

**Clifton Heights Borough Council  
Meeting Minutes  
Tuesday, April 17, 2012**

**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 J. Catania, Solicitor  
J.P. Kelly, Engineer

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Public Comment:**

Fred Rich, 82 Chester Ave., said that at the January 17, 2012 Council meeting he complained about Code Enforcement's failure to enforce the Borough's trash ordinance, trash is sitting from Saturday until Tuesday resulting in his house being infested with mice. He said that the mouse infestation at his house continues and nothing has been done about the trash sitting out from Saturday until Tuesday since that meeting 3 months ago. He read excerpts from the January 2012 meeting.

Mr. Rich said that Mr. Tartaglia has never issued a citation for trash violations in his 16 years as Code Enforcement Officer and that he stated otherwise at the January meeting, which was a lie. He asked Mr. Tartaglia to provide him with one citation over the last 16 years. He provided photos and said that the trash sitting out over the weekend was a common occurrence over the last 16 years. Mr. Rich also said that he never said anything about keeping trash in the house. He said that Mr. Tartaglia said at the January meeting that he would send out letters about the trash and recycling. He said that it was also discussed at the February meeting and that the letter still hasn't gone out.

**Meeting Minutes:**

A motion was made by Councilman Martin to accept the March meeting minutes as presented; seconded by Councilwoman Tumolo; and carried unanimously by a vote of 8-0.

**Mayor's Report:**

Mayor Kelly said that the police are doing an excellent job and that he wanted to commend Acting Chief Rockenbach for continuing to serve the Borough in an outstanding manner. He said that carnival time will be approaching, and they will be preparing for that. He thanked everyone.

**Police Report:**

A motion was made by Councilman Martin to approve the police report; seconded by Councilwoman Papale; 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 Councilman Humphreys; and carried unanimously by a vote of 8-0.

**Code Enforcement Report:**

A motion was made by Councilman Martin to approve the code enforcement report; seconded by Councilwoman Tumolo; 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 Peterson; 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 he had nothing new in addition to what he presented at Thursday night's caucus meeting.

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

**Engineer's Report:**

J.P. Kelly said that they generated a preliminary scope of work for the 2012 Road Program, which they will compare with the water company's projections for this year. He said that he expects to have a completed scope of work for Council's approval at the next meeting.

He continued that on March 28, 2012, they were made aware of break along the Darby Creek sanitary sewer line adjacent to Glenwood Ave.. They completed an alternative analysis and concluded that the most cost effective solution would be to slip line the pipe. He said that he is recommending that they are authorized to move forward on an emergency basis and that Tri-State Grouting make the necessary repairs. He said that he provided a map of the damaged area and his estimate to repair, which is \$275,000.

A motion was made by Councilwoman Berry to move forward with the sanitary sewer repair on an emergency basis, authorizing Tri-State Grouting to complete the necessary slip line repairs at an estimated cost of \$275,000; 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.)

President Casadei and J.P. Kelly both said that there really was no other choice.

Mayor Kelly asked J.P. Kelly if he could comment on what is going on now for those in attendance who might be wondering.

J.P. Kelly said that if you were to go down Mill Street to the creek from the man hole down to the creek about 1,000 lineal feet, there are 5 man holes along that stretch and the associated piping. He said that it is in very, very bad condition and as soon as they became aware of the condition, the Highway crew set up bypass pumping. He said that bypass pumping has been running for the past 3-4 weeks. He said that the line is 18 inch terracotta pipe, which is probably every bit of 80 years old. He said that there are 2 foot sections of pipe, and roughly every 2 feet, there is damage; some completely open to the bottom of the creek, some completely open to the top of the creek and debris has gotten in. He said that the manholes are brick and almost completely falling in, in very bad condition. He said that he believes this was the previous interceptor along Darby Creek before the 48 inch pipe was installed across from the creek. He said that when this pipe was installed, roughly 80 years ago or so, there was blasting that occurred to install the pipe in the terrain. He said that their alternative analysis included crossing the creek or going under the creek. He said that if they go under the creek in one spot, they have to go under the creek in two spots. He said that while they could do it in the one spot, they couldn't in the second. He said that led them to another alternative which was to install a pump station. He said that if you are familiar with the topography, the manholes on Glenwood Ave. are roughly 70 feet apart. He said that to install a pump station, the cost would be roughly \$750,000. So slip lining was the next solution. He said that it is a method that has been used in the Borough before and other Boroughs. He said that it is the most cost effective fix. He said that the benefit of fixing it, other than not being fined and running pumps, is I&I abatement. He said that right now there is a lot of creek water that is getting into the pipe, and that pipe goes to a metering station down on Rockbourne Rd., Clifton Heights #3. He said that water is going through there and going to Delcora for treatment, and they are paying for the water passing through there, so they want the majority of what is passing through there to be sewage. He said that they are paying roughly \$1.90-\$2.00 per 1,000 gallons whether it is sewage or creek water.

