solicitor McDonald told Mr. Rich that Mr. Kelly wouldn't be responsible for something that he is claiming Mr. Tartaglia said.

Claudia Fagioli, Tax Collector, 132 E. Berkley Ave., said that she is coming before Council because it is the only way that she could reach all of Council at one time to make them aware of issues that need to be addressed and resolved. She said that for whatever reason, a tax bill may be paid twice and the taxpayer

becomes entitled to a refund. She said that she has submitted to the Borough both checks and receipted copies of the tax bill as proof of payment, and some of the requests have gone back until July and have yet to be refunded. She said that she knows that if it was her who paid a tax bill or anyone really, and she was entitled to the refund, she would not wait 3, 4, 5, 6, 7 months for the refund.

President Casadei asked Mr. Tartaglia if he could provide a response to that.

Mr. Tartaglia said that every time they receive a request, they contact the people who are involved in the request. He said that a lot of times, the money needs to be returned to a title company or bank because they are the ones who made the payment. He said that they try to verify everything as quickly as possible, but sometimes it takes them time to go through and get responses from a bank with verification of the payments.

President Casadei said he doesn't understand why Claudia would have to come to this meeting because it seems like something that should be discussed between the two of them when it comes up.

Mrs. Fagioli said that is absolutely not what should happen. She said that she is the official tax collector, and she submits two tax bills showing that it was paid. She said that there is no reason for anyone, especially an employee of the Borough, to question her reasoning. She said that she is responsible for the taxes and that she includes in her letter that she submits, "please submit to:" with whether it should be submitted to the mortgage company or the homeowner themselves. She said that if there is any reason that these taxes were not paid back to these people, she should at least have the courtesy of a call from the Borough asking her for further information. However, she doesn't think any further information is needed. She said that this is something that maybe the Council members could discuss. She said that if they wanted to do it in private and have her come to the meeting, she would be happy to do that.

President Casadei said that there is nothing really to discuss. He said that if she sends it to the Borough, and they investigate it.

Mrs. Fagioli said that they don't need to investigate it because she has already done the investigating.

President Casadei said that perhaps it was a mortgage company issue.

Mrs. Fagioli said that she includes where to send the money. She said that there is no reason, even if they were investigating. If this was submitted in July and this is now November. How long does it take to get a refund? She said that it is not justifiable to take that long. She said that if she was waiting for \$1,000 to come back, I would want that money. She said that if there was any reason that the Borough was having a question, they should be calling her, but she has never gotten a call.

President Casadei asked Mr. Tartaglia if he could please address that from now on.

Mr. Tartaglia said that as soon as they get the requests, they try to verify the payment and when, and sometimes it takes time.

Mrs. Fagioli said that it doesn't. She said that she is sorry, but he is absolutely wrong. She said if a request is made in July, it should be settled already.

Mr. Tartaglia said that the very first request that he received from Mrs. Fagioli, they sent back to a finance company and 6 months later, received the check back saying that the tax collector made a mistake.

Mrs. Fagioli asked if he told her that.

Mr. Tartaglia told her that she hasn't talked to him in 20 years.

Mrs. Fagioli said that if there is anything that she needs to discuss with this man, the Borough manager or so-called Borough manager, she would do it, but she would prefer to do it in the presence of the Borough Council as well.

Michelle Hartel, 317 Harrison Ave., said the protocol or at least the courtesy to notify the residents of the 2<sup>nd</sup> ward by the Borough Manager by posting or mailing about land development of the former Panzini property on North Glenwood Ave. was a blatant disregard for the residents and taxpayers of that area. The neighbors learned of the land development after the fact, when the area was staked. There was no open session allowing input or information regarding the impact it would have on their property values. Referring to September's Council meeting, she said that the site was supposed to be across from the PAL building. She said that they feel misled and misinformed about the extent of the land use. She said that when residents went to Borough Hall on October 19<sup>th</sup> and 22<sup>nd</sup> to ask the Borough Manager about the area, they were ignored and he avoided answering their concerns. She said that there seems to have been no comprehensive studies of alternatives to more conforming locations that are zoned commercially and not R-1. She said that if there was a further study, one solution to have considered would have been to, as Aldan elected to do, have the independent contractor, A2U Services, pick up the salt at an off-site location outside of the Borough. She said that the entire Borough will be affected because of the construction loan from July's minutes, which will be paid back by the taxpayers. She said that the building in the future will become obsolete. She said that in July's minutes, there had been no bids submitted on the project and at September's meeting, Council accepted the only bid from Couzins of North Wales. She asked why Council wasn't advised at that time to table the vote and have the bid re-opened and advertised. She said that the Borough's own Planning Commission was not informed or presented with the proposed land development. She said it would have been with their approval that the land development would have been forwarded to the County Planning for their approval. She said that the Borough Manager superseded and overrode the process of the Planning Commission because of his totalitarian authority he dictates. She said that previously the core samples in the strike test for this area have failed. She asked when, where and what are the new results of these samples and why, when requested, are they not available to the public. She said that the only open green space that the Borough owns is Diamond Street Park and its lower end, which would extend to North Glenwood Ave. She said if any member of Council can answer any of these questions and concerns, the residents are all here to be enlightened because she believes the Borough manager disregarded all of the above. She said that she would like answers from any members of Council. She said that they are saying that they haven't seen the plans, and she can't believe that they would vote on anything without seeing those plans.

President Casadei said that the Borough Manager could answer those issues.

Mrs. Hartel said that she doesn't want to hear from him. She said that the thing is that Borough Council is responsible for this, and he is an employee of the Borough and its residents. She said that the Borough Manager has been rude to the residents and won't even acknowledge their questions. She said that she is asking Council directly because he has been arrogant to anyone who has asked him a question on this. She said that this means something to them as taxpayers, and he doesn't even live in Clifton Heights. She said that the residents need to be able to talk to someone about issues, and the Borough Manager won't even acknowledge residents. She said that many members of Council were her neighbors, and they were not holding the Borough Manager accountable to be responsive to residents' concerns. She said that is all that she had to say and she would be back on Thursday night to ask J.P. Kelly questions because the Borough Manager obviously won't answer them.

President Casadei said that they would have answers on Thursday night.

[Applause]

Mark Henderson, 136 N. Glenwood Ave., said that he wanted to speak in reference to the project on Glenwood. He said that everyone in the room has lived the first half of their life, and he is speaking in reference to his children who actually live on North Glenwood Ave. He said that his 11 year old son is a baseball player, and after they eat breakfast in the morning, he can send him across the street to have him

warm up. He said that he has been a resident for 5 years, and he receives compliments about Glenwood Ave. and how it is upheld. He said that he can't understand how maintenance would actually uplift that part of the community, but he does understand that if this project is proceeded with that his children and other children on the block will be robbed of something that is more valuable than money. He said that they can't give that land back once they proceed, and he asked that they please take that into consideration. He said that there are about 6 families there, and they're not the only ones who take advantage of what was provided by the Borough there. He said that he can't understand how that spot is going to be taken away.

President Casadei said that they would discuss that further on Thursday night.

Mr. Henderson said that he just wanted to speak and explain who he thought would be the most affected by the decision to build on that property.

### **Meeting Minutes:**

A motion was made by Councilman Martin to accept the October meeting minutes as presented; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 6-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Casadei – yes.)

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

Mayor Kelly reminded all residents that tomorrow would be Veteran's Day. He said that although the park was not yet ready at Baltimore & Springfield, residents could go across the street to the monument at the Fire House and say a little prayer for all the men and women who have served in all of the Armed Forces who deserve all the credit in the world for giving everyone the opportunity to sit here.

### **Police Report:**

A motion was made by Councilman Martin to accept the Police Report as presented; seconded by Councilwoman Berry; and carried unanimously by a vote of 6-0.

### **Fire Report:**

A motion was made by Councilman Berry to accept the Fire Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 6-0.

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

A motion was made by Councilwoman Berry to accept the treasurer's report and pay the bills, inclusive of the bills that would be coming in after the meeting; seconded by Councilman Martin; and carried unanimously by a roll call vote of 6-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Casadei – yes.)

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

Mr. Tartaglia said that he had nothing further from Caucus.

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

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

Mr. Kelly said that the Road Program punch list is complete, and once they receive the final invoice, they will process that for payment.

Mr. Kelly said that as discussed in Caucus, the CDBG bid opening for the playground is scheduled for next Tuesday, November 17<sup>th</sup>.

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 6-0.

**Solicitor's Report:**

Mr. McDonald presented the Solicitor's report.

Mr. McDonald reported that they would be voting on a preliminary budget to be on display at Borough Hall until next month's meeting.

Mr. McDonald reported that the Office of Open Records dismissed the Right to Know request that was filed prematurely against the Clifton Heights Police Department.

**Administrative Actions:**

Mr. McDonald announced that the Borough would have to vote on the liquor license transfer.

The floor was opened to public comment during the Public Hearing, however, there was no public comment made during in reference to the application filed to transfer the liquor license.

A motion was made by Councilman Martin to approve Resolution 09-15, to approve the liquor license transfer after the public hearing held earlier in the evening; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 6-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Casadei – yes.)

Mr. McDonald announced that the FOP grievance had been resolved.

A motion was made by Councilman Martin to accept the Solicitor's report as presented; seconded by Councilwoman Berry; and carried unanimously by a vote of 6-0.

**Old Business:**

No old business.

