**Clifton Heights Borough Council**

**February 15, 2022 Council Meeting Minutes**

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

Destiny Borrelli, Council Vice-President

Timothy O’Hara, Councilperson

Leona Papale, Councilperson

Harris Resnick, Councilperson

Bruce Fagioli, Councilperson

Karen Peterson, Councilperson

Suzanne Briddes, Councilperson

**Officials Attending**: Mark Campbell, Mayor

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 President Mike Humphreys presided over the meeting; called the meeting to order, led the Pledge of Allegiance and Mayor Campbell offered an opening prayer.

**Roll Call:**

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

**Executive Decision:** President Humphreys made an executive decision to change the order of the agenda. Council wanted to move forward with the signing of the agreement between the Clifton Heights Borough Council and the Upper Darby School Board. President Humphreys signed on behalf of the Clifton Heights Borough and President Edward Brown signed on behalf of the Upper Darby School Board.

**Public Comment:**

Jane Brydon 324 Prospect – Jane suggested an ordinance against balloon releases. It causes danger to birds, wildlife, and electrical outages and fires. She gave other examples on how to celebrate. Councilperson Papale noted that PECO will not cover any damages due to mylar balloons.

Fred Rich xx Chester Ave – Fred spoke out of turn. He was upset that the February Caucus meeting did not mention anything about the Upper Darby School Board would be at the Council meeting tonight. He was upset the agreement was signed tonight, that more studies would be done before agreement was signed. He does not think a complete study was done. President Humphreys said we came to an agreement with the school district to build the school. President Humphreys said it was over, he bent the rules for him to speak and it was time to move on.

**Meeting Minutes:**

A motion was made by Councilperson Peterson to accept the January 18, 2022 meeting minutes as presented; seconded by Councilperson Fagioli; and carried by a roll call vote of 7-1. (Resnick – yes, Briddes – yes, Papale – no, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara – yes). Councilperson Papale stated she only received the minutes tonight and did not have time to read. Secretary Pontarelli stated the minutes were emailed out late January.

**Financial Reports/Bills:**

A motion was made by Councilperson Briddes to pay the bills and accept the Financial Advisor report as presented; seconded by Councilperson Peterson; and carried by a roll call vote of 7-1. (Resnick – yes, Briddes – yes, Papale – no, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara – yes). Councilperson Papale noted that they have been getting the reports prior to, it was a busy month, and we did not get them until tonight.

**Police Report:**

Written reports provided to Council.

A motion was made by Vice-President Borrelli to accept the Police Report as presented; seconded by Councilperson O’Hara; and carried unanimously by a vote of 8-0.

**Fire Report:**

President Humphreys noted the Fire Report was not on the agenda, he added as B-1.

Written reports provided to Council.

A motion was made by Councilperson Briddes to accept the Fire Report as presented; seconded by Councilperson Peterson; and carried unanimously by a vote of 8-0.

**Engineer’s Report**

Borough Engineer Kelly presented the report.

Borough Engineer Kelly stated the only thing for council attention is on the agenda: Under Liquid Fuel Tax Funds and Act 537. Both were discussed at the Caucus Meeting.

A motion was made by Councilperson Peterson to accept Resolution 2022-02 Liquid Fuel Tax Funds and the Engineer’s Report as presented; seconded by Councilperson O’Hara: and carried by a roll call vote of 8-0. (Resnick – yes, Briddes – yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara – yes).

**Solicitor’s Report:**

John McBlain presented the Solicitor’s Report.

A motion was made by Councilperson Peterson to accept Resolution 2022-03 Act 537 Plan Update and the Solicitor’s Report as presented; seconded by Councilperson O’Hara: and carried by a roll call vote of 8-0. (Resnick – yes, Briddes – yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara – yes).

Solicitor McBlain thanked the council and other officials regarding the School District. For informational purpose, if council recalled and the public recalled at the December Council Meeting the settlement agreement was proposed to council for approval. Contingent on we still had to work out some language in the settlement agreement itself. And that also included exhibits such as the Deed to the Borough for the newly created fields as well as the easement agreements and other documents. Solicitor McBlain and the attorney from the school district have been working on this since the December meeting through several weeks ago. The school district did approve the settlement agreement at their meeting last week and we approved in December. The thought was to have the representative from the school district come here this evening before council to sign the documents. He thanks Council and everyone involved with this. He also thanks former Borough Manager John Perfetti and longtime Solicitor Frank Cantania.

Solicitor McBlain discussed the matter for council attention this evening, the Act 537 Plan. Pennsylvania has a law, The Sewage Facility Act, that every municipality must have a plan in place to take care of the sanitary sewage. That plan gets approved by this body and sent to the Pennsylvania Department of Environmental protection which approves it. Since the 1970’s the borough has worked in cooperation with the rest of the municipalities in Delaware County, the county of Delaware itself and what is commonly known as DELCORA, county authority that treats our wastewater. For informational purposes, the borough of Clifton Heights has a sanitary sewer system where it collects the wastewater from our homes, which gets delivered to larger pipes which are managed by the Darby Creek Joint Authority and the Muckinipattis Authority. Those authorities own the pipes that travel along the Darby Creek and the Muckinipattis Creek to get to the bigger pipes that go to the DELCORA wastewater treatment plant in the city of Chester. Some of the wastewater gets carried to the city of Philadelphia treatment plant. DELCORA has taken the lead and developed these ACT 537 plans for how we are going to treat our wastewater. This ACT 537 update deals with the tunnel project. One of the problems DELCOA our municipalities has is the problem with inflow and infiltration. During heavy storm events, rainwater gets into the sanitary sewer system and that causes surcharges which causes sanitary sewage spills out into the creeks. To fix this problem, DELCOR has evaluated several options. Option one, to continue their relationship with the City of Philadelphia. However, that becomes an expensive proposition because Philadelphia has the same problems. Option two, construct a sewer treatment plant in the eastern part of Delaware County, same as the City of Chester. There are a lot of problems with that, where would you put it? Also, this is an expensive proposition, hundreds of millions of dollars to build. Option three, construct a tunnel about one hundred feet down, starting at the Delaware Creek Joint Authority pump station in Darby township that runs along the Darby Creek, down to the City of Chester that connects to the sewer treatment plant in the City of Chester. These are the three options, based on the cost and complexity we recommend this option. This will still be expensive, but less expensive than the other options. DELCORA and DEP is asking, do you concur this plan?

Councilperson Fagioli asked if it like a septic tank? Engineer Kelly responded, it would hold the overflow, like an interceptor.

A motion was made by Councilperson Peterson to accept Resolution 2022- 03 Act 537 Plan Update for Sewage Facilities and the Solicitor’s Report as presented; seconded by Councilperson Fagioli: and carried by a roll call vote of 8-0. (Resnick – yes, Briddes – yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara – yes).

**Community Development & Code Enforcement Report:**

John Gould submitted a written report to Council.

Additional item: PECO has a Gas Grant Program for small business that made it through the pandemic, experienced financial hardship with less than 25 employees. Mr. Gould has application for those interested.

A motion was made by Councilperson Papale to accept the Department of Code Enforcement report; seconded by Vice-President Borrelli; and carried unanimously by a vote of 8-0.

**Manager’s Report:**

Borough Manager Micozzie submitted a written report to Council.

Borough Manager Micozzie request council to authorize the 2022 Fee Schedule Changes, Resolution 2022-04.

A motion was made by Councilperson Papale to accept Resolution 2022-04, Fee Schedule Changes as presented; seconded by Councilperson Resnick; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request council to authorize a Part Time Police Officer, Resolution 2022-05.

A motion was made by Councilperson Peterson to approve Resolution, 2022-05 Part Time Police Officer as presented; seconded by Councilperson Fagioli; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request council to authorize the Borough Manager to hire a Part Time Clerk, Resolution 2022-06.

Councilperson Resnick asked if the digital files would have access to police files. Borough Manager Micozzie and Solicitor McBlain both answered no, it would be strictly property information. Police records are not public documents.

A motion was made by Councilperson Resnick to approve Resolution 2022-06 a Part Time Clerk as presented; seconded by Vice-President Borrelli; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request council to authorize Resolution 2022-07, KPN Keystone Network Purchasing.

A motion was made by Councilperson Fagioli to accept Resolution 2022-07, KPN as presented; seconded by Councilperson Peterson; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie asked that before we bring Resolution 2022-08, American Recovery Funds before council if Solicitor McBlain would give a brief on the Resolution. Borough Manager Micozzie wants to make sure we cover that it is a requirement that the borough accepts and authorizes the funds. Solicitor McBlain explains the resolution authorizes the acceptance of the American Rescue Plan Act Funds. We have received a portion of the funds already. The final rule has been issued by the Department of Treasury with rules and regulations on what you can spend the money on. The final rules require municipalities to approve the acceptance of the funds. Whereas this is what this resolution does. It does not spell out what you do with the money, that what Mr. Micozzie would like to talk about. The government wants the money to use within the community.

Councilperson Fagiolo asked if this was the first round of funds, Borough Manager advised, yes it was.

Borough Manager Micozzie request council to authorize for Resolution 2022-08, American Recovery Funding.

A motion was made by Councilperson Briddes to accept Resolution 2022-08, American Recovery Funding as presented; seconded by Councilperson O’Hara; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request council to authorize for Resolution 2022-09, Penndot assessment on N. Oak Ave between Baltimore Ave & Springfield Rd.

Mr. Fred Rich asked if this assessment has anything to do with the School District, President Humphreys told him no it did not.

A motion was made Councilperson Briddes to accept Resolution 2022-09, Penndot assessment on N. Oak Ave between Baltimore Ave & Springfield Rd. as presented; seconded by Councilperson Peterson; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request council to authorize for Resolution 2022-10, to the Civil Service Commission for an entry level Patrolman test.

A motion was made by Councilperson Peterson to accept Resolution 2022-10, Civil Service Commission for an entry level Patrolman test as presented; seconded by Councilperson Fagioli; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie request for the Appointment of Patrolman Ryan Cummings to Sergeant (currently acting and paid in rank). Borough Manager Micozzie advised there is already money in the budget. Solicitor McBlain asked if this was for acting, Chief Rockenbach stated no, he is acting now, that he passed the civil service test and is next on the list for promotion to Sergeant.

A motion was made by Vice-President Borrelli to accept the request for appointment of Patrolman Ryan Cummings to Sergeant as presented; seconded by Councilperson Papale; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Borough Manager Micozzie read a resignation letter a from board member Christopher Kane to council. Zoning Board resignation acceptance of Christopher Kane and the appointment of a new member (term expires December 2024).

We need a motion to accept the resignation.

A motion was made by Councilperson Papale to accept the resignation of Christopher Kane as a member of the zoning board as presented; seconded by Vice-President Borrelli; and carried unanimously by a vote of 8-0.

Borough Manager stated we should fill the resignation, he explained we have a Zoning Board meeting scheduled March 9, 2022. Councilperson O’Hara nominated Joe Lombardo as a member of the Zoning Board. Michelle Hartel stood and said she was not sure if she could speak. She stated that previously there were only three members on the board, two vacant spots for 1 ½ years. She did not understand why the position needed to be filled immediately, that other Clifton residents may have input on the replacement. President Humphreys stated he was bending the rules letting her speak. He told Michelle she could speak under public comment. Michelle wanted to speak before they took a vote. Borough Manager stated he and John worked extremely hard, these spots should be filled immediately, we have a responsibility to the borough, we can end up now with a tie vote. President Humphreys said he cannot stop, we had a nomination for Joe Lombardo, do we have a second? Vice-President Borrelli seconded the nomination. President Humphreys asked are there any other nominations? Councilperson Papale nominated Bonnie Callahan. Seconded by Councilperson Fagioli. There we no other nominations.

Before the vote, Councilperson Fagioli wanted to know why some members knew and others did not about Mr. Kane’s resignation. Borough Manager Tom Micozzie stated he received the letter 2/9/22 at 1:30PM and he informed President Humphreys the next day, the same day the agenda went out. Councilperson Papale said it was not on the preliminary agenda, it was on the final. She said some people received a phone call from the President. President Humphreys apologized and he will make sure that does not happen again. Michelle Hartel asked if we could table nominations until the next council meeting. Councilperson Papale requested to table the motion. President Humphreys stated tabling takes precedence over both nominations. First, we need someone to second the tabling motion, Councilperson Resnick seconded the motion.

A motion was made by Councilperson Papale to table the motion; seconded by Councilperson Fagioli; and carried by a roll call vote of 5-3. (Resnick – yes, Briddes - no, Papale – yes, Humphreys – no, Borrelli – no, Fagioli – yes, Peterson – no, O’Hara - no).

The tabling does not carry.

Next step, go back a vote for either candidate. Joe Lombardo or Bonnie Callahan.

(Resnick – Bonnie Callahan, Briddes – Joe Lombardo, Papale – Bonnie Callahan, Humphreys – Joe Lombardo, Borrelli – Joe Lombardo, Fagioli – Bonnie Callahan, Peterson – Joe Lombardo, O’Hara - Joe Lombardo).

Joseph Lombardo has been elected to be on the Zoning Board with a vote of 5-3. This is a 2-year term which ends December 31, 2024.

Michelle Hartel asked if Joe would need to abstain if it pertained to his property. She believes it a conflict of interest. Solicitor McBlain stated that he or anyone would need to abstain if it pertained to their property, regardless of who they are.

President Humphreys reminded everyone that they will have an opportunity to discuss anything that happened in this meeting when we get to public participation.

**Mayor’s Report;**

Mayor Campbell read a proclamation celebrating Black History Month.

Meet the Mayor is Monday February 28, 2022 at Borough Hall, between 7PM -8PM. Meet the Mayor along with Chief Rockenbach and Council President Humphreys. Residents can come out to voice any concerns they have.

There is a PSAB (Pennsylvania State Association of Boroughs)110TH annual Conference in Hershey PA. It is from May 22nd to May 25th. He would like to make Council aware that he and Borough Manager will do one day there. It will be a change for us to see exhibits and to see street sweep machines prices.

Mayor Campbell wanted to thank Police Chief Rockenbach for his fortitude and communication. It was a rough week. He was notified on every detail.

Mayor Campbell wanted to thank Councilperson Papale for her help with the Christmas decoration awards for 2021, not an easy task.

**Committee/Ward Reports**

**Councilperson Papale**: Nothing to report. She does have the awards for the Christmas decoration winners. She asks that council please up and pick up the awards for their wards.

**Councilperson Resnick**: Nothing to report.

**President Humphreys:** Nothing to report.

**Councilperson Fagioli:** Nothing to report.

**Vice-President Borelli:** Nothing to report.

**Councilperson O’Hara:** Nothing to report.

**Councilperson Briddes**: Nothing to report.

**Old Business: No old business.**

**New Business:** Councilperson Fagioli requested to appoint two more people for the Planning Commission. President Humphreys opened the nominations. Councilperson Fagioli nominated Ed Jones; seconded by Councilperson Papale. Councilperson Fagioli then nominated Bonnie Callahan; seconded by Councilperson Papale; and carried unanimously by a vote of 8-0. (Resnick – yes, Briddes - yes, Papale – yes, Humphreys – yes, Borrelli – yes, Fagioli – yes, Peterson – yes, O’Hara - yes).

Congratulation to Ed Jones and Bonnie Callahan, two new members on the Planning Commission.

**Public Participation:**

Fred Rich Chester Ave – Mr. Rich said in December there was a traffic study on Oak Ave, he said Council said there would be further studies and they would be presented to the towns people and have an open meeting for discussion. President Humphreys stated the study discussed in today meeting was not for that purpose, it had nothing to do with the school. He then asked Councilperson Briddes to explain why she requested this study. Councilperson Briddes said the study was requested due to a resident on Oak Ave complaining about multiple hit and runs on Oak Ave. They asked if they could put signage up to help the situation. Councilperson learned that you first need to get a study done through PENNDOT. Once complete, Penndot will notify the Borough on what they can do, if anything. Mr. Rich then stated that a traffic study was new presented to the Planning Commission. The only study done was at 7AM during Covid. Solicitor McBlain explained to Mr. Rich that traffic studies have been done at the request of the applicant and the Borough hired a Traffic Engineer to evaluate their findings and feedback was provided to the Planning Commission. Mr. Rich continued to dispute the traffic studies.

John Cannon 132 W Glenwood – Mr. Cannon wanted to reiterate what Mayor Campbell said. The borough owes him & his officers a huge thank you for the way they managed the incidents that occurred over the last week and a half without any harm to any other borough residents. It was very professional. Chief Rockenbach said he appreciated it. The residents and council gave the Chief a standing ovation. Mr. Cannon attributes it to Chief Rockenbach’ leadership.

Mr. Cannon had questions for Engineer JP Kelly regarding the tunnel and being tied into two sewage authorities, DELCORA/AQUA or would they have to do something with the City of Philadelphia to alleviate our problems during times of flood stage waters. This 537-fund update proposes to disconnect from Philadelphia. Philadelphia is under an EPA mandate to improve SSO – Sewage Surface Overflows. It is recommended to go through this tunnel process. The cost would be $600M vs. $1.2Billon.

Mary Dougherty 324 Prospect – Ms. Dougherty wanted to know if there was a process for the idea of an ordinance in the Borough of Clifton Heights, to please do not release balloons into the sky. She hopes the borough would consider.

**Adjournment:**

A motion was made by Councilperson Peterson to adjourn; seconded by Councilperson Briddes; and carried by a vote of 8-0.

Respectfully Submitted,

Christine M. Pontarelli

Clifton Heights Borough Secretary