A motion was made by Councilman Martin to approve the Engineer's Report; seconded by Councilman Humphreys; and carried unanimously by a vote of 8-0.

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

Mr. Catania said that his 1<sup>st</sup> item was a report on the litigation of the Borough of Clifton Heights vs. Kent Mills LLC, the 500 East Broadway Ave. property. He said that they were in Court today and he wanted to thank Mr. Tartaglia, J.P. Kelly, Councilman Martin and Mayor Kelly for participating in the proceedings. He said that at the end of the proceedings, Judge Kenney entered an Order, most of which has been agreed to by the parties. The Judge has accepted jurisdiction over all of the previously issued and currently issued citations and has given Kent Mills until May 14, 2012 to produce a fully detailed set of demolition plans prepared and sealed by a licensed, professional engineer as well as a demolition contract, both of those items prepared in accordance with an 11 page report that was prepared J.P. Kelly setting forth the different procedural and specific requirements that the demolition process has to address. People familiar with the property know that there is a smokestack on the property which contains cellular phone antennas. He said that the tenants are having difficulty getting access to the antennas, and the Borough agreed to provide the tenants access provided that they agree to comply with all of the

applicable laws and provide the Borough with a written indemnity before attempting to access the property. He said that the deadline of May 14<sup>th</sup> also includes Kent Mills LLC providing a demolition timetable. He said that they provided a preliminary timetable this morning, but they did not feel that it was in the Borough's best interests to accept that timetable. He said that they want to see what the specific plans say. He said that if the matters are not addressed and handed into the Borough and Court by May 14<sup>th</sup>, then they will go forward with the hearing on both the injunction to require the owner to complete the demolition as well as the past issued and currently issued citations. He said that Judge Kenney signed the order today. He said that of the five cellular phone tenants, they have indemnity agreements from T-Mobile & Metro. He said that he will get them signed and send them to Mr. Tartaglia so that they can get done what work they need to there.

He said that they had a brief Executive Session prior to tonight's meeting to talk about that litigation as well as the Local 835 contract, which has now been signed by all of the parties.

He said that his next item was reporting on Brubacher Excavating Company, which was the company that was working as a subcontractor for Aqua last year when the replacing of the various piping was completed throughout the Borough. He said that there were considerable and continuous problems with dust and cleaning that were not addressed. He said that when Aqua returned the Borough this year to begin the work with the streets, they again offered Brubacher as a subcontractor, and Brubacher's request for a permit was denied. He said that they requested that Council review that decision and based upon the information that Council received and what was discussed at the Caucus meeting, it would be in order to entertain a motion to allow Brubacher to be a permitted subcontractor provided that they post an escrow of no less than \$20,000 and enter into a written agreement with the Borough to allow the Borough to draw down on that escrow if any problems arose during their work within the Borough. He said that this time their work is only paving, not excavating.

A motion was made by Councilman Martin to allow Brubacher Excavating Company to be a permitted subcontractor within the Borough provided that they post an escrow of no less than \$20,000 and enter into a written agreement with the Borough that allows the Borough to draw down on that escrow if any problems arise during their work within the Borough; seconded by Councilwoman Papale; 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.)

Mr. Catania said that his final item is that he was made aware that Leitzell & Economidis has solicited proposals from different lenders and the one that is most advantageous to the Borough is from TD Bank. TD Bank proposes lending the Borough no more than \$2 million at an interest rate of approximately 3.76%. He said that he was unsure of the repayment terms.

Mrs. Leitzell said that the majority of it would be over 20 years, but \$120,000 of the total would be over a shorter time period.

Mr. Catania said that it would be in order at this time to allow us to proceed to gather the information for the lender and adopt the parameters resolution that would allow the Borough to reimburse itself out of any of the proceeds of that loan including the cost of issuance and to authorize the appropriate officers and officials to go forward to complete the process. He said that as far as the sources and uses of the funds, his rough breakdown is approximately \$600,000 repaid from the current bond issue, approximately \$500,000 for projects on this parcel of land, \$225,000 for the Scally property, and the balance for the sanitary sewer issue. He said that would be the proposed sources and uses.

A motion was made by Councilman Martin to accept the parameters resolution as set forth by the solicitor; 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.)

**Old Business:**

Councilwoman Papale said that she was going to again ask Mr. Tartaglia to get together the mailing for the trash collection ordinances and the recycling information. She said that she would like to have that by next month's meeting so that Council can review it and have it sent out to the residents.

**New Business:**

Councilwoman Papale said that she would like to have a resolution created to make contributions to several organizations. She said that she would like to provide \$500 to the American Legion for their Memorial Day Ceremony, in addition to the normal \$150 that they donate and a \$100 donation to the Clifton Heights Trout Tournament; seconded by Councilwoman Berry.

President Casadei asked if that had already been approved by the Finance Committee.

Councilwoman Papale said that it had been.

The resolution passed unanimously by a vote of 8-0 after questions.

**Ward Reports:**

**First Ward:**

Councilman Resnick had nothing to report.

Councilwoman Papale had nothing to report.

**Second Ward:**

Councilman Humphreys said that he might not be at the next meeting because he is getting a knee replaced.

Councilwoman Berry had nothing to report.

**Third Ward:**

Councilman Martin had nothing to report.

President Casadei had nothing to report.

**Fourth Ward:**

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo reminded everyone that the 4<sup>th</sup> of July Association would be hosting Cow Pie Bingo at Community Day.

**Closing Public Comment:**

Fred Rich, 82 Chester Ave., asked if they were crazy discussing another \$2 million loan on top of virtually the highest tax millage rate in Delaware County at 12.0001. He said that the \$1 million bond from 2003, 9 years ago; they did not even spend \$650,000 of it. He said that for 9 years, they are paying like \$38,000 interest on it and he thinks that they are supposed to return after 3 years if they haven't spent it. He said it's like taking a mortgage out on a house, making monthly payments and never moving into the house. He asked what they were doing, putting them in another \$2 million in debt on top of everything and a 12.0001 tax millage.

President Casadei said that Mr. Catania just explained what the money would be funding.

Mr. Rich said that there was \$350,000 I&I in the last bond that they never used.

Colio Hagen, 29 Windsor Lane, asked about the trash collection. He said that he has been having problems.

President Casadei said that none of those items were discussed at tonight's meeting. He explained that you need to sign up to speak in advance and closing public comment is for the public to comment on what was discussed at the night's meeting. He said that he could speak with the Borough Manager about his issues/grievances. He said that he could call ahead of time and speak at next month's meeting if he is still having problems.

Jim LaVenz, 509 E. Broadway Ave., asked if anyone had approached the State or Feds in regards to any grants that might be available in lieu of borrowing 2 million. He said that with all the fracking that is going on in the State, perhaps there would be money available for Borough maintenance.

Mayor Kelly said that as part of the Borough Association he could answer that question, because the fracking money is set aside for Boroughs that are affected by the fracking. He said that they get the fees. He said that as far as grants go, they have researched them but as everyone may have seen in Governor Corbett's budget, there are no grants available. He said that the last grant the Borough received through Nick Micozzie would be included in the work that was completed at Borough Hall, which is a matching grant. He said that is a matching grant.

Mr. LaVenz asked what would happen when the fracking effects us through pollution.

Mayor Kelly said that the EPA would be involved then.

Michelle Hartel, 317 Harrison Ave., asked J.P. Kelly about the sanitary sewer issue. He asked if there was anyway that they could apply for an infrastructure grant.

Mayor Kelly said that there are no grants currently available and if there were any that came available they would be matching grants and they would require going through a lengthy application process and since this is an emergency situation, they don't have time.

Mrs. Hartel said that she knows that Council approved it but with the pumps constantly running and costing the Borough money, she asked if it had to go out to bid.

President Casadei said that it was an emergency situation, so they did not need to go out to bid.

Kerry Bruner, 58 N. Penn St., said that she works for the Home Depot, and they are celebrating their 15<sup>th</sup> anniversary and she was asked to come down to see how they can become involved in the Fourth of July parade.

President Casadei said that she could speak with Councilwomen Tumolo & Papale after the meeting for information.

Mayor Kelly thanked her and the Home Depot for wanting to be involved.

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy

Clifton Heights Borough Secretary