

**Clifton Heights Borough Council**  
**Meeting Minutes**  
**May 28, 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:**

No opening public comment.

**Ordinances:**

**Meeting Minutes:**

A motion was made by Councilwoman Papale to accept the April 2019 meeting minutes as presented; seconded by Councilman Campbell; and carried unanimously by a vote of 8-0.

**Mayor's Report:**

Mayor Lombardo noted that they had the Mayor's Luncheon in May and it was well attended and enjoyable. He noted that they held the Memorial Day celebration over the past weekend at the Memorial and Fire House. He personally thanked Chief Kneass and Chief Rockenbach as well as Terrance Fitzgerald and John Todd and everyone at the Legion for a great day and beautiful ceremony on Monday. He said that they are all to be commended.

Mayor Lombardo noted that the Boys Club and PAL hosted their carnival the previous week. He complimented the Clifton Heights Police Department and Fire Department for the work that they put in to make the function as safe as it was. He said that they had some issues, and Sergeant Brown spent a lot of time last week making sure that the citizens of Clifton Heights were safe, and they are all to be commended for their diligence.

[Round of applause]

Mayor Lombardo had nothing else to report.

**Police Report:**

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

**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 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 Peterson; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

**Manager's Report:**

Borough Manager Perfetti said that Borough Council had heard the presentation from Mr. Buraks of Portnoff Collections and he was requesting Borough Council's permission to continue to negotiations with the firm to possibly retain their services for a year to assist them with their delinquent trash and sewer fee collections. He noted that he would have the solicitor review the resulting agreement before moving forward.

A motion was made by Councilman Martin to authorize the Borough Manager to continue negotiations with Portnoff Law Associates to come to an agreement that will be presented to Borough Council for approval to assist the Borough with their collection of delinquent trash and sewer fees; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Borough Manager Perfetti had nothing further to report.

### **Code Enforcement Report:**

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

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

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

Mr. Kelly announced that the paving work for the 2018 CDBG contract has started, and they expect the paving to be completed by the end of the week.

Mr. Kelly announced that the 2019 Road Program bid opening is scheduled for Thursday, June 13<sup>th</sup> at 10am, and he would expect to have a recommendation at the June 18<sup>th</sup> meeting.

Mr. Kelly noted that the LED street lighting upgrade project had a pre-construction meeting last week with Don Higgins Electrical Contractors, and the contractors reported that they would begin work by the end of this week and he would expect them to complete the project within 2-3 weeks of the start date.

Councilman Humphreys said that Sycamore Ave. between Mill St. and Wyncliffe is falling apart with pot holes everywhere. He said that is something that they definitely have to look at.

Mr. Kelly told him that it was part of the scope for this year's Road Program.

Mr. Kelly concluded his report.

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

Borough Manager Perfetti requested addressing the work change orders for GM Mechanical in the amount of \$35,718.75. He noted that he has met with the Engineer and GM Mechanical on three separate occasions, and they are very comfortable with recommending this amount for approval.

A motion was made by Councilman Campbell to authorize the work change payment to GM Mechanical in the amount of \$35,718.75 as outlined by the Borough Manager; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 8-0. (Resnick - yes, Rich-yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

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

Francis Catania presented the Solicitor's report.

Solicitor Catania said that he wanted to discuss some of the things that they'll be covering in the upcoming months with the conditional use hearing. There will be an evaluation of the plans that they received from the School District. He said that they really don't have all of the information that

they need to be able to make an informed decision. He said that they have to balance out the needs and rights of the people who already live there with the proposed user. He said that there is a PowerPoint presentation from KCBA Architects that is available on Board Docs tonight. It indicates that Middle School expansion at Beverly Hills current enrollment is 1,560. He said that if you look a little further into the administration produced Upper Darby active student count information it says Aronimink students as of May 14, 2019 is 1,439, it is a 121 student difference or 8%, which is pretty significant. He asked why there would be such a difference between the numbers and if they were reliable numbers. He said that is one of the things that they will have to consider in their review process. He said that the Borough's population according to most estimates is 6,600 people. He said that if some of the numbers that the School District has floated in terms of students and staff who would be coming into the Borough are correct with a projection of about 1,000 students and staff, which would be a 15% increase in population every day that the school is open and that is a lot of people. He said that they would have to get to and from the building each day, the Borough would have to make sure there were emergency services and facilities available for that increase in population each day, and all of that would need to be evaluated. He said that first they need to demand and receive reliable information that is sourced in documents. He said that looking at the presentation at tonight's School Board meeting, there is discrepancy from the architect's figures to the administration's figures. He said that those are the types of things that they are going to have to be vigilant about because they are talking about the possibility of a 15% increase in daily population in the Borough. He said that unfortunately they are also going to have to be aware of some of the safety issues facing the students and staff in the other Middle Schools. He said that he has received some preliminary information, not from the School District, but from other law enforcement sources that each of the middle schools has, on average, one police call to the school per day. He said that is something that they are going to need to look into further, because they are not a very large police force, so they would need to know what type of calls they are facing, whether it is for one student or multiple students; before, during or after school. He said that they would need to collect pertinent information like that. He said that is the primary goal of the conditional use process.

Mayor Lombardo asked the Borough Manager for confirmation on his information that the Upper Darby Township Police Department has approximately 10 police officers every day who manage the High School and two middle schools. He said that they would never be able to provide that level of service, even if it were to require only 2 officers.

Councilman Rich said that the Upper Darby School District should be the provider of the police force.

Solicitor Catania said that would be a topic that they would have to explore.

Councilman Rich asked if Upper Darby School District paid for the UD Township police.

Mayor Lombardo said that he would be getting into union territory with questions like that.

Councilman Rich said that it should definitely be looked into.

Solicitor Catania said that there is another slide being shown at tonight's School Board meeting and that is a project schedule summary. They propose to start their design development in June of 2019.

They propose to start construction documents in November of 2019. They propose that land development could take over 1 year. He said that they will have time to evaluate all of that information. He said that they propose an Act 34 hearing in November of 2019. He said that there is a law and it's either the Taj Mahal Act or anti-Taj Mahal Act, but it requires public schools to have public hearings on the expenditures that they are proposing for a school building. He said that they are not doing that now but want to do it in November. He said that they should check that out because so far they have borrowed or are about to borrow \$6.5 million just to get the planning done. He said that he is not sure if that is just the proposed Middle School project in Clifton Heights or if it includes all of the projects. He said that there is a lot of information that they need from the School District, and they will write and ask for it or ask for it as part of the review process, but to date, they cannot even find out how many Clifton Heights students attend District schools. He said that he is not sure why they cannot get that information, but they need that information in order to make informed decisions. He said that he is working with John Perfetti, J.P. Kelly and John Gould and they are all determined to get that information. He asked them not to forget the comment that Mr. Gumlach made that he, without any evidence, is drawing the conclusion that you will not be impartial in your evaluation. He said that their plan is to try and take the decision away from Borough Council by pushing that they cannot be impartial. Solicitor Catania said that they would continue to work to get the information that they need to make informed decisions.

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

**Old Business:**

Councilwoman Papale said that the Clifton Quarterly would be coming out in mid-June with a lot of information.

**New Business:**

No new business.

**Ward Reports:**

Councilman Resnick had nothing to report.

Councilwoman Papale had nothing to report.

Councilman Humphreys had nothing to report.

President Berry had nothing to report.

Councilman Humphreys had nothing to report.

Councilman Rich said that he heard from residents on Election Day who said that they were pleased with the new rental registration requirements. He said that he is very happy about the cooperation

with the use of trash cans by residents, and he did hear about concerns about the conditions of the rear driveways of properties in the ward.

Councilman Martin said that he wanted to share a good feeling story as the United States Army National Guard had their newest recruit, resident Michael Morrison join their ranks and report to boot camp either today or yesterday.

Councilwoman Peterson had nothing to report.

Councilman Campbell said that he just wanted to speak briefly about the possibility of the school being built. He said that the Borough lost their representation on the School Board in 2015, and the School District started discussing the school in 2016, bringing it to the public's notice in November 2018 and in March of 2019, they wanted to speak to the Clifton Heights Borough Council. He said that he believes a school should be built, he just doesn't understand why it needs to be built on the last green space in Clifton Heights. He said that the Borough is one square mile while Upper Darby is a monster in size in comparison. He said that he can't figure it out and that the Borough provided some ideas of their own, but the School District is insistent on this last green space in the Borough. He said that the Borough was never brought into the discussion of their plans as they developed over these last few years, not until March of 2019. He said that he wants that to be out there. He was born and raised here and he just can't let the last green space go.

Mayor Lombardo said that he could add something to that. He said that when they did meet with Miss Mitchell and Dr. McGarry, the Borough offered to purchase the fields from the School District, so that they wouldn't have to put money out of the taxpayers' pockets to purchase Saint Eugene's. He said that their final goal should be and needs to be to own those fields so that this will never happen again. He said that that is his end goal as Mayor.

**Closing Public Comment:**

Sherri Rich, 82 Chester Ave., said that she wanted to let everyone know that her and Fred's grandson, Michael F. Rich is now Airman First Class Michael F. Rich. She said that he graduated boot camp with honor award on May 3<sup>rd</sup> at Lackland Air Force Base.

[Round of Applause]

Christina Matsinger, 323 N. Oak Ave., said that when she attended the School Board meeting on the 14<sup>th</sup> and as Dr. McGarry was making a presentation and numbering some things, he mentioned very loudly that he had reached out to Clifton Heights and had never heard anything back.

Mayor Lombardo said that he has met with him numerous times. He said that Council can't meet with them, and he hopes he's not speaking out of turn, but when they have to make a decision, it has to be impartial, so the Mayor and other parties have met with them, but the Council members have not so as to avoid impartiality.

Solicitor Catania said that what she will find through this process is that the Borough is not going to make accusations without being able to show you with documents what was done and said. He said

that there has been a lot of misinformation and disinformation spread and not from this Council or the Mayor or the other Borough professionals.

Meredith Hegg, 123 E. Berkley Ave., said that there has been this statement that the School District had not reached out to the Borough, but the Mayor just stated that they can't speak to Borough Council so they reached out to the Mayor, and that is the School District reaching out to the appropriate person in the fall.

Mayor Lombardo said that what Councilman Campbell was speaking about is when he went to a School Board meeting in March. He was approached by the School Board to have a discussion with Borough Council.

Solicitor Catania said that they attended the meetings in good faith thinking that they will be able to speak and be heard, and instead they are invited to a private meeting, which the School District's lawyer then uses to write to the Planning Commission to claim that they are not impartial.

Ms. Hegg asked if then there were meetings.

Solicitor Catania said that there have not been meetings.

Ms. Hegg asked if they could understand that she is confused right now.

Solicitor Catania said that she is confused. He explained that the Mayor does not sit on Borough Council and is an independent elected official. Borough Council members went to a School Board meeting and were asked by Rachel Mitchell and other School Board members to meet with them privately, which they did not. They did not because they are aware that the game is to try and paint the Borough Council members as being impartial. He said that the Council members will not be painted as biased. He said that the Mayor does not get a vote, so he can meet with the School Board.

Ms. Hegg said that she is confused because they said that the School Board is not reaching out to them but they are reaching out to them and then you said that you want to meet with them but the meetings that they're offering are not the right kind of meetings.

Solicitor Catania said that he didn't say that they're not reaching out to them, he did. He said that Mayor Lombardo met with them and there were proposals made and plans that were shown to him and all of a sudden tonight, they're unacceptable.

Mayor Lombardo said that he has met with them in the last 10 days about Saint Eugene's.

Ms. Hegg asked if that was because he refused to meet with them in 2018.

Mayor Lombardo said that he had lunch with them in the Clam Tavern in September of 2018.

Ms. Hegg said great because she just wanted it on record that he spoke to them in 2018. She said that perhaps she is missing something, but they are trying to say that they didn't reach out to them but then also saying that they can't talk to Council because of impartiality, so in saying that the

Mayor is the person that they need to talk to and acknowledging that they spoke in 2018, you can't say that they didn't reach out. She said that her main point is that there is a missed opportunity here for the Borough to collaborate with the School District and get a win-win. She said that she is very concerned that taking this combative approach, and then they may lose this legal battle and lose the opportunity to have input on what they would like on the fields at a school that could be a point of pride in the community.

**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