

**Clifton Heights Borough Council  
April 20, 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  
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 March meeting minutes were approved with no requested revisions.

**Public Comment:**

No opening public comment.

**Mayor’s Report:**

Mayor Joe Lombardo said that he would like to read a letter he received from the Clifton Heights Fire Company in reference to the Fire Marshall and a new Fire Marshall. The letter reads, “Mr.

Mayor, the purpose of this letter is to give notice of my resignation as the Fire Marshall for the Borough of Clifton Heights, effective on April 30, 2021. I am leaving this position due to relocation. I have really enjoyed working with the Borough and working with Council. I shall cooperate and do everything possible to ensure the smooth transition of my duties. I will continue to perform my regular duties until the effective date of my resignation and would be more than happy to assist my replacement. Please feel free to contact me should there be any questions or clarifications regarding my responsibilities. I know the Fire Marshall position in the Borough is a Borough appointment, but it has traditionally been a member of the Clifton Heights Fire Company. Following that tradition, I would like to recommend Dan Cuddhy for the position. Dan is a 20 year member of the Clifton Heights Fire Company and currently serves as Company President. He is very well versed and educated in the duties that the Borough Fire Marshall performs. His current work schedule allows him to be available to work closely with the Codes Department during business hours. As I am also resigning my position of Fire Chief, I would like to take this opportunity to thank you and Borough Council for all your support you have given me over the last 17 years as Chief, but more importantly, the continued support you give the Clifton Heights Fire Company. Thank you for all the great opportunities and long lasting friendships that I have experienced through working with Clifton Heights Borough. I wish the Borough and Fire Company good luck with future endeavors. Regards, James P. Kneass, Fire Chief”

A motion was made by Councilman Humphreys to accept the resignation of James P. Kneass as the Fire Marshall and to appoint Dan Cuddhy as the new Borough Fire Marshall; seconded by Vice President Campbell; and carried unanimously by a vote of 8-0.

Councilman Humphreys noted how it was sad to lose Chief Kneass after his years of service.

President Papale asked if they needed to do anything for the Fire Chief.

Mayor Lombardo said he believes that is an internal decision by the Fire Company. He said that he wanted to recognize the new Fire Chief, Nick DePompeo, but it looks like he stepped out of the Council room.

President Papale said that Council also wanted to recognize their outgoing Chief and thank him for his service, but he also had to step out for the call that came through.

Mayor Lombardo recommended dedicating a page of the minutes to the Fire Chief and his service.

A motion was made by Councilman Humphreys to dedicate a page of the minutes to Chief Kneass upon his retirement; seconded by Councilman Resnick; and carried unanimously by a vote of 8-0.

### **Manager’s Report:**

Borough Manager Micozzie said that he would like to see if Council would like to move forward with the hiring of 2 summer help positions, 18 years of age or older and 2 summer help positions for 18 years or younger for a total cost \$2,470.

A motion was made by Councilman Humphreys to move forward with the hiring of summer help as outlined; seconded by Councilman Cabrelli.

President Papale said that they had discussed in caucus about the pay and start and end times. She said that she had noted that they had attempted summer help 2 years ago and it hadn't worked out well but they were willing to try it again if Council were to approve it with Borough Manager Micozzie as a direct link to the oversight. She said that she also questioned the June 1<sup>st</sup> start date since school would be in session and Borough Manager Micozzie was going to follow up on that front.

Borough Manager Micozzie reported that the mulch had been ordered and the parks are being spruced up for the summer.

Borough Manager Micozzie reported that they are working on a police memorandum for the School District.

Borough Manager Micozzie requested an update on the carnival.

Frank Zampitella, Boys Club President, provided CDC guidelines from the Houghton Enterprises and informed Council that Houghton Enterprises opened for business on April 1, 2021 and are moving forward. He said that they are hoping that by the end of May, there may be even less restrictions in place that they would have to follow. He said that they sent the information out to Upper Darby for the permit, but they did not hear back yet.

Mayor Lombardo said that he did talk to the Superintendent, not about the carnival, but about the 4<sup>th</sup> of July, and they were okay with that, so he would imagine they should be okay with the carnival. He said that he and the Borough Manager were discussing that the last time they had a carnival, which was 2 years ago, they were having some problems with kids. He said that Jimmy said that one of the things that they could do is fence the carnival in and have an entrance and an exit.

Mr. Zampitella said that is part of the new setup that he presented to the Council and Borough Manager. He said it will be fenced off and there will be a \$2 fee just to gain access to enter. He said during the discussions that setup was in response to the COVID end of things. He said that he can still talk to Jimmy Houghton about having that idea and keeping it.

Mayor Lombardo said that it could be beneficial and serve both purposes and would be a good safety measure.

Mr. Zampitella said that there first discussion on that involved how the fencing would be financed, if it would be on the Houghton Enterprises or on the Boys' Club and PAL. He said that they did not expand on that after the initial discussion.

Mayor Lombardo asked if that meant paying for the fence rental.

Mr. Zampitella confirmed that was the discussion but they did not come to a conclusion on it, so it is an open issue.

President Papale summarized the information provided the Houghton Enterprises is preparing for the reopening of the carnival and would apply the CDC guidelines from the PA Dept of Agriculture. Carnivals will be gated with one entrance and exit with a required temperature check and inquiry about how they are feeling. There will be 15 hand sanitizer stations on the midway, and each food station, depending on size will have 2-4 disinfectant containers on counters. There will be workers spraying and wiping down the counters and other places that the public touches, including any tables or chairs in the area. They will be spraying and wiping down fences and other places the public may have touched. Ride operators will be spraying and wiping down seats and handlebars as people leave the rides. Every employee will be wearing a face mask and gloves and subject to the same temperature checks and health questions before starting work. There will be a supply of gloves at each ride and concessions and they will be able to change after each break or as needed. If employees were to show signs of sickness, they would be sent home and unable to return to work until they supply a doctor's note.

Mr. Zampitella said that Houghton Enterprises said that is what they are following and they haven't had any problems yet and they have been doing really well.

Mayor Lombardo said that the only other thing that he would suggest is getting with Chief Rockenbach on the fencing to make sure that you go over that, so that they can voice any safety concerns they might have.

Mr. Zampitella said that he has to have a follow up meeting with Houghton Enterprises once they know that they are proceeding, so he can let him know that he would like the meeting to be scheduled to include the Mayor and the Police Chief. He said that he just needs to confirm the permit with Upper Darby because they will not proceed with any signage until they have confirmation from Upper Darby.

President Papale asked when they last reached out to Upper Darby.

Mr. Zampitella said that he sent out emails on Friday and again this morning.

Mayor Lombardo asked when they filed the permit application.

Mr. Zampitella said that they officially filed the permit application this morning because there were no open dates available when they were attempting to file the application because the PAL technically has the permit for the field during that time in May.

Brian, PAL representative, explained that the PAL did have the permit for that time period, which is why the permit dates were blacked out online, but they have always had to have a separate permit for the carnival.

President Papale asked about their current permit.

Brian explained that they have the permit for certain time period each day during the week, for example, 4pm to 10pm. That permit is for baseball and softball, so how they have done it in the past is by adding a line item to the PAL's current permit for the carnival.

Mr. Zampitella said that as long as he receives the confirmation that that is the way they are going to proceed with the permitting, he can notify Houghton Enterprises and they can proceed with printing the signs and getting things rolling. He said that the Boys' Club is good with moving forward with the 24<sup>th</sup> of May as the start date, assuming Council has no issues with their plans.

President Papale asked the representatives to keep Council posted.

Borough Manager Micozzie announced that the PAL Opening Day parade was cancelled.

Borough Manager Micozzie reported that as reported by Ms. Leitzell, the Borough received \$90,000 for the sewer special construction, and that is in a separate account and the funds can be transferred to the General Fund as needed as they proceed with the project.

Borough Manager Micozzie reported that on Thursday, April 22 at 7pm there would be a meeting about the town cleanup day, which will take place on May 15<sup>th</sup>. He said that they are looking for community input, logistics, plans, involvement. Their hope is to get the entire Borough involved. The trash trucks and highway department would be involved. He said that they're looking forward to a productive spring cleanup and anyone is invited to attend the meeting.

President Papale reiterated that the cleanup date was set for Saturday, May 15<sup>th</sup> and that this meeting was to bring everyone together to work on a plan and vision for the day, hoping to get as much trash and debris cleaned up throughout the town. She encouraged everyone to invite their neighbors as they hoped to get as many volunteers together as possible to pull the community together. She said that they hoped to get Ward and block leaders and for the businesses to participate.

Councilman Resnick asked to confirm if the electronic recycling event was still on for this Saturday in Aldan.

President Papale confirmed that it was Saturday 10am-2pm at Aldan Borough Hall's parking lot, an e-cycling and drug take back event.

Borough Manager Micozzie reported that the Farmer's Market had been planned for September 8<sup>th</sup> & 22<sup>nd</sup> & October 6<sup>th</sup> & 20<sup>th</sup>. He said that they are working aggressively to get vendors involved and would continue to do so. He said that J.P. Kelly would be helping with the layout to ensure it is setup smoothly.

President Papale said that they figured with their nice, new parking lot, they could work to get some use out of it. He said that they had received requests from some of the organizations to do a Farmer's Market and get some vendors out to the Borough. She said that when they put the

calendar together, they had put it on there to be in September and October as the Borough Manager mentioned.

Borough Manager Micozzie said that they have a recommendation from the auditors as they had a municipal obligation report. He said that they audited the entire pension fund for the municipal works and the police department, and there were no findings. He said that with the changing of the Borough Manager, they need a letter stating that the Borough Manager is the CAO of the pension programs. He said that they would need a motion to authorize that letter to be sent to the State as required.

President Papale asked if they had a copy of that in their packet to review to prepare a motion. She said that she didn't see anything about this motion.

Borough Manager Micozzie said it's possible it could be in Frank's report but it's just something that is required by the State. He said that the report isn't complete yet, so if it's not in there, he could check on it and they may have a month to proceed with that.

President Papale said that they could table that until next month when they have the Resolution in hand.

Borough Manager Micozzie said that the Historical Building that is located at the corner of Springfield and Baltimore did sustain some roof and soffit damage to the garage. He said that when they were inside the building they did notice that it is an unoccupied building and needs alarms, both fire and burglar, to keep the insurance rates where they are. He said that he and JP will be looking at that damage.

President Papale asked if they could include the President of the Historical Society, Ted Archer, in that communication.

Ken Scott of FAMCO noted that they have donated the fire alarm system to the Historical Society building. He said that they got a little behind on that because of COVID. He said that he was not aware of the burglar alarm system, but he would donate all of the materials for the burglar alarm system as well.

President Papale thanked him sincerely.

[Applause]

Borough Manager Micozzie said that there was an escrow account set up for the Kent Mills property, and he would like J.P. Kelly to discuss where that is.

J.P. Kelly explained that that escrow account was setup to cover legal fees, inspection fees and engineering fees on the tower that still remains on that property. He explained that he would work with Mr. Micozzie and Mr. McBlain to close that out, allowing the funds to be transferred into Borough funds.

Borough Manager Micozzie said that the 4<sup>th</sup> of July parade and fireworks are on the calendar for Sunday and Monday.

President Papale invited Ed Jones, President of the 4<sup>th</sup> of July Association, to speak.

Ed Jones, 214 Sycamore, said that they have decided to do the July 4<sup>th</sup> festivities on July 4<sup>th</sup> proper and the only thing that they are waiting on is confirmation from the bands to commit to July 4<sup>th</sup>. He said that he is requesting that Council approve a modified parade route from Church to Springfield Road and up to the main field.

President Papale asked if they needed to make a motion or if that was something that they could just do on their own.

Mayor Lombardo said that he thinks that they would just need to coordinate with the Chief of Police.

Chief Rockenbach said that he will reach out to PENNDOT and SEPTA for that day.

President Papale asked if he had received any feedback from the bands. She said that there original discussion had been the fireworks on Sunday and the parade on Monday, so this plan was changing everything to Sunday, July 4<sup>th</sup>.

Mr. Jones explained that their experience is that everything is better attended when everything is held on the same day.

Mayor Lombardo explained that the bands were already booked for Monday, so they are attempting to get the date adjusted to book them for Sunday.

President Papale asked if there was a backup plan. She said that they knew that they had discussed this prior to putting the calendar out.

Mayor Lombardo explained that they would be reaching out to the bands tomorrow now that this has been discussed at the meeting.

Mr. Jones said that they still had time to decide after seeing what they can do about the bands. He said that their biggest issue with the fireworks would be with the price. He said that they are definitely going to raise the price on them this year and it will be looking like going from \$10,000 to \$15,000 for the display. He said that he is trying to negotiate the price with them and see if there are any other pyrotechnic companies that may offer a lower price.

President Papale said that they have been working with that company for a long time, and she would make sure to note that in negotiations.

Councilman Resnick asked if that price he mentioned included the insurance.

Mr. Jones said that did not include insurance. He said that the fireworks company had insurance and the Borough gets its own insurance coverage for the day as well. He said that he would have to make a decision on the fireworks in the next couple of days.

Mayor Lombardo asked to see if he could knock them down to \$12,000 and split the difference. He said that a 50% increase is a significant difference.

Councilman Humphreys said that the State passed a fireworks tax and it's a 10% tax on fireworks, not counting the sales tax. He said that the State passed that not too long ago, and that probably represented 10% of the jump in itself.

President Papale asked if there was any difference between doing it on Sunday or Monday.

Mr. Jones said it's the same price because it's a holiday weekend. He said that they will provide an update at the next Council meeting. He said that they have their meeting tomorrow night at Romarco's at 6pm. He said that they are always looking for volunteers.

Borough Manager Micozzie said that the next item was a Resolution appointing himself, Thomas Micozzie as the Right to Know officer.

President Papale said that there is nothing in their packet for that item either.

Borough Manager Micozzie said that he would go look and see if something came through for that. He said that they checked with Broker Professionals and he is bonded under the umbrella policy, so there is no need for an additional bond

He said that completed his report.

A motion was made by Councilman Resnick to accept the Borough Manager's Report as presented; seconded by Councilwoman Peterson.

Borough Manager Micozzie said that he had a copy of the Resolution for the Right to Know officer.

President Papale asked if he could provide copies to Council for their review. She said that they would return to that after they got the copies.

After discussion, the motion to accept and file the Borough Manager's Report was carried unanimously by a vote of 8-0.

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

President Papale said that the Solicitor was not there to present his report.



Mayor Lombardo said that he would like to see a Council member make a motion to acknowledge the fact that Frank Catania has resigned as Solicitor and make a motion for a new Solicitor.

A motion was made by Vice President Campbell to accept the resignation of Frank Catania as Solicitor and appoint John McBlain as the permanent replacement; seconded by Councilman Cabrelli; and carried by a roll call vote of 7-1 (Resnick – yes, Cabrelli – yes, Humphreys – yes, O’Hara – yes, Borelli – yes, Campbell – yes, Peterson – yes, Papale - no.)

President Papale invited Mr. McBlain to join the table if he cared to.

### **Committee Reports**

**Finance Committee:** Vice President Campbell said that Council members have the financial reports for their review. He said that he just received an additional invoice, which he assumes is to close out Frank Catania’s term as Solicitor. He said that is for an additional \$150 in administrative fees, so he would like to add that for approval. 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 with the additional of the \$150 bill as discussed; seconded by Councilman Cabrelli; 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 he knows that he sounds like a broken record but to remember the recruitment drive by the Fire Company. He said that they are always looking for volunteers, and kids could start at 14.

#### **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 said that they are working with the Borough Roadmaster to develop the scope of work for the 2021 Road Program. He said that if Council members had any suggestions, they could forward them to the Borough Manager. He said that he hoped to have the scope at the next meeting. He said that they typically use \$70-80,000 of Liquid Fuels funds to address road repairs.

President Papale said that she did have a recommendation and would follow up with Tom. She said it was the 200 block of East Madison or at least that intersection at Glenwood and Madison. She said that they get a lot of truck traffic through there and she's not sure the last time that it got any attention.

Councilman Humphreys asked about Mill Street. He said that he thought that his understanding was that it was a private road.

Mr. Kelly said that yes, it is a private road and only a small portion of the road belongs to the Borough.

Councilman Humphreys said that it is torn up from Sycamore all the way down, but he does not know what the Borough's responsibility would be for that road.

Mr. Kelly said that they could not use liquid fuels on that road.

Councilman Humphreys said that is what he thought but he did want to mention that it was pretty rough down there.

President Papale asked if anyone else had any streets. She said that they could also email the Borough Manager as stated.

Mr. Kelly said that he would like to have a scope by the next meeting so that they could authorize him to finish bid documents and get to the next phase of soliciting bids.

Mr. Kelly said that the bid opening for Garchinsky Park was held today and they received 6 bids. He recommends Council award the bid to Lechmanik Inc. of West Chester for the base bid of \$249,567.28 subject to review by OHCD. He said that letter of recommendation is attached to the Engineer's report and there is a spreadsheet with unit prices included. He said that the lowest bid was from Lechmanik and the highest was from DePaul at \$577,000. He said that he is asking for their consideration to contingently approve this subject to review because the award was for \$189,000, so they can go back to OHCD and ask for additional funds and if they get it great, and if not, they would have to reduce the scope of the project.

A motion was made by Councilman Resnick to contingently award the CDBG project for Garchinsky Park to Lechmanik Inc. of West Chester, PA for the base bid of \$249,567.28, subject to review of OHCD and with the possibility of

adjusting the scope if additional funds are not available; seconded by Vice President Campbell; 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.)

Mr. Kelly said that not on his report but at the last few meetings, Council may remember that they discussed the development and redevelopment of the R2K property. He said that this was previously approved for a subdivision land development application in October 2019, and since then the applicant has requested an amended approval so that the development could be done in 2 phases, which we discussed at the last meeting. The first pad site, which was originally shown to be divided into 3 pieces, is now shown to be divided into 5 pieces. He said that other than that, the overall geometry of the site is very much the same as what was approved. The applicant is here tonight as requested to answer any questions as far as tenants, etc. The applicant has submitted all of the outstanding documents from last month’s comment letter, which he received today, which is a matter of housekeeping and agreements. He said that it would be his recommendation after hearing the applicant’s comments that Council take action on this plan. He said that would be up to Council if they want to, but it is ready for their consideration.

Councilman Humphreys asked which property this was referencing.

Mr. Kelly said that this was for Jackson and Baltimore.

President Papale said that this was the former Hillside property. She asked if this is something that Council had to take action on or if this was something that had to go in front of Zoning or Planning.

Mr. Kelly said that there was no need for Zoning on this application and it was already in front of the Planning Commission. He said that considering the fact that Council has already approved this, this would only be an amended approval.

President Papale asked Mr. McBlain what his recommendation would be.

Mr. McBlain said that it sounded like an amended land development plan that has already been submitted, so eventually Council would have to take some action on it. He said he is not sure when it was submitted.

Mr. Kelly said that they have discussed this at the last 2 months meeting.

President Papale said that she did remember Council asking for someone to come in and speak on this to possibly explain this.

Mr. Wilson, the attorney who represents R2K Properties, the owner for 570 E. Baltimore Ave, said that they did bring their engineers, Bohler Engineers, with them tonight in case they wanted to review the plans again, and a representative

of R2K was also in attendance. He said that as Mr. Kelly correctly identified, they are not asking for any changes in the plans, they just want to phase the project to build one of the buildings and post the security for that building and then proceed with the 2<sup>nd</sup> building and post their security for that building. He said that they recently met with Borough staff and the Mayor to explain what they have been up to and what their plans were. He said that right now they do not have any tenants, but they are in the process of marketing the property to tenants. He said that the largest building is 15,200 square feet and the plans draw it as 1-5 units, but it is their desire to rent it as a single unit or 2 max. He said that they are currently in discussions with an urgent care provider and a retailer for that building. He said that they do not have those under letters of intent yet. He said that they need to get the plans approved before they're able to do that. He said that the 2<sup>nd</sup> building they are in active discussions with actually 2 different restaurants but he can't give any names. He said that if they were able to get that under agreement, they would proceed with that and not need the phasing, but if they are not able to get that under agreement, it would make the most economic sense to get the 1<sup>st</sup> building built and under lease before proceeding with the 2<sup>nd</sup> building. He said that is his update and they are hopeful that they will take action this evening. He reiterated that this was approved in October 2019, and they are only requesting to phase the building of each building. He said that they have gotten all of the 3<sup>rd</sup> party approvals, with the exception of the sewer, which they are working on with the Borough's Engineer. He said that once they have this approved, they would be moving forward with signing the agreements. He said that they had already been advised from the Darby Creek Authority that they would be able to get the sewer as long as the Borough was okay with it. He asked if they needed to see a plan to review.

President Papale said that she would leave that up to Council if they wished to see anything. She said that she did want to mention that the upkeep on the property had improved tremendously recently and she was grateful for that after being disappointed in the upkeep for quite some time, particularly with it being one of the 1<sup>st</sup> views of the town coming in from Lansdowne.

Mr. Wilson said that they hoped to keep it that way and hoped even more so to have it under construction soon.

President Papale thanked them for coming out to discuss the project.

A motion was made by Councilman Resnick to approve the amended land development plan submitted by R2K Development; seconded by Councilwoman Peterson; and carried unanimously by a vote of 8-0.

Mr. Kelly said that concluded his report.

A motion was made by Councilman Resnick to accept the Engineer's Report as presented; seconded by Councilman O'Hara; and carried unanimously by a vote of 8-0.

President Papale asked if Councilman Resnick had anything additional to add since this was his Committee.

Councilman Resnick had nothing to add.

President Papale said that all of Council received a copy of the Resolution that Borough Manager Micozzie was referencing, naming him the Right to Know Officer, but the Resolution was not complete, so they would table that vote until next month to allow for that to be completed.

**Recreation and Historical Committee:** President Papale said that she wanted to note that the Easter Egg Hunt was a success. She said that there were no tears and no one was upset about the number of eggs they collected. She thanked the Clifton Heights Fire Department for escorting the Easter Bunny. She thanked the Clifton Heights Civic Association for volunteering and making adorable bunny bags to give out. She thanked the Clifton Heights Historical Committee for volunteering and supplying a slinky basket for the highest number of eggs found. She thanked Bill Kneass for coming out and taking pictures of the event and updating the website and social media pages. She thanked all of the volunteers. She thanked Councilman Humphreys and Vice President Campbell for attending and helping out. She thanked Lou Pontarelli for taking care of all of the eggs as usual and ensuring that none were cracked. She said that she was going to speak on the spring cleanup day, but Borough Manager Micozzie covered that information.

Councilman Humphreys said that she forgot to mention one attendee of the Easter Egg Hunt, Noah the Cat who showed up.

**Economic Development Committee:** Councilwoman Peterson had nothing to report.

**Law & Ordinances Committee:**

**Code Enforcement Report:**

John Gould presented the Code Enforcement report.

Mr. Gould reported that he had one addition to the report in front of Council. He said that a couple of weeks ago, Clifton Partners, the group that is redeveloping the former Kmart property, came before the Planning Commission with proposed sidewalks per the Zoning order previous with the plantings, the trees and the parking lot layout and that was recommended to be approved by Council from the Planning Commission.

He said that his other item that he had an update on was the welcome packet that he was finishing up and should have ready to go out.

President Papale asked if all of the Committees had submitted everything.

Mr. Gould said that he had everything at this point.

President Papale thanked him for his hard work for that. She asked if he needed approval on that currently.

Mr. Gould said that his approvals could be tabled until next month.

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

Destiny Borelli, Chair of the Committee, had nothing additional to add to the report.

**Environment Committee:** Councilman Cabrelli said that he has been communicating with the Arbor Day Foundation who has some free flowers, plants and trees for the Borough if they are interested in them. He said that one problem that they have is some dead trees around town that could present a major hazard. He said that he would be in touch with Mr. Gould about that. He said that some of the playgrounds are all asphalt, so he is trying to identify the best areas.

President Papale said that he should probably request the most that they are willing to share with the Borough.

**Communications Committee:** Councilman O'Hara said that they are finalizing the welcome packets for new residents.

### **Old Business**

No old business.

### **New Business**

President Papale said that the Right To Know Resolution was included under new business but they were going to hold off on that item until the Resolution was completed next month.

President Papale noted that the May 18<sup>th</sup> Council meeting was being moved to May 25<sup>th</sup> since they cannot have a meeting on Election Day. She asked for Solicitor McBlain to ensure that was advertised.

Vice President Campbell said that he had new business. He said that Council had a meeting prior to tonight's meeting at 6:30pm. He said that every Councilperson was in attendance and involved in the discussions.

A motion was made by Vice President to remove Leona Papale as President of Council; seconded by Councilman O'Hara.

Vice President Campbell said that he would also like to make a second motion to appoint Councilwoman Peterson as President of Council.

President Papale asked if there was any questions or discussions on that motion. She said that since it was about her, she did have questions on the motion.

A member of the audience asked if the public was allowed to speak.

President Papale said that the public would be able to speak at closing public comment at the end of the meeting. President Papale said that as Council President she would like to know what the terms of that entailed because she does not feel like her term of President is up. She said that she believes that she was told that she would be President until her term is up in January and the reorganization meeting is held. She asked if anyone had that information.

Vice President Campbell said that he didn't have that information.

Mayor Lombardo said that they would probably direct that question to the attorney.

Solicitor McBlain said that the officers are all reorganized at the reorganization meeting, which occurs in January of even numbered years. He said that this issue has come up many times before and the officers, the Solicitor, the President, the Vice President serve at the pleasure of the Borough Council, so typically you would appoint the President at the reorganization meeting and unless there was a motion, they would stay there until the next reorganization meeting, but the Borough Code and the Courts have said that there is no prohibition to replacing any of the officers at any time.

President Papale said that would answer that question and now she would have some discussion based on that. She said that she is not going to resign and the only way that she would leave is if Council would vote to have her removed. She said she did nothing wrong and she has nothing to hide. She said that if they want to vote her out of the presidency, she did receive an answer on the term conditions from Solicitor McBlain. She said that she thinks this whole issue came from an incident that occurred here in this room between herself, Mayor Lombardo and Vice President Mark Campbell. She said that she had asked Council at the meeting earlier to view the video before making a decision on whether she should be taken off as President. She said that she does not think that Council knows exactly what took place in this video, and she thinks that they should see it and it should possibly go to the public for the public to see.

An audience member said what about the public.

President Papale reiterated that that is her feeling about this that she didn't do anything wrong and there is no reason for her to be voted off. She said that everything she does is done for the town of Clifton Heights. She said that she has been on Council since 2008, having served as Vice President for a short period and taking over as President, and she feels like she has done a good job for the Borough. She said that she is not taking credit for it alone, it is all of Council, but she feels like they are coming together and getting things down for the town. She said that it bothers her to see what would happen.

Vice President Campbell said that this vote, Council is aware of different things that have happened that are not open to the public, and it is a vote of no confidence. He said that they can do a roll call vote, so she knows where every Councilperson stands. Vice President Campbell asked Councilman Resnick for his vote.

Councilman Resnick said that he feels strongly that Council should have been afforded the opportunity to view the video and he votes strongly no for the motion.

Vice President Campbell said that this is not based on just one incident.

Councilman Resnick said that he understands that, but he thinks showing the video could have helped solve a lot of problems.

Councilwoman Borelli voted in favor of removing Leona as President.

Councilman Humphreys said that regretfully he votes to remove Leona Papale as President, noting that actions have consequences.

Councilman O'Hara voted in favor of removing Leona as President.

Vice President Campbell voted in favor of removing Leona as President.

Councilwoman Peterson said that regretfully she votes in favor of removing Leona as President.

Vice President Campbell said that is where your Council sits.

Mayor Lombardo pointed out that there was another member who did not cast a vote.

Vice President Campbell apologized for the oversight.

Councilman Cabrelli voted in favor of removing Leona as President.

President Papale said that she also had a vote and her vote was not to remove herself as President.

Vice President Campbell said that the vote was 6-2 in favor of removing Leona Papale as President of Council.

Vice President Campbell asked if he had a 2<sup>nd</sup> for his second motion to appoint Karen Peterson as President of Council.

Councilman Cabrelli seconded the motion.

Vice President Campbell said that the reorganization would take place at next month's meeting.

Councilwoman Papale said she believed he would have to take a vote on that as well.



The motion was carried by a roll call vote of 6-2. (Resnick – no, Borelli – yes, Humphreys – yes, O’Hara – yes, Campbell – yes, Peterson – yes, Cabrelli – yes, Papale – no)

Councilwoman Papale pointed out that Vice President Campbell again failed to take her roll call vote. She said that she voted strongly no based on actions and accomplishments.

Mayor Lombardo said that Karen should take the meeting over at this point.

**Closing Public Comment:**

President Peterson asked if anyone had public comment.

Michelle Hartel, 317 Harrison Ave., said that she wanted to first discuss the abrupt resignation of Frank Catania, the Borough Solicitor. She said that they didn’t even address the budget or negotiating a salary, which should have been discussed. She said that they hired John McBlain and John has always been good to her and helpful as a Solicitor, but he’s already employed by the Borough as a Solicitor for other entities. She asked if he would be receiving multiple salaries from Council since he’s involved in so many other hearings for the Borough. She said that she’s wondering if they are going to negotiate his salary because Frank Catania has been the Borough Solicitor for over 35 years. She asked if anyone looked at last year’s budget for the Solicitor. She asked when it was decided that they would be getting a new Solicitor, if they had any idea what the salary would be or to even look at the budget to know. She asked if any of them could answer that question.

Councilwoman Papale said that she couldn’t answer that question as she just found out about this today.

Mrs. Hartel said that it seems very abrupt to be brought up tonight and then they just have the Solicitor there. She said that she understands the need for Council to have the representation of a Solicitor, but is John the permanent replacement or will there be an open search for a new Solicitor.

Vice President Campbell said that John would be the permanent Solicitor.

Mrs. Hartel asked oh really and what would his salary be, the same as Frank’s salary as a 35 year Solicitor for the Borough? She said that they haven’t even negotiated a salary and asked if they were for real.

Mayor Lombardo said that he was sure that his salary would be comparable to any other salary for a Solicitor in Delaware County. He said that he is the Solicitor in other municipalities and he is sure that it will be comparable to Frank’s salary. He said that as far as what roles John has served for the Borough in the past, he has served as special counsel for the School District and served as Solicitor for the Zoning Board and special counsel for the Planning Board.

Mrs. Hartel asked if they would be getting rid of one salary.

Mayor Lombardo said that if she didn't mind, he would finish. He said that with John now becoming their permanent solicitor, they would find another attorney to become the attorney for the Zoning Board because there would still be a need for that attorney. He said that they would need special counsel for the School District or the Planning Board or for a lawsuit against a property owner, there is still a need for attorneys to represent the Borough outside of just the role as the solicitor.

Mrs. Hartel said that no one has negotiated a salary for John as the new permanent solicitor or for any of those other areas where a solicitor is needed.

Mayor Lombardo said that it would be comparable to what everyone else gets.

Mrs. Hartel said that she would like to see what everyone else gets. She understands that they need a Solicitor because of the abrupt resignation of Frank Catania.

Mayor Lombardo asked if she wanted to know what he thought. He said that he thinks that she was coached by Frank Catania to say all of this.

Mrs. Hartel said that no she was not.

Mayor Lombardo said that is what he thinks.

Someone in the audience said, "That was low."

Mayor Lombardo said, "That is the truth, Bruce. Do you think she did not get that from Leona, which came from Frank Catania?"

[Audience members talking over each other]

Mrs. Hartel said that she wanted to speak for herself. She said that she thinks the thing is that this Council is not transparent with the public about anything going on.

[Applause]

Mrs. Hartel said that the things that they are doing in the back room, making these decisions, without letting the public see why these decisions are made. She said that Harris Resnick just asked for the same thing that everyone in this room wants to see and why these decisions were made. She said that her whole thing about Frank Catania is the salary and people not even looking at the salary. She said that she understands the need for a Solicitor in the moment, but they didn't even consider negotiating a Solicitor's salary. She said that John is a great guy and she is not trying to say otherwise, but she thinks that they just went straight to voting without taking into account things like negotiating a salary. She said that she believes that they have put themselves out on a limb.

Vice President Campbell asked Mrs. Hartel if she thought that this decision was made tonight.

Mrs. Hartel said she doesn't know when the decision was made, but she came here because her brother called her and told her she should go down to a meeting. She said that then when she came here and heard that Frank was abruptly resigning and they were appointing John, she couldn't believe that there were no negotiations.

Vice President Campbell asked if she honestly believed that they didn't look at the salary.

Mrs. Hartel said no, she didn't know and they never even said anything about it. She said that they didn't say anything about putting him in temporarily or permanently or renegotiating fees or setting fees.

Mayor Lombardo said that if she listened to the motion, the motion said to accept the resignation of Frank Catania and appoint John McBlain as the permanent replacement.

Mrs. Hartel said that then he is in there until January reorganization.

Mayor Lombardo said it is an appointed, administrative position and he can be removed at any time, just like Frank was removed.

Mrs. Hartel said that she thought Frank resigned.

Mayor Lombardo said whether he resigned or he was removed, it doesn't matter.

Vice President Campbell said that he resigned.

Mrs. Hartel said that this is how transparent they are, one person says he was removed and one person says he resigned.

Vice President Campbell said it is the same thing.

Mrs. Hartel said it is not the same thing. She said this shows how not transparent all of the members of the Council are.

Councilman Cabrelli asked what would make her happy. He asked if she wanted to know what Frank made and then what the new Solicitor will make, what he has agreed upon. He said that he has no idea what it is. He said that when she says that they are not transparent, he has been at a 9 meetings.

Mrs. Hartel asked if he worked on the budget at the end of the year.

Councilman Cabrelli said that he did and he looked over the budget for the past 5 years.

Mrs. Hartel said that he should have an idea then and he should have a copy to look at what the solicitor makes.

Councilman Cabrelli said that he does have that and the police budget and all of the costs for the Borough.

Mrs. Hartel said that she knows because she was on Council for 14 years and she went over the budget. She said that J.P. Kelly would remember when she was on Council. She said that she went through that budget tooth and nail when she was on Council, and they should have a copy of their budget right there with them.

Councilman Cabrelli said he has a copy.

Mrs. Hartel asked to see it.

Councilman Cabrelli said that it is in his office because he doesn't lug his paperwork all around with him. He said that he also wanted to add that under the Freedom of Information Act, he had requested documents from a couple of the agencies in the Borough of Clifton Heights because he wanted to see where the money was going from the Borough. He said that he was the head of the criminal division at the Department of Revenue.

Mrs. Hartel asked him what ward he represented.

Councilman Cabrelli said that he represented the 2<sup>nd</sup> ward.

Mrs. Hartel thanked him.

Councilman Cabrelli said that his question wasn't answered. He wanted to know what would make her happy, knowing what Frank made, knowing what was being offered to the new solicitor, because he didn't know what was being offered. He asked what she was looking for in terms of information.

Mrs. Hartel said that she would like to see that when they pick a new solicitor, they are looking into how much the Solicitor is going to charge the Borough for the year. She said that she would want to know that when they appoint a new Solicitor when there is a need because the former Solicitor resigned or was removed, which they think sounds the same but she does not agree sounds the same, that that would go out to other Solicitors who may be able to represent the Borough of Clifton Heights. So since they only considered John, they will give John the price that he provides to them.

Solicitor McBlain said that he just wanted to clarify as she continues to mention a salary. He explained that there is probably a budgeted amount for the year. He said that in his experience as serving as municipal solicitor, if the Borough has \$30,000 in the budget, that is not a salary for the Solicitor, the Solicitor typically charges by the hour. He said it would really depend on the time that is spent. He said that he already has a letter of engagement with the Borough, and he would assume that some of the thinking behind Council to bring him in is that he has represented the Borough at the Zoning Hearing Board level, and Mr. Catania had asked him (Mr. McBlain) to represent the Borough in several land use matters, code enforcement matters, and some litigation, so he already has a letter of engagement with the Borough and it would be the same without any new salary. He said that if he spends more time doing what he does now, he would obviously charge for more time than he does now.

Councilman Resnick asked him what his hourly rate was.

Solicitor McBlain said \$107/hour.

Councilman Resnick asked how that compared to Frank's hourly rate.

Solicitor McBlain said he did not know.

Councilwoman Papale asked if Ms. Leitzell knew.

Ms. Leitzell said that she did not remember his specific hourly rate, but there was a budget for the Borough Solicitor and there is an additional line item for the outside counsel and that is a combined number.

Mrs. Hartel said that the outside counsel would be Mr. McBlain.

Ms. Leitzell said that it would be partially Mr. McBlain's rate. She said that the way that the budget was prepared last year, there was an increased amount for School District litigation for the problems the Borough was having for the School District, so a dollar amount was put in for that, plus outside counsel like Mr. McBlain and special counsel, and then there was Mr. Catania's budget. He said that the budget line item that they receive each month combines those totals. She said that if they wanted her to share that number, she would ask Council to advise her.

Mayor Lombardo and President Peterson said that it was public knowledge.

Ms. Leitzell said that the budget for the year was \$150,000 for outside counsel, which would be inclusive of the anticipated litigation with the School District, and \$45,000 for the Borough Solicitor.

President Peterson thanked them for their comments. She said that they would like to move to their recognition of retiring Fire Chief Jim Kneass.

Mayor Lombardo said that on behalf of the Borough of Clifton Heights, he wanted to thank Chief Kneass for his service.

[Applause]

Mayor Lombardo said that he would also like to acknowledge Nick DePompeo, who would be the Borough's new Fire Chief.

[Applause]

Jim Kneass thanked Council for all the support that he has received from Council for the last 17 years as Fire Chief. He also thanked all of the men and women volunteers in the back of the room without whom he couldn't have succeeded.

[Applause]

Mary Dougherty, 324 Prospect, said that with Mr. McBlain being appointed as solicitor, she just wanted to comment that since this is an open, public meeting, it would have made sense for Mark to have said that the reason that they are proposing that he take this job is because of ...”insert examples of his experience...” She said that some audience members may be sitting here thinking, “this guy from who knows where...” She said not noting his experience might make sense behind closed doors, but this was a decision made at a public meeting. She said that she thought that would have been informative.

Rich DePompeo, 224 E. Broadway Ave, said that he couldn't imagine how bad Leona's heart must be hurting right now and obviously everyone else has never made a mistake in their lives to do something like this. He said that he would hope that he would have the support of most of the people in the building and in the town to show you something by their vote. He said that the Republicans have had it way too long, and he thinks it's disgusting and a real shame. He asked if any of them could put up their hands and say that they've never made a mistake in their lives. He said he doubted it. He said it seems like they get something good in the town and someone has to interfere with it and take it away.

President Peterson thanked him for his comments.

[Applause]

Fred Rich, 82 Chester Ave., asked Mr. Cabrelli if he's in charge of the trees.

Councilman Cabrelli said that he is working with Arbor Day Foundation.

Mr. Rich asked Mr. Cabrelli to go down to 88 Chester Ave. and take a look at the tree there. He said that the old timers on Council will remember that he came up for years and years to complain about that tree. He said that it is a disgrace and instead of being run horizontal, the pavement is run vertical. He said that according to the Americans with Disabilities Act, the pavement is supposed to be 36" wide so a wheelchair or walker can go through. He told him to go down and look at that tree. He said that for years and years he would come and complain and nothing has been done.

Councilman Cabrelli asked if it was a complete tree.

Mr. Rich said a complete tree, go and look at it.

Mayor Lombardo said that it is on private property.

Mr. Rich said that its roots have grown into the street and it was the Borough's responsibility. He said that when the rowhomes were built down there, that tree was a seedling and placed by the Borough for aesthetic value. He said that the Borough took out 2 other trees that were planted there and subsequently died but have done nothing about this tree.

Mr. Gould said that the tree is on private property, but speaking to a realtor, that property is for sale in "as is" condition. He said that as a condition of that sale, the tree will have to be removed

and the sidewalks will have to be straightened out. He said that he has spoken to several buyers who are interested in the property and have gone over what would be required.

Councilman Cabrelli said that it would have to come into compliance.

Mr. Gould confirmed.

Councilman Cabrelli said that he had a similar situation when he sold his house in Drexel Hill, and he had to replace some sidewalk impacted by a tree.

Mr. Rich asked who had to pay for that.

Councilman Cabrelli said that he did.

Mr. Rich said that this particular tree was planted by the Borough 50 years ago when the homes were built. He said that they were all planted at the same time for aesthetic value. He said that 2 other trees planted there were taken down by the Borough, but they refused to take this tree down, and the person who lives at 88 Chester has been trying to sell the property and hasn't been able to for several years.

President Peterson asked to confirm with Mr. Gould that he just said that when this property is sold, the tree will have to come down.

Mr. Gould confirmed that is what he reported.

President Peterson said that sounds like good news.

Mr. Rich said thanks but no thanks. He said that it was the Borough's responsibility. He said that it goes back to Tony Tartaglia who refused to take it down and said it only applied to businesses.

Ken Scott, FAMCO, said that he just wanted to add a positive note. He said that he's not sure how many people have noticed all of the new businesses that have come into town. He said that he has met many of the business owners and they are really good people. He went through some of the businesses that have opened. He said that he really feels like they are getting back to some core stuff and getting some buildings fixed up and with people who are interested in working in the town and running their businesses here, and that helps the tax base.

[Applause]

Greg Hartel, 317 Harrison Ave., said that he doesn't know what's going on with the resignations. He said that he knows most of Council and he served on the Planning Commission for at least 10 years. He said that he's known Leona Crawford for at least 40 years, maybe longer. He said that all he could ask from all of them is for transparency in the whole situation. He said that if there is something that she wants to show, show it. He said he doesn't think that anyone is afraid of anything, are they?

Councilman Resnick said that it seems to be that they are because they haven't shown the video.

Mr. Hartel said that they should get it all out in the open and hash it out. He said that he knows that Leona's heart has always been in this job and her heart is in Clifton Heights. He said that he has no idea what the reason is and he knows he's not going to hear it, but he just wants them all to do a little soul searching. He thanked them.

Rich DePompeo said that he wanted to add that he wanted to congratulate his cousin on becoming Chief.

[Applause]

Jacqueline Haarsma, 69 N. Penn St, said that they are the voters and citizens of this town and for them to take away their vote, she finds that very offensive. She said that she doesn't know what happened here, but it seems pretty dirty to her. She said she has a problem with them taking the votes from the citizens, and she will be showing that at the next election.

**Adjournment:**

A motion was made by President Peterson to adjourn; seconded by Vice President Campbell; and carried without a voice vote.

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary



**This page of the minutes is respectfully dedicated to Fire Chief Jim Kneass upon his retirement as Chief of the Clifton Heights Fire Company and in recognition of his years of dedicated service to the Borough and its residents.**