

Clifton Heights Borough Council
Meeting Minutes
May 17, 2016

Present:

Anthony Casadei, Council President
Edward Martin, Council Vice President
Ronald Berry, Councilman
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
Timothy Rockenbach, Chief of Police
Tony Tartaglia, Borough Manager/Code

Pledge of Allegiance

Prayer Led by Mayor Kelly

Commendation:

Mayor Kelly, along with Chief Rockenbach, presented a commendation to Sergeant Steve Brown, recognizing his 35 years of dedicated service to the Clifton Heights Police Department. He started his career with the Clifton Heights Police Department in 1981.

Executive Session:

Mr. Catania announced that Council had an Executive Session prior to the commencement of the meeting to discuss personnel matters.

Public Comment:

Isabella Timlin, 227 Cambridge Rd., said that she was having several issues on her street that she wanted to discuss. She said that 4 of the 6 the neighbors that she shares a walkway with are deaf mutes. She said that they go in and out of their house all day and all night slamming the door as they come and go. She said that she has to take a sleeping pill to try to get any sleep at night, and she discussed it with them, and they still continue to do the same things. She said the same neighbors have a dog who does his business in the front yard, and they seldom clean up after it. She said that she can't sit on her patio or keep her windows open because of the smell. She also has issues with

the parking on the opposite side of the street that is a “no parking” zone. She said her car was hit the other day & the mirror came off, and thank goodness he actually stopped and had insurance. She said that her neighbor has 3-4 cars and constantly park on the other side of the street that is “no parking.” She said that they have even been ticketed, but they are still parking there. She said that she has issues parking in her handicapped spot because of the cars parked illegally on the opposite side of the street.

President Casadei said that he was sure that Mr. Tartaglia made a note of her complaint about the dog, and he would look into it and that he was sure that Chief Rockenbach would look into the parking. He said he wasn't sure what they could do about the third issue.

Mr. Catania said that he would like the opportunity to discuss the issues with Chief Rockenbach and Mr. Tartaglia, and that they would follow up with Ms. Timlin.

Councilman Martin said that it becomes an issue with it being unsightly with too many posts or the car doors hitting the sign posts.

President Casadei said that the residents who live on the street know that there is no parking on the opposite side of the street. He said that even if there were a sign every 10 feet, he doesn't think that is the issue because they are aware that there is no parking.

Maureen McGrath, 226 Cambridge Rd., said that she lives on the opposite side of the street where there is no parking. She said that perhaps they could put a sign up in front of the one house where the majority of the parking issues are occurring. She said that she is having issues with her neighbor putting trash out too early. She said that they will put trash out right after the truck leaves the street. She said that by the time of the next pick up, they'll have 8 bags out with flies and birds and other animals. She said that they throw trash right out of their window. She said that she also has concerns with the safety with fire trucks and ambulances making it up the street with the illegal parking. She asked who owns the Fidelity Bank lot or the Pizza Hut lot. She asked about renting spots back.

President Casadei said the Pizza Hut lot is part of Upper Darby Township, and Mr. Tartaglia said that he's not 100% certain who currently owns the lot with Fidelity Bank.

Fred Rich, 82 Chester Ave., said that he and his neighbors had received citations for dog feces in front of their homes. He said that his next door neighbor received a citation for his grass being too high. He said that he and his neighbors all maintain their lawns conscientiously, and the citations were totally unnecessary. He said besides that, a warning is supposed to be issued prior to a citation being issued according to the Borough Code. He said that his main question tonight is who is “T. Stevens” who issued the citation? He said that to his knowledge, “T. Stevens” is not a Borough employee, and in his opinion, is just a private citizen who is not qualified to issue citations, making them falsified citations in the name of the Borough. He asked if he was a Borough employee.

Mr. Tartaglia said that at the January reorganization meeting, the Borough appointed Commonwealth Code Enforcement to provide code enforcement services for the Borough. He said that Mr. Stevens is an employee of Commonwealth Code Enforcement, and as such, drives through the town checks on contractors and issues tickets for grass, dog feces, etc.

Mr. Rich asked if he has a contract with the Borough and how long Commonwealth Code has been operating in the Borough.

Mr. Catania said that what happened at the reorganization meeting is a matter of public record.

Mr. Rich said that Commonwealth Code has been operating in the town for 4-5 years, and he has the proof that it was never authorized until this year. He said that he has the minutes of the October 21, 2014 where Bonnie Callahan said that she had reviewed the minutes from 2012 to 2014 and could not locate where Borough Council approved Commonwealth Code or any of their employees to do any work in the Borough. He said that Councilman Martin told her to review the January 6, 2014 minutes for the appointment of Commonwealth Code. He said that Bonnie returned at the November 2014 meeting and said that she reviewed all of the minutes and could not find what Councilman Martin was referencing. He said that Councilman Martin had replied that he thought that is when they voted on it, but he could have been mistaken.

President Casadei said that Mr. Rich's time was up.

Mr. Rich said that anyone who paid on those citations should be refunded. He said that he demands that they be refunded. He said that he didn't pay his, but those that did should get their money back. He said that a private person is out issuing falsified citations. He said that is a criminal act.

Mr. Catania said that for Council's benefit, he wanted to note that the proper forum to contest citations is Court, not at Council meetings.

Meeting Minutes:

A motion was made by Councilman Martin to accept the April 2016 meeting minutes as presented; seconded by Councilman 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 announced that school would be out soon and asked all residents to be careful driving.

Mayor Kelly announced that the carnival would be in town next week, and he hoped it would be a successful event and for everyone to stay safe.

Police Report:

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

Treasurer's Report/Bill List:

Since Cynthia Leitzell was not present, the solicitor said that they would vote on the bills later in the meeting.

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 Gessler Construction has submitted the required insurance and bond documents for the 2016 Road Program construction. He said that once he reviews, he will forward to PENNDOT for final approval, with subsequent notice to proceed.

Mr. Kelly said that Broadway sanitary slip-lining work has been completed, and they are waiting for close-out documents and video to submit, and they will make recommendation for payment accordingly.

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

Solicitor's Report:

Mr. Catania presented the Solicitor's Report. The Solicitor's Report entailed administrative actions.

Administrative Actions:

Mr. Catania said that Mark Damico is here representing the applicant, Hunt Acquisitions LLC. He said that they are here for the limited purpose of seeking Borough Council's approval for a subdivision.

Mark Damico, of Hunt Real Estate, who is the equitable owner of the property that is the subject of this application. He said it located at Baltimore Avenue and Jackson Street. He said that property that is located on the west side of Jackson Street is the subject of the subdivision. He presented a property map with lots broken down. He said that the deeds for all of the properties goes back to 1949 and from a title standpoint are not clean. He said that properties were conveyed out without a proper subdivision. He said that there are 3 6-unit apartment buildings on both sides of East Washington St., twin homes, 4 unit apartment building, none of which are subdivided; all of the buildings are filed with one tax-folio number. He said that the purpose of the plan is to clean all of that up. It proposes 6 lots on the property, the largest lot which fronts on Baltimore Ave. and is 3.6 acres, and then a development lot in the residential area, and then a tax-folio number for each of the buildings, so they are properly subdivided. He said that his client is proposing to buy Lot 1 & Lot 3, and everything else will remain with the current owners, the Tyron's. He said that they had submitted that application about a month ago, and the County reviewed and recommended

approval of that plan. He said that the Borough Engineer submitted a letter with some minor comments, and Bohler Engineering has that letter and those recommendations. He said that this is a revised plan that addresses the comments of the Borough's Engineer. He said that this plan is solely for subdivision of the current property, which would allow for his client to purchase 2 lots of that subdivided property. He said that there is no land development proposed with this subdivision plan, and no land development can occur until the formal process is followed, which includes a land development plan that would need to be reviewed and submitted to the Borough and County and approved by both as well. He reiterated that this plan is solely for the subdivision of the property.

Councilman Resnick confirmed that this was just subdivision and not land development. He asked if this had been presented to the Borough's Planning Commission.

Mr. Damico said that it was reviewed by the Planning Commission.

Councilman Resnick asked what their recommendation had been.

Mr. Damico said that he didn't want to misrepresent what was said, but he thought that they had approved it.

Mr. Tartaglia said that he had not received a recommendation letter from the Borough Planning Commission.

A member of the Planning Commission who was in attendance said that they had not reviewed the final plans presented to the County with their recommendations or the comments of the Borough's engineer on what was presented. He said that they were leaning towards approval but wanted to review the County's recommendations and Engineer's recommendations.

Mr. Kelly said that he did review the plans, and their comments were minor in nature with some points of clarification and some administrative details to be added to the plans before final signatures were added. He said that he did receive the response letter back today from Bohler Engineering, which he believes satisfactorily addresses all of his comments. He said that the Delaware County Planning Commission did recommend approval of this plan. He said that it is a fairly minor subdivision plan, but it is cleaning up the existing conditions.

The member of the Planning Commission in attendance said that if the Borough Engineer is satisfied, and the County is satisfied, then they would recommend approval of the subdivision.

Mr. Damico reiterated that the approval of this plan would give them no rights to build anything on the property. It is solely a subdivision plan that allows his client to purchase part of the property and not the entire property.

A motion was made by Councilman Resnick to adopt Resolution 04-16, a subdivision plan for the properties on Baltimore Ave. and Jackson Street, this includes the comments from the Borough Engineer as conditions that must be complied with by the applicant, as well as any conditions imposed by the Delaware County Planning Commission and Clifton Heights

Planning Commission; seconded by Councilman 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 appoint Councilman Berry to the Borough Civil Service Commission; seconded by Councilman Humphreys and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Martin – yes, Peterson – yes, Tumolo – yes, Papale – yes, Casadei – yes.) Councilman Berry did not vote.

A motion was made by Councilman Berry to accept the treasurer's report; 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.)

A motion was made by Councilman Martin to pay the bills; seconded by Councilman 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.)

Old Business:

No old business.

New Business:

Mayor Kelly announced that he was still awaiting the information on the Memorial Day service.

Councilman Martin said that they would provide that information once they have it for the Memorial Day ceremony.

Ward Reports:

Councilman Resnick noted that the residents are very happy with the new street lights on East Broadway.

Councilwoman Papale had nothing to report.

Councilman Humphreys had nothing to report.

Councilman Berry 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.

Closing Public Comment:

Bonnie Callahan, 235 Woodbridge Rd., said that in reference to what Mr. Rich had discussed tonight, she believes that everyone signs an Ethics paper. She said that in the Ethics code, it says that you cannot be an appointed official and have a private company that you own doing business in the Borough. She asked if that was correct.

Mr. Catania said that Mr. Rich had indicated that these matters are going to be subject to an appeal or litigation. She said that these are all defenses to these citations, so they would be presented in Court and not here tonight.

Mrs. Callahan said that they have this man driving around with a light on his car, and he is not safe. She asked if she should call the police to report him. She said that he's flying up and down alleys and shutting down jobs. She asked if he has credentials, if he has a badge. She said that he's banging on doors and shutting jobs down, and yet he is not a Borough employee. She said that people are concerned. She asked if no one wanted to answer the questions.

Mr. Catania said that they are not in a position to answer because it is clear to him that these are issues that will come up as part of a Court proceeding on citations, and they have to address them there.

Mrs. Callahan said that if they get tickets on her street, they should not pay them and go to Court.

Mr. Catania said that is not what he said.

Mrs. Callahan asked what he was saying.

Mr. Catania said that Mr. Rich raised all of these issues and it is apparent to him that they will be part of whatever action he will bring to appeal the citations, so he cannot discuss them.

Mrs. Callahan asked if she should call the police when she sees this man flying around in his Durango with his light on.

Mr. Catania said that is not what he said either. He said that she should call the police if she believes she is seeing a crime being committed, as anyone should. He said that he is not saying that that activity is characterized as a crime.

Mrs. Callahan said that jumping out of your vehicle and flashing your badge when there is nowhere that says this is an employee of the Borough. She said that is what people are asking because he is not included on Code Enforcement. He said Tony, Matt and Lou are included, but no one else. She said that the website needs to be updated with his name on there. She said that he doesn't want to answer the question.

Mr. Catania said that was not a question, but a comment, and she is within her right to make comment in closing public comment.

Mrs. Callahan asked if she could go with Fred as a witness to Court to ask questions.

Mr. Catania said that that would be up to the Judge.

Mrs. Callahan said that she just wants to know who this man is.

Mr. Catania said that he believes that question was asked and answered earlier, that he is an employee of Commonwealth Code.

Mrs. Callahan said that Commonwealth Code is owned by Anthony Tartaglia who is an appointed official of Clifton Heights Borough. She said that just like James Salmon couldn't be a Councilman and work for the Federal government and had to leave his post.

Mr. Catania said that those are different things.

Fred Rich, 82 Chester Ave., said that he never said anything about taking this to Court, and that is just a stall tactic. He said it is a stall tactic to get it into Common Pleas Court and have it tied up for 2 years. He said that all he said is that there is a private person going around town issuing falsified citations in the name of the Borough, and this person is not a Borough employee. He said that is a criminal act, and the Council should do something about it.

Mrs. Callahan said that she wants to see a contract.

Mr. Rich said that Commonwealth Code has been operating for 4-5 years and it was only appointed this year as a "CYA" because they know the authority is being challenged. He said that he filed a complaint against Commonwealth Code Enforcement with the District Attorney's office. He said that they should put an end to it tonight and refund money to anyone who has paid citation. He told Borough Council to get a backbone and stand up to him and terminate him as an employee. He said that the town has completely self-destructed, and he is a large part of it. He said that Baltimore Pike is like a ghost town with all of the empty businesses and that is in large part due to him.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary