

**Clifton Heights Borough Council  
Meeting Minutes  
August 16, 2016**

**Present:**

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

**Absent:**

Leona Papale, Councilwoman  
Jane Tumolo, Councilwoman

**Others Present:**

Joseph T. Kelly, Mayor  
Chuck MacDonald, 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:**

Reverend Derek Rimson announced that his church and congregation would be sponsoring a back to school block party on Saturday, August 21<sup>st</sup> from 11am to 4pm on South Penn Street between Washington and Broadway. He said that they would be giving away 300 backpacks with school supplies to the first 300 kids to come out and that there would be food, music and entertainment. He thanked the Chief of Police for his assistance with the planning details and coordination and he thanked the community businesses who were instrumental in sponsoring the event - Wawa, Walt's Pizza & Grille, Philly Wings & Things, Cocco's Pizza & Olympic Diner.

Michael & Catherine Murphy were not present for public comment.

Anthony Celli, 315 N. Sycamore Ave., Apt. C5, said that sadly in about 3 days he may be living on the street. He said that he has been having black mold issues in his apartment for the last two years. He said that he took the apartment complex to Court a year ago and an escrow account was set up and they were provided 30 days to fix the problem, and he paid them and they didn't fix it. He said that he is a student who just started his own business and he is battling an immune system disease as a result of the black mold. He said that his girlfriend is battling a month and half long kidney infection that the doctors related to black mold. He said that he has nowhere to go, and his landlord is not offering to provide him with his security deposit or rent or to put him up anywhere. He said that his lawyer told him that the report provided by the Code Department should read that it is black mold that is making the apartment uninhabitable and not just that the apartment is uninhabitable. He said that he has pictures and videos and proof. He said that he went through the whole

building and there is mold throughout the entire building. He said that he thought that should be brought to their attention.

Councilman Berry asked if he has been living there for a full year since his lawsuit and while it is making him sick. He said that he would move out if that were the case.

Mr. Celli said that he wasn't aware that that was the reason why he was getting ill until speaking to doctors.

President Casadei asked if Code Enforcement saw that yesterday during their inspection.

Mr. Celli said that he did see it but it was not in the report.

Mayor Kelly asked about the Court ruling.

Mr. Celli said that they were told to fix all the mold and other problems.

Mayor Kelly asked what happened after he was in violation of the Court order. He asked what his lawyer did.

Mr. Celli said that it was only a civil suit between himself and the landlord.

Mayor Kelly asked if he went back to the Judge after the landlord was in violation of the Court order.

Mr. Celli said that it was about 11 months ago.

Mayor Kelly asked Mr. Tartaglia what was going on with this issue.

Mr. Tartaglia explained that they were first learned about the issue on Friday afternoon when the roommate reached out to his office. He said that the apartment was last inspected in January 2016 and there was no noted mold or black mold of any kind noted during that inspection. Michelle in the office reached out the property management company and maintenance for the building who Mr. Celli said that he had been unable to get through to. The management company was told that they had 72 hours to remediate the problem and that Mr. Tartaglia would be there for an inspection on Monday. He said that he completed on Monday, and the mold was one of the issues, but there were several others. He said that the humidity was way above a livable level. He said that there was a stream of water flowing, not dripping, but flowing in the bathroom that couldn't be stopped. He said that there were also holes in the ceiling of the bathroom where you could see the structure of the floor of the unit above. He was told that there had been attempts to fix that problem, but those repairs were not addressed properly. Mr. Tartaglia said that there was an area where the access panel used to be in the conjoining room and in that area is where there was mold. He said that he went into the 2<sup>nd</sup> bedroom and there were a lot of plants in the room and the humidity levels were even higher. He said that he told Mr. Celli that he didn't think that he could continue to live in the unit. He said that he produced the manager that he had not been able to get in touch with. He explained that he informed him that he was the Code Enforcement officer and that he was telling him that he needed to leave the apartment, but he would have to work out the details of that with the management company and landlord because that is a civil contract that the two of them have. He said that he contacted the owner, and they are re-inspecting all 44 units a week from Friday.

Mr. Celli said that there was another unit in the apartment that was condemned earlier in the week.

Mr. Tartaglia said that he is the only person authorized by the Borough to condemn units, and he had not condemned any other units in the apartment complex.

President Casadei suggested that Mr. Celli contact his attorney for this matter.

Mr. Celli said that he did that and he was just wondering how he could get the mold included in the inspection report.

Solicitor McDonald said that he is inspecting all 44 units in a week and a half and will surely prepare a report after the inspection.

Mr. Celli said that he completed a report for the inspection of his individual property.

Mr. Tartaglia said that Mr. Celli requested a letter be prepared, so he prepared a letter for the management company stating that Mr. Celli could no longer stay in the apartment.

Mr. Celli said that he called after speaking with his lawyer about getting put up in a hotel and the letter needs to say that the black mold is the reason that they cannot stay in the apartment.

Mr. Tartaglia said that he provided a letter to the management company stating that the unit was uninhabitable and that the residents would not be able to stay in that apartment. He said that the letter was issued to the management company.

Mr. Celli said that the letter was supposed to be to his lawyer.

Mr. Tartaglia said that they would not issue a letter to his lawyer, and his lawyer requested that a letter be issued to the management company telling them that you need to be out of the apartment by a specific date. He said that he provided what was requested of him in the form of that specific letter.

Sherry Rich, 82 Chester Ave., said that on Saturday, August 6<sup>th</sup>, she saw a large truck with the words Viacon Septic Services come down Chester Ave. and stop. She said that two men in the truck get out and start walking down the street looking under cars. She said that she thought that was strange, and they then went back to the truck and got a cone and blocked off the street about 3 doors up from her home. She said she went out and spoke to one of the men who informed her that they received a call to come down for a problem. She said that she called 911 and explained that she thought something suspicious was going on. She said that two officers came down, and they spoke to the men who informed them that the neighbor on the end unit was having a problem with sewage coming up into their basement. She said that the officers asked the company if they had paperwork, and they did not. She said that she went down to her neighbor who evidently called Ed Martin and she told him that she had had a plumber there for 4 hours and it was decided that it was a Borough issue and that the pipe was clogged from the end of the cul-de-sac all the way to 3 or 4 houses past her house.

President Casadei asked her where she received that information because they hadn't received that information.

Mrs. Rich said that she received that information from the men on the truck. She said that prior to going down to the neighbor who was having the problem, these men just started with a pick axe where the man hole cover was. She said that she thinks that the residents on that street should have been notified by someone in the Borough.

President Casadei said that this all occurred late Saturday afternoon and was one house that was experiencing a problem.

Mrs. Rich said that the whole end of the cul-de-sac was supposedly affected and they supposedly pumped the sewage from where they had put the cone to the manhole cover.

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

Mrs. Rich said that that is what is wrong with the Borough because she only gets three minutes for something that is kind of important. She told President that he was rude and that she made her point and got nowhere.

Fred Rich, 82 Chester Ave., said that his subject claim for the evening is the cost of moving the salt shed and highway department equipment to the building on Glenwood Ave. He said that at last month's Borough Council meeting he requested the cost of moving the salt shed and highway department building to the zoned residential area on Glenwood Ave. He said that he was told that he would have to file a Freedom of Information request with the Borough. He said that he filed the request with Mr. Tartaglia, and he responded that the present cost was \$580,000. He said that according to the \$1.3 million bond that was issued in 2003, \$115,000 was supposed to go to renovating the municipal building, which was never used. He said that in 2012, there was \$2 million bond issued and \$500,000 was supposed to go to renovating the municipal building which was never used. He said that in 2015, the Borough applied to Republic Bank for a \$1.5 million loan, which was specifically to go to renovating the municipal building. He said that Mr. Tartaglia diverted that money to moving the salt shed and highway department equipment. He said that the money wasn't used for renovating the building but fraudulently for transferring the salt shed and highway equipment. He said that in effect with the \$115,000 issued in 2003 and \$500,000 issued in the 2012 bond and the \$580,000 spent to move the salt shed and highway equipment, this totals \$1,195,000 that was supposed to be used to renovate the municipal building and was never used. He said that it is his opinion that this is a criminal act of fraud committed by Tony Tartaglia against the taxpaying residents of Clifton Heights. He said that Borough Council needs to hold him accountable for what he did with that money. He said that if the Borough Council fails to act, they will be considered accessories to the criminal fraudulent actions of Tony Tartaglia. He said that and now they are saying that they are going to put the renovations out to bid. He said that they are going to have to table that vote.

President Casadei said that his time was up and that they did not need to table anything because of his comments.

### **Meeting Minutes:**

A motion was made by Councilman Martin to accept the July 2016 meeting minutes as presented; seconded by Councilman Berry; 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 commended the Police Department on a job well done with a recent incident at the Burger King on Baltimore Pike. He read a website comment that thanked the officers for their assistance with a special needs child who wanted to take his picture with the Burger King store manager and wouldn't leave the building. He said that they were able to calm down the child and diffuse the situation and have the picture taken.

Mayor Kelly announced that there would be a First Responders' Appreciation Day at the Primos-Secane Swim Club on Saturday, August 20<sup>th</sup> from 11am to 9pm. He said First Responders entrance is free with ID, and all others are invited for a \$5 fee, with 50% of the proceeds being donated to Folcroft police officer Chris Dorman who was shot in the line of duty and the other 50% being donated to Vest-A-Cop.

Mayor Kelly reminded residents that children would be back to school soon and to be extra careful while driving.

Mayor Kelly reminded residents that the Clifton Heights Boys' Club annual Cow Pie Bingo event would be taking place up at Clifton Field on Saturday, September 10.

Mayor Kelly announced that Borough Hall is open during the day for anyone who needs to get out of the heat.

Mayor Kelly announced that they would be hosting a 9/11 Remembrance Event at the 9/11 Memorial at the Clifton Heights Fire House on Sunday, September 11<sup>th</sup> at 1pm.

**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 6-0.

**Fire Report:**

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

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

A motion was made by Councilman Martin to accept the treasurer's report and pay the bills; 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.)

**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 reported that the highway garage project was complete. He said that he would recommend final payment once all post-construction documents have been completed.

Mr. Kelly said that the Road Program was delayed because of a drainage repair, but they expect the work to begin on August 29<sup>th</sup>.

Mr. Kelly said that he is requesting authorization to authorize the architect to hold a bid opening for the Borough Hall construction project. He said that this would be Phase 2 of the process, with Phase 1 having been the moving of the salt shed and highway garage.

A motion was made by Councilman Martin to authorize the architect to hold a bid opening for the Borough Hall construction project; seconded by Councilman Berry; and carried by a vote of 5-1. (Resnick – no)

Mr. Kelly reported that the Wawa land development plans had been submitted.

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

### **Solicitor's Report:**

Mr. McDonald presented the Solicitor's report.

#### **Action Items:**

A motion was made by Councilman Martin to adopt Resolution 10-16, appointing James Sharkey to the vacancy on the Civil Service Board; seconded by Councilman Berry; and carried unanimously by a vote of 6-0.

A motion was made by Councilman Martin to adopt Resolution 11-16, approving the Tax Assessment Appeal for 221 Cambridge Road setting the fair market value assessment at \$47,460; seconded by Councilman Berry; and carried unanimously by a vote of 6-0.

#### **Old Business:**

No old business.

#### **New Business:**

No new business.

#### **Ward Reports:**

Councilman Resnick had nothing to report.

Councilman Humphreys reminded residents that football had started up at the field and to be careful driving in that vicinity.

Councilman Berry commended the quick action on the two properties that he reported for being in violation of the codes of the Borough that were cleaned up within a week of his initial report.

Councilman Martin said that he wanted to address the sewage issue that Mrs. Rich had brought up. He said that he was out to dinner at a restaurant when he received the call about the issue, and the issue was just as Mrs. Rich explained. She said that he told the resident that he would do his best to get someone out there that night. He said that he called Mr. Tartaglia who was also out to dinner and said that he would work on getting someone out there ASAP. He said that 30 minutes after his initial phone call, he received a message that the company was on site and an hour after that he received a phone call that the line was clear and everything was flowing. He said that notifying residents would have delayed the project and the woman who was having the sewage problem would have had more sewage. He said that they handled an emergency situation as quickly and as effectively as they could. He said that Mr. Tartaglia did a yeoman's job getting the company out there, and he thanks everyone for getting that issue resolved.

President Casadei reminded residents to be careful now that school would be back in session.

Councilwoman Peterson said that she had received more recycling concerns. She said that she had received calls from residents that their recycling was not being picked up.

Mr. Tartaglia said that he has followed the trucks around and checked on the issues and followed up with the company. He said that if residents call in and report where the issues are occurring, he can follow the trucks and check the issues.

**Closing Public Comment:**

Bonnie Callahan, 235 Woodbridge Rd., said that she had called about recycling. She said that they didn't pick up on the scheduled day and then came the next day and put the recycling in with the regular trash.

Mr. Tartaglia said that he did receive her message referencing 3 streets that had not been picked up. He said that he passed along those concerns to the company, and they responded that they were in town picking up the recyclables.

Councilwoman Peterson said that she received a similar complaint about the recycling being taken with the trash.

**Follow-up:**

Councilman Berry said that he wanted to discuss the information that they were provided about creating the Recreation Board. He said that he thinks that 9 people would be too many on the Board, and he would suggest that it would be amended to 4 people. He said that he thinks that 9 is too many people.

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary