

**Clifton Heights Borough Council  
Meeting Minutes  
Tuesday, September 18, 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  
Timothy Rockenbach, Chief of Police  
Tony Tartaglia, Borough Manager/Code

**Pledge of Allegiance**

**Prayer Led By Mayor Kelly**

**Public Comment:**

No opening public comment.

**Meeting Minutes:**

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

**Mayor's Report:**

Mayor Kelly announced that one of the newer businesses in the Borough, Stadium Electric, was named the Best Electrician in the Daily Times poll. He congratulated them on that and announced that to celebrate, they would be hosting an Open House on Friday, September 21<sup>st</sup>.

Mayor Kelly announced that the Methodist Church would be hosting a community picnic on Sunday, September 23<sup>rd</sup> from 11am to 1pm with an opportunity to meet the new pastor.

Mayor Kelly said that October is Fire Prevention month and that the Fire Department would be hosting their annual Open House on Friday, October 5<sup>th</sup> from 7pm to 9pm. He asked everyone to try and stop down for the event to see the equipment and thank the Fire Department for a job well done.

Mayor Kelly announced that the Boys Club Annual Cow Pie Bingo event would take place on Saturday, September 22<sup>nd</sup>.

**Police Report:**

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

**Fire Report:**

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

**Code Enforcement Report:**

A motion was made by Councilman Humphreys to approve the code enforcement report as presented; 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; 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.)

**Manager's Report:**

Mr. Tartaglia said that he had nothing new from their caucus meeting.

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 the application for CDBG funds would be submitted to the County.

Mr. Kelly said that the 2012 Road Program has been advertised and the bid opening would be on October 2<sup>nd</sup> at 10am.

Mr. Kelly said that he had two items that would need motions. Two subdivision plans.

A motion was made by Councilman Martin to approve the subdivision plans that separate the Scally property into separate parcels and 2 West Baltimore Pike into two separate parcels, 4 parcels total so that parcels can be conveyed to PENNDOT; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Mr. Kelly said that legal descriptions would be made for each parcel and that the plans would be available at Borough Hall.

Mr. Kelly said that he would also need a motion to approve the Davis Ave. subdivision plan contingent upon DEP's approval of the planning modules and review.

A motion was made by Councilman Martin to approve the Davis Ave. subdivision plans contingent upon the DEP's approval and a review; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

Mr. Kelly said that concluded his report.

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

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

Mr. Catania said that they were in Court for 500 E. Broadway on their petition to find the property owner in contempt. He said that they informed the Judge at that time that the contemptuous behavior of the owner has continued and that he allowed a mattress store to locate their and begin operations without obtaining a permit or checking with the Borough. He said that he would like permission to file a 2<sup>nd</sup> contempt petition against the owner based against that and based against the continuous egregious acts of not following the Borough's ordinances.

A motion was made by Councilman Resnick to authorize the Borough Solicitor to file a 2<sup>nd</sup> contempt petition against the owner of 500 East Broadway Ave.; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Mr. Catania said that there was no hearing on the 1<sup>st</sup> contempt petition but that he asked the Judge to at least require the owners to file a weekly progress report every Friday with the Court, with the idea that pressure would be put on the applicant to comply with their duty under the original Court Order. He said that they have only filed that report once, and in his opinion, they are simply stalling and haven't moved forward at all or addressed any of Mr. Kelly's review comments. He said that both he and Mr. Kelly are collecting their bills from over the years on this matter, and they will present them to the Court as well and asked to be reimbursed for those costs. He said that one piece of good news in regards to that property is that it was up for delinquent tax sale last week with \$55,000 in County, School District and Borough taxes due, and those monies were paid prior to the sale. He said that Mayor Kelly was good enough to go down to the Tax Claim Bureau today at his request to check the status. He said that he confirmed that they were paid off but also found that it appears for the 2011 taxes, which they were also delinquent on, they may have been allowed to enter into a payment agreement. He said that he believes that that is in violation of the tax claim statute, and if it is true, he would like permission to write to the County to register the Borough's objection.

A motion was made by Councilwoman Berry to permit the Borough Solicitor to write to the County to register the Borough's objection to the owners of 500 East Broadway being able to enter into a payment agreement for the 2011 delinquent taxes and to have them removed from any such plan; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Mr. Catania said that he would add that to the contempt petition. He said that every time that they have been in Court with them since January; he has filed a notice to attend on both parties and asked them to bring copies of all of the leases with them. So far, they have refused to do so, so he will also add that request to the petition.

Mr. Catania said that his next item was for 4 Rockbourne Rd. He said that they have not corrected their temporary fix to a sewer issue, and since the last meeting and prior to this meeting, he has worked with the Borough Manager to put the two tenants on notice that they cannot expand their operations or do anything new until those matters were corrected. He said that they are in continuing dialogue with the DEP office about getting that cleaned up quickly.

Mr. Catania said that the contractor, JMC, had a contract with the Borough to do sanitary sewer rehab work along Baltimore Ave. He said that they did not pave in accordance with the Borough ordinances, nor in accordance with commonly accepted contractor practices. He said that since the last meeting, they put the bonding company on notice that they are making a claim under their performance bond. He said that as a precautionary measure, he also made a claim under the payment bond. He said that the letters went out via certified mail on September 10<sup>th</sup>, and he has not received a response as of yet.

Mr. Catania said that the Borough has been in discussions and has been working cooperatively with PENNDOT to expand the intersection at Springfield and Baltimore Avenues. In that regard, it is necessary for the Borough to consider a condemnation ordinance being prepared by their special counsel, Michael Maddren. He said that he requests that the Borough have a special meeting on October 4<sup>th</sup> at 7pm. He asked if he could work with Mr. Maddren to authorize and advertise that meeting, so that the ordinance can be considered by Council at that meeting in addition to any other business that may come before Council, specifically 2012 Road Program.

A motion was made by Councilwoman Berry authorizing the solicitor to work with special counsel, Michael Maddren to advertise the special meeting on Thursday, October 4<sup>th</sup>; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

Mr. Catania said that prior to the meeting he was discussing an issue with one of the Borough's parking lots with a Councilmember. He said that in this particular parking lot, there is a proliferation of oversized vehicles being parked there. He said that in the ordinances, he believes they have the ability to pass experimental parking regulations. He said that if there was an interest on Council's part, they would be able to adopt a regulation tonight that would restrict parking in that parking lot to residential vehicles only, non-commercial vehicles and vehicles less than 8,000 lbs.

Councilwoman Berry said that the parking lot in question is the lot on Ogden Street that runs next to the trolley tracks. She confirmed that it was a Borough owned lot.

Mr. Catania said that under this, which they have done in the past, they would need a motion to adopt on an experimental/temporary basis, effective immediately.

A motion was made by Councilwoman Berry to adopt an experimental parking regulation relating to the Borough-owned lot on Ogden St. The parking regulation would restrict the parking to residential parking of non-commercial vehicles and vehicles less than 8,000 lbs; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Mr. Catania said that the Chief was present and he could take care of that starting tomorrow.

Chief Rockenbach said that they would make a sign to post and send warning letters to anyone in violation to make them aware of the new regulations.

Mr. Catania said that he agreed that it would be prudent to send warnings first before issuing citations.

Councilwoman Berry said that she wouldn't have a problem if they gave a 30 day compliance cushion for the new parking regulations. She said that she would contact the residents that she has been in touch with to let them know of the new regulations.

Mr. Catania said that his final item was a tax assessment appeal that he had forwarded to him from the Upper Darby School District Solicitor that handles that. He said that it is for 52 Edgmont Ave. in Clifton Heights. He said that the School Board won't be considering this until October, but they will recommend that this be adopted. He said that the property owners agree that the fair market value of the property be listed at \$85,000, which means an assessment of \$57,375 for 2012 and \$61,200 for 2013. He said that he doesn't have the current assessment and that it is probably a rental property because it is owned by Lee Stavoli, Joe Stavoli and Frank Greenam.

A motion was made by Councilman Berry to accept the assessments for 52 Edgmont Ave. as presented by the Solicitor; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

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

**Old Business:**

No old business.

**New Business:**

President Casadei said that for the rest of the year, the Committee meetings would be held a half hour prior to the regular meetings on the third Tuesday of each month.

**Ward Reports:**

**First Ward:**

Councilman Resnick said that the Boy Scouts would be hosting their annual Food Drive on Saturday, November 17<sup>th</sup>. He asked for permission to use the building on that date.

President Casadei said that they could use the building on that date.

Councilwoman Papale had nothing to report.

**Second Ward:**

Councilman Humphreys had nothing to report.

Councilwoman Berry had nothing to report.

**Third Ward:**

Councilman Martin had nothing to report.

Councilman Casadei had nothing to report.

**Fourth Ward:**

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo had nothing to report.

**Closing Public Comment:**

Rich DePompeo, 224 E. Broadway Ave., said that he wanted to thank the Borough for addressing his concerns about the appearance of Clifton Heights and hosting the cleanup day. He said that they did a fantastic job and he hopes that they keep up the good work.

Councilman Martin said that he hopes that they will do the cleanup every 3-4 months

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy

Clifton Heights Borough Secretary