

Clifton Heights Borough Council
Meeting Minutes
June 18, 2019

Present:

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

Absent:

Harris Resnick, 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.

Meeting Minutes:

A motion was made by Councilman Martin to accept the May 2019 meeting minutes as presented; seconded by Councilman Humphreys; and carried unanimously by a vote of 7-0.

Mayor's Report:

Mayor Lombardo reminded everyone that they would be having their final 4th of July Association meeting tomorrow night (June 19th) at Romarco's at 6pm. He said that they are still in need of volunteers for the parade and the fireworks.

Mayor Lombardo said that he wanted to let Council and the residents know that they received an email today from the Delaware County Commerce and Development Center and State Representative Mike Zabel that everything had been submitted for the former Hillside property. He said that the grant involved matching funds and they would keep everyone updated on the status.

Borough Manager Perfetti informed Council that they had also received notification from Delaware County Council yesterday that the Borough had received a CDBG grant for \$125,546 for the resurfacing of the Administration Building parking lot and the Borough Engineer would be reviewing the grant award.

Police Report:

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

Treasurer's Report/Bill List:

A motion was made by Councilman Humphreys 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. (Rich– yes, Humphreys – yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Manager's Report:

Borough Manager Perfetti said that he and the Borough Engineer completed a final review of the work completed by GM Mechanical, as they were still holding a 5% retainage for the project, and after that review, they were recommending the release of the retainage to GM Mechanical.

A motion was made by Councilman Martin to release the 5% retainage to GM Mechanical; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 7-0. (Rich– yes, Humphreys – yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Borough Manager Perfetti announced that they had previously discussed Ordinance #871, and the ordinance had been duly advertised. The ordinance would authorize the Borough to enter into a contract with Portnoff Law Associates to assist the Borough with their collection of delinquent trash and sewer fees. He said that this ordinance would be addressed during the solicitor's report.

Borough Manager Perfetti said that they need to provide the Upper Darby School District with a list of all of the Borough activities that take place at Clifton Field as requested on or before June 21st. Mr. Perfetti went through a list that included the Clifton Heights Boys Club, Clifton Heights PAL, Annual Easter Egg Hunt, Antique Car Show, 4th of July Celebration with fireworks, local residents who may use the track for walking and other activities, other social activities, Clifton Heights Lions Club, Clifton Heights Fire Department for training, National Night Out with the Police Department, Movie under the stars, Today's Child field days, playground use on a daily basis, Cow Pie Bingo, annual carnival and other fundraisers.

Councilman Humphreys noted that there was another adult men's league baseball team not associated with the Clifton Heights PAL that also uses the field.

Councilwoman Papale noted that the Clifton Heights Historical Society should also be included on the list.

Solicitor Catania said that they could review the list to have some more user specific activities outlined as well for submission for specific sports or activities.

Councilwoman Papale noted the annual Turkey Bowl that they host the day after Thanksgiving in memory of Nate Hartel.

Councilman Humphreys noted the Christmas tree sales at the lower fields.

Borough Manager said that if anyone in the audience had anything to add between now and the due date, they could feel free to reach out to Borough Hall with the information.

Borough Manager Perfetti had nothing further to report.

Code Enforcement Report:

A motion was made by Councilman Martin to accept the Code Enforcement 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 announced that they had received 2 bids for 2019 Road Program when the bid opened on Thursday, June 13th at 10am. He recommended the contract be awarded to AF Damon of Upland for a bid of \$79,192.

A motion was made by Councilman Humphreys to award the 2019 Road Program contract to AF Paving of Upland in the amount of \$79,192; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

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.

Solicitor's Report:

Francis Catania presented the Solicitor's report.

Solicitor Catania announced that there would be a meeting with the Delaware County Planning Commission on June 20th, and the Borough will have 2 applications there, the Arby's application and the Upper Darby Middle School project. He announced that the Clifton Heights Planning Commission would commence its review of the UDSD Middle School project at 7pm on Tuesday, July 9th in the Borough Hall meeting room, and the Arby's restaurant review will begin at 6pm. He said that he would ask for consideration tonight in the form of a motion to appoint John McBlain as a hearing officer to assist both the Planning Commission and Borough Council in its review of the UDSD Middle School project. He would be present and able to assist in the conduct of the meeting and help ensure the appropriate record is made. He said that Mr. McBlain is currently the Zoning Hearing Board solicitor, so if he were appointed hearing officer, he would not be able to serve in that capacity for any hearings for the application of the UDSD Middle School project, but he would still recommend him at whatever hourly rate he is now with the Zoning Hearing Board.

A motion was made by Councilman Martin to appoint John McBlain as the hearing officer for the Planning Commission and Borough Council in its review of the UDSD Middle School project at the same hourly rate he is compensated as the solicitor of the Zoning Hearing Board; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich– yes, Humphreys – yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Solicitor Catania announced that they advertised Ordinance 871, which is an ordinance regarding collection procedures regarding unpaid municipal claims for delinquent trash and sewer fees. He said that they received a proposal from the Portnoff Group to collect delinquent trash and sewer fees. He noted that he and the Borough Manager had reviewed the contract, and he would recommend that Council adopt it subject to their final review of form and content. He said that the Ordinance would set the procedure for the collection and fines and fees associated with it. He said that Portnoff would be paid, not by the Borough but, by the imposition of fees on the collection charges on delinquent sewer and trash individuals and companies.

A motion was made by Councilman Martin to authorize the acceptance of the contract with Portnoff Law Associates for the collection of delinquent sewer and trash fees, subject to Solicitor & Manager's final review as to form and content; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Rich– yes, Humphreys – yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Solicitor Catania explained that Ordinance 871 is the implementation ordinance that sets the fees to be added to the unpaid claims, how to process different methods of payments, interest and collection procedures and other regulations and appoints Michelle Portnoff as solicitor for the limited purpose of collecting unpaid claims. He said that the Borough Manager and he will review that to ensure that they have the correct malpractice insurance coverage for those claims. He said that they are often the target of Federal litigation matters. He said that they will ensure indemnification for those matters, and the ordinance is recommended for their consideration.

A motion was made by Councilman Martin to adopt Ordinance 871, authorizing the Borough to enter the implementation ordinance for the Borough in their collection of delinquent trash and sewer fees; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 7-0.

(Rich— yes, Humphreys – yes, Martin – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Solicitor Catania reported on Right to Know requests. He noted that the School District has advised the Borough by letter, submitted with their application that an attorney by the name of Gunlock is going to be the principle point of contact for the application process. He said that he has corresponded with him and confirmed that he is the point of contact. He sent him a letter because in their preliminary review, they had found that some of their data for enrollment that there were several different sets of data provided. He said an example was for Beverly Hills Middle School, the data filed with the State had the enrollment at 1,462 students, and the information reported in one part of last month's School District presentation had enrollment at 1,439 students and the information reported 18 days later by the School District's Architect had 1,560 students. He said that while there is a lot of coming and going at that school, there shouldn't be that much of a difference. He said that the amount of absences and out of school suspensions at the school was notably remarkable and he noted that to Mr. Gunlock. He said that as reported by the School District to the Department of Education, there were 470 children attending the school who were absent more than 10 days, which is a truancy rate of 32.15% for 6th, 7th & 8th graders. He said that if that is true, they don't really have reliable information on how many students attend the school on any given day. He asked Mr. Gunlock to try and explain that and provide a range of students who attend the school on any given day. He said that he received a pointed letter back from Mr. Berman questioning the validity of the information that the letter contained. He said that he drafted a response to him that points out that the letter Mr. Catania wrote is based upon information that the School District provided to the Department of Education, and he is sending that back to him and inviting him to go back and check the information that the District submitted. He said that anyone can go on the website and see that 1/3 of the population in the Beverly Hills Middle School is habitually truant.

Solicitor Catania noted that they submitted a Right-To-Know request as to when the cameras appeared in the Borough as part of a surveillance program. He said that he had written to the School District and asked for them to preserve all of the videos. He then asked for proof that they had given the request to preserve the records to the traffic consultant that they were using. He then submitted a RTK request for proof that they had sent the letters out, and they have refused to provide any evidence that they have sent anything out, so they will appeal that to the Office of Open Records. He said that the way to RTK law works is that if a School District has a public record, they have an obligation to give that to you in whatever form it is, and if a School District contracts with someone else to do that function, that vendor has an obligation to preserve that record and provide it to you and the School District has the obligation to get it for you. He said that in their request for actual copies of the surveillance conducted, the School District's response was that they hired Pennoni and Pennoni hired someone else, so there is no direct contract between the School District and the surveyor, it is a 3rd party vendor contract. He said that he doesn't know if that is accurate, but it will make all of the traffic information submitted with the application ineligible to be submitted into evidence. He said that he will appeal that as well to the Office of Open Records. He said that he thinks they're pushing back pretty hard not to provide the videos, so he's not sure what they filmed. He said that some of the cameras were affixed to traffic control devices, which in PA law is a misdemeanor, so that could be an issue. He said that he will continue to follow up and provide any answers received.

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

Old Business:

Borough Manager Perfetti discussed the historical marker being placed in honor of the invention of the slinky and the different options that were being discussed as far as placement of the marker geographically. He said that a potential site would be 2 W. Baltimore Ave.

Councilwoman Papale said that they did hope to have it placed in a visible, well-traveled route in the Borough.

Borough Manager Perfetti said that the LED lighting project that is underway would be completed by the end of June to mid-July.

New Business:

No new business.

Ward Reports:

Councilwoman Papale reported that she attended an eco-tour of mills on Cobbs and Darby Creek on June 8th, and it was put on by the Haverford Historical Society and followed a tour of mills along Cobbs Creek through Upper Darby, Clifton Heights, Springfield, Marple, Radnor and Newtown Township. She said that it was very nicely done, and she didn't know that there were so many mills in the area. She said that most of them are gone, but of the few that are still standing, the 1st ward of Clifton Heights on Broadway Ave is home to a mill. She said that she hopes that it continues to stay there as a mill, and she is thankful to the Borough for lending the facilities to use as a breaking point during the tour.

Councilman Humphreys had nothing to report.

President Berry had nothing to report.

Councilman Rich said that he is impressed by his ward's support of the attempts to save the Clifton Heights Athletic Fields.

Councilman Martin had nothing to report.

Councilwoman Peterson asked everyone to be extra careful now that school is out and the kids will be out and about during the day.

Councilman Campbell had nothing to report.

Closing Public Comment:

Ted Archer, Arch St, discussed the historical signage. He noted that the mounting and placement of the monument would be completed at no cost to the Borough.

President Berry thanked him for the update and his work on that project.

Adjournment:

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

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary