

Clifton Heights Borough Council
September 15, 2020 Council Meeting Minutes

Council Members Attending:

Leona Papale, Council President
Harris Resnick, Councilman
Mark Campbell, Council Vice President
Mike Humphreys, Councilman
Louis Cabrelli, Councilman
Timothy O'Hara, Councilman
Karen Peterson, Councilwoman
Destiny Borelli, Councilwoman

Officials Attending:

Joseph Lombardo, Mayor
John Perfetti, Borough Manager
Timothy Rockenbach, Chief of Police
James Kneass, Fire Chief
John Gould, Code Enforcement
Francis J. Catania, Borough Solicitor, by phone
J.P. Kelly, Borough Engineer
Cynthia Leitzell, Borough Financial Advisor

Call to Order and Pledge of Allegiance:

Borough Council President Leona Papale presided over the meeting and called the meeting to order, led the Pledge of Allegiance and then took roll which is set forth above.

Meeting Minutes:

President Papale asked for any edits to the August 2020 meeting minutes. She approved the minutes after no requests for changes from Council members.

Public Comment:

Bonnie Callahan, 235 Woodbridge Rd., asked what the enforcement is for trucks filled with trash on residential streets, with these trucks not moving for 2-3 months. She said that the trucks on Austin Drive are disgusting. She also requested the information for cars on residential streets. She said that she knows that they are okay with registration and inspection.

President Papale asked if Mr. Gould would like to respond or take it under advisement.

Mrs. Callahan said that it just looks really bad and has been there for a couple of months. She also asked for a status on the playgrounds.

President Papale said that the playgrounds were on their agenda for the evening.

Mrs. Callahan said that she didn't understand what that meant.

Mayor Lombardo noted that if she had questions after their discussion of the playgrounds, she would be able to follow up at the end of the meeting.

President Papale said that John Gould would follow up with Mrs. Callahan in reference to the referenced trucks.

Mayor's Report:

Mayor Lombardo noted that everything was a little different whilst going through life with COVID. He said that this year they didn't have a formal September 11th ceremony this year, but they did have a small in-house ceremony. He thanked Chief Jim Kneass and the Fire Company for the great job that they did as always. He said that they have one of the best fire companies around who takes such great care of their equipment and is just a great asset to the community.

Mayor Lombardo noted that the Clifton Heights Boys' Club would be hosting a food truck at Clifton Field from October 1st to October 4th from 3-8pm. He said that it may run a little bit later on the weekend. He also noted that it would be the same provider from their earlier fundraiser, Jim Houghton.

Mayor Lombardo noted that the Clifton Heights PAL would be hosting a Trunk or Treat up at Clifton Field on October 30th, starting at 5:30pm with more information available on social media.

Mayor Lombardo said that he was looking forward to the fall season and hopefully getting the businesses up and running.

Manager's Report:

Borough Manager Perfetti noted that all of the work in the Borough parking lot is under way thanks to the work of the Borough Engineer and all of the other parties. He said that they were able to get all of the permits through PENNDOT. He said they are now moving forward with good faith and hoping for the project to be completed by the 1st week of October, outside of the poles, which would follow 2-3 weeks after because they upgraded the poles. He said that they have 150 feet of new sidewalk and curbing and the parking lot will be increased by about 50% capacity. He said that they will have to revisit the usage of the lot to determine if they would like special sections for the Postal employees, Borough employees, visitors to the Borough, etc.

Councilman Humphreys confirmed with Borough Manager Perfetti that the electrical poles would already be prepared for placement so no further digging would be required.

President Papale asked that anyone on the phone line to please mute the line from their end and the Borough would turn the volume from their own end.

Borough Manager Perfetti noted that his next item was the Ballot Drop Box request to be placed at some location in the Borough. He said that it is a County sponsored initiative with no cost to the Borough, only a request to provide a location. He said that in Executive Session, it was determined that they could accept the ballot drop box and they would follow up that with a discussion with the Police Chief about the placement of the box whether it be in the lobby or somewhere in the front of the building that does not interfere with the day to day operations.

A motion was made by Councilman O'Hara to authorize the Ballot Drop Box to be placed at the Borough at the discretion of the Chief of Police; seconded by Councilman Cabrelli; and carried unanimously by a vote of 8-0.

Borough Manager Perfetti said that the Fire Company would be meeting on 9/21/2020 to vote on a final approval on the 4th ward to return to the Fire Company for voting.

Borough Manager Perfetti noted that the Borough's trash contract would expire on 12/31/2020, so he would be working with the Borough Engineer to put together the specifications for the public bid. He said that he hoped that they would have that together to put out at the end of October. He said that they would also have to put together the landscaping and grass cutting contract which expires at year's end. Finally, he said that their snow removal contract was still in effect but each side had the right of refusal, so he asked the Borough Engineer to follow up with the A2U to confirm that they are moving forward with the snow removal contract.

Borough Manager Perfetti said that they received a request at the last meeting from Councilman Humphreys to see where the Borough is with their plan for the playgrounds moving forward. He said that he is happy to report that with Council's approval, they are prepared to open the Borough's playground at the day and time that Council deems fit. He said that he has checked in with numerous resources, including the Chester County Health Dept. and CDC, and confirmed that there is nothing barring them from opening their playgrounds. He said that they were provided signs that they can post on the playgrounds, including the USE AT YOUR OWN RISK verbiage.

A motion was made by Councilman Humphreys to authorize the opening of the playground with the signage as discussed; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Borough Manager Perfetti noted that the Clifton Heights Planning Commission met on September 8th and recommended the approval of the Resolution for the Act 537 Plan.

Borough Engineer Kelly explained that the Act 537 Plan is the comprehensive sewer plan for every municipality, and DELCORA completes the plan for the Borough on a County level. He said that DELCORA has requested that each municipality to entertain an amendment to the 537 Plan, which is an asset transfer amendment from DELCORA to AQUA. The assets are \$267.5 million. Each municipality that is serviced by DELCORA is being asked to consider this amendment. The Clifton Heights Planning Commission discussed this at length last week under their Special Counsel's leadership. The Planning Commission made a recommendation to approve that amendment and allow for that transfer of assets.

A motion was made by Vice President Campbell to approve the Resolution approving the 537 Plan as presented by DELCORA and approved by the Planning Commission; seconded by Councilman Humphreys; and carried unanimously by a vote of 8-0.

Borough Manager Perfetti reported that the Blood Drive that was cancelled due to COVID concerns would be rescheduled to Thursday, October 22, 2020 from 9:30am to 2:30pm in Council Chambers.

Borough Manager Perfetti announced that his last item involved a discussion with Murray's Bar & Grilled located next to the new development at North Pointe, and he requested that he could enter into a lease agreement for 30 x 100 feet of property with North Pointe to create parking spaces for his own property. He said that while the Borough is in no way involved in the negotiations, he said that they received a request for a letter with the Borough's stance on the matter. He said that all of this would also be contingent upon the parking spaces not impacting the storm water management plan that was submitted at the offset of the project.

A motion was made by Councilman Humphreys to authorize the Borough's approval of negotiations between Murray's Bar & Grille & North Pointe Storage for a 30 x 100 foot area or 15 parking spaces contingent upon the Engineer's approval of the non-impact of the Storm Water Management Plan that was submitted for the development; seconded by Councilman O'Hara; and carried unanimously by a vote of 8-0.

Solicitor's Report:

Solicitor Catania presented the Solicitor's Report.

Solicitor Catania noted that the 1st item was the consideration of proposed Ordinance 876. This Ordinance would make permanent the temporary parking restrictions that Council enacted in July in front of Westbrook Park Market. He said that it prohibits parking in a defined area on the south side of North Springfield Ave. It has been duly advertised and is ripe for consideration.

A motion was made by Vice President Campbell to adopt Ordinance 876, making permanent parking restrictions on the south side of North Springfield Ave as outlined in the ordinance; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Mr. Catania said that the Upper Darby School District elected not to file any tax assessment appeals. The Borough's appraiser reviewed all of the results of the reassessment and recommended that the Borough itself file 11 appeals. In consultation with Borough Council and its agents, he and another attorney filed all 11 appeals by the deadline.

A motion was made by Vice President Campbell to adopt the Resolution ratifying and approving the 11 tax assessment appeals that were filed by the Solicitor on behalf of the Borough and authorizing him to work on those appeals moving forward, up to and including if they ended up going to a Court hearing; seconded by Councilman O'Hara; and carried unanimously by a vote of 8-0.

Solicitor Catania said that the next Resolution was for the Borough entering into a Professional Services Agreement with Keystone Municipal Services Inc. The building that is being constructed at 500 E. Broadway Ave., called the Lofts at Kent Mills needs to be reviewed by the Borough Officials. He said that it is the recommendation of the Borough's professionals to engage Keystone Municipal Services to be the building consultant and construction code official. He said that all of the costs involved in the administration of this contract would have to be paid by the Developer.

A motion was made by Councilman O'Hara adopting the Resolution for the Borough to enter into a Professional Service Agreement with Keystone Municipal Services Inc. to be the building consultant and Code Construction Official on behalf of the Borough for the project at 500 E. Broadway Ave., the administrative costs of which would be the responsibility of the developer, subject to final review and approval of the contract by the Borough Solicitor and Borough Manager; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

Solicitor Catania said that his final Resolution was to adopt a value or place a value upon equivalent dwelling units for sewage disposal that become available to the Borough from time to time and are based upon the Borough's continued evaluation of the Borough's sewer capacity and approval of the PA Dept. of Environmental Protection. He said that the Borough's Engineer, J.P. Kelly has that evaluation and their recommendation is to set it at a price of \$10,000 per EDU or equivalent dwelling unit to be applied to any EDU that are made available to developers.

A motion was made by Councilwoman Peterson to adopt the Resolution to establish the price of \$10,000 for available equivalent dwelling units (EDUs) for developers based on an analysis completed by the Borough Engineer; seconded by Vice President Campbell; and carried unanimously by a vote of 8-0.

Solicitor Catania noted for the record that there was a 1 hour pre-meeting Executive Session to review personnel and legal matters. He said that 2 actions are required as a result of that meeting.

A motion was made by Councilman Humphreys to authorize John McBlain to represent the Borough in the lawsuit brought by Rockbourne Associates; seconded by Vice President Campbell; and carried unanimously by a vote of 8-0.

Solicitor Catania noted that he had been working with Mr. McBlain already on that project and he is an approved insurance company counsel, so the insurance company would reimburse the cost.

Solicitor Catania said that he is unsure of any previous authorizations on this subject, but the next item would be to authorize the appropriate Borough officials to resolve the Henderson sewer matter in an amount not to exceed \$10,000 subject to the appropriate releases.

A motion was made by Councilman Resnick to authorize the appropriate Borough officials to negotiate the resolution of the Henderson sewer matter for an amount not to exceed \$10,000,

subject to the appropriate releases; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Borough Manager Perfetti noted that during their discussions with the Henderson group, he did tell them that he would get the group before the Borough's Sewer Commission sometime in October to state their case why they should be moved from 9 EDUs down to 1 EDU and the Commission would have to make an independent decision on that. He said that he wanted to get that promise on the record and he would coordinate that meeting.

Solicitor Catania noted that his last item was to note that they had discussed a police personnel matter issue in Executive Session and there is a matter for the Borough to act on tonight.

A motion was made by Councilman Humphreys to authorize the Borough to move forward with hiring one full-time police officer, Josh Kelly, who is 1st on the Borough's Civil Service list; seconded by Councilman O'Hara; and carried unanimously by a vote of 8-0.

Engineer's Report

Borough Engineer Kelly presented the report.

He noted that the Borough Manager reported on the Parking Lot.

Mr. Kelly reported that he met with the staff at OHCD for the contract for the CDBG project at Garchinsky Park. He said that the funds had already been approved, but he has some documents that needed to be signed for an agreement for the project.

Mr. Kelly reported that they received approval from PENNDOT today for the 2020 Road Program, so they will notify the contractor and issue a notice to proceed. He said that he would expect the work to be completed in October.

Mr. Kelly also reported that as the manager stated earlier, the snow, grass and trash contracts are all up for rebid, so he is seeking Council's authorization to prepare contract documents, advertise and solicit bids for trash hauling, grass cutting and, subject to A2U's request to not renew from their end, also the snow removal contract.

A motion was made by Councilman Cabrelli to authorize the Borough Engineer to prepare contract documents, advertise and solicit bids for trash hauling services, grass cutting services and snow removal services for the Borough; seconded by Councilwoman Borelli; and carried unanimously by a vote of 8-0.

A motion was made by Councilwoman Peterson to accept the Engineer's Report as presented; seconded by Vice President Campbell; and carried unanimously by a vote of 8-0.

Committee Reports

Finance Committee: Vice President Campbell said that they would be hosting a Finance Committee meeting at the upcoming Caucus session, so he would have more to report at the next meeting.

A motion was made by Vice President Campbell to approve the Treasurer's Report as presented and pay the bills; seconded by Councilman Humphreys; and carried unanimously by a roll call vote of 8-0. (Papale – yes, Resnick– yes, Cabrelli – yes, Humphreys – yes, O'Hara – yes, Borelli – yes, Campbell – yes, Peterson – yes.)

Public Health & Safety Committee: Councilman Humphreys is happy that they discussed the playgrounds earlier. He thanked the Police and Fire Company for their hard work and also noted that the Fire Company is actively working on a recruitment program for new members. He asked residents continue to follow the coronavirus recommendations and wear masks while out and about. He noted that the Police Department would be welcoming a new full-time officer as just voted on.

Police Report:

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

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 8-0.

Infrastructure & Public Works Committee: Councilman Resnick noted the contracts going out for trash hauling, grass cutting and snow removal.

Recreation and Historical Committee: President Papale noted that the Mayor's Report included some activities that residents can partake in and she was happy that there were things coming up for residents and she hoped for more activities. She also noted that August 30th was Slinky Day, and the Clifton Heights Historical Society hid 75 Slinkys around the Borough. She said that they had very good response to that and through interactive Facebook communication, people were posting their photos of found Slinkys and all 75 were found. She said that they also did a jingle recording.

Economic Development Committee: Councilwoman Peterson reported that she attended the Planning Committee meeting on September 8th in regards to the sale of DELCORA to Aqua and the Planning Commission's intent to amend the 537 Plan.

Law & Ordinances Committee: Councilwoman Borelli said that they are continuing to work without the Courts, utilizing property maintenance tickets and depending on voluntary compliance.

Code Enforcement Report:

John Gould presented the Code Enforcement report.

He said he didn't have much more than the written report, but he did want to note that they are working hard to maintain their proactive stance on the standard of living in the Borough, particularly in reference to trash, sanitation and grass/vegetation. He said that they have been issuing tickets on those items.

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

Environment Committee: Councilman Cabrelli said that he had nothing to report currently but would love to meet to go over the parameters.

Communications Committee: Councilman O'Hara said that he was available if anyone wanted to share information that they would like to be sent out, whether it be on the Facebook page or another forum.

President Papale asked for follow up on the request from Mrs. Rich about the fire hydrant ponding on Chester Ave.

J.P. Kelly said that they put a call into AQUA and will follow up on that request.

Old Business

A motion was made by Councilman Humphreys to approve the Treasurer's Report as presented and pay the bills; seconded by Vice President Campbell; and carried unanimously by a roll call vote of 7-0. (Papale – yes, Resnick– yes, Cabrelli – yes, Humphreys – yes, O'Hara – yes, Borelli – yes, Campbell – yes.)

New Business

Councilman O'Hara asked with the upcoming completion of the Borough Parking Lot if there had been any thought made about possibly allowing the Clifton Businesses to come out and set up some tents to use the parking lot space for some workable space.

Borough Manager Perfetti said that they would like to get the project complete and then they could brainstorm some ideas.

President Papale asked if he was referencing a Food Festival type affair.

Councilman O'Hara said that was what he was thinking.

President Papale said that they would certainly discuss an option like that. She knew that the Borough Civic Association had asked about a Farmer's Market in the past.

Closing Public Comment:

No closing public comment.

Adjournment:

A motion was made by Councilman O'Hara to adjourn; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Respectfully Submitted,

Kimberly A. Duffy
Clifton Heights Borough Secretary