

**Clifton Heights Borough Council
Meeting Minutes
September 18, 2018**

Present:

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

Absent:

Harris Resnick, Councilman

Others Present:

Joseph Lombardo, Mayor
Frank Catania, 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:

No opening public comment.

Meeting Minutes:

Solicitor Catania asked that they defer on the meeting minutes from August 2018 until the next Committee meeting.

Mayor's Report:

Mayor Lombardo said that he had the opportunity to be in attendance for the Clifton Heights Fire Company's housing of their new engine. He said that it was a great ceremony and event and that Chief Kneass and President Harry Kent did a wonderful job. The Mayor and Borough Council were presented with a plaque at the event by the Fire Company, and he presented it to Council so that it could be put on display at Borough Hall.

Mayor Lombardo said that he also attended and participated in the Fire Company's annual 9/11 Ceremony. He thanked Chief Kneass and Chief Rockenbach's for the time and effort that they put forth for this event.

Mayor Lombardo announced that he would be hosting another Mayor's Luncheon on Tuesday October 30th at the Columbus Club.

Police Report:

A motion was made by Councilwoman Papale to accept the Police Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

Fire Report:

A motion was made by Councilman Humphreys to accept the Fire Report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

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 7-0. (Rich– yes, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Manager's Report:

A copy of the report was provided by the Manager.

A motion was made by Councilman Humphreys to accept the Manager's Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

Engineer's Report:

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

Mr. Kelly said that the contractor is 80% complete with the work for the CDBG project at McFadden Park, and as such had submitted a request for payment. He included with his report with a recommendation for a release of funds in the amount of \$71,454.15, which is 90% of the contractor's request, as well as a spreadsheet of completed and outstanding items.

Mr. Kelly announced that the 2018 Road Program work was substantially completed with a few minor, outstanding items. He said that once the contractor submits his documentation and request for payment, they would review and make recommendations accordingly.

A motion was made by Councilman Humphreys Council to authorize the engineer to reach out to OHCD to release the payment of \$71,454.15, as outlined by the engineer for the CDBG project; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0. (Rich– yes, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Solicitor's Report:

Frank Catania presented the Solicitor's report.

Mr. Catania said that his first item is the signing of the Comcast agreement, which they discussed last month and authorized its execution. It is a renewal for 5 more years at the highest rate that they share revenues with municipalities.

Mr. Catania noted that their lender for both tax anticipation notes and the lending for Borough Hall was Republic Bank, and as part of that relationship, they had always tried to cultivate business with the Borough for their deposits and other business. Republic Bank provided a proposal to the Borough on September 18, 2018, and the Borough's Financial Advisors reviewed the proposal and can report that Republic Bank is offering to pay interest on deposits over a certain amount, and minimize fees, so there is an opportunity for the Borough to achieve increased revenues through increased interest payments and less expenses. He said that Republic welcomes their business and has really gone out of their way to work with the Borough. He said that this would also put the Borough in a better position for TAN notes and other borrowing in the future.

A motion was made by Councilman Rich to accept the proposal for Republic Bank to transfer the Borough's deposits as outlined by Solicitor Catania; seconded by Councilwoman Papale; and carried unanimously by a vote of 6-0. Councilwoman Peterson abstained because she works for a competing bank. (Rich- yes, Humphreys - yes, Martin - yes, Peterson - abstain, Papale - yes, Campbell - yes, Berry - yes.)

Solicitor Catania announced that his next item is for 119 E. Washington Ave., a property that was demolished and the Borough has a lien on the property. They received an offer from the bank that currently owns the property to pay the Borough \$20,000 and deed the property back to the Borough. The amount of the lien is \$54,928.21. The offer is less than that amount, but because of legal issues around the collectability of the lien, it is his strong recommendation to accept the offer of the \$20,000 and deeding of the property.

A motion was made by Councilman Rich to accept the offer by Bank of America for the property at 119 E. Washington Ave. as outlined by Solicitor Catania; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Solicitor Catania announced that with the untimely passing of Mr. Casadei, the Borough has a vacancy on the Darby Creek Joint Authority and the Muckinipattis Authority, and that it would be in order for the Borough to consider a replacement for him on those authorities under the same terms and conditions as previously. He said that despite the fact that Mr. Casadei was the Chairman of the authority, they would not be able to appoint his successor to that specific role. He said that they are reviewing the Authorities' operations and they will have more to report at a future meeting.

A motion was made by Councilman Humphreys to appoint Phil Fabrizio to the vacancies on the Darby Creek Joint Authority and Muckinipattis Authority; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Solicitor Catania said that they had received some results from the audit of the delinquent sewer and trash, and before they proceed with the process of putting liens on the properties, they want to finalize the audit. They received a proposal from the group that handled part 1 of the audit, and they will finish the audit for a sum not to exceed \$12,500, and they will ascertain before asking them to commence work that the final product will allow them to start filing liens.

A motion was made by Councilman Humphreys to proceed with the second part of the delinquent sewer and trash audit for a sum not to exceed \$12,500; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich– yes, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Solicitor Catania said that he would suggest that the Council consider a motion to authorize the Borough Solicitor and Borough Code Enforcement Officer to communicate to the proposed purchaser of the property “North Point”, that the Council would honor the use variance that was given to the property back in 2000 and supported by the Borough’s Planning Commission.

A motion was made by Councilman Humphreys to authorize the Borough Solicitor and Borough Code Enforcement Officer to communicate to the proposed purchaser of the property “North Point”, that the Council would honor the use variance that was given to the property back in 2000 and supported by the Borough’s Planning Commission; seconded by Councilwoman Papale; and carried by a vote of 6-1. (Rich– no, Humphreys - yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Old Business:

Mr. Perfetti announced that they were still looking for crossing guards if anyone was aware of anyone with interest, they could reach out to the Borough office.

New Business:

Councilwoman Papale announced that in addition to the Clifton Quarterly that they are putting out throughout the year, they are going to put out a calendar for next year. She is requesting that any organization that is aware of their events throughout the year to please reach out to her with that information so that they can include it on the calendar.

Mayor Lombardo announced that they would be selling advertising for businesses throughout the Borough if any businesses wanted to be included, and their business would be featured each month.

Councilman Humphreys asked if there would be any Planning Commission meetings coming up.

Mr. Perfetti said that he spoke with the Chairman of the Planning Commission, John Todd, and he had requested Borough Council’s permission to hold monthly Planning Commission workshop meetings on the 1st Tuesday of each month with him having the authority to invite participants as he deems to be appropriate to discuss current and future plans.

Mayor Lombardo asked if that would impact the Borough’s future caucus meeting schedule if they went back to having their caucus meetings on the 1st Tuesday of each month.

Mr. Perfetti said that perhaps they could schedule them to run one after the other.

A motion was made by Councilman Humphreys to accept the Planning Commission Chairman's proposal for meeting scheduling; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

Mr. Perfetti said that the Borough Tax Collector had authorized him to speak on her behalf and is happy to report that she has collected 90% of the taxes due for the current tax year 2018. She is also asking for some insight and consideration on 2 issues.

Mr. Catania explained that the property listed as 546-556 E. Baltimore Pike and also known as the Clifton Heights Yarn Mill, has paperwork showing that there were delinquent trash and sewer fees there. However, the property is a commercial property, so there really should not be trash fees there, of which he has advised the Tax Collector. He said that there delinquent sewer amounts, which he believes are just a repeat of the bills that were imposed at the time the property was being used, prior to 2000. There is a substantial deficiency there, about \$37,000, but he doesn't think that it reflects collectible money. There is no one at the property and no sewer being used. He said that they can attempt to compromise that amount to avoid litigation. He thinks they are entitled to some amount since sewer is available, but that they would be hard pressed to demand \$37,000 worth of sewer fees being owed. He said that if provided authorization, they would negotiate that in an amount to the satisfaction of the Council President, Chairman of the Finance Committee and Borough Manager prior to the completion of the upset sale.

President Berry asked for a motion to authorize the Borough Solicitor to negotiate a settlement for the delinquent sewer fees for 546-556 E. Baltimore Pike as outlined, taking into account that the sewer has not been used in a number of years and the bills may date back to previous occupancy prior to 2000.

Closing Public Comment:

Sherry Rich, 82 Chester Ave., said that tonight she learned something that is upsetting and very discouraging and that it is supposedly already a done deal, that the Borough is losing its ball fields because the Upper Darby School District wants to build a middle school. She said that she believes the School District owns the fields and not the Borough, and she hopes that the Borough has some sort of recourse to avoid losing the ball fields. She said that she cannot imagine the impact to the town and the kids. She asked if someone could look into this information.

President Berry said that there are plans afoot in the next week.

Solicitor Catania commented that the Clifton Heights School closed years ago, and he has heard about that since he started working for the Borough and it is a wound that has not yet healed. When the Upper Darby School District took over and took on the students from Clifton Heights, the School District owned that property. He said that they went through a succession of leases with the Borough so that the Borough could continue to use the fields, but the fields do belong to Upper Darby School District and the rights of the property do belong to them. He said that everyone within the Borough of Clifton Heights belongs to the School District and votes and has a voice, and the Borough has building codes and regulations and zoning. The School District would have to borrow

money to build the building, and they could participate in that process. He said that the Borough is not without remedy, but the Borough is not the property owner. He said that this has been a concern for everyone on Council for a very long time, and the fields are used constantly. He said that everyone needs to be involved and watch what happens carefully and what is being done.

Mrs. Rich said that this is more than she has ever heard previously and it is sounding like a done deal to her.

Mr. Catania said the Borough of Clifton Heights lost their seat on the School Board. He said that there was an agreement that the Borough would have a seat on the Board, and a new group came in and the Borough's representation was taken away.

Mrs. Rich said that the Borough is filled with fighters.

Ward Reports:

Councilwoman Papale had nothing to report.

Councilman Humphreys asked everyone to support the Clifton Heights' Boys' Club Cow Pie Bingo that would be taking place in 2 weeks.

Councilman Rich included the information for the trash ordinance in the Clifton Quarterly last month and he is pleased to report that he is seeing a lot of cooperation.

President Berry had nothing to report.

Councilman Martin had nothing to report.

Councilwoman Peterson had nothing to report.

Councilman Campbell reiterated the support for the Boys' Club and Cow Pie Bingo.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary