

**Clifton Heights Borough Council  
Meeting Minutes  
September 16, 2014**

**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  
Frank Catania, Solicitor  
J.P. Kelly, Engineer  
Cynthia Leitzell, Treasurer  
Timothy Rockenbach, Chief of Police  
Tony Tartaglia, Borough Manager/Code

**Pledge of Allegiance**

**Prayer Led by Matt Manney, Local Pastor**

**Public Comment:**

Jerry DePompeo, 507 E. Broadway Ave., asked Mr. Catania if he could explain to him what a Court Order was in terms of 500 East Broadway. He said that they were Court ordered to demolish the building, and now the heavy equipment is not even there anymore. He asked if they could get an explanation as to what is going on there.

Mr. Catania said that his understanding is that an injunction was filed on behalf of one of the tenants, the dry cleaner, because the owner of the building was going to cut off his electricity, which would have rendered him unable to operate his business. That tenant went to Court and got an injunction against Mr. Kennedy and the Borough. He said that his understanding from a report that he received earlier in the evening is that Mr. Kennedy is supposed to be getting a generator there to address that issue. He said that Mr. DePompeo might recall being in Court with Mr. Catania a few years ago when Mr. Kennedy agreed to tear down the property, even signing a stipulation stating that, and Judge Kenney entered that as an Order of the Court in either 2012 or 2013.

Mr. DePompeo asked how long this was going to go on.

Mr. Catania encouraged Mr. DePompeo to attend Court proceedings because after this was handled by Judge Kenney, he assigned it to Judge Durham, and she has had it ever since. He said that he stayed on the case for a year after that and when it became clear to him that they could not even get a hearing, he suggested to Council that they get another lawyer to represent them, and they have had another lawyer representing them for this particular case. Judge Durham has the case and there is a hearing on September 24<sup>th</sup>. He encouraged Mr. DePompeo to attend and ask those questions, because he has no answers as to why the Court will not make Mr. Kennedy proceed with the demolition.

Mr. DePompeo asked if the street wasn't going to be paved now.

Mayor Kelly informed him that the street would be paved.

Mr. Resnick asked what time the hearing would be on the 24<sup>th</sup>.

Mr. Catania said that the hearing typically would be scheduled for 10am.

Margaret "Bonnie" Callahan, 235 Woodbridge Ave., said that she was concerned about the condition of our town. She asked Council when was the last time that they each took a walk to talk to your residents and see what their concerns are. She said that she walks different areas of the Borough each day and what she sees is very sad. She asked them all to take a walk and take a good close look at the town. She said that they should not pick and choose which areas are maintained and ticketed because every property owner in this town is responsible to maintain and keep their property. She asked if they could look back in the last 10 years and tell her something that was done to make the town a welcome place to live. She said that she had a few specific questions. One was about the grant proposed for the business district on Baltimore Pike to replace the sidewalks; she asked what exactly the business district was.

Mr. Kelly said that there is a portion of Baltimore Pike that they applied for sidewalk funds. He said that would be 2 east, and the length would be dependent upon how much funding was available. He said that they had not heard back on that and would not hear back until sometime in October.

Ms. Callahan asked about the grant application for lighting on Baltimore Pike and where that would be.

Mr. Kelly said that money comes from CDBG, which is administered by OHCD in the County. He said that they have roughly \$80,000 approved, and he is asking for Council's approval tonight to advertise for the bidding of that project. He said that CDBG funds can only be used in eligible areas, which is most of Baltimore Pike.

Ms. Callahan asked if he was aware that there are four missing light posts on West Baltimore Pike and one missing overhead light on Baltimore Pike, and when you walk down Baltimore Pike on the Clifton Heights side, it is very dark. She said that there are also live electrical wires coming out of the ground. She said that she was going to submit photos of the areas that she is describing.

President Casadei said that her allotted time had expired. He said that they would look into the issues that she brought up, but he didn't agree with her statement that they "pick and choose" who will be ticketed.

Ms. Callahan said that the last time she saw someone from Commonwealth Codes in her area was several weeks ago.

Fred Rich, 82 Chester Ave., said that he wanted to comment about the Memorial Park, which has no water. He said the project was around \$204,000.

Mr. Kelly said that the park cost around \$280,000.

Mr. Rich said that cutting access off to the water doesn't make any sense. He also asked if Council members received his letter and challenge to the annual inspections.

Mr. Catania said that the Council had authorized him to invite Mr. Rich to engage in mediation in lieu of attending Court on the 29<sup>th</sup> of September. He said that they would continue the 29<sup>th</sup> and schedule a mediation session around Mr. Rich's schedule.

Mr. Rich said that he preferred before the 29<sup>th</sup>.

Mr. Catania said that he contacted the mediation service last week, and they would provide him with dates, but he was still waiting to hear back from them.

### **Meeting Minutes:**

A motion was made by Councilman Humphreys to accept the August meeting minutes as presented; 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.)

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

Mayor Kelly reminded residents to be careful of children as they are now back to school and informed residents that the Clifton Heights Fire Department would be hosting their annual Fire Prevention Week Open House on Friday, October 3<sup>rd</sup> at 7:00pm.

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

### **Police Report:**

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

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

A motion was made by Councilman Martin to accept the treasurer's report and pay the bills; 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.)

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

A motion was made by Councilman Martin to follow the Manager's recommendation for the \$1,300 project at the Memorial Park; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0.

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

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

Mr. Kelly said that they had delayed the Road Program as long as possible in hopes that the demolition would be completed at 500 East Broadway. He said that they now need to direct the contractor to start the work so that they do not run the risk of losing the opportunity for pot hole repair County Aid funds. He said that he would expect the work to be completed by late October.

Mr. Kelly said that Lenni Electric is the PENNDOT contractor for the project at Baltimore & Springfield. He said that he met with Lenni & PENNDOT inspectors last week, and Verizon will be moving utility poles and services, and once that is complete, the sidewalk and intersection improvements will start. He said that he does not yet have a target date. He said that the gray area is moving the utilities and some of them are below grade.

Mr. Kelly said that they had received notice from CDBG to proceed with bids for the lighting project. He said that he would expect to have bids ready for consideration at the October meeting.

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

**Solicitor's Report:**

Mr. Catania said that the tax assessment appeal for 4 Rockbourne Road was scheduled for trial this Friday. He said that the appraiser for the taxpayer and the appraiser for the School District and Borough had both agreed that the property should be valued at \$2.2 million; and the taxpayer had entered into the agreement. He said that this would result in a \$1 million reduction. He said that had been voted on at a previous meeting, and he is providing a status report.

Mr. Catania said that they would be proceeding with mediation for the litigation with Mr. Rich.

A motion was made by Councilman Martin to approve Resolution 12-14, a resolution with TD Bank for a loan to purchase police cars over a 5 year term as outlined by Mr. Catania (\$120,000 at 3.91% for a five year term); seconded by Councilwoman Peterson.

Councilwoman Berry asked if this was above and beyond the loan that they already voted on.

Ms. Leitzell explained that the loan was taken 2 years ago and included and this resolution is just changing the wording of the term of the loan because the police cars have a shorter term than the other items that were included in the initial loan.

After questions, the motion was 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.)

A motion was made by Councilwoman Berry to adopt Resolution 13-14, to amend the Borough's fee schedule to include attorney's fees and filing fees on the lien amount when filing liens; seconded by Councilman Martin; and carried unanimously by a vote of 8-0.

Mr. Catania explained that this would allow for the cost of filing the lien to be paid by the person who is causing the lien to be filed.

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

**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 8-0.

**Old Business:**

No old business.

**New Business:**

No new business.

**Ward Reports:**

Councilman Resnick announced that they would be having an electronic recycling event on Saturday, October 18 from 9am to 2pm. He also noted that the Boy Scouts would be hosting their annual food drive, dropping off bags on Saturday, November 8<sup>th</sup> and doing the pickups on Saturday, November 15<sup>th</sup>.

A motion was made by Councilman Martin to donate \$100 to the Boy Scouts and to allow the Boy Scouts to make 5,000 flyers for their drive; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Councilwoman Papale said that she walks her ward every day. She said that she can always contact her with any issues that she becomes aware of in her ward.

Councilman Humphreys said that he can always be contacted with any problems via email or phone.

Councilwoman Berry had nothing to report.

Councilman Martin had nothing to report.

President Casadei said that anyone can call the Borough with issues that they think need addressing.

Councilwoman Peterson had nothing to report.

Councilwoman Tumolo had nothing to report.

**Closing Public Comment:**

Michelle Hartel, 317 Harrison Ave., said that she didn't think that Jerry DePompeo would be able to go to Court and speak about 500 E. Broadway Ave. without being an actual representative of the Borough. She said that a representative of the Borough should be expressing the concerns.

Mr. Catania said that Mrs. Hartel is misunderstanding what he is saying. He said that Mr. DePompeo has been in Court with himself and knows what he has told the Judge. He explained that the Judge won't order him to take it down, despite him agreeing to take it down and signing the Order that said he would take it down. He explained that this has been an ongoing battle for years, and the Court is not enforcing its own Order, so he is recommending residents come and express their outrage at the fact that there is no explanation as to why it has not been done and why it is not being enforced. He said that the inability to understand why nothing is being done is across the board, no one understands why nothing is being done.

Councilman Resnick ensured that he would be there at the hearing as a representative of the 1<sup>st</sup> ward. He encouraged the residents to remember the Judge's name when the time came for re-election.

Mr. Catania said that they've filed petitions for contempt and asked for fines to be levied against Mr. Kennedy.

Mayor Kelly said that she could bring that passion to Court with them and express her concerns as a resident.

Bonnie Callahan, 235 Woodbridge Rd., said that there was a child killed on Baltimore Pike where those missing light posts are located. She asked them to all look at the pictures of the missing light posts and the live electrical wires and to realize that this is less than 100 feet from where that boy was killed.

President Casadei asked Mr. Tartaglia if he was aware of the light posts she was referencing.

**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