

**Clifton Heights Borough Council
Meeting Minutes
November 20, 2018**

Present:

Ronald Berry, Council President
Edward Martin, Council Vice President
Mark Campbell, Councilman
Mike Humphreys, Councilman
Leona Papale, Councilwoman
Karen Peterson, Councilwoman
Harris Resnick, Councilman
Fred Rich, Councilman

Others Present:

Joseph Lombardo, Mayor
Chuck MacDonald, Acting Solicitor
J.P. Kelly, Engineer
Cynthia Leitzell, Treasurer
John Perfetti, Interim Borough Manager
Timothy Rockenbach, Chief of Police

Pledge of Allegiance

Prayer led by Mayor Joseph Lombardo

Public Comment:

Jane Tumolo, Tax Collector, informed Council that she sent out 2nd notices in October for residents who hadn't yet paid their taxes. She said that within 3 weeks, \$29,000 worth of tax payments were returned with the letters. She said that she is happy to report that they are at about 93% paid.

Meeting Minutes:

A motion was made by Councilwoman Papale to accept the October 2018 meeting minutes as presented; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Mayor's Report:

Mayor Lombardo reminded everyone that the annual tree lighting ceremony and pictures with Santa Claus would be taking place at the Fire House on Sunday, December 2nd. The tree lighting will start at 6pm and a gathering inside the Fire House inside will follow. He said that the Clifton Heights Business Association, Civic Association, 4th of July Association, Fire Company and Recreation Board would be hosting treats for the kids. He said that they had a great turnout last year and they hope that it will continue the trend of bigger and better this year.

Police Report:

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

Fire Report:

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

Treasurer's Report/Bill List:

A motion was made by Councilman Humphreys to accept the treasurer's report and pay the bills; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Manager's Report:

Borough Manager Perfetti said that he was happy to report that they had received their 2nd reimbursement from the RACP through the efforts of the engineer and Borough Council. The total of that reimbursement is \$1,298,034 and has been deposited.

Mr. Perfetti announced that after expenditures of around \$250,000 for the McFadden Park project through CDBG, the park is open and they just ask that the kids enjoy and respect the new playground.

Mr. Perfetti announced that the Borough had purchased 500 LED lights for the Borough's street lighting at a cost of \$2,000. He said that their hope is to have every light fixture in the Borough updated with the LED lighting by March 2019. He said these updates will also help to reduce the electric bill by 20-30%.

Mr. Perfetti said that he would be asking the Council to allow any questions be asked about the North Pointe development. They had gone through Planning on November 13th and were looking to proceed with a vote from Council.

Mr. Perfetti announced that the leaf and yard waste program would be doing pickups on the south side on November 15th, 29th and December 13th and the north side on November 16th, 30th and December 14th. He said that this is an Act 101 mandated program that the Borough must participate in. He said that Christmas trees would be picked up curbside from January 2nd to January 4th.

A motion was made by Councilman Humphreys to accept the manager's report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Engineer's Report:

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

Mr. Kelly announced that the contractor had completed all work and submitted the proper maintenance bonds for the 2017 CDBG project at McFadden Park, and as such, the contractor submitted an application for final payment. The engineer attached a recommendation for payment for \$22,900.64, which is the retainage and final payment. If authorized, he would submit the necessary forms to OHCD for payment.

Councilman Martin asked if they had been able to get down to look at the ponding at the entrance.

Mr. Kelly said that he was able to check it out earlier today and just needs to get back to take some pictures. He said that if they are inclined to authorize the payment, he can hold the payment until they are able to address those concerns. He thinks that the grass area around the concrete slab needs to be lowered to allow storm water to accumulate off of the concrete and in the grass.

Councilman Martin said that the water is running into the building as well, not just the ponding.

Mr. Kelly said that the contractor would have to come in and jack out the concrete, re-pour the slab and regrade the area. He said that he can make sure the concerns addressed final to the payment being given to the contractor.

A motion was made by Councilman Humphreys to authorize the engineer to reach out to OHCD to release the retainage and final payment in the amount of \$22,900.64 as outlined by the engineer for the CDBG project with the understanding that the concerns of pooling water at the site will be addressed before the payment is released to the contractor; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0. (Resnick – yes, Rich– yes, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Mr. Kelly announced that the 2018 CDBG program had been awarded and this project is in the amount of \$115,000 and would address paving on several roads throughout the Borough. He said that this project would wait for the spring because of the current weather.

Mr. Kelly said that they prepared contracts and solicited bids for snow removal pursuant to Council's requests at the previous month's meeting. He said that they received one bid from A2U Services. He said that the base bid as provided has discrepancies in the overall cost. He provided a spreadsheet with the discrepancy and said that he believes it was an oversight. He said that because of the short notice, he would recommend that the Council authorize the Borough Manager to address the discrepancy with the bidder and then execute the contract.

A motion was made by Councilman Resnick to authorize the Borough Manager to resolve the contract discrepancy with A2U Services and then to proceed with executing the snow removal contract; seconded by Councilman Campbell; and carried unanimously by a vote of 8-0.

