

**Clifton Heights Borough Council
Meeting Minutes
February 19, 2019**

Present:

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

Others Present:

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

Pledge of Allegiance

Prayer led by Mayor Joseph Lombardo

Public Comment:

Ted Archer, 33 Arch St., said that he was there tonight to formally announce the organization of the Clifton Heights Historical Society. He said that they completed their incorporation papers on February 12, 2019 and he is hopeful that they will get good support from the community. He also requested, if possible, the use of the toll house, which is at the section of Springfield and Baltimore Pike. He said that he hoped they would be able to use that building as a museum, library and home of the organization. He asked Council if they would consider a leasing option for that building that they could work out and that they would only be interested in using the vacant portion of the building.

President Berry said that they would probably need some more information. He asked if they were a 501-c3.

Mr. Archer said that they are awaiting the return of their documents from the State, but informed them that they will be a non-profit.

President Berry said that they should probably wait on the documents for a decision.

Councilman Martin said that he thought that they still had a tenant in the building.

Mr. Archer said that they are only interested in using the vacant portion of the building.

President Berry said that he doesn't see a problem with the request, but they should await the paperwork.

Councilman Martin suggested that the organization interface with the solicitor and engineer if necessary to discuss the options as they await the paperwork from the State.

Meeting Minutes:

A motion was made by Councilman Martin to accept the January 2019 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 Borough would be swearing in a new police officer this evening.

Swearing In of Officer Nicholas Longhi

Mayor Lombardo completed the swearing in of part-time police officer, Nicholas Longhi.

Mayor Lombardo had nothing else to report.

Police Report:

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

Additional Public Comment

Claudette Labroli, 322 E. Broadway Ave., thanked Peggy Moran in the Borough office for helping her. She said that the Borough has hired the greatest Borough Manager that she has met in a long time. She said that when she called with her problem, she received a return phone call within 15 minutes. She said that signs were falling down on Baltimore Pike and it was down to one lane, and she hit a pot hole and by the next day her tire had gone flat because it had a bubble in it. She said that the next day there was a cone in the hole that caused her flat tire. She said that she also complained about the trolley tracks on Broadway Ave. because there are gullies between the tracks. The other tracks in the area are flat, but Broadway Ave. has dips that you can't avoid. She said that she feels very bad about the town. She said that a lot of things that the Borough used to have are no longer here. She had a friend down the street and it took him 2 years to sell his house. She said that 10 stores are closed, and with all that her taxes went up. She said that she is disappointed that she wasn't given any options as a senior for lowering taxes. She said that she is not happy about the talk of putting a school in Clifton Heights. She said that her street already gets a lot of traffic with buses and tractor trailer deliveries, and now there would be more buses and she's not sure where they will even fit. She said that she is not happy when she travels up Baltimore

Pike because there are a lot of empty stores that used to be thriving. She said that she has renters down the street and she never even saw a sign that it was for sale or rent. She doesn't know where they are from. She said that she is upset about the whole town in general. She said that she saved all of the cards that they got for voting and Upper Darby, Havertown and Penn Wood got a lot of money, millions of dollars, but she doesn't know why they had to raise the taxes here. She said that people agree with her in talking, but no one shows up to stand beside her and support her, so she is here alone tonight. She said that she called about her other bill for County taxes, and talked to a couple of people and a supervisor. She said that there are 50 departments in the County that are funded by taxes and one of them is marriage licenses. She said that she thought that individuals paid for their marriage licenses when they apply for them. She said that there are things that she is not happy about that she is paying for, and she may just be complaining, but she wanted to say something.

President Berry said that taxes are usually something that everyone can agree that they don't like to pay, but they're necessary.

Mrs. Labroli said that she just doesn't understand why they had to increase when there are 10 empty stores on Baltimore Pike. She said that the Police Department is second to none and she appreciates their work because she lost her son who was a police officer in Atlantic City. She thanked everyone for their time.

Councilman Campbell said that he shares a lot of her sentiments. He was born and raised in the Borough and has been here for 56 years, and that is why he is involved.

Mrs. Labroli said that she doesn't understand the need for a school on the field where generations of people have put in their time. She mentioned Al Corbi and Matt Fabrizio and the American Legion and all their events and time they put in over the years. She said that her son played football at the field. She said that all of those people and entities are gone now and they can't fight against the school.

President Berry thanked her for expressing her concerns.

Fire Report:

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

Manager's Report:

Borough Manager Perfetti announced that the Clifton Heights Zoning Board met on Monday, January 21st in reference to 500 E. Broadway Ave. He said that meeting recessed to be continued on tomorrow, Wednesday, February 20, 2019 at 7pm. At the request of the chairman of the Zoning Board that meeting has been cancelled, so they are providing public notice and the next date will be advertised accordingly if needed.

Mr. Perfetti also reported that the Delaware County Planning Commission has not recommended their local ordinance #866. He asked for the Solicitor to expound on that.

Solicitor Catania explained that the Delaware County Planning Commission gives advice and does not issue binding recommendations. He said that their comments were that as a matter of planning recommendation, they would prefer that the facilities be limited to certain parts of town than be regulated through separation distances. He said that if the Borough provided a rationale for the separation distance that would be fine. He said that he would work with Mr. Gould to see what the rationale was for that and the Borough can include that and send a signed copy.

Mr. Perfetti said that the big elephant in the room that was touched on by Claudette is that the Upper Darby School Board met last Wednesday, February 13, 2019 in reference to the next step in building the proposed middle school on the Springfield Rd. athletic fields. He said that the next meeting is scheduled for Tuesday, February 26th at 6pm at the Upper Darby High School. He would recommend anyone to speak to their family members, neighbors and friends who would have interest in this situation and ask them to appear on that time and date to show support. He is also requesting that the Borough Solicitor look into any and all legal matters that could be in the best interest of the Borough in persuading their minds to another area other than Clifton Heights. He said that it his belief that if they were to allow a school to be built on these grounds as proposed, it would serve the interests of everyone but the citizens of Clifton Heights, which is the most important group that he could possibly represent. He asked the Solicitor for any and all advice and asked him to take a few minutes to speak to the public.

Solicitor Catania noted that he lives close to the field and has experience with it because he was the School Board Solicitor for a lot of years. He said that field is a project of much history here in the Borough. He said that it seems like the current School Board is rushing to make a decision, and he has read the progress in the newspaper. He said that he would equate it to watching an iceberg...you know that there is a lot going on, but 9/10ths of it is below the surface. He said that for example, there was an architect hired a few weeks ago and pretty miraculously for a small amount of money, there is a master plan drawn up. The Borough is invited to a "secret" meeting; officials can come but cannot bring residents to find out what is going on. He said that it is disappointing that this is being done without much public involvement at all, which destroys confidence in the fact that this is an objective decision. It leads one to believe that the decision is already made and the meetings and public invitation are simply window dressing. He said that he is happy to review the legal options and since it is legal advice, he would give it to the Council privately. He would encourage anyone who has any interest in this situation to go to the meeting. He said that the Council, himself, the Mayor and the Borough Manager have been trying to get information from the School District, and they can't even get them to tell how many Clifton Heights students attend Upper Darby schools. They claim that they don't know, which is very hard to believe. He said that the Borough sends

them about \$7 million in tax dollars each year, and they say they do not know how many students residing in Clifton Heights attend their school. He said that there have been attempts to assure the Youth Clubs that they would be able to use the fields, but they are all aware of the recent experiences of the CYO groups in Drexel Hill trying to get use of the fields and being simply denied. The Borough is going into this with eyes wide open, and he would again encourage everyone to attend the meeting and hope for a lot more transparency than they have to date. He reminded everyone when attending the meetings that they are only seeing the top of the iceberg and there is a lot more going on that cannot be seen. He said that they will eventually find it out but it will take time. He said that they will address this at every single future public meeting.

Mr. Perfetti announced that the tax bills for 2019 have been mailed by the Borough's tax collector, Jane Tumolo. He said that she has been doing a tremendous job.

Mr. Perfetti noted that the Police Department had purchased 2 new police vehicles. He said that as a result of those purchases, he is asking the Borough Council to keep the 2006 Ford Explorer, turning it over to the Highway Department and to keep the 2013 Ford as a 2nd vehicle for the Code Enforcement Department.

A motion was made by Councilwoman Peterson to transfer the use of the outdated police vehicles for use by the Highway Department and use of the Code Enforcement Department as outlined; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

Mr. Perfetti noted that they still have an escrow account to deal with from Hillside Nursery dating back to 2017. He said that after the attorney's fees and engineer's fees have been deducted, the amount that was originally posted was \$28,000. He is requesting that they return the balance of the escrow funds being held, totaling \$23,167.30.

A motion was made by Councilwoman Peterson to return the escrow funds as outlined to Hillside Nursery; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Perfetti said that they had another escrow fund to deal with in regards to GM Mechanical, the developer and builder of the Borough building. He said that he is requesting having the amount of \$36,379.20 released to GM Mechanical, which represents the final payment of work that was performed on this building. He said that this does not include the retainages that are currently being held in the amount of \$87,345.29. The Borough will maintain control of the retainages into future date.

A motion was made by Councilwoman Papale to release the final amount of \$36,379.20 to GM Mechanical while keeping the retainages; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Perfetti announced that they received a violation from the Public Utilities Commission, which was the result of them not responding to a one-call. This incident occurred at 311 N. Sycamore in June 2018. He said that a company that was digging hole in front of the property hit a gas line and the Clifton Heights Fire Company had to respond. There was no catastrophic result from the

incident, thankfully. He said that because the Borough didn't respond in a timely manner, the PUC issued a fine of \$1,000. He said that it is his recommendation after speaking to legal counsel and the engineer that the Borough pay the fine.

A motion was made Councilman Campbell to pay the PUC fine; seconded by Councilman Martin; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Perfetti followed up to inform Council that they have revisited their protocol for the one-call system and that he wouldn't expect any issues as they move forward from this.

Mr. Perfetti asked if the Borough Engineer could provide the report from the Darby Creek Joint Authority, Chapter 94 Municipal Waste water report.

President Berry noted that his report would follow next.

Mr. Perfetti noted that he believes that they should work with the Borough Solicitor on the sewer tap-in fee. He said that they currently do not have an ordinance, but since they are beginning to develop properties throughout the Borough, it would be in the best interest of the Borough to develop something to deal with that.

A motion was made by Councilman Martin to accept the manager's report as presented; seconded by Councilman Campbell; and carried unanimously by a vote of 7-0.

Engineer's Report:

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

Mr. Kelly reminded everyone that the Borough was award \$115,000 in 2018 CDBG funds, which was allocated for road work and road restoration. He said that with Council's authorization, he would prepare the bidding documents and solicit bids for the work.

A motion was made Councilman Martin to authorize the Borough Engineer to proceed with the bidding process for the 2018 CDBG funds for road work and restoration; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Kelly announced that Frank Environmental has been working to clear the storm sewer pipe along West Madison Ave. He said that his letter of recommendation is attached to his report along with an invoice for \$2,450 for work complete as of February 1, 2019.

A motion was made by Councilman Martin to pay Frank Environmental the \$2,450 for work completed on the West Madison Ave. storm sewer pipe through February 1st, seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Kelly noted that a resolution for the county aid application was also attached to his report, and he would encourage Council to pass this resolution so that he can submit it to the County and to PENNDOT.

A motion was made by Councilman Martin to adopt Resolution 01-19, the county aid application resolution which is attached to the Engineer's report; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

Mr. Kelly reported that last week he forwarded a blank resolution copy of a PENNDOT master casting agreement, an agreement that allows PENNDOT to make necessary adjustments to the Borough's sanitary manholes as they make restoration or pave PENNDOT roads. If the Borough did not adopt this resolution, the Borough would be responsible for making any necessary adjustments. The Borough would be responsible for reimbursing PENNDOT.

A motion was made by Councilwoman Papale to adopt Resolution 02-19, a resolution accepting the PENNDOT master casting agreement; seconded by Councilman Campbell; and carried unanimously by a vote of 7-0.

Mr. Kelly reminded Council that they were successful in obtaining a significant number of LED street lights, and consequently they have done an inventory of light fixtures and street lights. He is requesting Council's authorization to prepare bidding documents and solicit bids for the installation of the LED fixtures.

A motion was made by Councilman Rich to authorize the engineer to proceed with the preparation of bid documents and solicit bids for the installation of LED street lights as needed throughout the town with their supplies on hand; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Kelly said that his last item was the item that the Borough Manager had touched on. They have prepared the Chapter 94 reports and submitted them. They are annual reports that go to the collection borough conveyance, which is the Darby Creek Joint Authority & Muckinipattis Authority, as well as the treatment facility for sanitary sewage, which is Delcora. It is a 5 year projection and a fairly routine process that is done every year.

Solicitor's Report:

Frank Catania presented the Solicitor's report.

Solicitor Catania said that he requested at a prior meeting to give some information on the Borough's ability to regulate facades, particularly in the business district. He explained that the Borough has adopted the International Property Maintenance Code, which allows the Borough Code officials to regulate the maintenance of the business facades. However, he thinks the request was for something a little different, which was a way to regulate the uniformity of the facades, could a couple of blocks have the buildings look all similar. He has had a conversation with the Delaware County Planning Department and they have recommended to review the Village District out in Chadds Ford off of 202. He said that there is a district there where all of the structures are built within building

guidelines that make it look like a small village. He said that to his knowledge, he doesn't know that they regulate the color of the facades, but the buildings are designed to look like a village. He said that he thinks that it would benefit Council to get pictures of this area and then compare it to their business district to see what kind of things they are looking to emulate. He asked J.P. Kelly what type of professional would be best suited to assist with an item such as that.

J.P. Kelly said that he was involved with the Chadds Ford project so he has access to a lot of the reports that he could furnish for them to review.

Solicitor Catania said that they could set aside some time at next month's caucus meeting to go through some of the documents. He asked if the work he was involved in was for 1-story buildings or 2-3 story buildings.

Mr. Kelly said that they could amend the plans to facilitate multi-story buildings.

Solicitor Catania asked what the goal of the plan of that project was.

Mr. Kelly said that it was called "Walkable Chadds Ford" and the plan was to make a walkable district that was appealing to the eye and shared features to make it seem as a put-together unit though separated by walking space.

Solicitor Catania asked if he thought it would be adaptable to a town like ours.

Mr. Kelly said that there would definitely be portions of it that could be adapted to work with Clifton Heights.

Solicitor Catania asked Mr. Kelly if he was familiar with any façade regulations for a busy street like our business corridor.

Mayor Lombardo said that Phoenixville is a comparable setup.

A motion was made by Councilman Rich to authorize the engineer to gather information about façade regulations as discussed with Borough Council; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Catania explained that would help with the concept, and as Mr. Gould now knows, the Borough does have the ability to police the condition of existing facades.

Mr. Catania reported that he is working with Mr. Kelly on 546-556 East Baltimore Ave. land development.

Old Business:

Mr. Gould said that they do address the property maintenance code on existing businesses, and one of the issues that they are facing right now is that they could meet the intent of the property maintenance code but also do further damage to the façade. For example, he could write someone a

ticket for a broken window that is a large custom window, they could then go to Home Depot and get a smaller window and fill the space with vinyl siding or brick and meet the building and property maintenance code, but not enhance the business district. He said that is what they are looking to deter with some regulation of the facades of the buildings. He said that another item would be masonry or brick pointing that could cost a little bit of money, they could get vinyl siding and cover over the area and meet the property maintenance code again. He said that they would like to enhance the downtown district if possible with this regulation.

Mr. Gould continued that the newly implemented rental license ordinance requires property owners to register their properties and submit fees by March 31, 2019. Renewals were sent out in January by Code Enforcement Officer Tom Young. This change in procedure allows the Code Enforcement staff to be better utilized during the traditionally slower part of their year. As a result, Code Enforcement deposits for January totaled \$37,045, with \$22,300 being rental inspection applications. There was \$11,251.24 in code enforcement fines collected through District Court for the month of January. Snow and ice violation notices have been issued and several code enforcement tickets have been issued as a result, and they will continue to monitor these issues. Baltimore Pike remains busy with improvements, including the Gulf Station improvements, the façade improvements at the former sewing machine company building and the former Roman furniture store location. Progress continues at several vacant properties as well.

Councilwoman Peterson asked for a reminder on the snow removal time.

Mr. Gould said that per the ordinance it is 24 hours and the amount of snow is taken into account.

New Business:

No new business.

Ward Reports:

Councilwoman Papale announced that the Clifton Heights Swim Club would be hosting their 3rd annual beef & beer this Saturday, February 23rd at the Polish American Club. Tickets are \$30 in advance and \$35 at the door. She said that it is a nice event in support of the pool.

Councilman Resnick had nothing to report.

President Berry had nothing to report.

Councilman Rich said that he is happy with people following the trash ordinance.

Councilman Martin had nothing to report.

Councilwoman Peterson had nothing to report.

Councilman Campbell noted that the School District meeting would be on February 26th at 6pm and he hoped that everyone would have a chance to attend. He said that anyone who wants to speak will

only get 2 minutes so everyone should ensure that they are prepared with what they would like to say.

Mayor Lombardo said that he attended the Boys' Club banquet over the weekend, and he wanted to commend the Boys' Club for the job that they do on behalf of the youth of Clifton Heights.

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