

**Clifton Heights Borough Council  
Meeting Minutes  
December 21, 2010**

**Present:**

Anthony Casadei, Council President  
Edward Martin, Council Vice President  
Betsy Berry, Councilwoman  
Harris Resnick, Councilman  
Jane Tumolo, Councilwoman  
Leona Papale, Councilwoman  
Mario Alpini, Councilman  
Robert Penjuka, Councilman

**Others Present:**

Joseph Kelly, Mayor  
Frank Catania, Borough Solicitor  
Tony Tartaglia, Code Enforcement/Borough Manager  
Walt Senkow, Chief of Police

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Public Comment:**

None.

**Meeting Minutes:**

A motion was made by Councilwoman Berry to accept the meeting minutes as presented; seconded by Councilwoman Papale.

Councilman Resnick asked for the minutes to be edited to show that he arrived on time.

Councilman Alpini asked about the minutes from last month's meeting and said that they seemed to be missing some information. He mentioned that Councilman Resnick had discussed the payroll of the officers without naming the officers.

Kimberly Duffy (I) explained that she entered that he read the salaries without including all of the numbers.

Councilman Alpini said that he was under the impression that they were supposed to be word for word.

Mr. Catania explained that they have this conversation all of the time and the minutes, under the Sunshine Act, are supposed to reflect roll call votes, motions (1<sup>sts</sup> & 2<sup>nds</sup>), the substance of what was voted on and a summary of who talked and their comments. He said the minutes are really to record what happened and not what was said.

Councilman Alpini asked if the minutes were acceptable as presented.

Mr. Catania said that they were and that they could probably have less information included.

After comments, the motion was carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjoke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

### **Mayor's Report:**

Mayor Kelly announced that in sad news there was a fire in the 50 block of N. Sycamore this evening. He said that the fire was under control and everyone was out of the house from the reports that he received, but that they would be at the scene for awhile completing their investigation.

Mayor Kelly wished all of Council and all of the residents of Clifton Heights a merry and healthy Christmas, a Happy New Year and a Happy Chanukah.

### **Police Report:**

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

### **Fire Report:**

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

### **Code Enforcement Report:**

A motion was made by Councilwoman Berry to approve the code enforcement report; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

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

A motion was made by Councilwoman Tumolo to accept the treasurer's report and pay the bills as money becomes available; seconded by Councilwoman Berry; and carried unanimously by a roll call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjoke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

### **Manager's Report:**

Mr. Tartaglia announced that the road servicing program has been completed and is ready for final approval to allow for the final payment to be issued. He said that he reviewed the work completed and recommended approval.

A motion was made by Councilman Martin to set the millage at 12.001, as represented in the preliminary budget; seconded by Councilwoman Berry; and carried by a roll call vote of 5-4 with Mayor Kelly breaking the tie with a vote of yes. (Resnick – no, Alpini – no, Berry – yes, Martin – yes, Penjoke – no, Tumolo – yes, Papale – no, Casadei – yes, Mayor Kelly – yes.)

A motion was made by Councilwoman Berry to set the sanitation fees at \$210, the same rate as 2010; seconded by Councilman Martin; and carried unanimously by a roll call vote of 8-0.

A motion was made by Councilwoman Berry to set the sewer fees at \$282, the same rate as 2010; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 8-0.

Mr. Tartaglia reported that all of the Borough's trucks had been inspected and were prepared for the upcoming winter. He said that sanitation trucks that were down have been repaired and are back in service.

Mr. Tartaglia said that they have received bids from brokers for electrical metered and unmetered usage. He said that right now it appears that they will be moving to Exelon in January at approximately a 32% reduction. He said that initially they would be metered services so from what he understands, it could bounce up and down over the course of the next few years.

He said that they have also review the phone service, and he is suggesting that they move from Verizon, who has been unresponsive, to RCN. This will create a 34% decrease in billing and maintain the same level of service for 2 years.

Mr. Tartaglia said that he had 2 additional Resolutions for consideration for procedures for expenditures in 2011, the first for Professional Services and the 2<sup>nd</sup> for Internal Controls.

A motion was made by Councilman Martin to adopt the Professional services resolution; seconded by Councilwoman Berry; and carried by a roll call vote of 5-3. (Resnick – no, Alpini – no, Berry – yes, Martin – yes, Penjuck – no, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Tartaglia said that the 2<sup>nd</sup> resolution is a document addressing the Clifton Heights Internal County Controls. He said that it is a replay of one that they adopted previously, updated for 2011.

A motion was made by Councilman Martin to adopt the internal controls for 2011.

Mayor Kelly asked if Mr. Tartaglia made the change that he suggested.

Mr. Tartaglia said that he did not.

Mayor Kelly said that he would suggest a change in Paragraph 7 where it says, “2 signatures required.” He said that the Borough Code says that the Borough Treasurer must always be one of the signatures, unless there is an emergency, in which case the Finance Chairman could sign. He said that the line that says 2 signatures should read that one must be the Treasurer and any other 2 members of Council.

Mr. Tartaglia said that he could make that change, review it with Mr. Catania and have it ready for the January meeting.

Councilman Martin withdrew his motion.

Mr. Tartaglia said that now all members of Council had a copy of the updated 2011 budget in front of them. He said that the difference was in the medical premiums for 2011. He said that there would be a 7+% increase in medical benefits for employees (which had originally been slated at a 20% increase).

A motion was made by Councilman Martin to adopt the 2011 budget; seconded by Councilwoman Berry. President Casadei opened the floor to the public for comment.

Fred Rich, 82 Chester Ave., said that the millage rate going to 12.001 for such a small town is an absolute disgrace in his eyes. He said that the Daily Times had the rates the other day and that Clifton Heights had the 4<sup>th</sup> highest rate in all of Delaware County. He said that he has been coming up for years complaining about trash and abandoned cars. He said that they need an independent audit to find out where the wasteful spending is going.

President Casadei said that they are required by law to have an annual independent audit.

Mr. Rich said that they do not do an independent audit.

President Casadei assured him that they do and are required to do so.

Mr. Rich said that he was speaking for the taxpayers of Clifton Heights.

After comments from the public, the motion was carried by a roll call vote of 5-4 with Mayor Kelly breaking the tie with a vote of yes. (Resnick – no, Alpini – no, Berry – yes, Martin – yes, Penjoke – no, Tumolo – yes, Papale – no, Casadei – yes, Mayor Kelly – yes.)

Mayor Kelly said that if there were any taxpayers who wanted to meet with him on any Monday evening to go over any issue, he would be happy to meet with them.

Councilman Martin explained that the tax increase amounted to about 80 cents per week.

Mr. Rich interrupted.

President Casadei asked Mr. Rich to leave the Council room.

Councilman Martin explained that 80 cents a week was something that they had to pay as well.

Mr. Tartaglia said that after consideration, they do not have enough time to put out the RFP for lockbox services for 2011. He explained that Ms. Leitzell spoke with our current provider of lockbox services, who reduced their figures from around \$20,000 to a more manageable \$7,000+. He said that their recommendation is to remain with the present company and send the issue to the Finance Committee for review in 2011 for a possible change in 2012.

Mr. Tartaglia said that they executed the contract with General Code, and the money is going to be funded by the License & Inspection Department since they are the primary users of it.

He explained that they were in touch with Sprint and were able to decrease the bill from around \$600 to around \$450.

Councilman Resnick asked about the RCN and if that was just in reference to the land lines.

Mr. Tartaglia explained that the RCN item that he discussed previously would deal with the land lines and the Centrex system, which is their internal communication system. He said that all of the lines and numbers would be the same, and that the only issue would be that each line would be interrupted for about 10 minutes when switching them over from the Verizon block to the RCN block.

Councilwoman Berry asked if we signed a contract with them and how long it would be.

Mr. Tartaglia explained that they would be signing a contract, and it would be for one year.

Councilman Alpini asked if they were allowed to do the lockbox legally without putting it out to bid.

Mr. Catania explained that they had an existing contract and this was the option year. He said that the savings from going to \$20,000 to \$7,000 is in the Borough's best interest. He said that they wouldn't need to vote on it since they are already entered into the contract.

Mr. Tartaglia said that the Solicitor provided with him some sample resolutions from other municipalities outlining general fees schedules and collection procedures. He said that he would like permission to work with the Solicitor so that they could provide a report and recommendation to the Finance Committee in January or February.

Councilman Alpini asked what fees they were talking about.

Mr. Tartaglia said that they were talking about fees in general and what kind of penalties would be imposed and what kind of interest would be imposed. He said that an example would be rental fees within the License & Inspection Department. He said that this would be a general procedure outline.

Councilman Alpini asked if this would include sanitation and sewer fees.

Mr. Tartaglia said that it would be any fees in the Borough, including sanitation and sewer fees.

Mr. Catania said that it would be anything except taxes.

Mr. Tartaglia said that they are not changing anything, just reviewing.

Mr. Catania said that it would help when they go to Court to produce one document as opposed to having items outlined in several different places.

Mr. Tartaglia said that as a matter of note, they had another hearing with the owners of 500 E. Broadway on Monday at 1pm in Judge Perfetti's Court at which time they produced a registered engineer that testified that it should take 5 weeks for him to do a structural analysis of the integrity of the masonry portion of the building and to suggest a steel repair for the roof itself. He said that as such, their hearing was rescheduled for January 24<sup>th</sup> in hopes that the report and recommendation would be ready.

Mr. Catania explained that Judge Perfetti was working very hard to keep them to a strict schedule to move the process along.

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

#### **Engineer's Report:**

J.P. Kelly said that he just asked to be informed when the final approval was provided for the Road Program contract so that he could finish the completion report and send it off to PENNDOT.

A motion was made by Councilman Martin to give final approval for the Road Program Contract and to release the final payment; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

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

Mr. Catania said that he recommended that they defer the bond issue and tax anticipation note to January.

He said that he circulated the 2011 Public Meeting notice calendar to Council for Council, Committee, and Planning Commission meetings. He asked for a motion if the dates that he provided were acceptable.

A motion was made by Councilman Martin to approve the 2011 Public Meeting Notice calendar for advertisement; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

#### **Old Business:**

No old business.

#### **New Business:**

Councilman Alpini said that the Borough received a letter from the Williamson Trade School thanking them for their \$500 gift. He read the letter and also mentioned Mike Wink and the assistance he provided in setting up the connection with the Williamson Trade School.

A motion was made by Councilman Martin to pay Tony Tartaglia for his duties as interim manager last month and to appoint him as interim manager; seconded by Councilwoman Berry; and carried by a roll call vote of 5-4 with Mayor Kelly breaking the tie with a vote of yes. (Resnick – no, Alpini – no, Berry – yes, Martin – yes, Penjuke – no, Tumolo – yes, Papale – no, Casadei – yes, Mayor Kelly – yes.)

### **Ward Reports:**

#### **First Ward:**

Councilman Resnick said that they had a phenomenal turnout for the Boy Scouts Annual Food Drive and that 6,384 items were collected. He said that it was their most successful event ever. He thanked everyone in Clifton Heights.

Councilwoman Papale wished everyone a Merry Christmas, a Happy New Year and a Happy Chanukah.

#### **Second Ward:**

Councilman Alpini asked if PENNDOT takes care of the intersection of Baltimore Pike & Springfield Rd. for the potholes because there is a pothole in the northbound lane of Springfield Rd. right in the crosswalk that is terrible. He asked whoever gets in touch with PENNDOT if they could inform them.

Mayor Kelly said that it was from the Water Company's repairs earlier in the year that they have yet to address correctly and which keeps getting worse.

Mr. Tartaglia said that he would get in touch with the Water Company and PENNDOT.

Councilman Alpini said that he would like to clear something up about the tax increase since the audience could see that not everyone voted for it and that it was a 4-4 tie. He said that he understands the theory of why it went up a ½ mill but that he does not agree with it. He said that without getting into all of it, he wants everyone to understand that they would have made it without the ½ mill increase, that it was just a cushion that they were developing in case things happen. He said that for a lot of the senior citizens, they cannot afford it and the \$40 is a lot. He said that he would have preferred that they addressed the budget to find areas to trim. He said that he understands Mayor Kelly's view that their assessments were low, but that they cannot tax their way out of the bad spot. He said that he is not a financial expert but can only voice the concerns of many of the senior citizens and single mothers in his ward.

President Casadei said that he stated that we did not need this increase and could have done without it and then stated that he was not a financial expert. He said that they had a financial expert work on this and her recommendation was for the increase, and she explained all of this to them.

Councilman Alpini said that the financial expert did explain to them that they could make it but that it would be very, very tight. He said that the ½ mill increase was to provide them with a margin of comfort and that is in the minutes.

President Casadei said that they are still going to cut into their reserve this year even with the increase.

Councilman Alpini said that he would prefer to make us uncomfortable as opposed to the citizens. He said that in the meantime maybe they could clean up their act in the next few years and find better ways to save.

Mayor Kelly asked what happened last year, if we had the largest snowstorm in our history and the tornado. He said that they were fortunate to have reserve funds to dip into because he would hate to be faced with those issues without the funds to cover the overtime for the roads to be cleared and the traffic to be directed. He said that the major part of it is that ½ mill is \$100,000 for the Borough, and so this year the Police Pension payment will be \$186,000 as opposed to \$49,000 last year. He said that he understands and feels for the families, but he would hate to have to come in mid-year with a surtax that would cost the citizens more.

Councilman Alpini said that he disagrees with the fact that they wouldn't get the streets plowed without the ½ mill increase. He wished everyone a Merry Christmas and happy and healthy holiday season.

President Casadei asked why they paid a professional expert if they were not going to listen to their recommendation.

Councilwoman Berry said that as Chairman of the Finance Committee, she wanted to make sure that all of the residents were aware that, even with the ½ mill increase, there was nothing that the Finance Committee would not go over with a fine tooth comb. She said that they are not spendthrifts and have not been since she's been on Council. She said that she and the rest of the Finance Committee will continue to work hard. She wished everyone a happy and healthy holiday season.

**Third Ward:**

Councilman Martin wished everyone happy holidays. He apologized for his reaction to Mr. Rich. He said that Mr. Rich made an insinuation that Ms. Leitzell completes the audit and does so in our favor because she works for us. He said that is totally false and it would be totally against the law for her to do that. He said that for the record, Lingus Pickowski, CPA completes the audit.

President Casadei commended the highway men on the great job they did on the quick storm that they had. He wished everyone happy holidays.

**Fourth Ward:**

Councilman Penjucke wished everyone happy holidays a Happy New Year. He said that everyone in the 4<sup>th</sup> ward was doing a great job with the decorations.

Councilwoman Tumolo wished everyone a Merry Christmas, a Happy New Year and a Happy Chanukah.

**Closing Public Comment:**

None.

**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