

**Clifton Heights Borough Council
Meeting Minutes
June 21, 2016**

Present:

Anthony Casadei, Council President
Edward Martin, Council Vice President
Ronald Berry, Councilwoman
Mike Humphreys, Councilman
Karen Peterson, Councilwoman
Harris Resnick, Councilman
Jane Tumolo, Councilwoman

Absent:

Leona Papale, Councilwoman

Others Present:

Joseph T. Kelly, Mayor
Francis 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 Mayor Kelly

Public Comment:

Bonnie Callahan, 235 Woodbridge Rd., asked who the Right-to-Know officer is for the Borough of Clifton Heights.

President Casadei said that it was Mr. Tartaglia.

Mrs. Callahan said that she filed a Right-to-Know request on June 8th and have yet to receive a response.

President Casadei asked her what was requested.

Mrs. Callahan said that it was for the contract that was approved for Council for Commonwealth Code Enforcement and all of the bills that were submitted by Commonwealth Code Enforcement and paid by the Borough of Clifton Heights.

President Casadei said that there is no contract or bills.

Mrs. Callahan asked if they were working for nothing.

Solicitor Catania said that there is a formal process under the Right-to-Know laws where you receive a request and there is a period of time to respond to that request. He asked if he could have an opportunity to work with the Borough to get a response for her.

Mrs. Callahan said that is supposed to be 5 days to respond.

Solicitor Catania said that timeframe is accurate.

Mrs. Callahan said that she submitted a second Right-to-Know request for the Borough Manager's job title and duties and hours. She said that she also had not received a response to that request. She said that she understands that Mr. Tartaglia is the Borough Manager, so she is wondering if he is just putting the Right-to-Know requests aside and deciding not to answer them. She said that she has called and not received any responses. She said that she is a resident and a taxpayer, and they are legitimate Right-to-Know requests that she is making, and she would like a legitimate answer.

Mr. Catania asked if he could have the opportunity to get copies of each of her RTK requests.

Mrs. Callahan said that she did actually send copies to his office in Media.

Mr. Catania said that the address could be wrong because he had moved his office.

Mrs. Callahan said that Peggy had made copies in the office, and she kept a copy for her own records.

Mr. Catania said that he would get copies of the requests from the Borough. He said that under the Right-to-Know law, she is entitled to a written response. He said that he will ensure that she gets that.

Mrs. Callahan said that she has an additional problem with the trash. She said that something needs to be done about the trash company. She asked when the contract is up for renewal.

President Casadei said that it would be up for renewal at the end of the year.

Mrs. Callahan said that she is tired of watching them throw trashcans, throw trash, kick trash underneath the trash truck, etc. She said that she takes pictures and sends them and doesn't hear anything. She said that she's not calling Suburban Trash and she's tired of calling down to the Borough. She said that her messages are being disregarded just because they are in her name.

Mrs. Callahan said that her final issue was since it was decided that nothing was going to be done for the Woodbridge alley project that she wanted to know when Code Enforcement would be doing something about the two big gaping holes in the center of the driveway. She said that is a property maintenance issue.

President Casadei said that they would look into it and asked Mr. Tartaglia to look into that issue in the alley.

Fred Rich, 82 Chester Ave., said that he wanted to make a comment on the trash complaints that they had discussed during the caucus meeting. He asked why the Borough ever got rid of its own sanitation department. He said that all of those guys were good and lived in this town and were considerate of their neighbors and their jobs. He said that is on Council for getting rid of the Borough employees and getting an outside contractor.

Mr. Rich continued that his subject complaint for this month is all of the closed businesses on the once thriving, downtown Baltimore Pike. He noted that in 1995 he was a deputy code officer for the Borough, and Mr. Tartaglia was brought on as the Code Enforcement officer in 1996. He said that then he showed Mr. Tartaglia a broken window at Victory Amusement on Baltimore Pike, and he said that he would look into and take care of it, and now, 21 years later, that window is still broken. He asked how the Mayor and Borough Council members could justify this despicable inaction. He said that he does surveys all the time of the closed businesses on Baltimore Pike that were thriving businesses when he was growing up. He said that his

last recent count was more than 50 closed businesses on Baltimore Pike alone. He said that if they think he is exaggerating, he defies the Mayor or any Council member to take a ride with him to point out all of the closed businesses. He said that it's not like they're out in the mountains for West Virginia where one or two cars pass every day, this is a busy corridor. Mr. Rich continued that another problem is businesses open that last a few months that are the wrong types of businesses for the town.

Claudia Fagioli, 132 E. Berkley Ave., said that there was a casual mention of a big fire in the Borough at last month's meeting. She said that she doesn't know the difference between a two-alarm or three-alarm fire, but she knows that she was coming home at the time of the fire and volunteers were directing traffic, while the firemen and women were keeping the fire controlled. She said that sometimes we take things for granted, and the Fire Company is made up of all volunteers who perform this service for our community freely. She asked if Council could dedicate a page of the minutes to our Fire Company telling them how much we appreciate what they do. She said that she thinks that our Fire Company is first class and take second to none.

A motion was made by Councilwoman Tumolo to dedicate a page of the minutes to the Clifton Heights Fire Company and all of the members in appreciation for their service to the Borough; seconded by Councilwoman Peterson; and carried unanimously by a vote of 7-0.

Meeting Minutes:

A motion was made by Councilman Martin to accept the May 2016 meeting minutes as presented; seconded by Councilman Berry; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Casadei – yes.)

Mayor's Report:

Mayor Kelly said that he wholeheartedly agrees with Claudia Fagioli and thanked the Fire and Police departments for being the best around.

Mayor Kelly thanked and congratulated the Boys Club and PAL on a successful carnival.

Mayor Kelly announced that the 4th of July parade would kick off from Broadway and Marple at 10am on July 4th. He said that flyers had been distributed in the mail. He said that this is all done with private funds and that everyone should make a donation.

Police Report:

A motion was made by Councilman Martin to accept the Police Report as presented; seconded by Councilman Resnick; and carried unanimously by a vote of 7-0.

Fire Report:

A motion was made by Councilman Martin to accept the Fire Report as presented with appreciation; seconded by Councilwoman Tumolo; and carried unanimously by a vote of 7-0.

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 Peterson; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Casadei – yes.)

Manager's Report:

Mr. Tartaglia said that he had nothing further from Caucus.

Engineer's Report:

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

Mr. Kelly said that CDBG playgrounds have been completed, and he would be proceeding with issuing a notice to OHCD to release the funds to the contractor.

Mayor Kelly thanked Borough Council, the Borough Engineer, the Borough Manager and OHCD who funded the project for a job well done. He said that the playgrounds look great and are an asset.

A motion was made by Councilman Martin to authorize the release of the bill to OHCD for payment; seconded by Councilwoman Tumolo; and carried unanimously by a vote of 7-0.

Mr. Kelly said that the 2016 Road Program contract documents had been executed and forwarded to PENNDOT and PENNDOT has approved the documents and authorized the use of Liquid Fuels funds. He said that a notice to proceed has been issued, and he received a call on the way to the meeting that work should start the week of July 11th.

Solicitor's Report:

Mr. Catania presented the Solicitor's report.

Mr. Catania said that as an informational item, Abdus Shahid, who is known to the Code Department and owns rental properties sued the Borough in Federal Court in March. The motion to dismiss was filed and granted, but the Judge gave Mr. Shahid leave to amend it. He filed an amended claim, and another motion to dismiss was filed on behalf of the Borough, and that is pending. He said that he has had a few cases with the Borough, and the Borough has been successful in all of the Code Enforcement cases out in Media. He said that he believes they will be successful in this Federal Court case as well.

Mr. Catania presented a tax assessment appeal resolution that has been approved by the School District. He said that the owner of the property is Mark Persia, and the property is located at 22 W. Madison Ave. He said that the current assessment is \$67,940 and it would be reduced to \$42,036.

A motion was made by Councilman Martin to adopt Resolution 05-16, approving the tax assessment appeal for 22 W. Madison, setting the 2016 assessment at \$42,036; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Casadei – yes.)

Mayor Kelly noted that this process was so frustrating and really needed to stop because that assessment was way too low.

Mr. Catania said that his last item was to list the Code Enforcement officers and deputies. He said that since they have received several requests for this and they are working to keep the website up-to-date, it would be in order to ratify officers. He said that they would be listed with titles on the website.

A motion was made by Councilman Martin to authorize, approve and ratify the code officials and have their information included on the Borough website as follows, code enforcement officers are Anthony Tartaglia,

Matt Fabrizio, Lou Pontarelli, Timothy Stevens and Steven Tartaglia, and John White as the residential inspector for transfers and rentals; inclusive of Commonwealth Code; seconded by Councilwoman Peterson.

Councilman Humphreys asked if the code enforcement officials from Commonwealth Code carried credentials with them so that the residents would be able to identify them.

Mr. Tartaglia said that they have a code of dress like his, khakis and navy blue shirt with yellow lettering and they would carry the same badge as well.

Mr. Rich yelled that they are not Borough employees.

President Casadei told Mr. Rich that he was out of order yelling out during the meeting.

Mr. Rich yelled that they are not Borough employees, they work for Commonwealth Code and were never authorized to do work in the Borough.

After questions, the motion was carried unanimously by a vote of 7-0.

Old Business:

No old business.

New Business:

A motion was made by Councilman Berry to activate the Civil Service list for the position of patrolman after a recent resignation; seconded by Councilman Martin; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Humphreys – yes, Berry – yes, Martin – yes, Peterson – yes, Tumolo – yes, Casadei – yes.)

A motion was made by Councilwoman Peterson to discuss the upcoming trash contract and how they can work to improve the service on the remaining contract by meeting with the company; seconded by Councilman Berry; and carried unanimously by a vote of 7-0.

Ward Reports:

Councilman Resnick had nothing to report.

Councilman Humphreys asked everyone to be careful with the summer

Councilman Berry had nothing to report.

Councilman Martin had nothing to report.

President Casadei had nothing to report.

Councilwoman Peterson said that she had received complaints about the trashcans at Clifton field having stagnant water and bugs inside of them. She said that some have requested that the bottom of the cans be drilled so that the water can drain out of the bottom of the cans. She said that she had also received complaints about unattended dog feces in the field.

Councilman Berry said that he provided the same complaints to Tony last night, and he said that he would have someone out to address the issues.

President Casadei said that there is a sign that says that dogs are not permitted at the field.

Councilwoman Peterson said that it seems that it is not being regulated.

Chief Rockenbach informed Council that the Boys Club had been dealing with an ongoing goose issue up the field. He said that the geese are tearing the field to shreds.

Councilman Humphreys said that he was able to handle the goose issue at Saint Peter and Paul cemetery with the use of a cap gun and a siren. He said that he would research and pass along the information to the Boys Club.

Councilwoman Peterson said that she appreciated the information, so she could get back to the residents who reached out to her.

Councilwoman Tumolo announced that the 4th of July Committee would be hosting ticket sales up at the field on June 22nd & June 26th.

Councilman Martin said that flyers were provided to residents to provide them of the different method of buying tickets this year.

Mayor Kelly asked for pictures of the new playgrounds to be updated to the Borough's website.

Councilwoman Tumolo asked for anyone to reach out with information that they might want included on the Borough's website.

President Casadei asked for all of the information to be approved by Council.

Closing Public Comment:

Claudia Fagioli, 132 E. Berkley Ave., asked how the recycling is going because she doesn't remember hearing any updates.

Mr. Tartaglia said that they have stayed steady on a 22-24 tons a month consistently for the past 5 years. He said that the Borough doesn't make money on that, but the Borough realizes their savings by not having to pay the fee or the tonnage that is sent through the transfer station.

Fred Rich, 82 Chester Ave., said that Commonwealth Code employees are not employees of the Borough. They are only employees of Commonwealth Code. He said that is Tony Tartaglia's own private business and is not authorized to do business in the town. She said that it was proved by Bonnie Callahan through review of the minutes. He said that the Borough only appointed them at the January 2016 meeting to "CYA" because they know that he has a complaint with the District Attorney's office against Commonwealth Code for operating in this town illegally.

Mr. Rich said that his second issue is the playgrounds that they spent \$95,000 and, from what he understands, they are geared toward children between the ages of 2 & 7 years of age. He said that his granddaughter lives on Berkley and is 10 years old and tells him that she doesn't have anywhere to play. He said that they spent \$95,000 and there's only one bench and it is geared to small kids.

Bonnie Callahan, 235 Woodbridge Rd., said that they discussed credentials for Commonwealth Code and she wanted to know what credentials they have.

Mr. Catania said that he was referring to identification when he used the term “credentials.”

Mrs. Callahan said that she could buy a code enforcement badge at the local supply store.

Mr. Catania said that is not their badge. He said that the idea of getting pictures up and including names so residents can cross check their identification.

Mrs. Callahan said that they are authorized to run around with lights on their car and such.

Mr. Catania said that they are authorized to fulfill the requirements of code officials.

Mrs. Callahan asked if they would be listed as employees of Commonwealth Code.

Mr. Catania said that they would be listed as people who could come to residents’ houses as code enforcement officers.

Mrs. Callahan said that if a guy knocks on her door and says he is a code enforcement officer.

Mr. Catania said that she should ask for identification.

Mrs. Callahan said that if she asks him for identification and he says, “You have a contractor in your house, and I want to come in.” She would like to know what credentials he has from the State or otherwise to tell a licensed contractor to stop a job. She asked if they had to test through Harrisburg.

Mr. Catania said that he is referring to identification, and she is asking what their legal right to do what they do is.

Mrs. Callahan said that if her house was inspected and given the okay and the next day it burnt down, and she said that the Code Official said that it was okay, she wants to know that he is credentialed.

Mr. Catania said that the Borough’s adopted code and ordinances will lay out what they are entitled to do.

Mrs. Callahan asked if that would be included on the website.

Mr. Catania said that he didn’t think that the ordinances were there, but the identification would be there.

Mrs. Callahan said that they do not even check outlets when they do rental inspections.

Mr. Catania said that would be a different question.

Mrs. Callahan said that there would be 3 employees from Commonwealth Code, Matt and Lou and Tony, and the town looks like crap. She told them to take a drive around town and see what it looks like, with 6 employees who are supposed to be ensuring otherwise. She said that Hays Sewing Machine has been like that for 20 years and it’s a rental property. She said that they need to make them paint it. She said that they have flushed the toilet on the town and no one is held accountable. She said that the Borough wants her tax dollars, but they don’t want to be held accountable for what goes on. She said that she hasn’t seen a code officer in her neighborhood in forever, and she has had neighbors with two foot grass. She said that she shouldn’t have

to do the job of the code enforcement office by constantly calling in complaints when they are being paid to do a job. She asked who was responsible.

Adjournment:

A motion was made by Councilman Martin to adjourn; seconded by Councilman Berry; and carried unanimously by a vote of 7-0.

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary

This page of the minutes is dedicated to the Clifton Heights Fire Company and all of the members in appreciation for their service to the Borough.