**Clifton Heights Borough Council**

**December 14, 2021 Council Meeting Minutes**

**Council Members Attending**: Mark Campbell, Council Vice President

Destiny Borelli, Councilwoman

Louis Cabrelli, Councilman

Leona Papale, Councilwoman

Karen Peterson, Councilwoman

Harris Resnick, Councilman

**Council Members Absent**: Mike Humphreys, Council President

Timothy O’Hara, Councilman

**Officials Attending**: Tom Micozzie, Borough Manager

Timothy Rockenbach, Chief of Police

Nick DePompeo, Fire Chief

John Gould, Code Enforcement

John McBlain, Borough Solicitor

J.P. Kelly, Borough Engineer

Cynthia Leitzell, Borough Financial Advisor

**Call to Order and Pledge of Allegiance:**

Borough Council Vice President Mark Campbell presided over the meeting; called the meeting to order, led the Pledge of Allegiance and Mayor Lombardo offered an opening prayer.

**Roll Call:**

Vice President Campbell took a roll call of Council members in attendance. President Humphreys and Councilman O’Hara were absent.

**Public Comment:**

Martin Kilbane, E. Broadway Ave., said that people have been dumping on the end of his street, and he discussed with Mr. Micozzie who said that he would place “No dumping” signs. He said that his 2nd item was that he would like permission to plant fruit trees on the hill on the upper lot of the Clifton Heights Swim Club. He said that the Borough owns from below, up the bank and the upper lot. He said that he would like to put 2 peach trees and 2 apple trees on the upper lot, semi-dwarf trees that only grow 10-12 feet tall. He said that he would pay for them and plant them and care for them to the best of his ability, but since it is Borough property, he would need permission.

Borough Manager Micozzie said that they would review the property deed.

**Meeting Minutes:**

A motion was made by Councilwoman Peterson to accept the November 2021 meeting minutes as presented; seconded by Councilman Cabrelli; and carried by a vote of 6-0.

**Mayor Presentation:**

Vice President Campbell presented the Mayor with a commendation recognizing his last meeting as Mayor after serving the residents with distinction during his time as Mayor.

**Financial Reports/Bills:**

Financial Advisor Leitzell presented the report and expenses.

A motion was made by Councilwoman Peterson to approve the treasurer’s report and pay the bills as presented; seconded by Councilwoman Borelli; and carried unanimously by a roll call vote of 6-0. (Peterson – yes, Resnick – yes, Papale – yes, Cabrelli – yes, Borelli – yes, Campbell – yes).

**Police Report:**

Written reports provided to Council.

A motion was made by Councilwoman Peterson to accept the Police Report as presented; seconded by Councilman Resnick; and carried unanimously by a vote of 6-0.

Councilwoman Papale asked about the UCR Municipality page that was included in this report.

Chief Rockenbach explained that that portion of the report broke down all their calls for service for the past month after a question from a member of Council on how many calls the Police Department was responding to.

**Fire Report:**

Written reports provided to Council.

A motion was made by Councilman Resnick to accept the Fire Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 6-0.

**Engineer’s Report**

Borough Engineer Kelly presented the report.

The Garchinsky Park playground work is continuing as scheduled. The contractor requested a change order in the amount of $8,000 for the increased quantity of playground mulch. He said that he recommends Council reviews and approves this change order and once completed, he would fill out the paperwork and send to OHCD for their approval.

Councilwoman Papale said that seemed like a lot of money for mulch.

Borough Engineer Kelly said that he thought the same thing and that they would be required provide a letter from the supplier to justify their request for additional funds to OHCD. He said that between the approval process and installation, the safety perimeter around the equipment has increased due to standards and there are additional supply chain increases.

Borough Manager Micozzie added that it was not mulch but the granular rubber material used in playgrounds.

Borough Engineer Kelly said that because it was the end of the year, he would recommend still approving the change order contingent upon his receipt of the letter from the supplier of the playground rubber mulch material.

A motion was made by Councilwoman Papale to approve the contractor’s change order for the Garchinsky Park CDBG project in an amount not to exceed $8,000.00 contingent upon the Engineer’s receipt of a letter from the contractor’s supplier in reference to the rubber granular mulch for the playground perimeter; seconded by Councilman Resnick; and carried by a roll call vote of 6-0. (Peterson – yes, Resnick – yes, Papale – yes, Cabrelli – yes, Borelli – yes, Campbell – yes).

Borough Manager Kelly noted that new CDBG applications for calendar year 2022 will be due January 7th, so if Council should wish to proceed with an application, they would have to open the floor for public comment. He said that a map was included in the advertisement with eligible areas, and his recommendation would be to look at the open lot at the end of the Borough Hall parking lot at the corner of Broadway and Springfield. He said that possibly putting in a gazebo or some sort of gathering area and a rain garden for storm water management would be a great option because it would fall under the CDBG umbrella of funding and fulfill the Borough’s annual MS4 requirements. He said that he was open to any and all ideas but that was just one option.

Vice President Campbell opened the floor to public comment.

Jane Briden, 224 Prospect Ave., asked what CDBG meant.

Borough Manager Kelly told her it was Community Development Block Grant, federal funds that come through the HUD department or Housing and Urban Development. He said that the funds come from the Federal government and are given to the State and then the State gives it to Counties and the County governments provide the funds to local municipalities through the CDBG application process.

Ms. Briden asked if the Borough applied for this grant already.

Borough Manager Kelly explained to her that funds are available every year through applications.

John Cannon, 132 N. Glenwood Ave., said that there are a lot of properties along Baltimore Ave. that are unsightly that could use some work, particularly the old “Red Garter” lot.

Borough Manager Kelly said that they could submit a primary and secondary application.

Vice President Campbell said that if any other residents had any ideas that they could call Borough Hall.

Solicitor McBlain explained that since the opening of the floor was a requirement for the CDBG application, it would be in order for Council to authorize the Borough Engineer to submit the application as discussed.

A motion was made by Councilman Resnick to authorize the Borough Engineer to prepare and submit the 2022 CDBG application on behalf of the Borough of Clifton Heights in the form of a primary application to encompass a gathering area and rain garden on the property at the corner of Broadway & Springfield and a secondary application for the former “Red Garter” lot; seconded by Councilwoman Papale; and carried unanimously by a vote of 6-0.

Borough Engineer Kelly advised that the sewer cleaning project was 1/3 complete.

A motion was made by Councilwoman Peterson to approve the Engineer’s Report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 6-0.

**Solicitor’s Report:**

John McBlain presented the Solicitor’s Report.

He reported that there was an agenda item listed regarding a proposed ordinance for parking in the 300 block of Madison Ave. He said that based on what was discussed in the workshop, 1st ward representatives are going to meet with residents in that area and come back with some recommendations, so that agenda item will be deferred.

Councilwoman Papale asked who had requested this ordinance.

Borough Manager Micozzie said that he had made the request after receiving complaints. He said that they have 3 issues in that area. There is a business in that area that is running an auto body shop, and they have been notified of issues twice by code enforcement. A cease and desist order is not being followed. The Chief was doing a normal drive through the town and was stopped in that area by a truck driver who could not complete his delivery because of issues with corner parking. A contractor working in the area had unregistered, abandoned vehicles parked on the street. He said that numerous representatives of the Borough have been down to speak to the businesses. He said that they came to the conclusion that the best solution would be to put a petition together for signatures.

The Chief confirmed that he was down to speak to the metal business and he was definitely having issues with trucks navigating turns and said that he had spoken to Council members about the issues.

Councilwoman Papale said she was aware of the issue with the corner being navigating preventing deliveries and that there had been a flatbed parked on the corner at that time.

Borough Manager Micozzie noted that the Code Enforcement had talked to the business about the damaged cars being parked on the street.

Councilwoman Papale asked if the business was following the parking regulations though and not parking on the street overnight.

Chief Rockenbach confirmed that the business was using the residential street parking for his overflow of vehicles and parking them on the street overnight.

Borough Manager Micozzie said that they were trying to be as fair as possible and address all of the issues they are receiving complaints about with the parking ordinance that they prepared for the area.

Councilwoman Papale said that she knows that the owners of the car repair shop are in the audience.

Phil Sessa and Gio Doucis said that they own the car repair shop. He said that they have been parking some cars on the streets, and the cars without tags are coming from local used car dealerships that need work done. He said that there have been cars without fenders parked on the street. He said that they thought that they were working in an industrial area and it would be okay. He said that they are working on preparing another garage to try and get the cars off of the street. He said that they do have customers who pull up in front of their garage and they do need access to the street to park cars. He said that they try to be aware of the corners and keep the cars off of the corners. He said that they try to keep the cars over by the PECO area across the street and over by the baseball field.

Borough Manager Micozzie said that it wasn’t just about their business because people from the businesses could be parking their cars in the spots they’re discussing. He said that it was about creating a safe area with access for vehicles to pass as needed. He said that the ordinance that they prepared would impact everyone who has to share that space, both businesses and residents.

The owners said that they are renting another spot from their landlord and will be able to put another 20 cars in the back of the business come January 1st.

Councilwoman Papale said that she would like to do the due diligence and speak to the businesses and residents in the area before proceeding with an ordinance.

Borough Manager Micozzie said that he has always acted in the thought process that residents control the neighborhood and not the businesses and that they would be responding to the concerns of the homeowners in that area by passing the ordinance.

Councilwoman Papale said that they can’t really say that they don’t respond to the requests of businesses when they recently changed parking rules in front of the Westbrook Market at a business’s request.

Councilwoman Peterson explained that they changed the parking ordinance to set a 30 minute parking limit in front of the market because dental patients from across the street were parking in front of the market for hours at a time and affecting the business of the market.

The business owners said that they are working to get their issues resolved and getting the cars off the street.

Justin Perry, a patron of the body shop, said that he could attest that the vehicles get cleaned up at night and only take up a small portion of the street. He said that the cars don’t encroach on the residential properties and that he believes that the other business in the areas may have more of an impact on the parking than the body shop.

Borough Manager Micozzie said that the ordinance did not name any particular business or a body shop specifically in its wording. He said that the ordinance would apply to all vehicles parking on the street.

Solicitor McBlain said that he is requesting 2 actions in reference to the Upper Darby School District property. He said that the 1st action item would be to approve the settlement agreement with the Upper Darby School District subject to the Solicitor’s approval and the 2nd item was the approve the preliminary and final subdivision and land development plan subject to conditions outlined in the workshop, an easement for shared facilities and shared storm water and the deed for the athletic fields for the Borough. He noted that members of the Upper Darby School District were present in the audience tonight.

A motion was made by Councilwoman Papale to approve the settlement with the Upper Darby School District, subject to the Solicitor’s final approval; seconded by Councilman Cabrelli; and carried unanimously by a roll call vote of 6-0. (Peterson – yes, Resnick – yes, Papale – yes, Cabrelli – yes, Borelli – yes, Campbell – yes).

A motion was made by Councilwoman Peterson to approve the preliminary and final subdivision and land development plans conditioned upon third party approvals, offsite improvements, compliance with the Borough Engineer’s review and recommendations, execution of a developer’s agreement and public improvements security agreement and review by the Fire Marshall for access of emergency vehicles; seconded by Councilwoman Papale; and carried unanimously by a vote of 6-0.

A motion was made by Councilwoman Borelli to accept the Solicitor’s Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 6-0.

**Community Development & Code Enforcement Report:**

John Gould submitted a written report to Council.

A motion was made by Councilwoman Papale to accept the Code Enforcement report; seconded by Councilwoman Peterson; and carried unanimously by a vote of 6-0.

**Manager’s Report:**

Borough Manager Micozzie noted that they had the final 2022 budget presentation in front of them.

A motion was made by Councilwoman Peterson to adopt the 2022 budget as presented; seconded by Councilman Resnick; and carried unanimously by a vote of 6-0.

Solicitor McBlain explained that in years past the Borough would pass 3 separate ordinances upon the adoption of the budget, but he had consolidated the ordinances into one. He said that there was no right or wrong way and that this simply saved on advertising costs for the ordinance.

A motion was made by Councilman Resnick to adopt Ordinance #880, the tax and fee levy ordinance for the fiscal year 2022, setting the tax rate at 11.234 mills broken down as outlined in the ordinance, setting the sanitation fee at $276 per household and the sewer fee at $314 per household; seconded by Councilwoman Borelli; and carried unanimously by a vote of 6-0.

Borough Manager Micozzie said that they are completing the preparation of the 2021 calendar and if they had anything to add, he would need it by the end of the week to get it to the printer.

Councilwoman Papale asked if they were still soliciting businesses for advertising to pay for the calendar because she had heard from 3 businesses who were interested but were never contacted about being included.

Borough Manager Micozzie said that the corner of Baltimore and Springfield Rd. was going to be widened and the repairs were going to be made through the insurance company at no additional cost to the Borough.

Borough Manager Micozzie said that they were working on an upgraded dais for Council that would include screens behind Council that could show agenda items and documents as needed during Council sessions. He said that they are also looking at sound system options as the current setup is still picking up a lot of background news during recordings.

Borough Manager Micozzie said that he created a safety committee when he came on board and they have been working aggressively to inspect the Borough properties, buildings, sidewalks, parking lots, etc. He said that they have been accepted by the State Department of Labor for the 5% discount, and they would save about $10,000 annually on the insurance with that distinction.

Borough Manager Micozzie said that the new Borough website should be up somewhere around December 20th for beta testing and live on January 1, 2022. He said that the new website will have a quick turnaround and keep everything updated immediately from one meeting to the next.

Borough Manager Micozzie noted that the reorganization meeting was set for January 3, 2022 at Borough Hall.

A motion was made by Councilwoman Borelli to accept the Borough Manager’s report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 6-0.

Borough Manager Micozzie said that one additional item would be to authorize the payment of any additional year end bills that come in and can be paid by December 31, 2021.

A motion was made by Councilman Resnick to authorize the payment of any year end bills that can by paid prior to December 31, 2021, an outline of which would be provided by the Treasurer at next month’s meeting; seconded by Councilwoman Peterson; and carried unanimously by a roll call vote of 6-0. (Peterson – yes, Resnick – yes, Papale – yes, Cabrelli – yes, Borelli – yes, Campbell – yes).

**Committee/Ward Reports**

**Councilwoman Papale**: The Historical Society has hosted the annual House Decorating contest in the Borough for the last 2 years, and she wanted to confirm that they were interested in hosting the contest again this year.

The Historical Society announced that they would be hosting the House Decorating contest for the 3rd year on this Saturday, December 18th.

Councilwoman Papale wished everyone a Merry Christmas and Happy New Year.

**Councilman Resnick**: The Boy Scouts 2021 Food Drive was a great success. The final count was 9,100 pieces of food, which is an excellent number. He said that in thinking of next year, they are hoping to have a location that is open longer hours to collect food.

**Councilman Cabrelli:** Nothing to report in his ward. He asked about a truck parked in the 300 block of Walnut Street that is seems to be leaking oil. He asked if there was any ordinance that would address a concern like that.

Borough Manager Micozzie explained that the Fire Marshall was brought out to check if there were any hazard issues.

Chief Rockenbach said that the vehicle had been removed since the last Council meeting.

Councilman Cabrelli said that there were numerous vehicles in that area with the same issue.

Borough Solicitor McBlain said that there are ordinances that can address those issues.

**Councilwoman Borelli:** Nothing to report.

**Councilwoman Peterson:** She received a concern about commercial vehicles being parked on Oak Ave. and Wynncliffe Ave., larger trucks.

Chief Rockenbach said that would fall under the police department’s jurisdiction and there would be no need to wait for a public meeting to bring up that concern, he can be contacted at any time with those concerns.

She said that she would let residents know that they could direct their concerns directly to the police department. She wished everyone a Merry Christmas.

**Vice President Campbell**: Nothing to report.

**Mayor’s Report**

Mayor Lombardo thanked the Fire and Police Departments and volunteers from the Business Association and Civic Association who were involved in the Christmas tree lighting. He said that they had a nice turnout and he appreciated the effort. He wished everyone a great holiday season.

**Old Business**

No old business.

**New Business**

No new business.

**Closing Public Comment:**

John Cannon, 132 N. Glenwood Ave., asked the Borough Engineer if the contractor working on the Garchinsky Park project was putting his spoils behind the Borough Maintenance building on Glenwood Ave. and separating the clean fill from some other items, including what looks like lumber and blacktop. He said that he’s not the only one that has been doing that and the clean fill pile is getting pretty large. He said that is zoned as open space and not as a dump. He is suggesting that perhaps they could advertise for a clean fill pickup option for contractors if it was going to be sitting there. He said that he understands that it is not expedient to remove everything immediately during the course of the project, but it is unsightly and he would like to see it removed.

Both the Borough Manager and Borough Engineer assured that they would communicate that to the contractor and ensure that it was removed.

**Adjournment:**

A motion was made by Councilwoman Papale to adjourn; seconded by Councilwoman Peterson; and carried by a vote of 6-0.

Respectfully Submitted,

Kimberly A. Duffy

Clifton Heights Borough Secretary