

**Clifton Heights Borough Council  
Meeting Minutes  
Tuesday, October 18, 2011 Meeting**

**Present:**

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

**Others Present:**

Joseph T. Kelly, Mayor  
Frank Catania, Borough Solicitor  
Tony Tartaglia, Code Enforcement/Borough Manager

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Special Commendation Presented by Chief Senkow:**

Chief Senkow thanked the Chief of Police of Lansdowne, Dan Kortan and the Mayor of Lansdowne, Jane Young, for being in attendance. He explained that the officers being recognized tonight were 2 of the officers who responded as backup in February when the incident with Officer Kevin Schieler occurred. He noted how grateful he was of the relationship the two neighboring departments had that allowed such an assist to occur.

He presented certificates of appreciation to Officer Tina Selimis and Officer James McCaughn on behalf of the Borough of Clifton Heights in appreciation of their assistance in the apprehension, arrest and prosecution of those involved in the incident.

**Public Comment:**

Fred Rich, 82 Chester Ave., asked if he could defer to the end of the meeting so as to not deflate the festive mood after the commendations.

Sherry Rich, 82 Chester Ave., said that she was a very proud American and the mother of an active duty naval aviator. She said that our country is currently at war and under the United States Code – Title IV, Chapter I, pertaining to the flag; it states that there needs to be a flag flying atop the Borough building. She said that she would like to respectfully request the status of or whereabouts of the Borough's flag.

President Casadei said that flag was worn out and needed to be replaced. They brought it down and someone, in that time, cut the string that holds the flag up. He said that they are currently getting a new flag and a new string so that the flag can go back up.

James Salmon said that the flag would be back up by Friday.

Mrs. Rich thanked them for their answer.

### **Meeting Minutes:**

A motion was made by Councilwoman Berry to accept the meeting minutes as presented; seconded by Councilman Martin; and carried by 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 said that Clifton Heights is a small town with a big heart. He said that the recent affair that was held for Officer Schieler at the Knights of Columbus had more than 600 people, mostly residents in attendance. He said that they would be hosting another affair this Friday for Jim McGrory at St. Eugene's. He said that tickets would be sold at the door for \$30. He said that he has done so much for the youth in the town through his involvement in the Clifton Heights PAL and so much for the town as the Chairman of the Zoning Board.

President Casadei said that tickets would also be sold at Borough Hall the following evening, Wednesday, October 19<sup>th</sup>.

Mayor Kelly announced that the Clifton Heights Boys Club had their homecoming and fundraiser over the weekend and that they were both very successful events.

Mayor Kelly reminded residents that Halloween would arrive before the next meeting. He said that trick or treating would be from 6 to 8 and asked residents to be very careful. He said that the Police Department would be out in full force.

### **Police Report:**

A motion was made by Councilwoman Berry to approve the police report; seconded by Councilman Martin; 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 Councilwoman Berry; 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 Councilman Martin; 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 as money becomes available; seconded by Councilman Martin.

Councilman Alpini asked where all the bills were for Suburban Waste Services and how much they have been paying for that service. He said that he had one bill in his packet for \$2,481.14, and all it says is a disposal fee from 10/6/11.

Mr. Catania said that the Emergency Trash Removal would be a separate motion that would come up under item 13.

Councilman Alpini said that he has no problem paying the bills but until they see exactly what is going on

with the Suburban Waste Services, they should hold the bills. He said that he doesn't want to be giving out blank checks for something that he can't see.

Mr. Catania reviewed the list and said that the Suburban Waste Services bills were not part of the bill list that was being voted on right now.

After the questions, the motion was carried by a roll call vote of 6-2. (Resnick – yes, Alpini –no, Berry – yes, Martin – yes, Penjoke – no, Tumolo – yes, Papale – yes, Casadei – yes.)

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

The Manager's Report was presented at the Caucus Meeting on Thursday night.

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

J.P. Kelly said JMC Contractors have submitted all necessary information for the contract and that he would expect the sanitary sewer repair work on Baltimore Pike to start within 2 weeks. He said that the pre-construction meeting is tentatively scheduled for early next week and that the construction schedule would be passed along through the Borough Manager.

Councilman Alpini asked if they repaired Church Street.

Mr. Catania said that this was another item that would be addressed with a motion when they get to administrative actions. He said that they are going to have InCon come in on a one-day contract to fill the pot holes.

Councilman Alpini asked who InCon was.

Councilman Martin explained it was the same company they brought in previously to fill in pot holes.

Mr. Kelly explained that a full day's worth of pot holes repairs generally runs around \$1,800. He said that they used this company to fill pot holes throughout the Borough about 6 years ago, and almost all of those pot holes are still in pretty good shape. He said that he did have a meeting with the Borough Manager to go over the scope that they wrote up for the work that would need to be completed. He said that they provided the drawings and specs and report.

Councilman Alpini asked if they were going to clean up the street at all in preparation of InCon coming in.

Mr. Kelly said that would be part of the process for the day that they would clean out the pot holes prior to filling.

Councilman Alpini said that they are going to ignore the fact that there is no curb up the entire length of Church Street.

Mr. Catania said that he is looking at the Manager's Report and that they have discussed alternatives for Church Street and they have the September 2009 study that was completed that shows the preliminary estimate at that time as \$240,000. He said that he thinks that information is available for Council's review.

Councilman Alpini said that he thinks that the Borough should suspend telling anyone in Clifton Heights that they need to fix their curb since they have let this go so long. He said it is like selective enforcement. He said that once you get past the 1<sup>st</sup> two properties on Church Street going southbound from Springfield Road, there is no curb.

President Casadei said that they have a problem there.

Councilman Alpini said that they put the street in there.

President Casadei said that they didn't have to put the curb in just because they put the street in.

A motion was made by Councilman Alpini that the Borough suspend fining or taking any action against homeowner's for failed curbs until they resolve the issue on Church Street; seconded by Councilman Penjuka; and carried by a roll call vote of 6-2 (Resnick – yes, Alpini – yes, Berry – yes, Martin – no, Penjuka – yes, Tumolo – yes, Papale – yes, Casadei – no).

Mr. Catania said that his understanding of the motion was that until the residents of Church Street are ordered to put in curbs...

Councilman Alpini said that he didn't say that. He said that he said, "until the Church Street curb issue is resolved..." He said that he personally thinks that the Borough is responsible for the curbing because the Borough put the street in.

Mr. Catania said that he was trying to confirm what was voted on in case the Borough Manager went up and cited the homeowners for not having curbs the next day.

Councilman Alpini said that he is not saying that is the correct action. He said that he thinks that they have a lot of deed research to do and that this has been going on for the better part of 10 years.

Councilman Martin said that he thinks that what they just voted on would allow someone who is selling their house and has a broken curb to move and sell their house without the Borough being able to tell them to fix their curb.

Mr. Catania said that they wouldn't be able to issue a Use & Occupancy permit then, so the House wouldn't be able to be sold.

Councilman Alpini asked if it would satisfy him if he edited his motion to exclude homes that are being sold with curb issues.

Mr. Catania explained that there is a disagreement as to who is responsible for the curb, which is a separate issue. He said that what was said tonight is that they want the issue resolved, without actually saying how to resolve it. He said that if he were an employee of the Borough, he would want to know what is going to have to happen to be able to move forward. Does the Borough employee have to cite them or did they vote to spend \$240,000 to fix the problem?

Councilwoman Tumolo said that InCon would address the problem when they came in with pot hole repairs.

President Casadei said that this would not fix the problem and the pot holes would wash out again.

Councilman Alpini said that the Church doesn't have one inch of good street left.

Councilwoman Tumolo said that that was because the amount of rainwater that pours down the street every time it rains.

Councilman Penjuka said that the other problem that they have right now is that they don't even know where the curb belongs because the street has been patched so much. He said that they need to find a centerline so that they can actually determine where the curb is supposed to be. He said that at one part of the street, there is blacktop around a tree. He said that they need to know where the centerline is so they know where the curb would go and if trees need to be taken out, etc. He asked for a point off the centerline where the curb would go. He asked Mr. Kelly if he could provide this to them so that they would have that information to pass along.

Mr. Kelly said that he would get the information.

Councilman Alpini said that the Church property was one continuous property from the Reverend's house straight back. He said that somewhere along the line, they gave an access or right of way to the Borough of Clifton Heights to put the street in. He said that somewhere along the line there should be a written opinion or something to say who is responsible for the curbing. He said that he can't believe that someone would give up their side lawn so that the Borough could put the street in, but then the person is going to pay to put the curb in. He said that doesn't make sense to him. He said that they need to get this done, even if it means deed searching every one of the properties. He said that they can't keep putting this off, not only could someone get hurt there, but it is affecting the look of the whole town.

Councilwoman Berry asked what the ordinance read about curbing.

Mr. Catania said that it is the owner of the property's responsibility.

Councilwoman Berry asked J.P. Kelly to research the centerline of the street and where the curb would go. She said that she wanted to verify what she voted on, which was to not have people fined or ticketed for not having curbing until this was resolved. She said she was not voting on people not having to fix damaged curbing, only those who currently have no curbing.

Councilman Resnick said that he would like to amend the motion to include that damaged curb must be fixed.

Mr. Catania said that he thinks that the motion was clarified. He said that he was trying to figure out how to resolve the issue, but what he's hearing is that the motion didn't intend to resolve the issue but the motion meant to get them more time so that they can figure out how to resolve the issue.

President Casadei asked Mr. Kelly if the curb was only predicated from the center of the street.

Mr. Kelly said that is often the case, but the deeds from the properties, like many of the properties in Clifton Heights, are described from the centerline of the street and the street's description is a width of right of way, which is defined from a centerline. So if the width of right of way was 60 feet, the curb would be 30 feet from the centerline on each side. He said that would be easy to identify because there would a description on each deed that describes to the centerline of the street. He said that it would not be hard to identify the centerline.

Mr. Catania said that he would work with Mr. Kelly and Mr. Tartaglia to present Council with options for the November meeting. He asked if there was a list of other places in town with similar issues.

Councilman Resnick said that an example would be Glenwood, East Broadway, and East Madison. He said that there is no erosion issue, but there is no curb on certain portions.

Mr. Catania said that there is the same curb issue but not the same consequence of not having a curb.

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

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

Frank Catania said that he has a series of administrative actions that they need to address. He said that they were discussed at last week's meeting.

### **Administrative Actions:**

A motion was made by Councilwoman Berry for the Borough to donate \$250 to the Boy Scouts; seconded by Councilman Alpini; and carried unanimously by a vote of 8-0.

A motion was made by Councilwoman Papale to prepare an RFP to contract for emergency snow removal services as needed; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

A motion was made by Councilwoman Berry to prepare an RFP (request for proposal) for trash removal services to begin January 2012; seconded by Councilwoman Papale.

Councilman Penjoke said that the problem that they have here is that the Borough failed to live up to their end of the agreement. He said that they have run out of people because they haven't hired anyone. He said that the big issue was that they couldn't hire anyone because they didn't have a contract.

President Casadei said that they do not discuss personnel matters in a public meeting.

Councilman Penjoke said that they are a union town.

Mr. Catania said that they could hold this item, discuss this item in Executive Session and come back to the item after Executive Session.

Councilman Alpini said that anyone who wants an answer on the trash needs to come back after Executive Session.

A motion was made by Councilwoman Berry to pay the emergency trash removal contract for October in the amount of \$19,849.41; seconded by Councilwoman Papale.

Councilman Resnick asked if they had a bill.

Councilman Alpini asked if they had a bill or an explanation as to who decided to use these people, why they got it, were other prices sought.

President Casadei said that the Mayor declared an emergency.

Councilman Alpini said that because the Mayor declared an emergency they could go with one contractor and not shop around for prices.

President Casadei asked what they were supposed to do when faced with an emergency at 7am and no one to pick up trash.

Councilman Alpini said that \$19,000+ was not for one day. He asked for how long and what research they had done to investigate the cost.

After questions the motion was carried by a roll call vote of 5-3 (Resnick – no, Alpini – no, Berry – yes, Martin – yes, Penjoke – no, Tumolo – yes, Papale – yes, Casadei –yes).

Mr. Catania said that the next item was for Lockbox Services for 2012.

Councilman Alpini asked if they had heard back from Sovereign.

Mrs. Leitzell said that she had not received a response from Sovereign. She said perhaps Tony had spoke with someone, but that the best deal that they were presented with was from TD Bank.

President Casadei said that Sovereign wouldn't accept walk-ins.

Mrs. Leitzell said that almost no banks were currently accepting walk-ins.

Councilman Alpini asked if they had a list of the banks that were contacted and what their responses were. He said that he went through the whole packet and didn't see anything.

Claudia Fagioli, Borough Tax Collector, said that time is getting short and there is a lot to be done to set this up. She said that she thinks that they need to really get the details about what TD Bank can do for them. She said that she appreciated Cindy calling her to offer to go over everything with her. She said that one thing that she recognizes over the years is that Borough residents like to be able to go to the bank to pay their tax bill because they can receive their receipt right then and there. She said that if that is not possible with any bank, then they will have to do what they have to do.

Councilman Alpini said that he would like to make a motion that they further investigate Lockbox Services.

Councilman Martin said that he was at the meeting the other night with the Borough Manager and never once brought up any opposition or asked any questions when he went through the information on the Lockbox Services.

Mrs. Leitzell explained that she and Tony talked to a number of banks, and TD, who they have most of their deposits with right now, offered the best package in relation to cost and customer service. She said that the walk-in issue is a fairly universal issue at this point. She said that she can't answer for every single bank, but for the majority of banks, the mechanism that they are using for Lockbox Services is fairly involved computer-wise and that is why they do not accept walk-ins. She said that they have recommended TD Bank because of their experience, the service that they have offered to her in the past and the cost. She said that the banks charge for these services and Citizens Bank was going to be charging a significant cost to continue on with them, and they also weren't accepting walk-ins. She said that if they decided to go with a different bank at this point, there would have to be significant changes in the Borough banking.

President Casadei said that Tony explained to them on Thursday night that they would not be charging the ridiculous fee.

Mrs. Leitzell said that their agreement pretty much states that if the balances are kept in their bank, they will not charge a monthly fee and will work with the Borough as the balances fluctuate throughout the year, because there is a high and low point in governmental accounting because the balances are high when the taxes come in and low as they go out to pay bills, so they would work with them on an average basis. She said that the Lockbox fee, which TD Bank is willing to waive, can be anywhere from \$1,600-\$2,000 per month.

Councilwoman Berry asked if the reports that the Tax Collector receives would be comparable to the ones she currently receives.

Mrs. Leitzell said that she believes that they would and that the Bank is willing to meet with her to go over the reports and what would work with her for the reports.

Mrs. Fagioli said that Mrs. Leitzell did extend her the courtesy of offering to meet with the bank to go over the format that she uses. She said that she hasn't done any investigation on this. She said that she does know that Citizens Bank has made many errors over the years that she has had to investigate and rectify. She said that they were helpful when she had to call them about errors.

Mrs. Leitzell said that all banks make errors and one of the important things that they need to consider is choosing a bank that provides this service to municipalities on a regular basis and is familiar with the process. She said part of the decision in recommending TD Bank was based on their experience.

Councilman Resnick asked if TD Bank wanted all of the Borough's money to be deposited in their bank.

Mrs. Leitzell said not all of their money, but they did want the money that was already deposited to stay there.

Mr. Catania said that he has never seen a different Lockbox agreement.

Councilman Resnick said that his concern would be the \$250,000 FDIC maximum.

Mrs. Leitzell said that all of the Borough's deposits were covered under Act 72.

Mr. Catania explained that before any Financial Institution in Pennsylvania can take any money from any municipality, they have to post an equal amount of collateral, which is why the interest they get isn't that high, because it is a very expensive thing for them to do. If the Borough has \$1 million, the Bank has to have \$750,000 in collateral.

Mrs. Leitzell said that the 1<sup>st</sup> \$250,000 would be covered by the FDIC, and the rest would be covered by the collateral if the bank failed.

Mr. Catania said that you are not getting a lot of banks who want to continue in this line of work for the very reason that it is not terribly profitable for them.

Mrs. Leitzell said that she investigated several banks, and she believes that this is in the best interest of the Borough.

Mrs. Fagioli said that whatever the decision, she recommends doing it now because she will have to create a lot of paperwork to get this ready for the new year.

A motion was made by Councilwoman Berry to allow Frank Catania and Cindy Leitzell to execute an agreement with TD Bank for Lockbox Services starting January 2012 and to move all deposit accounts to TD Bank given that the Tax Collector, Claudia Fagioli, sits down with Mrs. Leitzell and TD Bank and is assured that she will provided the information that she needs in the format that she needs it; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Mr. Catania explained to Mrs. Fagioli that they are accepting the offer and giving her veto power if she is not comfortable working with the TD Bank format.

A motion was made by Councilman Martin to bring InCon in on a one day contract with a \$2,000 limit to repair the pot hole damage on Church Street; seconded by Councilman Alpini; and carried unanimously by a vote of 8-0.

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

**Old Business:**

None.

**New Business:**

Councilman Alpini said that he had an update on the truck. He said that they did investigations on new, used, refurbished rears, etc. He said that Fred Beans sent an estimate over for \$3,330.33, \$1,680 in labor & \$1,650 in parts and a 12 month, 12,000 mile warranty. He said that would be to replace the broken parts with new parts.



He said that he also contacted Conti's Garage, who first diagnosed the problem with the truck. He said that he provided an estimate for \$2,995 for a completely rebuilt, 100% new Jasper rear differential with an 18 month, 100,000 mile warranty. He said that the estimate was less money and would return the business to Clifton Heights. He said that he also contacted Herby's Towing, who said that it would be a maximum of \$140 to bring the truck back, but most likely it would be less because it was from us.

Councilwoman Berry asked if the price included installation.

Councilman Alpini said that it includes everything.

Councilwoman Berry asked how long it would take.

Councilman Alpini said that from when they give him the okay, he would have the rear here in 2 days, and that Jasper delivers and picks up for no charge.

A motion was made by Councilman Alpini to award the truck rear repairs in the amount of \$2,995 to Conti's Garage; seconded by Councilman Resnick; 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.)

Councilman Alpini said that he would call Herby's and get this in motion.

### **Ward Reports:**

#### **First Ward:**

Councilwoman Resnick announced that the Boy Scouts would be dropping off bags for their annual food drive on Saturday, November 12<sup>th</sup> and picking the bags up on Saturday, November 19<sup>th</sup>. He asked for Council's permission to have access to Borough Hall for the pickup day.

President Casadei said that there was no problem with them using the building.

Councilwoman Papale reminded residents to be careful during the upcoming Halloween holiday with kids out trick or treating.

#### **Second Ward:**

Councilman Alpini said that they need to get the contract scheduled and get men on board. He said that Diamond Park is atrocious. He said that one bench is missing, 3 others are smashed to death, the swing set is busted and there is trash everywhere and only James trying to clean everything.

Mr. Catania said that he recommended discussing this in Executive Session.

Councilwoman Berry asked for everyone to be safe on Halloween and thanked everyone for their patience while the water lines are being replaced. She said that while it is still not completed, she hopes that they will be done soon.

Councilman Alpini asked if he could add something. He said that in talking about Sycamore Ave. and the work being done, he has never seen such a dirty job in his life. He said that he just sees big dirt clouds all over and that they pick up all the dirt, drop it at the end of the street, scramble at the end of the day to fill it back in and then go down the street with a power broom. He said that the power broom just kicks up a dust cloud. He said that he thinks that they should give these guys a limited amount of time to get a street sweeper in and at the end of the day use a street sweeper and not a power broom. He said that there is ground in mud and dirt all over the upper part of Sycamore Ave. and that is running into the storm sewers and right down to the lower streets as well. He said that dirt is everywhere.

A motion was made by Councilman Alpini to give Aqua/Brubaker 3 days to get a street sweeper in to clean up the dirt/mess being made during construction or to force them to stop their work; seconded by Councilman Penjuka.

Councilman Martin asked about the legality of such a motion.

Mr. Catania said that Council would have to decide the prudence of such a motion but there would be nothing illegal about such a motion.

Councilwoman Berry said that she would like to see them get done and get out.

After questions, the motion was carried unanimously by a vote of 8-0.

### **Third Ward:**

Councilman Martin had nothing to report.

President Casadei asked everyone to remember the Jim McGrory Fundraiser on Friday night from 7 to 12.

### **Fourth Ward:**

Councilman Penjuka apologized to his constituents for the trash problem and said that he hoped to have it resolved soon. He wished everyone a Happy Halloween.

Councilwoman Tumolo had nothing to report.

Councilman Alpini said that he had asked a couple of meetings ago about doing something or contacting the Upper Darby School District about doing something about the wall on Sycamore Ave. with all the stones that are falling everywhere. He said that there are big sections missing and it is not fine. He said that if they are making their homeowners maintain their homes, then they can make Upper Darby School District maintain this wall that is falling on the sidewalk. He said that they shouldn't be turning a blind eye to this just because it is the School District's property, especially considering what they charge in school taxes. He asked anyone to go up and look at the wall and see if they take pride in that wall. He said he would also remind them that it is the School District's wall. He asked Mr. Catania if it was within their power to ask the UDSD or to ask their Code Enforcement Officer to cite the UDSD on a weekly basis until it is resolved.

Mr. Catania said that what he would like to do is to get a copy of the lease to all of the Council members to see whose responsibility it is.

Councilman Alpini said that when they did that before, it was their responsibility and that is why they repaired the sidewalks.

Mr. Catania repeated that he would like to get a copy of the lease to them so that they can see whose responsibility it is.

Councilman Penjuka said that he read the agreement, and he thinks it is unclear as to whose responsibility it is depending on the side of the street. He said that we're liable, but not liable for the wall.

Mr. Catania said that it is an easily solved problem and that he will provide copies of the lease to everyone.

Councilman Alpini asked why Upper Darby School District would pay for sidewalks that weren't their responsibility.

Mr. Catania said that was an excellent question.

**Closing Public Comment:**

Resident, 145 E. Washington Ave., asked if he could put his trash out.

Council members responded that he should put it out tomorrow.

Fred Rich, 82 Chester Ave., said that his issue was the Sanitation Department. He said that he thinks it is an absolute disgrace what the Borough is doing to their highly regarded Sanitation Department. He thinks it is a deliberate attempt by the Borough Manager, Tony Tartaglia and other Borough Officials to eliminate the Borough's Sanitation Department and move to an independent outside contractor. Borough Manager Tartaglia said that the reason that he had to declare an emergency situation and call in the outside contractor, Suburban, to pick up the trash is because we are shorthanded 3-4 employees, a problem created by the Borough. They are well aware of the manpower shortage and have violated the existing contract by refusing to hire new employees for an extended period of time. Residents need to be made aware that Borough Manager Tartaglia's decision to bring in the independent contractor, Suburban, instead of hiring temporary workers is costing us taxpayers approximately \$1,500 per day over and above the cost of paying our own sanitation workers. Mr. Tartaglia claims that the old contract with the Sanitation Department expired last March and there is an impasse with the current contract negotiations and he can't hire any new employees until a new contract is signed. The impasse was caused by Mr. Tartaglia himself acting in bad faith while representing the Borough. The Borough originally proposed to Union Representative Phil Fabrizio to reduce the workforce from 7 to 6 employees and proposed a decreased medical plan for a meager increase in wages. After Union Representative Phil Fabrizio ultimately agreed to this bad proposal, Mr. Tartaglia and the other Borough Officials decided to change the terms and propose reducing the work force to 5 and then 4 employees and ultimately by attrition fulfill their objective of wiping out Clifton's Sanitation Department. He said that the Union balked at the Borough's final proposal and the impasse was then created. The Borough created the impasse. He said that the Sanitation and Highway employees, Phil Fabrizio, Timmy, George, Jim Salmon and others are highly regarded by local residents who are well satisfied with the work that they do. He said going with an outside contractor would be another strike against the Borough's small town identity. He said that Phil Fabrizio and the other Sanitation and Highway employees live in the community and take an active interest in doing volunteer work and other services that are invaluable to the community and will not be available with outside contractors. He asked Council to take this into consideration.

**Post-Executive Session:**

Mr. Catania said that the first item would be to file an unfair labor practice for the reason discussed in Executive Session.

A motion was made by Councilman Martin to file an unfair labor practice against Local 835; seconded by Councilwoman Berry; and carried by a roll call vote of 6-2. (Resnick – yes, Alpini – no, Berry – yes, Martin – yes, Penjuck – no, Tumolo – yes, Papale – yes, Casadei – yes.)

A motion was made by Councilman Martin to prepare an RFP for trash removal services to begin January 2012 with a copy being sent to Local 835; seconded by Councilwoman Papale; and carried by a roll call vote of 6-2. (Resnick – yes, Alpini – no, Berry – yes, Martin – yes, Penjuck – no, Tumolo – yes, Papale – yes, Casadei – yes.)

Councilman Alpini asked Mr. Catania what would be the proper way to handle the issue with the wall on Sycamore Ave.

Mr. Catania said that as far as the Borough is concerned, you would handle it like any other construction or repair job.

Councilman Alpini asked if he needed a motion to authorize repairs.

Mr. Catania said that he thinks it would be better to ask J.P. Kelly if it would require repairs or replacement.

Councilman Alpini said that he thinks that they did something to that effect previously.

A motion was made by Councilman Alpini to ask J.P. Kelly to bring updated information on the wall structure for next month's meeting; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

Councilman Alpini said that he went on the Borough's website and said that there were no minutes on the website for this year. He said that he went to Tony Tartaglia a few months back to ask if he could get the information for this year, and Mr. Tartaglia told him that Mr. Casadei told him that Councilman Alpini couldn't have the minutes.

President Casadei said that he never said that and that Mr. Tartaglia wasn't here to defend himself against Councilman Alpini's implication that he said that.

Councilman Alpini said that it was an easy fix and would only involve giving Miss Salmon permission to give Councilman Alpini a disc with the minutes on them that he can provide to Bonnie to update the website.

Councilwoman Berry said that it should be easy to just scan them in.

Councilman Alpini said that the work is already done and just requires the disc being given to him.

Councilwoman Berry said that he would like to wait until next week when Tony gets back because that is his responsibility.

A motion was made by Councilman Alpini for Kim Duffy to provide a CD with the minutes so that the website could be updated with the 2011 meeting minutes; seconded by Councilman Alpini; and denied by a vote of 5-3. (Resnick – yes, Alpini – yes, Berry – no, Martin – no, Penjuke – yes, Tumolo – no, Papale – no, Casadei – no.)

**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