

Clifton Heights Borough Council
Meeting Minutes
July 17, 2018

Present:

Ronald Berry, Council President
Edward Martin, Council Vice President
Mark Campbell, Councilman
Mike Humphreys, Councilman
Leona Papale, Councilwoman
Harris Resnick, Councilman
Fred Rich, Councilman

Absent:

Karen Peterson, Councilwoman

Others Present:

Joseph Lombardo, Mayor
Frank Catania, Solicitor
J.P. Kelly, Engineer
Cynthia Leitzell, Treasurer
John Perfetti, Interim Borough Manager
Timothy Rockenbach, Chief of Police

Executive Session

Solicitor Catania announced that Council had an Executive Session prior to the meeting to discuss real estate and litigation matters involving the 4 Rockborne Road property and past code enforcement issues.

Pledge of Allegiance

Prayer led by Mayor Lombardo

Public Comment:

No opening public comment.

Meeting Minutes:

A motion was made by Councilman Humphreys to accept the June 2018 meeting minutes as presented; seconded by Councilman Campbell; and carried unanimously by a vote of 7-0.

Mayor's Report:

Mayor Lombardo announced that the Pet Expo with low cost vaccinations for pets and lots of fun for the kids is coming up on Sunday, August 19th. He said that he hoped that the weather would cooperate for a great day for the community.

Mayor Lombardo announced that their dear friend Derek Rimson and his church would be hosting their annual Community Day on Penn Street on Saturday, August 18th from 12 to 6pm.

Councilwoman Papale asked if she could interrupt because there was a member of the church who could expand on that event.

Mrs. Smalls, Executive Board Member of Pastor Rimson's church, asked if they could use the barrier again to close off Penn Street from Washington down to Broadway and also asked that all of Council and their families come out to enjoy the event.

President Berry confirmed that they would take care of the barrier and would note their calendars.

Mayor Lombardo announced that Ever After Pets, the business in town that is helping to host the Pet Expo, got permission from Upper Darby Township to host a Memorial Day for anyone who has lost a pet on Sunday, October 7th from 12pm to 2pm at the Kent Dog Park. He said that there would be prayers offered and a barbecue to follow and activities for children.

Mayor Lombardo announced that he received a letter from the PA Department of Community Development that Clifton Heights has been designated as an opportunity zone, which means that it is a redevelopment zone. He said that the Borough Manager John Perfetti and State Rep Jamie Santora and State Senator Tom McGarrigle worked on this designation, and it is a federal program and only 2 other municipalities in Delaware County received the designation. He said that any commercial or business property that is sold for development within the Borough, any capital gains on the taxes of the sale of the property go back into a pot for the Borough of Clifton Heights for the redevelopment of the business district. He said that he hoped that they would be able to take advantage of that designation with businesses like Scaramuzza's and Rosati's Water Ice and other properties in the Borough. He said that it is a great opportunity for the Borough, and they were fortunate to be designated for the program. He said that the program is run by the Department of Treasury.

Police Report:

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

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 7-0.

Treasurer's Report/Bill List:

A motion was made by Councilwoman Papale to accept the treasurer's report and pay the bills; seconded by Councilman Rich; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Rich – yes, Humphreys - yes, Martin – yes, Papale – yes, Campbell – yes, Berry – yes.)

Manager's Report:

A copy of the report was provided by the Manager.

Mr. Perfetti announced that there was a Planning Board meeting scheduled for Monday, July 30, 2018 at 7pm at the Borough building. He said that they would be discussing the Arby's remodeling, the Mr. Softee hours, Koban properties on Glenwood Ave. and the possibility of North Point down at the former yarn mills. He said that they had submitted a remapping of their plan that they would like Planning to review.

Mr. Perfetti announced that they met with PennDot representatives and Chairman of County Council, John McBlain, State Rep Jamie Santora and State Senator Tom McGarrigle to work on getting Baltimore Pike resurfaced from Burmont Road up to Oak Avenue. He said that this work is not scheduled until 4 years from now, but he thinks that their discussions convinced them that the timeline for the work should be more towards the end of 2018 or beginning of 2019. He said that they will have a follow up meeting in August and he will report back. He thanked John McBlain, Jamie Santora and Tom McGarrigle for their assistance in addressing the concerns.

Mr. Perfetti thanked County Council and the Borough Engineer, J.P. Kelly for their assistance in helping to secure the Borough's \$115,000 in CDBG grants for street improvements.

A motion was made by Councilman Humphreys to accept the Manager's Report as presented; seconded by Councilman Rich; and carried unanimously by a vote of 7-0.

Engineer's Report:

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

Mr. Kelly said that they are still working through the punch list for the Borough building renovations. He said that the contractor submitted a request for information regarding 3 items (hot water heater, patching, concrete block replacement) on the punch list today. He said that he would respond to the requests tomorrow.

Mr. Kelly said that they held a site meeting for the 2017 CDBG project for McFadden Park with the contractor to discuss details for placement of materials, access to the site, and security of materials and equipment. The contractor has notified them that they plan to start work next week.

Mr. Kelly said that the 2018 Road Program documents have been submitted and approved by PennDot. He said that they have issued the notice to proceed. He said that he just received word a few minutes ago that they plan on completing the work on the week of August 13th.

A motion was made by Councilwoman Papale to accept the Engineer's report as presented; seconded by Councilman Rich; and carried unanimously by a vote of 7-0.

Solicitor's Report:

Frank Catania presented the Solicitor's report.

Solicitor Catania announced that he covered items in the Executive Session, but he had action items for Council's consideration.

Solicitor Catania announced that the first item was Ordinance #860, the medical marijuana ordinance, which defines marijuana dispensary and incorporates the definitions set forth in the State law, but requires any proposed facility to have a permit from the PA Dept. of Health and further defines marijuana grower, processor and incorporates the definitions in the State law, but further requires that any entity such as that have a permit from the PA Dept. of Health. It has a strict definition of what constitutes medical marijuana and incorporates the definition in the State law, which is marijuana for certified medical use. The ordinance itself is an amendment to the Borough's zoning code because it restricts the location of potential marijuana dispensaries and marijuana grower/processor sites to industrial districts within the Borough. It further requires that those uses are by special exception so that the Council can impose reasonable restrictions on their locations if they were to receive such an application. It is not possible under the State law to prohibit the location of the facilities, but their location can be restricted to certain districts and policed to the terms and conditions of the permits.

Administrative Actions:

A motion was made by Councilwoman Papale to adopt Ordinance #860, the medical marijuana ordinance as outlined by the solicitor; seconded by Councilman Campbell; and carried unanimously by a roll call vote of 7-0. (Resnick – yes, Rich – yes, Humphreys - yes, Martin – yes, Papale – yes, Campbell – yes, Berry – yes.)

Councilman Humphreys asked to confirm that it was restricted in both cases to the industrial district.

Solicitor Catania confirmed that was the case.

Solicitor Catania explained that they passed Ordinance #861 last month, and this Ordinance was #860 because of the extensive advertising that was required to get it to the table.

Solicitor Catania said that the 2nd item for Council's consideration would be Ordinance #862, which was drawn up in consultation with the Borough Manager and Borough Code Enforcement Officer. He said that Ordinance #862 would regulate rental properties. He said that it contains definitions as to the different types of buildings covered by the ordinance. It indicates that licenses are required and requires that all rental units are registered and it lists the type of information that needs to be included on the registration forms. It requires rental licenses be obtained and the Borough to issue them if the applicant has completed the form and provided all of the requested information as set forth. It is very specific as to who must make the application and how often they must be made. It requires certain certifications from architects and engineers and requires permits and that work be completed by licensed contractors. It requires that licenses be renewed annually and allows inspections and defines the scope of those inspections. It provides additional owner responsibilities – owners cannot knowingly let others engage in conduct declared illegal under the PA crimes code, liquor code or the controlled substances act. It allows the Borough to pursue remedies that would include the traditional code enforcement remedies like citations, but would also allow the Borough to pursue a remedy like a Court injunction to get quicker relief by having the Court intervene. It provides penalties and violations and would repeal other ordinances only to the extent that they are inconsistent with this ordinance.

Mr. Gould said that the main change that this ordinance would bring is that it would cover the commercial properties within the Borough. He said that currently commercial properties are not registered or inspected and this would make that a requirement. He said that this would help them to work with the underperforming rental properties in their downtown and commercial districts.

Councilman Resnick said that he would like to table the motion until next month's meeting so that he could have the chance to review it further.

Councilman Rich said that he is in agreement that the 13 page document needed to be reviewed before being voted on.

Councilman Campbell said that he would like to review it as well.

Solicitor Catania said that the decision would be up to Council and he could certainly re-advertise for next month's meeting.

A motion was made by Councilman Rich to table the vote on Ordinance #862 until next month's meeting; seconded by Councilman Campbell; and carried unanimously by a vote of 5-2. (Resnick – yes, Rich – yes, Humphreys - yes, Martin – yes, Papale – no, Campbell – yes, Berry – no.)

Solicitor Catania asked if they would like him to re-advertise for next month.

Councilman Resnick asked if they were having a caucus meeting prior to next month's meeting.

Mr. Perfetti said that they had an advertised caucus meeting for Tuesday, August 7th.

Solicitor Catania said that they could let him know at that meeting if they had any proposed changes and he could have it advertised prior to their regular August meeting if that was their desire.

Old Business:

John Perfetti announced that they would be hosting a shredding and an electronic recycling event at Clifton Heights Borough Hall on Saturday, July 28th from 10am and 2pm, and ID is required for electronic items.

John Perfetti said that they have been receiving some phone calls about electronic billboards.

Mayor Lombardo said that at Council's pleasure, he would like to make a recommendation to have John Gould look at the zoning ordinances for signs in the town and make a recommendation on any updates he may suggest. He said that he has been working with Fire Chief Jim Kneass trying to put a digital community billboard in front of the firehouse. He said that there is nothing on the books for items such as these because the ordinances were written before they existed.

President Berry asked if this would just be for free standing signs.

Mayor Lombardo said that he thinks there are probably many items that are outdated and need to be looked at for updates and revisions.

Solicitor Catania said that grant money may be available through the Delaware County Planning Department to do just that. He said that they did a study back in the early 90s to update the ordinance and have only done some tinkering since then, but they may be able to get assistance with a comprehensive updated plan. He said that for the particular sign that he is referencing, he is not sure if that road would be subject to the Borough's ordinances or the State ordinances since it is a State road, and that is something that they would have to review as well. He said that there are planners in the County Planning Department who do those types of evaluations daily.

New Business:

No new business.

Ward Reports:

Councilman Resnick said that one of the Clifton Heights Boy Scouts is doing his Eagle Scout project, and his project is to restock the library. He said that during the electronic recycling event on Saturday, July 28th, the Scouts would be here to collect book donations. He said that their goal is to get an additional 2,000 books.

Councilwoman Papale had nothing to report.

Councilman Humphreys had nothing to report.

President Berry had nothing to report.

Councilman Martin had nothing to report.

Councilman Rich said that he was going to provide an update of the trash ordinance to be included in the next Clifton Quarterly to remind the residents in the 3rd ward, which is mostly composed of row homes, about trash being placed in cans and the 6pm timeline.

Councilman Campbell had nothing to report.

Closing Public Comment:

Cheryl Baylor, Prospect Ave., said that she has been on Prospect Ave. for over 30 years and prior to that resided on Wyncliffe Ave. She said that she likes Clifton and plans on staying here, but she has concerns, one being the number of rental properties. She said that she believes that there are way too many rental properties and she wants to know if there is a way to curb the number of rental properties, because she thinks it is affecting the town and the value of the town's homes. She said that she was happy to hear some things tonight about holding people accountable for their properties, but she really thinks that something must be done.

President Berry said that he thinks that they are probably in agreement with her, and that they were discussing that ordinance tonight to try and address some of the rental properties throughout the Borough and have some oversight being provided to those rental properties.

Mrs. Baylor said that she has reached out to Mr. Gould, and he was very helpful, but she thinks that they need to do more. She said that she doesn't have the knowledge to know what she should even be looking out for, but she has neighbors on her street and she wonders if they are in compliance.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy

Clifton Heights Borough Secretary