Mr. Kelly reported that they have received the as-built plans by the applicant's engineer for the Hillside Nursery project, and with that the project can be closed out. He said as such any escrow fees, less professional and consulting fees can be returned to the applicant. He said that he would work with the manager to go through any engineering fees from his end and they could also recoup any legal fees from the solicitor if necessary and return the balance.

Mr. Kelly said that the Koban subdivision land development is an item on his report. In January 2018 a unanimous vote was taken to reject the land development application as presented for 103-105 Glenwood Ave. He said that since then, the applicant, Mr. Koban, has reapplied for the same land development. He said that the planning commission considered his request at their July 30, 2018 meeting, and they voted to table the application at that time. At the November 13th meeting of the Planning Commission, no action was taken and the application remained table. Considering that the application has made no attempt to address the engineer's review letter of May 21st and was not granted an extension of time, he recommends that Council deny this application and avoid any perception of deemed approval.

A motion was made by Councilwoman Papale to deny the application for land development of 103-105 Glenwood Ave. based on the discrepancy outlined in the engineer's review, letter dated May 21, 2018; seconded by Councilman Campbell; and carried unanimously by a vote of 8-0.

Mr. Kelly said that he would work with the Borough Manager to ensure that is communicated to the applicant.

Mr. Kelly said that the Planning Commission considered the land development application of the North Pointe group to remove the yarn mill building and construct a new self-storage facility at 546-556 Baltimore Pike. After the presentation from the applicant & applicant's engineer and discussion from the public in attendance, the Planning Commission voted to recommend approval of the application contingent upon the satisfaction of the engineer's review letter dated November 13, 2018 and consideration of Delaware County Department of Planning comments.

Councilman Resnick said that during heavy rainstorms East Broadway Ave. almost turns into a creek from the water running down it, and you can see the water running down from Radnor Street from the project that is ongoing. He asked if this redevelopment would make that worse.

Mr. Kelly said that it would not, it would instead make it better. He said that there would be a large up basin to control the storm water that would be built as part of the project.

Councilman Rich asked if this would be the final approval and they would have the go ahead to move forward after this tonight.

Mr. Kelly explained that if this is approved tonight then the next step in the process would be a resubmission of the plans in accordance with his review letter, a developer's agreement and a public improvement cost estimate being established and a recording of the plans.

Councilman Rich asked if they could then move forward with the building.

Mr. Kelly said yes.

Councilman Rich said that he objects to it.

Mr. Kelly said that they would have to make the motion and then vote.

A motion was made by Councilman Campbell to approve the land development plans submitted by North Pointe Development LLC for 546-556 Baltimore Pike, contingent upon the satisfaction of the engineer's review letter and the consideration of the Delaware County Planning Department comments; seconded by Councilwoman Papale; and carried by a vote of 7-1. Councilman Rich voted no.

Councilman Rich said that they are turning Clifton Heights into the storage bin for Delaware County. He said that he thinks that this should be tabled and the residents of Clifton Heights should be able to provide their input on a plan like this.

President Berry said that they voted to approve it.

Councilman Campbell said that the vote is 7 to 1 in favor of approving the plans.

Mayor Lombardo said that the representatives from North Pointe went to every neighbor on East Broadway Ave.

Councilman Rich said that he was at the Planning Commission meeting and they said that a lot of neighbors didn't answer their doors and others said no. He said that this won't only effect Broadway Ave. He said that the rear of the building that is facing the houses on Broadway Ave is about 40 feet high. He said that Clifton's ordinance is supposed to be 35 feet.

Mayor Lombardo said that the building that they are building would be lower than the building that is currently there.

Councilman Campbell said that was explained at the Planning Commission meeting. He said that the height would start at 20 feet and run down, not up.

Councilman Rich said that the people on that street are facing a 40 foot building 30 feet from their property. He asked why the building wasn't closer to Baltimore Pike. He said that this is turning the Borough into the storage facility of Delaware County with another storage facility a quarter of a mile up the road, one over on Boro Rd. and now the Daily Times building as well, all in the 19018 zip code. He said instead of a storage facility, they should have retail stores, a restaurant, a bank...

President Berry said that they heard his position and voted on the item.

Mr. Kelly said that they held a site meeting at the corner of Baltimore Pike and Springfield Road to assess the wall that was damaged twice. He said that they will review the PENNDOT designed and approved plan. He said that he thinks that there is a problem with the plan, with the radius being too short in the plan. He said that they discussed that with one of the maintenance representatives, but

they are dealing with the wrong department and need to go to King of Prussia to have the plan reexamined. He said that it will be a bit of a road to fix it, but they are moving on it.

Mr. Kelly said that they received a TR form for the traffic signal at Oak and Baltimore Pike for the proposed Wawa improvements. He said if they any comments for items that they want to be addressed, he can review the application and update them. He said that he's not sure where they are in the approval process of the plan, but this would be for re-signaling the light at Oak and Baltimore.

Mr. Perfetti announced that the representatives from North Pointe would be leaving the meeting if nothing further was needed of them.

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

Solicitor's Report:

Chuck MacDonald presented the Solicitor's report.

Solicitor MacDonald announced that he had 3 resolutions to discuss.

The first resolution was for an updated administrative computer system.

A motion was made by Councilman Humphreys to adopt a resolution to authorize the Borough Manager to purchase a new computer system for the Borough Administration offices with a cost not to exceed \$18,000; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

The second resolution was following up on their vote from last month's meeting to accept the property at 119 E. Washington Ave. from Bank of America.

A motion was made by Councilwoman Papale to adopt a resolution to accept the property at 119 E. Washington Ave from Bank of America with the stipulations provided; seconded by Councilman Campbell; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

The third resolution was for the preliminary 2019 budget.

A motion was made by Councilman Humphreys to adopt a resolution to adopt the 2019 preliminary budget; seconded by Councilman Campbell; and carried by a roll call vote of 7-1. (Resnick - yes, Rich- no, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. MacDonald said that his last item was for a proposed ordinance to discuss. He said that this ordinance would still require advertisement as required by law. He said that this would be an amendment for 2 sections of the zoning code which would add a 500 foot requirement for certain types of businesses, so you wouldn't have a multitude of the same businesses that provide the same

services in the same area. He said one section would be for personal service shops, which includes tailors, barbershops and beauty salons, and the other would be for thrift store and consignment shops. He said that this is similar to the zoning codes in other surrounding communities.

A motion was made by Councilman Martin to authorize the solicitor to advertise the updated zoning ordinance to reflect the 500 foot requirement as outlined; seconded by Councilman Humphreys; and carried unanimously by a vote of 8-0.

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

Old Business:

Mr. Perfetti announced that the Borough's regularly scheduled meeting for Tuesday, December 18th at 7pm would be changed to Friday, December 21st at 7pm and that would be for the final budget approval for 2019.

Mr. Perfetti asked Council if they could use Mingis, Gutowski & Company Ltd. for their financial statement auditing. He said that they have been working with the Borough for the last 10 years and just completed 2016 and would be going into 2017 and 2018 with Council's approval.

A motion was made by Councilwoman Papale to continue to use Mingis, Gutowski & Company for the Borough's financial statement auditing for 2017 & 2018; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Perfetti announced that the Zoning Hearing Board would be having a meeting on December 10, 2018 at 7pm, discussing enlarging the signage at Baltimore Pike & Church Street, site of the old Getty station that is being taken over by Gulf.

Mr. Perfetti also announced that they would be hosting contract negotiations with the highway department/Local 835 prior to the end of the calendar year.

New Business:

No new business.

Ward Reports:

Councilman Resnick had nothing to report.

Councilwoman Papale said that she was pleased to announce that they recently released the next edition of the Clifton Quarterly, and it looks great. She also noted that they were still working on the calendar for next year and could use advertisers with the proceeds going to the 4th of July Association.

Councilman Humphreys had nothing to report.

President Berry wished everyone a Happy Thanksgiving.

Councilman Rich said that he received complaints on Election Day from residents in the 3rd ward who are concerned about properties that are listed as being owner occupied but are in reality being used as rental properties. He said that they really need to get after these people to have the properties properly registered.

Councilman Martin had nothing to report.

Councilman Campbell said that the Lions Club is selling 2019 calendars. The cost is \$25 and comes with a card with a chance to win on lottery days. The funds support the scholarship fund and those affected with blindness. He said that the Clifton Quarterly is filled with a lot of good information

Councilwoman Peterson had nothing to report.

Closing Public Comment:

Residents of Church street thanked Chief Rockenbach for beefing up patrol on their street. She said that their street is really going downhill and they are calling 911 non-emergency every other night. She said that kids are coming in in droves from all over every night. She said that these kids are using coarse language and are throwing rocks. She said that she has shared videos with the police of them throwing rocks. She said that they are their wits' ends and she has lived here for 19 years and loves her home. She said that the rental properties are out of control. She said that there are homes with overgrown grass, abandoned homes with items that have been there for years, trash strewn throughout.

President Berry said that she can continue to provide information to John Gould and code enforcement and that he is certain that Chief Rockenbach will continue to have the area patrolled.

The residents provided some of the addresses that are being problematic in the neighborhood.

Chief Rockenbach said that they are trying to address the root of the problem with their presence in the neighborhood. He said that there have been some arrests and they are trying to being proactive and will continue to work in the neighborhood.

The residents asked about looking into a change in curfew or a town watch setup.

Suzanne Briddes, 319 Austin Dr., asked if there was a means for residents to report properties that they think are unregistered rental properties.

John Gould provided his card and said that anyone could reach out to his office.

She also suggested that they reach out to the schools, Westbrook Park and Primos to see if they have any events that they could include on their calendars.

Councilman Rich said that he wanted to follow up on the proposed 2019 budget. He said that he has been coming to the meetings for 20 years and he sees that tonight there is another proposed tax

increase for 2019. He said that they used to hold a town hall meeting after proposing the budget in which the Borough residents could discuss the budget.

Councilwoman Papale asked him if he looked through the budget. He said that he is now on Council and can offer suggestions instead of just stating that it is too high.

Councilman Rich said that his suggestion is to go back to having town hall meetings to discuss the budget.

Vice President Martin said that he has been on Council for 30 years, and they never had meetings like that.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary