

**Clifton Heights Borough Council**  
**Meeting Minutes**  
**April 21, 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  
Jane Tumolo, Councilwoman

**Others Present:**

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

**Pledge of Allegiance**

**Prayer Led by Mayor Kelly**

**Public Comment:**

A representative from the Polish American Club provided packets of information on their “Fight for Mike” campaign on behalf of the family of Michael Molinari. He said that they are accepting donations and that they have a banner that they would be interested in hanging at Borough Hall if it could be coordinated.

Claudia Fagioli, 132 East Berkley Ave., said that there is a lot of planning and expenses that go into getting the Borough taxes out for the first week of February. She said that when she submits bills for these expenses, they should be paid. She said that it is April now, and the printer called her the other day because he has not gotten paid. She said that at other times she has put bills that needed to be paid into the Finance Committees’ boxes, and the Committee is probably not even aware that these bills haven’t been paid. She said that she has requested refunds along with proof that taxes have been paid twice, and the appeal hasn’t been followed through with and been refunded. She said that she has submitted multiple copies of these various items, and she doesn’t understand how they have not been paid. She said that she also needs an updated record of the sewer and trash list of homes that have not paid these fees for certification purposes. She said that she has created great relationships with the taxpayers of the Borough as well as mortgage and settlement companies during her 28 years as Borough Tax Collector. She said that she has handed over the accountant the records, and that in the \$4 million tax base, they have already collected half of that so far at this point.

President Casadei said that there shouldn't be any issue with payments, so it will be noted.

Councilwoman Berry said that all of the tax preparation bills should be submitted directly to the Borough, and the bills would be paid in a much timelier manner. She said that she checks the bills weekly and that if there is an issue, she can call her and ask her about the bills.

Bonnie Callahan, 35 Woodbridge Rd., asked about the status of 207 S. Springfield and why no renovations have been started. She asked about the Borough website being updated, if they had to pay for it or if someone in the office could do it. She said that there are no minutes from 2015 on the website. She said that there are cans of paint that have been left outside for weeks on Austin Drive & Wynclyffe, Glenwood Ave & N. Springfield Rd. She said that the scrappers in the town are out of control. She said that she saw a truck outback of her house the other morning at 4am, and it had emptied her entire recycling can onto the ground and taken all of the metal coffee cans out. They also took her husband toolbox that was up against their house. She said that these people are going on people's private property, going over their fences. She said that something has to be done about these scrappers. She said that they need to be licensed or controlled in some fashion. She said that if she sees one outback of her house again, and she has her gun, she will use it. She said that they are out of control.

President Casadei said that he was going to stop her right there before she got herself into trouble.

Mayor Kelly said to call 911.

Mrs. Callahan asked about the recycling stickers.

President Casadei said that they were supposed to go out with the street sweeping information, but weren't completed yet. He said that the paint could be taken care of with a call to Borough Hall.

Councilwoman Berry said that she would ask the Chief to make a special effort to curb the scrappers.

Fred Rich, 82 Chester Ave., said that he wanted to discuss the litigation involving his annual inspection challenge and the tree on his street. He said that his hearing was scheduled for April 7<sup>th</sup> in Common Pleas Court, and Mr. Tartaglia continued this hearing for the 5<sup>th</sup> time and told Mr. Rich's attorney that he would continue to search for the Ordinance authorizing the annual inspections. He said that it was one year ago on April 21, 2014 that he was in Court in front of District Justice Perfetti claiming that there was no such Ordinance, and Mr. Tartaglia is still looking for the Ordinance after a year. He is asking for the Borough to withdraw the complaint against him. Mr. Rich said that he has complained about the tree at the last three meetings and he was escorted out of the room at the February meeting after he complained about the tree.

President Casadei told him that he was escorted out of the room because he was out of order.

He said that he requested a Freedom of Information Act request for the information that says that the ADA applies only to commercial businesses. Mr. Rich said that Mr. Tartaglia needs to be terminated because he is a liar and he is lying to Borough Council.

Mr. Catania said that the information that Mr. Rich provided was false. He said that what happened was when Mr. Tartaglia appeared for Court in front of Judge Durham, Judge Durham informed him that Mr. Rich's attorney had asked for a continuance and Mr. Rich's attorney contacted the Borough's attorney, and the Borough's attorney agreed. He said that the matter is scheduled for June 2<sup>nd</sup> in front of Judge Durham and no continuance will be sought or agreed to again.

President Casadei said that Mr. Rich does not come to the meetings for an answer, he comes for an argument. He never allows for an answer to even be provided for his issues.

### **Meeting Minutes:**

A motion was made by Councilman Martin to accept the March meeting minutes as presented; 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.)

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

Mayor Kelly said that the Chief will take care of the situation with the alleys. He said that they should advertise on the website that the Borough is going to be stopping the actions of scrappers.

Mayor Kelly thanked Council for the recycling event that they held.

Mayor Kelly announced that the Opening Day Parade for PAL would be on Saturday and would start at Borough Hall and make its way up to the field. He said that they would also be hosting a flea market at the field. He welcomed everyone to attend.

He reminded residents to watch the children as the days get longer and the weather gets nicer.

### **Police Report:**

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

### **Fire Report:**

A motion was made by Councilman Humphreys to accept the Fire Report as presented; seconded by Councilwoman Peterson; 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 Tumolo; 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:**

Mr. Tartaglia said that they would need an Executive Session for a litigation issue.

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

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

Mr. Kelly said that they had a tentative list of roads for the 2015 Road Program. He said that they discussed adding two roads at Caucus, and he is seeking authorization to prepare the bid documents for the road program.

A motion was made by Councilman Martin to authorize the preparation of the 2015 Road Program documents for a cost not to exceed \$18,000; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Mr. Kelly said that the CDBG lighting contract from last year for the lights on Baltimore Pike has been completed and they will process the request for final payment once they receive the contract closeout documents.

Mr. Kelly said the list for the 2015 CDBG award has been adopted by County Council, and the Borough's request for \$95,000 for park improvements has been included. He said that the award is currently in the comment period, but they expect final approval to be issued in May.

A motion was made by Councilman Martin to authorize the Engineer to prepare the bidding documents for the 2015 CDBG Park improvements; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Mr. Kelly said that he was seeking authorization to solicit bids for concrete replacement along Baltimore Pike where the trees were coming down for a cost not to exceed \$15,000.

A motion was made by Councilman Martin to authorize the Engineer to solicit bids for the replacement of concrete along Baltimore Pike for a cost not to exceed \$15,000; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

A motion was made by Councilman Martin to authorize the Engineer and Borough Manager to work in concert with the Borough Solicitor to prepare the necessary plan for the salt shed replacement; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

A motion was made by Councilwoman Berry to approve the Engineer's recommendation of approval for the installation of a cell phone tower at the CAPP property on East Broadway Ave. contingent upon approval from Delaware County & Borough Planning Commissions; seconded by Councilman Martin; and carried unanimously by a vote of 8-0. Upon approval of the planning commissions, this would be Resolution 02-15.

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

## **Solicitor's Report:**

Mr. Catania presented the Solicitor's Report.

He said that he three tax assessment appeals. 63 Madison Ave., owned by Ebasco Properties and currently assessed at \$67,800, and the recommendation of the appraiser is to agree to reduce the assessment to \$45,765, which would result in a reduction of the Borough taxes each year of \$286.46.

A motion was made by Councilman Martin to approve Resolution 03-15, the tax assessment appeal for 63 Madison Ave, setting the assessment at \$45,765; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Mr. Catania explained the tax assessment appeal process. He said that when an appeal is filed, there is an appraisal completed by the homeowner and an appraisal completed by the School District. He said that the appraisal done by the School District is calculated with three factors, and the fact that it is a rental property is included in the assessment of the property's value. He said that if they went to Court, there would be a chance that the assessment would be even lower because the homeowner's appraisal was at a lower figure.

The second property was 409 Cherry St., owned by Charles Flick and currently assessed at \$67,800, and the recommendation of the appraiser is to agree to reduce the assessment to \$50,850, which would result in a reduction of the Borough taxes each year of \$220.00.

A motion was made by Councilwoman Berry to approve Resolution 04-15, the tax assessment appeal for 409 Cherry St., setting the assessment at \$50,850; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

The third is an issue with the Post Office. He said that the property was initially purchased by a private party in 1965, but in 2011 it was purchased by the United States Postal Service. The USPS is immune from taxation, and the Borough is not allowed to impose taxes on a federal facility. The Tax Claim Bureau has been in touch with the Solicitor to let him know that the Borough needs to take action to make it known that the USPS is immune from taxes and to remove any delinquencies.

A motion was made by Councilman Martin to approve Resolution 05-15 to remove any delinquencies for the United States Postal Service and to remove them from the tax list moving forward; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Councilwoman Berry asked about sewer fees.

Mr. Catania said that they are not immune from that, and it is his understanding that they are not delinquent on those fees.

Mr. Catania said that the Civil Service Commission recommended that the Borough amend the rules & regulations to provide that only the top 10 applicants who scored 70% or higher in the written examination proceed to the oral examination portion, allowing for them to spend more time with those applicants. He outlined the changes in detail.

A motion was made by Councilman Martin to approve Resolution 06-15, accepting the recommendation of the Civil Service Commission and amending the rules & regulations to reflect the top 10 applicants scoring 70% or higher would proceed to the oral examination; seconded by Councilman Resnick.

Councilwoman Berry asked if everyone would still be given the opportunity to take the physical agility test first.

Chief Rockenbach said that the physical agility test would be given first, and then the written test, and then the oral test. He said that they were just trying to make the number of candidates more manageable from an interview standpoint.

After questions, the motion was carried unanimously by a vote of 8-0.

Mr. Catania said that he had received a request from Ms. Leitzell and Mr. Tartaglia for the Borough's Articles of Incorporations. He said that they do exist and were filed in 1885 by the Delaware County Court of Common Pleas. He said that in June of this year, the Borough will be celebrating its 130<sup>th</sup> birthday. He provided copies of the Articles of Incorporation to all of Council.

Councilman Martin asked that this document be kept in a specific spot within the building so that residents could have access to it at their request.

A motion was made by Councilman Martin to include the Articles of Incorporation as part of the minutes in honor of the upcoming 130<sup>th</sup> anniversary of the Borough; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

He said that they just needed to discuss the sewer issues in Executive Session.

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 7-0.

**Old Business:**

No old business.

**New Business:**

No new business.

**Closing Public Comment:**

62 N. Sycamore, said that he left a message about 10 days ago that he wanted to speak at the meeting tonight. He said that he was following up to see about the timeframe of getting the houses worked on.

President Casadei said that they would be looking into and working on it. He said that he could follow up on the issues at meetings or with phone calls to the office.

Bonnie Callahan asked for the status of 207 S. Springfield Rd.

Mr. Tartaglia said that he will respond to the issues that she brought up.

President Casadei said that she could call with the issues at any time, and they will address the concerns.

**Ward Reports:**

Councilman Resnick said that the electronic recycling was a great event.

Councilwoman Papale said that anyone could call at any time and not wait for the meetings. She said that volunteers were always needed for the various fundraisers in the Borough and to keep everyone involved.

Councilwoman Berry thanked the Boy Scouts for their work at the electronic recycling event. She asked residents to move their cars to the opposite side of the street on the street cleaning days.

Councilman Humphreys had nothing to report.

Councilman Martin had nothing to report.

President Casadei had nothing to report.

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo had nothing to report.

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary