

**Clifton Heights Borough Council  
Meeting Minutes  
September 17, 2019**

**Present:**

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

**Absent:**

Edward Martin, Vice President

**Others Present:**

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

**Pledge of Allegiance**

**Public Comment:**

No opening public comment.

**Executive Session:**

Solicitor Catania explained that they had an Executive Session prior to the meeting to discuss a personnel matter, the 2 active litigation matters with the Upper Darby School District and a sewer matter, which he will discuss further during his report.

**Meeting Minutes:**

A motion was made by Councilwoman Papale to accept the August 2019 meeting minutes as presented; seconded by Councilman Campbell; and carried unanimously by a vote of 7-0.

**Mayor's Report:**

Mayor Lombardo said that it was a very unexpected and pleasant surprise to see over 100 people at the Slinky dedication ceremony on August 30<sup>th</sup>. He said that it was quite a tribute.

Mayor Lombardo thanked Chief Kneass and the Fire Department and Chief Rockenbach and the Police Department for the 9/11 service that was hosted last week. He also thanked Bill Kneass for mc-ing the event. He said that all of the events that they host are top notch and they do such a great job and the Borough is lucky to have them.

Mayor Lombardo announced that he would be hosting his 2<sup>nd</sup> Mayor's Luncheon on Tuesday, October 29<sup>th</sup> at 12pm at the Columbus Club.

Mayor Lombardo announced that they would be having their 1<sup>st</sup> 4<sup>th</sup> of July Association meeting for next year and Business Association meeting on September 25<sup>th</sup> at Romarco's at 6pm. He said that anyone interested in joining them was welcome to attend.

Mayor Lombardo said that they would be starting to work on their 2020 calendars with the help of Councilwoman Papale and Councilman Campbell, so if anyone had any businesses interested in advertising or dates that would be pertinent to the Borough, he would ask them to start putting that information together and submitting it.

### **Police Report:**

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

Chief Kneass said that he just wanted to discuss a problem that is affecting the entire country, particularly the State of Pennsylvania, which has the largest volunteer fire fighting force in the country. He said that in the 1970s, there were over 300,000 volunteer fire fighters in the State of Pennsylvania. He said that by the 2000s, they were down to 60,000, and now the State is between 36-38,000 volunteer fire fighters in the State. He said the Clifton Heights Fire Company is still holding their own pretty well, but the numbers are starting to dwindle off a little bit. He said that they would see in the Fire Report that his average manpower number for last month was 10. He said that 5 years ago, they would've been 15-18 per alarm, so he said that they are starting to feel it a little bit. He said that they currently have 35 active fire fighters. He said that to do their part, they applied through FEMA for a SAFER grant, which stands for Staffing for Adequate Fire and Emergency Response. The Borough was awarded that grant for recruitment and retention in the sum of \$283,305.

[Applause]

Chief Kneass explained that for the recruitment side of things, they would see a ton of marketing in the next 6 months to a year with signs being posted all over town, social media activity, some local cable channel presentations. He said that on the retention side, they will be able to do service awards, possibly a small stipend for members who show up for calls & training, a retirement

program. He said that they will be working that out in the next couple of months as the grant was just awarded on Friday.

President Berry congratulated Chief Kneass and the Fire Department.

Chief Kneass thanked him and added that the Fire Department's Fire Prevention Open House would be held on Friday, October 4<sup>th</sup>.

Councilwoman Papale said that when she was first appointed to Council, the 1<sup>st</sup> activity she attended as a Councilmember was the Fire Department's annual awards banquet. She said that this really opened her eyes to the volunteer side of the Fire Department. She said that she has lived in the Borough her entire life, but she never really realized the time and effort that these individuals put in. She said that attending that function is her favorite event of the year. She thanked them for their work at the Fire Department.

### **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 Humphreys; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Humphreys - yes, Martin - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

### **Manager's Report:**

Borough Manager Perfetti asked all of the Borough council members to review the overnight parking ordinance that was placed in their file.

Solicitor Catania explained that the proposed Ordinance would amend Chapter 325: Parking Prohibited during Certain Days and Hours. It would prohibit overnight parking between the hours of 10pm and 6am of any type of vehicle in the municipal parking lots adjacent to Borough Hall at 30 S. Springfield Rd., Clifton Heights, PA. It would be in order to have a motion to implement this immediately on an experimental basis and also to have this advertised for permanent consideration at the next Borough Council meeting.

A motion was made by Councilman Humphreys to adopt the proposed amendments to Chapter 325 of the Parking Prohibited during Certain Days and Hours ordinance to prohibit overnight parking of any type of vehicle between the hours of 10pm & 6am in the municipal parking lots adjacent to Borough Hall on an experimental basis, and also to have the ordinance advertised for permanent consideration; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

Borough Manager Perfetti asked the Council President if he would allow discussion on some of the parking matters in the Borough, particularly parking meters vs. kiosk parking.

Council President Berry said that he favors kiosk parking.

Borough Manager Perfetti explained that the entirety of Media Borough would be moving to kiosk parking.

Councilwoman Papale, Councilman Humphreys and Councilman Campbell all agreed.

Borough Manager Perfetti informed Borough Council that they had been contacted by Kmart through their development company. He explained that the Kmart would be closing. He said that they finally had a discussion with their counsel & developer and it looks like the Kmart will be closing by the end of 2019. He asked what direction they were considering, whether selling or redeveloping the space. He said that they said that nothing is off the table, but they are leaning more towards redevelopment and doing a nationwide search with an eye on a grocery type store and two additional stores. He said that he would keep them informed moving forward.

Borough Manager Perfetti said that they received a letter from Creative Waste Solutions Recycling that effective immediately they will no longer do any type of electronic recycling for the Borough. He said that the Borough has been in touch with 2 other companies but nothing has been finalized yet. He said that they would continue to work on that.

Borough Manager Perfetti asked the Borough Solicitor to provide an update on where they stand with the codification process.

Solicitor Catania said that all that they need is signed copies of all the Borough ordinances to be sent to the codification company, and they have asked the Borough Secretary to gather them.

Borough Manager Perfetti asked the Solicitor if he could follow up with the Borough Secretary so that they could ensure that this process is moved along.

Borough Manager Perfetti said that he would ask that the Borough Engineer speak about an issue in reference to 500 E. Broadway Ave. where the lofts are being built. There is an issue with the planning modular. He is also going to request that the Engineer request payment of the CDBG Road Improvement Program to Innovative Construction Services and request payment to AF Damon for the Road Improvement Program and to release the retainage for Higgins Electric for the LED light program. He said that all of those programs have been completed and inspected and the Borough Manager would recommend payment of those items. He said that he would also ask the Borough Engineer to discuss the I&I Improvement program and what is at stake and what needs to be done.

Borough Manager Perfetti announced that they had a Borough Planning Meeting on August 27, 2019, where the Commission heard 2 cases, 1 for 536-546 East Baltimore Ave now known as North Pointe ESS. They were requesting a land division and the Commission took no action due to the fact that the North Pointe engineer was not prepared at that time for the questions that were being asked. He said that the 2<sup>nd</sup> case was RK2, which owns the property known as the former Hillside property at Baltimore and Jackson. He said that it consists of 3.62 acres, and they are looking at a 5,000 square foot restaurant, a 6,000 square foot restaurant with the remaining square footage as some type of retail. He said that this is just a preliminary phase and the Planning Commission's recommendation was to move forward with the recommendations as presented at this time pending comments at this time which would be provided by the Borough Engineer at some point.

Borough Manager Perfetti said that after the Planning Commission meeting, there were 2 requests from the Planning Commission themselves, the first request was for permission to hire a recording secretary, a person to sit in the meetings and take notes and generate minutes. He said that he advised the Commission that he would bring it before Borough Council and that he would ask for some consideration on this request.

Solicitor Catania said that they could attempt to bring out a Court Reporter for the 1<sup>st</sup> meeting to see how it goes to give them a better idea of cost.

Borough Manager Perfetti said that there was discussion on that and Solicitor McBlain advised that perhaps that option would be too precise for what they would need for the Planning Commission minutes.

President Berry said that they would need someone who would be a good secretary.

Councilwoman Papale asked why they couldn't do what they do for the current council meetings and have the meeting recorded and then transcribed.

Borough Manager Perfetti said that the answer to that would probably be that the Borough Secretary wouldn't have enough time to do that as well.

Councilwoman Papale said that if they were paying an additional fee, it would make sense to pay the same person who already does a good job.

Borough Manager Perfetti asked if Council would like for him to move forward on this item.

President Berry confirmed that they did.

Solicitor Catania confirmed that they did not need a vote to proceed.

The 2<sup>nd</sup> request from the Planning Commission was to have the Borough authorize for the Commission to set up a Committee to write a comprehensive report/plan.

The Borough Engineer explained that the Planning Commission had a discussion about the Comprehensive Plan and where it stands. He said that the last time it was done, it was done on a joint process with Springfield, and then there was some discussion at the meeting about whether or not it should be updated. They asked for input from Council whether or not they would like them to start tackling the comprehensive plan and updating it. Typically they are done every 10 years and recorded in the Borough, the County and the State. Oftentimes they are just updated if you start with a good body to the Plan, and he thinks the Borough has a good body because it was done through the County the last time. He said that they could review that and make recommendations to Borough Council through the Planning Commission, and then ultimately, they would adopt a new comprehensive plan.

Councilman Rich asked when the plan was last revised.

Borough Engineer Kelly advised in 2006.

Mayor Lombardo said that he would advise that they receive some guidance from the County Commerce Department or Planning Commission.

Mr. Kelly advised that the County Planning Department does have professionals that do that, and they can send someone and help, but generally they do charge for their services. He said that he is sure that they would be happy to come down and provide some guidance to Council and the Planning Commission.

President Berry asked if they could have the Borough Manager look into that with the Delaware County Planning Department.

Borough Manager Perfetti said that he certainly would.

Borough Manager Perfetti said that they already discussed Slinky Day 2019, which took place on August 30, 2019 and was a total success. He asked Councilwoman Papale to comment.

Councilwoman Papale thanked Ted Archer, Phil Fabrizio, Jen Trout, Michelle Mont and Jackie Hareshma. She said that she was unable to attend that day, but she heard that it was wonderful. She said that it was a nice affair and nicely put on. She said that she hopes that they will continue with another event next year for the actual 75<sup>th</sup> anniversary. She said that while she was on the topic that she just wanted to mention in reference to the building for the Historical Committee that they are really looking forward to decorating. She said that a lot of work went into getting ready for the slinky event, and that if they held another event, it would be something smaller.

Borough Manager said that the Borough has also received, through the efforts of Chief Kneass and Financial Advisor Leitzell, the amount of \$30,689.59 for the Fire Relief Fund, and those funds would be transferred over to the Fire Company.

Borough Manager Perfetti said that there had been much discussion about the overnight parking in the Borough Parking Lot, and they are coming up to September 30<sup>th</sup>, which will be the last night that they allow overnight parking in the lot, and signs will be posted on the back half of the municipal lot where all sorts of vehicles are parked.

Borough Manager Perfetti announced that they hosted a Zoning Hearing Meeting on September 9, 2019 in reference to 2018 N. Diamond St., where the applicant was seeking a variance approval for a 2<sup>nd</sup> floor addition and a deck. He said that after testimony, the Zoning Board did approve the variance as requested.

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

### **Code Enforcement Report:**

John Gould said that they are looking at an audit for the Department of Labor and Industry for the State who oversees the Uniform Construction Code in Pennsylvania and completes audits every 5 years to ensure that handicap accessibility is handled properly. He said that they were notified that they would like records for the last 5 years. He said that obviously since there was a transition, they don't have a very complete record of permits issued since 2014. He said that they have a record of those since he started in 2018. He said that they may take a hit on the new building and computers that they don't have access to the previous administrations documents.

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 street lighting project, Don Higgins & Sons, has satisfactorily completed all work, and accordingly he recommends release of retainage in the amount of \$2,527.50.

A motion was made by Councilman Humphreys to authorize the release of the retainage in the amount of \$2,527.50 for the street lighting project to Higgins & Sons; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Humphreys - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Kelly said that as reported last month, that the public comment period for the MS4 program revised PRP ended on August 16<sup>th</sup>, and they have submitted that plan to DEP by the required date of September 15th.

Mr. Kelly reported that AF Damon had substantially completed all work for the 2019 Road Program and attached to his report was a spreadsheet of items completed. He recommends a payment be issued in the amount of \$66,034.08, which represents 90%.

A motion was made by Councilman Humphreys to authorize the payment of \$66,034.08, representing 90% of the contract, to AF Damon for the 2019 Road Program; seconded by Councilwoman Papale; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Humphreys - yes, Peterson - yes, Papale - yes, Campbell - yes, Berry - yes.)

Mr. Kelly reported that the 2018 CDBG work and punch list items have been completed and as such, he recommends that Council take action to authorize the release of retainage in the amount of \$11,374.03; funds which are paid through the Office of Housing and Community Development and not released without Borough's authorization.

A motion was made by Councilwoman Papale to authorize the release of retainage in the amount of \$11,374.03 for the 2018 CDBG work completed; seconded by Councilman Campbell; and carried

unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Humphreys – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

Mr. Kelly noted that the last item on his report was pursuant to multiple requests for sewage planning module consideration and ultimate approval, he is seeking Council's authority to generate & complete an I&I report. A Planning Module consists of 3 major components: the collection, which is owned by the Borough, conveyance, which is owned and controlled by Darby Creek Joint Authority, and treatment, which is Delcora. Darby Creek Joint Authority will not sign off on Planning Modules without proof of a 1 to 1 reduction of I&I, and as such, a current I&I report will allow the Borough to determine where and how to address this problem. He explained that I&I stands for inflow & infiltration, which is essentially storm water getting into the sanitary system and going through the Darby Creek Joint Authority and Delcora and being treated. He said that the less storm water that gets into the system, the less amount of gallons that are treated, therefore lowering the cost to treat sewage. He said that there system is old terracotta pipe in 5 foot sections, so every 5 feet there is a joint and brick man holes. He said that with that being said, if they address this, they can reduce this I&I. As Council is aware, there are 3 major land development projects in various stages within the Borough, the possible school, the R2K property on Baltimore Pike and 500 East Broadway Ave, all of which will require sewage capacity.

A motion was made by Councilman Campbell to authorize the Borough Engineer to proceed with and I&I report as outlined; seconded by Councilman Resnick; and carried unanimously by a roll call vote of 7-0. (Resnick - yes, Rich- yes, Humphreys – yes, Peterson – yes, Papale – yes, Campbell – yes, Berry – yes.)

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

Francis Catania presented the Solicitor's Report.

Solicitor Catania said that to follow up on the Borough Engineer's report, he had announced in Executive Session that Delcora had announced today that they would be selling their assets to Aqua Pennsylvania. His suggestion to this Board is to ask their Planning Commission who has their next meeting on October 1<sup>st</sup> if they would be kind enough to invite the Darby Creek Joint Authority and the Muckinipattis Authority in to get some understanding as to what that sale, which is now pending approval before the PUC, would have impact-wise on the Borough's fees or the Borough's capacity, etc. He said that really would be a Planning Commission function and with Borough Council's approval, he would discuss that with Solicitor McBlain about having the conveyance authorities discuss the impacts with them. He said that if the merger goes through, he's not sure if there is any need for the middle management level of Authority. He said that he thinks that they own the Authorities as one of the founding incorporators, so if they were to convey the conveyance system out, it would belong to each of the surrounding communities. He said that they should have that conversation with them now because the economics of that is going to change. He said that he would discuss that if there was no objection.

President Berry asked if there was any objection; there was none. He told him he could proceed in coordinating that with the Planning Commission.

### **Action Items:**

Solicitor Catania noted that he had an Action Item to accept the offer of NationStar to satisfy the lien at 324 Walnut for the payment of \$341.60, which covers the entire cost for the time that NationStar held that property.

A motion was made by Councilwoman Papale to authorize the Solicitor to accept the offer of NationStar to satisfy the lien at 324 Walnut Street in the amount of \$341.60; seconded by Councilman Campbell; and carried unanimously by a vote of 7-0.

Solicitor Catania reported that there were 2 outstanding litigation matters relating to the Clifton Heights Field. He said that there would be a 3<sup>rd</sup> one shortly that he wouldn't get into tonight. He said that the School District wrote to the Judge today and indicated that they would participate in mediation. He said that they have a couple of other demands, which are unacceptable, but that can be communicated separately. He said that at last month's meeting, the Borough indicated that they would be happy to participate in mediation. He said that it took the School Board an additional 4 weeks to come to the conclusion that they, too, would participate. He said that with that they indicated that they wanted to pick the mediator and have the Court cases going on at the same time. He said it is at least a good thing that they accepted the Judge's recommendation that they attempt to negotiate a resolution.

Solicitor Catania noted that at the previous meeting, Council had granted the extension of time for the review period for the School District's application to the end of October filed their application. The Borough Engineer's office had done an extremely thorough job of reviewing the plan and it was found, as acknowledged by the School District representatives to not contain lots of information. He said that one piece of information that they would probably discuss at the next Planning Commission meeting on October 1<sup>st</sup> would be the pedestrian traffic issue. He said that there would be a significant burden put on people who are trying to walk in the area of Oak and Springfield and down to the next corner. He said that has been given no consideration whatsoever. He said that he would work with the Borough Engineer to come up with some independent recommendations on the sidewalk issue since the sidewalk issue is within the Borough's purview. He said that they cannot have a situation where people are unable to cross streets because of the number of cars passing through.

### **Old Business:**

Councilwoman Papale let Council know that the next Clifton Quarterly would be coming to press soon. She asked for any and all submissions to be made in the next 2 weeks.

### **New Business:**

A motion was made by Councilwoman Papale to recognize the building at 2 W. Baltimore Pike as a Historical Building; seconded by Councilman Campbell; and carried by a vote of 7-1. Councilman Rich voted no.

**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 Rich said it is looking good in the 3<sup>rd</sup> ward.

Councilwoman Peterson said that it is being worked on now, but she has received a lot of calls about the weeds. She said that there has been a rodent problem, so that is a big part of the concern. She thanked John Gould for following up on her requests.

Councilman Campbell had nothing to report.

**Closing Public Comment:**

No closing public comment.

**Adjournment:**

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

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary