

**Clifton Heights Borough Council
Meeting Minutes
December 15, 2015**

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

Absent:

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

Councilman Martin requested a moment of silence in memory of Donna Valentine, one of the Borough's first secretaries and George Castor, who was Council President years ago.

A motion was made by Councilman Martin to dedicate of page of the minutes in memory of Donna Valentine and George Castor, respectively; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

Public Comment:

John Kelly, Springfield Rd., said that he spoke to Mr. Tartaglia yesterday about his issue.

Bob Purfield said that he has been trying to get a refund for a double tax payment and has been frustrated and disappointed by the process.

Fred Rich, 82 Chester Ave., asked Mr. Tartaglia if he ever submitted the plans to move the salt shed and highway department garage to Glenwood Ave. to the planning committee.

Mr. Tartaglia replied no.

Mr. Rich asked if he submitted them for review and approval.

Mr. Tartaglia said that he did not.

Mr. Rich asked why he did not do that when that is part of the procedure.

Mr. Tartaglia said that they are an advisory board to Council, who had already made the decision to move the garage and salt shed.

Mr. Rich said that the Planning Committee represents the taxpayers of Clifton Heights and that the plans have to go through them because they represent the taxpayers. He said that it is supposed to be submitted to them for review, and then they would approve it. He said that it is unlawful to not submit the plans to the Planning Committee.

Mr. Rich asked Mr. Tartaglia if he submitted this to the Zoning Board.

Mr. Tartaglia replied no.

Mr. Rich asked why he didn't submit the plans to the Zoning Board.

Mr. Tartaglia said that the only reason that they would have to submit the plans to the Zoning Board would be if they needed relief. He said that they do not need relief.

Mr. Rich asked if Glenwood Ave. was zoned residential. He asked if they would need to request a variance from the zoning board if it was zoned residential.

Mr. Tartaglia said no. (He was continuing with a response but was interrupted.)

Mr. Rich said not to give him the answer no.

President Casadei said that Mr. Tartaglia had been attempting to respond to his claim.

Mr. Rich asked how much the loan was that they applied for with Republic Bank. He asked if it was \$2 million dollars. He said that according to his records, the loan that was applied for was supposed to be for renovating this municipal building. He asked why the funds were diverted to transfer the highway department and salt shed. He asked who gave him the authority to divert those funds.

Miss Leitzell asked if she could respond. She said that the Republic Bank loan that he is referring to has not been effectuated yet, they do not have that money yet.

Mr. Rich asked where this money was coming from.

Miss Leitzell said that it was the capital money from the last bond issue.

Mr. Rich said that the loan that was applied for with Republic Bank was specifically to renovate this building. He said that it is totally illegal to transfer that money over to moving the salt shed and highway garage. He asked what they did with the hundreds of thousands of dollars that he received previously.

Mr. Tartaglia asked him if he realized that he does not spend or have control over any of this money personally.

Mr. Rich asked who spent the money.

Mr. Tartaglia said that all of the money that is spent has to be approved by Borough Council and all has to be done through contracts.

Mr. Rich said that your name is on the report of the Borough Manager from June 16, 2011 that says, "seed money for the new Borough Hall \$500,000." He said that money is from 2012 and the only money that has been spent is to the Williamson Trade School students to paint the outside of the building. He asked what happened to the rest of the money.

Mr. Tartaglia said that the money was still in the capital fund.

Mr. Rich asked why they didn't use that money instead of applying for more money.

Mr. Tartaglia said that is seed money for the Borough Hall.

Mr. Rich said that they applied for more money and another loan and have another ½ mill tax increase. He asked if they ever heard of reductions before. He said that all they ever do is increases.

President Casadei said that they all pay the same taxes.

Meeting Minutes:

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

Mayor's Report:

Mayor Kelly wished everyone a Merry Christmas, Happy Hanukkah and Happy Holidays. He said that he hoped everyone has a peaceful holiday season.

He said that he did want to say one thing in reference to the previous discussion. He said that all of the Borough's funds are audited annually by outside auditors. He said that there is no misuse of funds. He said that the capital improvement fund has funds for improvements of buildings, police car purchases. Anything that is a fixed asset is kept in that fund. He said that they have talked about renovating Borough Hall, which is over 70 years old. He said that the Police Department does not have a generator. He said that these plans have been place for the past 3-4 years, and they have talked about working on the financing. He said that the millage increase has nothing to do with the projects that they are working on or hoping to work on. He said that the medical/hospitalization costs went up 10% this year. He said that the pension fund requirements are substantial. He said that all of Council is working hard to make sound financial decisions. He reiterated that there has been no misuse of funds and added that the Borough Manager has no authority whatsoever to spend any money without a roll call vote coming before Council. He said that includes all projects and loans.

Police Report:

A motion was made by Councilman Martin to accept 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 Papale to accept the Fire Report as presented; seconded by Councilwoman Peterson; 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 Humphreys; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – 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 site work for the Highway Department Garage had started and was moving along as per the specifications.

Mr. Kelly said that the bid opening for the Highway Department Garage was held on this morning, Tuesday, December 15. He said that the bid tabulations were included with his report, and the lowest bid is from Couzin's Inc, the contractor who is currently completing the site work. The contractor is familiar with the site and the project, and he recommends they be awarded the contract. He said that the bids ranged from \$297,000 to over \$500,000. He said that the most glaring difference that he notices when reviewing the bids is that Couzins is more hands on, while the other two bidders are general contractors. He said that this is a rate job, so they have to pay prevailing union wages for the job, which was in the contract. He said that is the other caveat of complication to this job. He said that there is a RAC compliance that is necessary. It is paperwork intensive, so that they are eligible for 50% reimbursement from the State. He said that this is their 3rd time putting the contract out to bid, and he thinks that it is time to award the contract. He said that they have done everything that they could to get it down to a workable project. He said that when they put it out to bid as a combined project with the site work and building, the bids that came back were in the neighborhood of \$800,000. He said that they have whittled the project down to work with the Borough Code requirements and the RAC requirements.

Councilman Resnick said that he is reading with CMU and without CMU. He asked what that meant.

Mr. Kelly said that CMU is concrete masonry unit, which is a cinder block. He said that there is an alternative with CMU, which is about an 8 foot high perimeter of concrete block and the steel building on top of that. Without CMU is 100% steel building, which comes with a 50 year guarantee. He said that there is a small partition within the building itself to create an office, a closet and a bathroom. He said that also would have been done in CMU vs. steel stud 3/8 fire rated gypsum, which is sheetrock.

Mayor Kelly asked what he would recommend.

Mr. Kelly said that he would recommend the low bid, which has no CMU. He said that if you were to add the CMU to the lowest bidder, you would be up to \$320,000, so he is recommending the option without the CMU. He said with the proper placement and care and the 50 year guarantee, he doesn't see the advantage of spending an additional \$20,000 at the least for cinderblock wall. He said that this has been discussed.

Councilman Resnick asked how many bays this would have.

Mr. Kelly said that there would be 4 bays, a 40x70 building, which will include enough storage in the back of the bays for all of the signage and poles and weed whackers and equipment like that that needs to be stored inside. He said that there will also be a yard for the exterior stuff. He said that portion has already been awarded with a fenced in area for man covers and things of that nature.

Mayor Kelly asked if there would be a bay for the equipment.

Mr. Kelly said that there would be a bay for all of the trucks.

Mayor Kelly asked where the building stopped.

Mr. Kelly said that if you drove down Fairview Ave. to Glenwood and drove straight across the street that would be the entrance to the parking. He said that you would drive in and make a left into the garage. He said that this was minimal disturbance that could fit storm water, parking, salt shed and garage. It is less than 1 acre of disturbance, so there is a complete acre plus that will not be disturbed.

Councilman Resnick asked if the existing salt shed was being taken down and reassembled.

Mr. Kelly said yes, the cinderblock would be reused, but the truss and roof would be new. He said that portion has been awarded as part of the site work. Mr. Kelly said that this bid is inclusive of the building from foundation to roof, everything outside and in, the garage doors, insulation, the electric, the bathroom, and two small heating units.

President Casadei asked about the foundation for the salt. He said that it had come up that the foundation for the salt was not adequate at the building here.

Mr. Kelly said that they do have the right foundation for the salt and this plan shows that they are going to pave into the salt area and seal that pavement because blacktop is a lot easier to replace than concrete. If and when it ever needs to be replaced, it can be done relatively inexpensively. If it is maintained properly, which he suspects it will be, it will last a good 15-25 years before they will have to worry about the floor of the salt shed. He said it includes pavement and sealing.

A motion was made by Councilman Martin to award the Highway Department Garage bid to Couzins Inc. for the base bid of \$297,252.64; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

Councilman Martin thanked everyone who worked extremely hard to bring this project to fruition.

Councilman Resnick asked when this would be completed.

Mr. Kelly said that they would have to execute the contract, which would take anywhere from 30-45 days. He said that once the contract is fully executed, he will order the building. He said that the positive of awarding the contract to the same contractor is that there will be no delay from moving to site work phase to building phase. He said he would expect it to be completed by the early part of next year, probably mid-spring. Mr. Kelly said that there would be tree lines and an 8 foot fence as discussed with the neighbors in November.

Mr. Kelly said that the CDBG bid opening for the playground was held on Tuesday, November 17th. He recommends that the contract be awarded to Lechmanik Inc. He said that he would discuss the shortfall with OHCD and see if additional funding is available. He said that he is hopeful that the difference will be made

up with additional CDBG funds. He said that they received 2 bids. He said that all of the projects are heavily bonded in each phase.

A motion was made by Councilman Martin to award the CDBG playground contract to Lechmanik Inc. for the base bid of \$113,921.00; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

Mr. Kelly said that the 2016 CDBG applications would be due on January 11, 2016. A public hearing was held prior to the meeting to discuss possible projects. There was no public comment. He said that they have a potential project for McFadden Park.

A motion was made by Councilwoman Berry to authorize the Borough Engineer to proceed with the CDBG applications for possible playground projects at McFadden Park and the Clifton Heights Athletic Field; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

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 7-0.

Solicitor's Report:

Mr. Catania presented the Solicitor's report.

Mr. Catania reported that they would be voting on the final budget, which has been on display at Borough Hall for the past month.

Mr. Catania said that they would proceed with the administrative actions.

Administrative Actions:

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

Mr. Catania said that they would proceed with the adoption of the ordinances to implement the budget.

A motion was made by Councilwoman Berry to adopt ordinance # 847, fixing the sewer rental rate at \$282; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to adopt ordinance # 848, fixing the tax millage rate at 13.5012 mills; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to adopt ordinance # 849, fixing the trash collection rate at \$210; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to approve Resolution 10-15, to authorize the Borough to participate in the PENNDOT online reporting and filing system for Liquid Fuels, requiring the Borough Manager, Borough Treasurer and Borough Secretary to sign any necessary documents; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to ratify the Resolution for the CAPP Land Development Plans that was previously adopted; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to approve the 2016 meeting dates and authorize the solicitor to advertise those dates as required; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

A motion was made by Councilwoman Berry to authorize the solicitor to advertise the reorganization meeting for Monday, January 4, 2016 at 7pm; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

Mr. Catania said that they had an Executive Session prior to the meeting to discuss a real estate matters and 2 litigation matters.

A motion was made by Councilman Martin to authorize the purchase of 5 parcels on S. Springfield Rd. from the Clifton Heights Economic Development Corporation in the amount of \$40,000 plus closing costs, with the forgiveness of any outstanding Borough taxes on those parcels and to authorize the solicitor to prepare an agreement of sale with those terms; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Papale – yes, Casadei – yes.)

Mr. Catania said that next item is for litigation matters, both 4 Rockbourne Rd. and 207 S. Springfield Rd. have had code violations.

A motion was made by Councilman Martin to authorize the appropriate Borough officials to send final notices to the owners of 4 Rockbourne Rd. and 207 S. Springfield Rd., with the request that code violations be corrected within a period of time and if not corrected, the appropriate officials are authorized to file any necessary action in the Delaware County Court of Common Pleas to compel compliance with the Borough's rules, regulations and ordinances; seconded by Councilman Humphreys; and carried unanimously by a vote of 7-0.

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

Old Business:

No old business.

New Business:

Councilwoman Berry said that they would be hosting an E-Recycling event at Borough Hall on Saturday, January 23rd from 10am to 2pm. She said that all residents are invited to attend and some items may require a small fee.

Ward Reports:

Councilman Resnick said that the Boys Scouts had set another record this year with their food drive, bringing in 11,661 pieces of food. He said that they had 105 workers that day, and it was a magnificent event. He said that they expanded their houses by 200, but their pieces of food was over 2,000 more than last year. He also said that the Boy Scouts would be here to help with the e-recycling event.

Councilwoman Papale said that they had received numerous complaints from residents about cars speeding on East Broadway Ave. She thanked the Borough and James Salmon and the Highway Department for putting up the 25mph signs and Chief Rockenbach and the Police Department for enforcing that speed limit. She said that she has noticed a change.

Councilman Humphreys wished everyone a Merry Christmas and happy holidays.

Councilwoman Berry wished everyone a happy and healthy new year and Merry Christmas.

Councilman Martin made a motion that the Solicitor draw up an award for Troop 111 and the Scout Leaders for the work that they have done for the annual food drive; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

President Casadei wished everyone a happy holiday and Merry Christmas.

Councilwoman Peterson wished everyone a safe and happy holiday spent with family and friends.

Mayor Kelly commended the tree lighting ceremony.

Closing Public Comment:

Bonnie Callahan, 235 Woodbridge Rd., asked for the addresses of the properties that the Borough is purchasing.

Mr. Catania provided 120 S. Springfield Rd., 122 S. Springfield Rd., 120-156 S. Springfield Rd., 132 S. Springfield Rd., and 156 S. Springfield Rd.

Mrs. Callahan asked if taxes were being forgiven on all of those properties.

Mr. Catania said that just the Borough taxes would be forgiven, and he believes the total is about \$1,200. He said that they would be taking title to those properties. He read the folio numbers as 10-00-01802, 10-00-01803, 10-00-01804, 10-00-01805, 10-00-01806. He said that he believes that it is the 4 parcels from Borough Hall to the corner and the parcel at the corner with the printer shop on it.

Mrs. Callahan asked to confirm that they were buying those 4 properties for \$40,000.

Mr. Catania said that was correct, plus the closing costs and Borough taxes.

Mrs. Callahan asked if the Bungalow was sold.

Councilman Martin said that the process was started.

Mrs. Callahan said that regardless of who owns the property, it needs to be cleaned up because the weeds are 4 feet high and there are trash bags thrown in the back of the property.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary

This page of the minutes is dedicated to the memory of Donna Valentine.

This page of the minutes is dedicated to the memory of George Castor.