

**Clifton Heights Borough Council**  
**March 16, 2021 Council Meeting Minutes**

**Council Members Attending:**

Leona Papale, Council President  
Mark Campbell, Council Vice President  
Harris Resnick, Councilman  
Mike Humphreys, Councilman  
Louis Cabrelli, Councilman  
Destiny Borelli, Councilwoman  
Timothy O’Hara, Councilman, by teleconference  
Karen Peterson, 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 and led the Pledge of Allegiance.

Mayor Lombardo offered an opening prayer.

**Roll Call:**

President Papale took a roll call of Council members in attendance. All council members were present.

**Meeting Minutes:**

The meeting minutes were approved with one edit on page 7 to a mistyped name.

**Public Comment:**

Fred Rich, 82 Chester Ave., said that he filed a civil complaint with the District Court dated February 23, 2021 against the Borough for failing to have their insurance company cover the damages to his building at 65 Edgmont Ave. on October 30, 2020 when the crew searching for the blockage in the sewer system caused an overflow of sewage into his building. He said that almost 5 months later, no action has been taken. He said that he received this response from Judge Micozzie-Aguirre to his complain, which reads, “please note that this office is sending

back your civil complaint. It has been entered into the system and given a default date. If the defendant calls with an intent to defend, you will receive a hearing notice. If they do not and have been served, you will receive a judgment in the mail. There is no need for you to do anything further at this time.” He said that he would like to know if the Borough has received anything from the Court as to what they are supposed to do.

President Papale said that in response to his comment, he was going to turn the meeting over to the Borough Solicitor, Frank Catania.

Solicitor Catania did confirm that Mr. Rich filed the complaint and it was served on the Borough. He said the Borough then remitted it to its insurance company, and the insurance carrier advised the Borough that they have assigned an attorney to it, and they’ve asked for a change in venue. He said that they will be entering a defense, and Mr. Rich should be hearing from the Court that will be hearing the case directly.

Mr. Rich said in other words, they’re challenging this.

Solicitor Catania said no, they turned it over to their insurance carrier. They are going to defend the Borough in the case.

Mr. Rich asked what the problem was. He said it was the Borough’s people down there, and they had the blockage in the sewer system and whatever the Borough’s people did caused the overflow of urine into his basement and 1<sup>st</sup> floor. He said that and now their insurance company doesn’t want to pay for it, and they’re going on 5 months now.

Solicitor Catania said that he doesn’t personally know the facts of the case...

Mr. Rich said that the facts are that the Borough had the blockage in their sewer system, and it was the Borough’s people working in the manhole in front of his building that caused all the urine or sewage to overflow into his apartment. He asked what the question was and reiterated that it has been 5 months. He said that he had to hire the restoration company to come out and clean it out and it cost him more the \$4,000.

Solicitor Catania said that he understands his issues.

Mr. Rich said that he doesn’t understand his issues; he had to hire the restoration company to come out to clean all of the urine and everything out of the apartment and it was in his name. The restoration company kept calling Mr. Rich asking where their money was and threatened to take them to a collection agency, and they ended up having to pay for it, and his wife with all of her medical problems is getting all of these phone calls. He said that they had to pay for it because their company refused to pay for it, and it is pure insanity.

Solicitor Catania said that he is sure that they will be hearing from the Court soon.

Mr. Rich said that on top of that he was assaulted by one of the Borough employees, and he dropped the charges. He said that he cooperated with Mr. Rich at every opportunity and this is the thanks that he receives.

Solicitor Catania thanked Mr. Rich.

President Papale thanked Mr. Rich.

### **Mayor's Report:**

Mayor Joe Lombardo said that he received a letter from the Borough Manager, John Perfetti, dated March 16, 2021, which is in reference to a letter of resignation, and it reads, "Dear Mayor Lombardo, as discussed at our last Council meeting, February 16, 2021, I will be resigning from my position as Borough Manager with the Clifton Heights Borough, with the effective date of Friday, April 2, 2021. At this time, I would like to thank you and the entire Borough Council for all of our help and support during my tenure of employ. It is so hard to believe that 3 years have gone by since my start of employment with the Borough. It seems like just yesterday when we started our journey of redevelopment and cleanup of our proud little town. It was truly and honor and a privilege to be part of such a great group of elected officials who truly care about our town and community needs. I will certainly remember all the times we spent together making Clifton Heights strong again. Once again, thank you giving me this wonderful opportunity of being your Borough Manager. Stay well and keep up the good work! It is certainly paying off! Very truly yours, John J. Perfetti"

President Papale thanked him for reading the letter and asked if he had any comments.

Mayor Lombardo said that he would publicly like to thank Mr. Perfetti for the 3 years that he spent with the Borough. He said that the time he spent here was invaluable, and the Borough is really going to miss him.

President Papale said that she agreed, and she wanted to take it one step further and thank him for enlightening her to things and getting her acquiesced into her position as Borough Council President.

A motion was made by Councilman Humphreys to regrettably accept Mr. Perfetti's resignation as outlined; seconded by Vice President Campbell; and carried unanimously by a vote of 8-0.

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

Borough Manager Perfetti said that since the resignation had been submitted, accepted and voted upon, he would ask for a motion to be made on the floor to temporarily appoint a Borough Manager to fill the position so that they can continue their course of progress. He said that if a search is needed in the future, they could let that search take place. He said that the person that he would highly recommend for the position is Mr. Thomas Micozzie.

A motion was made by Councilman Humphreys to appoint Thomas Micozzie as the temporary Borough Manager effective Monday, April 5<sup>th</sup>; seconded by Vice President Campbell.

President Papale said that she feels like the position should be advertised and the applicants interviewed by Borough Council and there should be a selection by Council for the interim. She said that she doesn't think it would take that long and they should follow that procedure. She wanted that to be reflected in the record. She asked if there were any other comments or discussions. There were none. President Papale took a roll call vote.

(Papale – no, Resnick – no, Cabrelli – no, Humphreys – yes, O'Hara – yes, Borelli – yes, Campbell – yes, Peterson – yes.)

The motion to appoint the temporary Borough Manager was carried by a vote of 5-3.

Councilman Cabrelli asked if he could make a note. He said that he didn't want to seem like an obstructionist. He said that the reason that he voted no is because he is against the temporary status. He said that he has been in government for many, many years and temporaries don't work or interim appointments. He said that he would vote for him at full time.

President Papale thanked Councilman Cabrelli for clearing that up.

Borough Manager Perfetti said that the Borough has formed a Committee to continue negotiations with the Upper Darby School District at the request of the Trial Judge, Judge Dozor. He said that the Council people that will be involved are President Papale, Mayor Lombardo, Borough Engineer J.P. Kelly, and Vice President Campbell. He said that he and the Solicitor would coordinate the meeting to continue discussions with representatives of the Upper Darby School District under the path that the Trial Judge has directed them on.

Borough Manager Perfetti said that they have appointed a Committee for the Police Contract that is forthcoming this year. He said that this Committee will meet next Wednesday and the meeting will not be open to the public. He said that they will be going into an Executive Session to identify parts of the contract that the Borough would need to look into.

Borough Manager Perfetti said that the Borough did receive a civil complaint and the Borough was served with Alfred Rich as the plaintiff. He said that they did turn that complaint over to the Borough's insurance company, and they will be representing the Borough on this claim.

Borough Manager Perfetti said that they still have the property issues down on Mill Street. The Code Director and Borough Council are trying to resolve the issue for the residents there. It has become very complicated, but they are going to put 100% into resolving the issue.

Borough Manager Perfetti said that he would call upon the Zoning Board Officer, Mr. John Gould, with Council's permission to speak about 3 Zoning Board Hearings that took place, 2 on March 1<sup>st</sup> & 1 on March 10<sup>th</sup>.

Mr. Gould reported that the 1<sup>st</sup> Zoning Hearing Board applicant was Clifton Heights Plaza, the former Kmart property, and they were seeking zoning relief on 3 items; #1, a variance to the required parking. The Zoning Hearing Board did grant that variance. #2, their proposed signage exceeded the square footage allowed by the Zoning Code, and the Board did grant their variance for sign square footage. #3, they were contesting putting a sidewalk in on East Baltimore Ave. between the two aprons to enter the property. The Zoning Hearing Board did require that they do install a sidewalk, so they did not get zoning relief on their 3<sup>rd</sup> item.

Mr. Gould said that the next application was for 401-403 S. Springfield Rd., a property that contains residential apartments as well as 2 salons, previously occupied by Shear Cutting. The building sold, and the new owner was looking to convert the 2 commercial properties into 2 studio apartments, moving the number of residential units from 3 residential units to 5 residential units. The Zoning Hearing Board did not grant that relief, so they will remain as 2 commercial spaces.

Mr. Gould said that the final Zoning Hearing Board applicant was 4 Rockbourne Rd. He said that building has several uses and the owner, Mr. Duffy, was seeking clarification on an educational use in the building. After an hour and a half to 2 hours of discussion, that was continued to early April.

President Papale thanked Mr. Gould for his report.

Borough Manager Perfetti said that with President Papale's permission, he wanted to ask Mr. Gould to discuss the properties 2-10 East Baltimore, also known as the old Republican Club and Harvey's Locksmith store, a property which is also owned by Mr. Duffy. He has submitted an application to the Borough and he wanted Mr. Gould to address his concerns.

Mr. Gould said that they received an application from Mr. Duffy to use the 2<sup>nd</sup> floor of the property at 2-10 East Baltimore Ave. as a C2 assembly. He said that it is going to be dance hall, with the use of special events, including baby and bridal showers, retirement parties and weddings. That would be on the 2<sup>nd</sup> floor of the former Republican Club. This space has been commercial, but the listing on the County records show this as a Lodge building, so it has been an assembly use throughout the existence of the building utilized differently at varying times. He said that at this time, the Zoning Code is pretty clear that that would be an existing use and appropriate for it to continue with that. The best way to address this would be to address some of the issues that they had previously with this property when it was occupied under this use. He said that the issues were the parking, the overcrowding, the noise, the litter, and other nuisance issues that came with that. He said that he does have a letter formulated and he could read through the areas of concern. (Add letter as attachment to minutes).

Borough Manager Perfetti said that the reason he asked the Borough Code Director to speak about this building is because a couple of years ago some of the problems that were coming out of this building were large gatherings.

Chief Rockenbach said that he's not fully aware of the full context of the application, but there are security concerns that should be taken into account and a strict adherence to parking

guidelines because he doesn't know where they are going to park. He said that he sees a lot of issues with the property.

Borough Manager Perfetti said that he just wanted to confirm that the use may have to be granted because of the past/existing use.

Solicitor Catania asked if it would come before Council for any land development issues.

Mr. Gould said that it would not at this point, as they were not proposing any type of construction or development that would require that.

Solicitor Catania said that they would have to address these concerns through conditions that they are allowed to impose now or through enforcement of the existing codes and police action. He said that he does remember some of the past problems.

Chief Rockenbach said that he doesn't know how long it is grandfathered in as a use.

Solicitor Catania said that there are also COVID restrictions that are in place. He said that he, John Gould and J.P. Kelly could talk about this tomorrow.

Councilman Humphreys asked if they had a manager to run the place.

Mr. Gould said that they would be bringing someone in to manage it.

Chief Rockenbach asked if Mr. Duffy would be doing the rentals on that.

Mr. Gould said that there would be a tenant renting the space from Mr. Duffy and handling the events and rentals.

Chief Rockenbach said then that it wouldn't have anything to do with Mr. Duffy unless there were issues and citations were being issued and so on and so forth.

Mr. Gould confirmed that. He said that the business owner would have to come in and obtain a business use & occupancy and provide all of the emergency contact information.

Borough Manager Perfetti announced that the Borough had scheduled the leaf & yard waste pickup program for the year. The dates will be Monday, April 19 – south side, Tuesday, April 20 – north side, and Monday, April 26 – south side, Tuesday, April 27 – north side, and Monday, May 3 – south side, Tuesday, May 4 – north side, and finally Monday, May 10 – south side, Tuesday, May 11 – north side. He said that he would contact Bill Kneass to have that put up on the Borough's website.

Borough Manager Perfetti reminded Councilmembers that their statements of financial interests needed to be filed with the Borough by May 1, 2021.

Borough Manager Perfetti said that the Borough did meet with PENNDOT again on North Springfield Rd. and North Sycamore and they walked Wynncliffe and North Oak back to Springfield. The Borough is questioning the traffic study that the School District completed and when the traffic study was completed. He said that he thinks that they have their interest and they said that they would look into the traffic study once again. He just wanted to make Council aware of that again.

Borough Manager Perfetti said he would wrap it up with 2 good tidbits of news, the Liquid Fuels allocation for the Borough of Clifton Heights is \$145,524 and all the reports are filed. He said that somewhere in mid-summer, they will be able to pick out the roads that need some TLC. He said that they received notification from the government on the stimulus funding, and the Borough has received \$662,119. He said that he's not 100% on the background of what needs to be presented in order to use these funds, but a recommendation has been made by the Mayor and President of Council that perhaps they should start to look at the back alleyways. He said that is one possibility that they could look into after they delve further into the scope and use of the funds allocated to the Borough.

Borough Manager Perfetti added that the Tax Collector is working hard on behalf of all of the residents of the Borough. He said that the bills went out in a timely fashion and funds were coming in. He thanked Jane Tumolo for the work that she does on behalf of the residents.

Borough Manager Perfetti thanked President Papale for the time to discuss the Borough's business.

A motion was made by Councilman Humphreys to accept the Borough Manager's Report as presented; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

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

Solicitor Catania presented the Solicitor's Report.

Solicitor Catania reported that they had an Executive Session prior to tonight's meeting and discussed litigation and personnel matters. The litigation matters were the field litigation and the Rockbourne litigation.

Solicitor Catania said that the Borough filed 9 tax assessment appeals after the County-wide reassessment. He said that they received the opinion of their appraiser that these 9 properties were under assessed as reassessed. He said that the first property is being offered for settlement. The former assessment of this property was at \$2.7 million. The property is located on 3.94 acres on the South side of Baltimore Ave between Marple Ave and Glenwood Ave., the 6,500 square foot storage facility, which consists of 8 1-story multiple storage bay buildings and a 2-story office. He said that the new assessment that would be agreed to if Borough Council decides to accept the settlement offer would be \$3.3 million, which is an additional \$523,000 in value and an increase in tax revenue for the Borough in the amount of \$5,583. Former tax was \$31,189 and the new tax would be \$37,072 and would be effective as of January 1, 2021, so they would see that tax revenue increase this year.

A motion was made by Councilman Humphreys to accept the tax assessment appeal settlement for the storage facility on Baltimore Ave between Marple & Glenwood for the terms outlined by the Borough Solicitor above; seconded by Councilman Resnick; 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.)

Solicitor Catania said that completed his report as his other items were covered in Executive Session as previously mentioned.

### **Committee Reports**

**Finance Committee:** Vice President Campbell said that last month he asked for all of Council to review the financial reports provided. He asked if there were any questions.

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 said that despite the fact that he sounds like a broken record, he will reiterate to keep wearing masks, social distancing and staying home if sick. He also noted that the Fire Department was doing its drive for new volunteers and to spread the word for anyone who might be interested.

#### **Police Report:**

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

### **Infrastructure & Public Works Committee:**

#### **Engineer’s Report**

Borough Engineer Kelly presented the report.

Mr. Kelly reported that the Liquid Fuels allocation for the 2021 Road Program has been allotted to the Borough, and they will start with the scope development. With the help of the Borough Manager and Roadmaster, they should have that



scope worked out in the very near future. He said that if Councilmembers had any areas that they wanted considered to send them through the Borough Manager's office.

Mr. Kelly reported that documents and plans have been completed for the CDBG project for Garchinsky Park and will be advertised this week with the intention to have bids ready for Council's consideration at the April meeting.

Mr. Kelly said that they have completed their review for the applicant at 570 E. Baltimore Pike, R2K, and submitted their comments to the Borough Manager and applicant.

Borough Manager Perfetti said that he did want to advise that they did meet with R2K today to discuss the conditions of the property, the litter and trash and debris. They were with their counsel, and he thinks they now have a total and full understanding of what is expected from them from this point out. He said that they also discussed having them come to the next Council meeting with Council's permission to have small presentation, so the entire Council can have a full understanding of what they want to put there and how they are trying to develop it. He said that they still don't have any tenant information, but they can show the vision of the phases.

President Papale said that they also discussed a change in the construction.

Mr. Kelly said that the pad site was the same, the only difference was instead of the 3 proposed tenants, they now envisioned 5 tenants, and it would now be phased, so 1 pad would be developed and then the 2<sup>nd</sup> pad would be developed at a later time.

Mayor Lombardo said that they have a company marketing the building for them. The first space would be a 15,000+ building and the minimal space would be 3,600sf if divided into 5 units.

President Papale asked if they had a say in this.

Mr. Kelly said that this already passed through Zoning, so this would come directly to Council to vote on as an amended proposal.

Mr. Kelly said that they will miss working with John as the Borough Manager who has been great to work with.

Councilman Humphreys said that back when this started there was a deed restriction placed on the property so that a competitor to Wawa could not go in to that property. He asked how long that deed restriction lasted because so much time has elapsed on this property without development.

Mr. Kelly said that he does not know that the Borough was a party to those deed restrictions, so he does not know that. He said that he could research that and determine that.

Mayor Lombardo so that he thinks that it was part of the sales agreement that the developer bought the property agreed to not place a gas station on the property.

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

**Recreation and Historical Committee:** President Papale said that she discussed the Easter Egg Hunt with the Mayor via text message last week. The annual Easter Egg Hunt will be happening on Saturday, March 27<sup>th</sup> at Diamond Street Park at 10am. She said that all volunteers are welcome to arrive at 9am. She said that Lou Pontarelli has always spearheaded that effort and they would be in touch with him about his availability.

President Papale thanked local business owner and President of the Historical Committee for continuing to put up the flags. He replaced ripped and torn flags after a tough winter.

President Papale said that she would like to initiate a community cleanup day in accordance with the yard waste events. She would like to try and set that up for the end of April to coincide with the pickup dates.

**Economic Development Committee:** Councilwoman Peterson had nothing to report. She said that there are a lot of meetings going on currently. She said that she wanted to take a minute to thank Mr. Perfetti for all of his hard work and always putting Clifton Heights first.

**Law & Ordinances Committee:** Councilwoman Borelli had nothing to report.

**Code Enforcement Report:**

John Gould presented the Code Enforcement report.

Mr. Gould reported that the new code enforcement officer Dennis English has been out and about, and they will be seeing him out there. He also noted that it has been a pleasure working with Mr. Perfetti.

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

**Environment Committee:** Councilman Cabrelli said that he is looking forward to the weather change. He said that he has been looking at some trees that are dead and will

need some attention. He said that Mr. Gould can make a decision if the trees need to come down.

President Papale asked about his mention of the Arbor Society from last month's report.

Councilman Cabrelli said that he has been in touch with them and they can get trees at a very good rate, and he will be working on that moving forward.

**Communications Committee:** Councilman O'Hara said that they are putting together welcome packets for residents moving into the Borough. He said that it would provide all the information on how to contact Fire, Police and Council. It would have a little bit of historical information and some photos.

President Papale thanked Councilman O'Hara, Borough Manager Perfetti and John Gould for spearheading that effort.

### **Old Business**

No old business.

### **New Business**

Solicitor Catania said that he has had the pleasure of serving as the Borough lawyer since 1990, and he has had the pleasure of working with Mr. Perfetti during that time period. He said that it must've been quite a shock because in the early years he was a Judge and when you're a Judge, you don't hear the word "no" a lot. You hand down the orders and have people generally doing what you ask. He said that upon retirement, he switched careers and entered a new part of government where you're better off negotiating solutions. He said that it takes a special kind of talent to be a manager. He has done great things for the Borough in the past 3 years, and it is a job where you don't hear thank you very often, but in some ways, you are the glue that holds the whole town together. For Council, the Mayor and the Police Department to do their job well, someone has to help them all interact, and while all the cogs might not always agree, it is his job to ensure that whatever the majority wants is implemented and carried out for the benefit of the people. So for a job where you probably haven't heard thank you often over the last 3 years, thank you. Your efforts were noted, you have done great things for the Borough and left it a better place than you found it.

Borough Manager Perfetti thanked Solicitor Catania.

President Papale said that was very nicely put.

### **Closing Public Comment:**

Mary Dougherty, 324 Prospect Ave., said that there was some vagueness about the date for the Easter Egg Hunt.

President Papale said that the traditional date is the Saturday the week before Easter, so despite her initial confusion, the date is Saturday, March 27<sup>th</sup>.

Mary Dougherty said that she thought that 12 year olds might be too old and push the younger kids out of the way.

President Papale let her know that they separate the age groups and release them at different times and in different areas. She thanked her for the comment.

Bonnie Callahan, 235 Woodbridge Rd, thanked John Perfetti for always thinking of Clifton Heights. She said that no matter the problem, his door was always open and that was so appreciated. She said he would be missed.

**Adjournment:**

A motion was made by Vice President Campbell to adjourn; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary

**This page of the minutes is respectfully dedicated to Police Sergeant Jack Chappelle in honor of his retirement after 30 years of steadfast service to the Borough of Clifton Heights.**