**New Business:**

A motion was made by Councilman Martin to adopt the tentative budget as prepared and to display it in the Borough building; seconded by Councilwoman Berry; and carried unanimously by a vote of 6-0.

**Ward Reports:**

Councilman Resnick said that he had received complaints about speeding on Broadway Ave. He said that he had requested additional police presence in the area to help address the problem. He also reminded residents that the Boy Scouts would be conducting their Thanksgiving Food Drive on the next two weekends.

Councilman Humphreys reminded residents in row homes that the trash contractors are not allowed on their properties, so they cannot leave their trash up against the house, but need to move it closer to the alleyway for pickup.

Councilwoman Berry reminded residents to ensure that their house numbers are all clearly visible on their houses to assist with emergencies. She wished everyone a Happy Thanksgiving.

Councilman Martin had nothing to report.

President Casadei saluted all of our veterans and thanked them for their service.

Councilwoman Peterson had nothing to report.

A motion was made by Councilman Mart to approve the continued use of the AKRF services agreement/grant money; seconded by Councilwoman Berry; and carried unanimously by a vote of 6-0.

**Closing Public Comment:**

Claudia Fagioli, 132 E. Broadway Ave., asked that her discussion with Council earlier be included as close to verbatim as possible.

John Cannon, 132 N. Glenwood Ave., thanked Councilwoman Berry, Councilman Humphreys, Mayor Kelly & J.P. Kelly for making themselves available on Thursday night to talk with the residents of Glenwood Ave. He said that he's never really found it necessary to attend meetings because he thinks that the Borough does a good job, especially with the snow removal. He thanked Council for that work. He said that he feels like some things need to be expanded upon and one of those things is that when the McCormick & Taylor Master Plan was drawn up, the information used for that plan was obtained from Borough Council & the Borough Manager. He said that there are two maps in that report (page 1-2 and page 2-7), and both of those maps show the space that they are talking about using for the maintenance garage as open space/parks & recreation. He said that is on the Borough's website. He said that they, as residents, across from that open space, have invested time and money under the belief of things that were said and that legal document on the website that implied that would always be open space. He said that by changing that, they are placing a financial hardship on these homeowners. He said that he took it upon himself to call two investors today and presented them with the proposal of having a property across the street from a park or across the street from a municipal use garage with a fence around it, and both responded that the one next to the open space would be worth more. He said that they invested their money with that belief, and that belief was provided to them by Council and that document. He said that they are going to receive a letter from a neighbor who couldn't make it tonight, stating that he bought his house within the last two years, based on that revitalization document. He said that he asked him to share that information tonight. He said that this is financial hardship that is going to be imposed on them. He said that it is not only going to impact the 6 houses there, but Councilwoman Berry's house and Councilman Humphrey's house, Mayor Kelly's home. He said that this is not a good financial decision. He said that he hoped Council would look at this and come out with a better solution. He said that maybe they could talk to the Corporation who owns the old Mac & Sam property to use a portion of that land for this salt shed. He thanked Council for their time.

Linda Roney, 126 N. Glenwood Ave., said that she has been a resident for 50+ years and it is a great town. She said that she bought her house on Glenwood Ave. 30+ years ago when she could have lived anywhere. She said that she cannot understand how all of this was done without the residents who are going to be impacted being made aware of it. She asked how the elected officials could sit

there and say, "I didn't know about it or I never saw the plans." She said that she saw the plans. She said that they all came down to look at the site plans. She said that there was an article today on social media by Nick Micozzie conveniently about that property. He stated that the agreement between Panzini and the Borough was that that area would be maintained as green or open space. He said that if you look at the site plans, it shows that the old Panzini property will have a retention basin on it. He said that there will be a 40x70 metal building and a 30x30 salt shed behind that. She said that there is also parking for 6-8 cars. She asked how they could do this and send them a letter that they are going to start in 2 weeks. She asked if they agreed that if that was across from their house, they would be concerned. She said that some of their questions don't involve the site plans or schematics but how things were done and why no one was made aware of these plans.

Fred Rich, 82 Chester Ave., said that with all of the complaints being made against Mr. Tartaglia tonight, he has come to numerous meetings and called for the resignation of him. He said that he is Borough Manager, the Code Enforcement Officer and the Building Inspector in this town, 3 positions in this town, and he is never here. He asked where Mr. Tartaglia is all the time and said that he should do the residents a favor and resign.

Tom Pyfer, 30 Ogden St., said that the beer distributor had installed a compressor behind the building in the last few months, and it is almost impossible to get a good night's sleep. He said that it goes on and off every half hour through the night, and is extremely loud and bothersome.

Mr. Tartaglia said that he would go down there and check it out because it should have a shield on it.

**Adjournment:**

A motion was made by Councilman Martin to adjourn; seconded by Councilwoman Peterson; and carried unanimously by a vote of 6-0.

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary