

**ALDAN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA**

September 11, 2013

The Borough Council met in an Executive Session at 7:30 p.m. and in a regular session at 8:00 p.m. at the William Reinl Recreation Building on the above date with President Short presiding.

The Pledge of Allegiance was recited and led by President Short.

President Short turned the meeting over to Mayor Hopely. Today is the 12 year anniversary since the attack on 9-11. Some of those who rushed to assist are now encountering health problems. We will now take a minute of silence in memory of lives lost and lives that may still be lost.

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**ROLL CALL**

Council members present: H. Short; P. Brookes Rankin; S. Coppola;  
T. Owen; M. J. Corrigan; S. Oropollo

Council members absent: J. Cosgrove

Officers present: G. Sefflin, Solicitor; J. Hopely, Mayor  
G. Kaut, Secretary T. Quinn, Treasurer

Officers absent: None

**MINUTES**

On a motion made by Councilwoman Brookes Rankin seconded by Councilman Coppola minutes from the August 14, 2013, Council Meeting be accepted as presented and unanimously approved.

**WRITTEN CORRESPONDENCE**

No written correspondence tonight.

**VERBAL CORRESPONDENCE**

No verbal correspondence tonight.

**MAYOR REPORT**

Mayor Hopely reported Sgt. Fink and Officer Colligan will attend training next week for a complete transition of the state’s computer system. The way police officers throughout the state will use the states police computers is being completely overhauled. The two officers attending will come back and teach the rest of the department how to operate the new system.

Safety/Founders day is Saturday, September 21<sup>st</sup>. More information will follow from Councilwoman Brookes Rankin.

Mayor Hopely also reminded everyone this is still the time of year when many people travel. Remember to stop at the Municipal Building and fill out the form to have the police officers check your home while you are away.

Mayor Hopely commented on the Friendship Circle Senior Center on Lansdowne Ave., Darby there are about 80 to 90 residents from Aldan that use the facilities. Some with food being delivered and they also have a ton of programs for residents to be involved in. Aldan Borough has been a supporter of the Friendship Circle Senior Center for many years.

**REPORTS OF OFFICERS**

**TREASURER**

Terry Quinn read the Treasurer’s Report:

	<u>General Fund</u>	<u>State Highway Fund</u>	<u>Sewer Fund</u>
Balance of cash on hand	\$ 689,858.27	\$ 61,518.45	\$ 192,206.57
Interest		\$	\$
Receipts for period	\$ 27,507.64	\$ 7.33	\$ 3,849.96
Expenditures Prior Month	\$ 148,618.18	\$ 6,453.04	\$ 2,311.53
Loan Returned to Sewer Reserve Fund	\$	\$	\$
Ending Balance	\$ 568,747.73	\$ 55,072.74	\$ 193,745.00

Terry is asking Council’s approval to release check this evening for checks from the General Fund totaling \$199,441.73 checks from the State Highway Fund totaling \$6,453.04; and checks from the Sewer Fund totaling \$71,384.03. Councilwoman Brookes Rankin made a motion to accept the Treasurer’s Report as presented and authorize her to release the checks as indicated on the bills list, seconded by Councilman Oropollo and unanimously approved.

**SOLICITOR**

Mr. Seflin reported on Thursday, September 12, 2013 the County is holding its Up Set Price Sale which is a sale of properties where taxes have not been paid. Mr. Morse, our Tax Collector, and Mr. Seflin were contacted earlier this summer in order to determine if other liens were on these properties outside of the delinquent real estate taxes. There are 12 properties for sale. Mr. Morse prepared a list and submitted it to Mr. Seflin. Mr. Seflin gave the list to Lori Schreiber of the Delaware County Tax Claim Bureau and Mr. Seflin also prepared a list of liens from prior years and of the 12 properties in Aldan that are exposed for sale tomorrow all 12 have liens against them. We would hope if any of the properties are sold our liens will be honored.

Mr. Seflin reported on our 2011 Tax Delinquencies in the last month we did satisfy 2 judgments for approximately \$1,363.00 each that was paid in full and we did remove the Municipal liens. We also received a check for \$4,930.00 from the owner of 415 E. Providence Road this lien was for nuisance and abated by the Borough.

Mr. Seflin reported a few days ago the Borough filed our 2012 delinquents for Sewer and Refuse fees. Mr. Seflin reported we filed 45 liens and 15 of them are habitual, between 5 and 8 of them have been taken over by banks and financial institutions. The total amount of the face value of the liens that have been filed is \$66,872.50.

Paul Krueger commented last month you said the Borough paid \$5,000.00 and something to have 415 E. Providence Road cleaned up but only got \$4,000.00 and something back. Mr. Seflin explained last month I said approximately \$5,000.00 to clean it up but we did get back \$4,930.00 which was the entire amount. Mr. Krueger said last month you said \$5,000.00.

Dan Procopio asked the face value of the liens is that for trash, sewer and included additional fees such as attorney's fees. Mr. Seflin added yes also court and administrative fees.

Dan Procopio asked, what is the total amount of the properties going to the Up Set Sale? Mr. Seflin had the amount as approximately \$29,000.00.

Dan commented just so people are aware the Borough does not have any control over once the Tax Up Set Sale goes the County Tax Claim Bureau can make any deal that they want with the residents is that not correct. President Short and Mr. Seflin responded no not on an up set sale.

**ENGINEER**

Mr. Close reported during the past month we have worked on the 2013 Road Program; the Act 537 Plan Up Date; and the NPDS MS4 Project, which is our yearly program. There is nothing specific to discuss but I am available during the other committee reports.

Dan Procopio asked if there were any CDBG Grant Programs pending. President Short commented we did discuss that earlier tonight and we will be getting back to the Engineer within the month.

## **PLANNING COMMISSION**

Mr. Tartaglia reported the Planning Commission did meet and are recommending passage of the Resolution adopting the Eastern Delaware County Sewage Facilities Plan Update. We are noting now that it is not permitting us to restore lateral inspection programs. The Planning Commission had some questions as to how effective that program is going to be and would like to be able to question the authority to see how much water they thought they would take out through the program and maybe offer alternatives. This is a great idea to pass it now since the implementation is not till 2014 and we would like to take another look at it. Dan Procopio commented the next scheduled for the Planning Commission will be Thursday, September 19<sup>th</sup>.

## **REPORTS OF COMMITTEES**

### **PUBLIC HEALTH**

Councilwoman Owen reported the next Household Hazardous Waste Collection will be held on Thursday, September 12, 2013 rain or shine for 9am to 3pm at Rose Tree Park on Providence Road in Media. The items are household products that contain chemicals that would be a threat to people or the environment. Most of the products contain labels with the words danger, toxic or hazardous that is a tip from our County Recycling Coordinator. In addition to the collection of TVs, computers, small appliances such as stereos, DVD systems, small kitchen appliances, power tools, and vacuums will be collected.

Councilwoman Owen also commented on Friendship Circle Senior Center in Darby, on September 25<sup>th</sup> they are holding a Medicare Basics presentation at 1:00 PM. They will be highlighting the changes with the Medicare Program that will be for 2014. In addition this presentation will include prescription plan updates and Open Enrollment is soon and that is when Medicare will permit changes without fees or penalties. This should be a good presentation with a lot of valuable information. The Borough will have a representative attend and bring back information.

Dr. Yusef Sayeed 634 Maple Avenue, asked which Council person will be attending the Medicare presentation. Councilwoman Owen responded Mayor Hopely would be attending.

### **HIGHWAY**

Councilman Cosgrove is on vacation tonight.

Dan Procopio asked if the Road Resurfacing program is done and is there a punch list to be completed. Mr. Close, the Borough Engineer responded the work was completed on August 23<sup>rd</sup> and we have put together a punch list which has been provided to the contractor. We have recommended 90% payment and upon completion of the punch list, to be completed with the next week or so we would recommend final payment. We would then finalize the paper work with PennDot and then we are eligible to receive our annual County Aid money from the County.

## **PUBLIC WORKS**

Councilman Oropollo reported on the PECO project but we still don't have a time frame when the work will be finished. Councilman Oropollo did call 2 times has gotten dates when work would be finished but that did not happen.

Councilman Oropollo also commented if you have other problems or issues if you call the Municipal Building or my home leave your name, address, phone number and nature of the issue and someone will get back to you as soon as possible.

Paul Krueger asked about the PECO gas project and the 3 medal plates. If this drags on into the winter there could be snow on top of the plates and the snow plow comes by moves those plates and then we have an exposed hole and this is a concern. Again Councilman Oropollo did call PECO and has also talked with a resident who works for PECO to see if he could find out any information for completion.

Dr. Sayeed asked if the Councilman has tried a certified letter to PECO. Councilman Oropollo explained he calls but the issue seems to be he is not the homeowner. Councilman Oropollo issue is it's not just the homeowner's problem but a borough problem.

Shirley Goldsborough asked is it possible the Councilmen could have someone to assist him to make the calls and wait the time needed. Councilman Oropollo explained PECO tells him he is not the home owner. Councilman Oropollo said he will give Representative Micozzie a call and a letter out to PECO. President Short responded we will talk after the meeting to see if we can resolve this matter.

## **FINANCE**

Councilwoman Brookes Rankin reported we received from Thomas J. Anderson and Associates, our Municipal Pension Specialist, the 2014 Financial Requirement Minimal Municipal Obligation (MMO). Act 205 requires that the Chief Administrative Officer of the pension plan, Councilwoman Brookes Rankin, shall submit to the governing Body of the municipality the financial requirement of the pension plan for the following plan year (2014). This annual report must be presented to the governing body on or before the last business day in September. For the plan year 2014 our MMO is \$216,423.00

Councilwoman Brookes Rankin reported we are having our 15<sup>th</sup> Anniversary Founders/Safety Day on September 21, 2013 from 11:00 am to 3:00 pm at Aldan Historical Park on Providence Road between Woodlawn and Clifton Avenues. If it would rain we would go into the Aldan Elementary School Gymnasium. All are welcome and it is always a very happy and exciting day for the residents of Aldan. We will be having our Flea Market scheduled from 10 to 3 but they do set up much earlier then 10:00. Residents should have received a yellow postcard announcing the event. The Lukens Band will play from 12:00 to 1:00 sponsored by Aldan 4<sup>th</sup> of July Association and back by popular demand is the annual Cupcake Contest. Bring a batch of your best cupcakes, prizes will be awarded and have you cupcakes there by 1:00. It has been heard through the grapevine that Mojo 13 will also be playing

Dan Procopio asked for the current amount balances in the Reserve Funds; Councilwoman Brookes Rankin reported in the General Reserve we have \$278,192.58 in the Sewer Capital Reserve we have \$437,410.99; and in the Police Capital Reserve we have \$17,159.08.

Dan Procopio asked what the Municipal Obligation for 2013. Councilwoman Brookes Rankin reported 2013 MMO was \$125,427.00 and also explained according to Act 205 we fill out a report every other year. Thing taken in account are economic conditions, the police department with police retiring and the life span in general has gone up but we do get some state aid. This was a significant jump so we will try to see if there is anything else we can do to help make it a little bit less.

Paul Krueger commented for Founders/Safety Day the Boy Scouts will not be having a Car Show this year so this should help with the parking situation.

### **PUBLIC SAFETY**

Councilwoman Corrigan reported on the Fire Marshall Report for the month of August, 2013. Collingdale Fire companies #1 and #2 responded to 5 calls in the Borough of Aldan all with no damage. During the month of August, 2013 Collingdale Ambulance/Paramedics responded to 18 calls in the Borough of Aldan.

### **LAW, ORDINANCE COMMITTEE**

Councilman Coppola reported the Building Inspector issued 17 building permits with a construction value of \$59,940.00; the Residential Inspector completed 19 transfers and mid-terms inspections; and the Plumbing Inspector issued 1 plumbing permits with a construction value of \$1,900.00

### **UNFINISHED BUSINESS**

President Short commented on the status of our previous tax collector. On August 22<sup>nd</sup> President Short was notified there would be a meeting the following week to discuss what the results were from CID what the amounts were taken from Aldan Borough and the William Penn School District. We did meet on August 29<sup>th</sup> and during the meeting the District Attorney notified us that Mr. Park was turning himself in that day and was at the Court House as they spoke. The total amount for approximately 10 years was about \$327,000.00. In 2012 alone the amount was about \$212,000.00 and this was the year we started to get concerned. There was a situation the year before where we were short money we presented it to the tax collector he told us he had check from tax services, which handle tax bills for different mortgage companies and that he had misplaced them but found them and would put the money into the account and he did. We figured it was an honest mistake. The following year a similar situation came up when we got to a certain point of the year and we were short money. We notified him and he did not respond the way we wanted him to, we notified him again still thinking there was an accident of some sort a misplaced check. After we told him we had hired an auditing firm to go over and through his records to find out where the money was that was when he came forward and said don't bother he had taken the money. At this point we will turn the amounts over, which we have already done, to the Bonding Company. The Bonding Company will review then we will be reimbursed and we hope in a timely manner.

Dr. Sayeed asked when the initial observance that there was an error. President Short responded we first noticed it in 2011. We did question him and his excuse was 2 misplaced checks from tax service companies. He said he found the folder and deposited the checks and the money was right so we didn't think anything of it.

The following year it got to be June, July the funds were not in there we questioned Mr. Park is this caused by delinquent tax payers, where is the money. He said he would review his records and get back to us. This went on 2 more times where we questioned him, again he said he would review and this was not getting done and that is when we hired an auditing firm to go to his house where the records were kept and help him straighten out, which we thought at that time was still a mistake. He notified us a few days before the auditors going to his house don't bother he was turning himself in to the District Attorney that he had used the funds himself.

Dr. Sayeed asked what took so long for you in the first occurrence 2 years ago and then multiple other occurrences over the next 2 years to respond with an audit. President Short explained he is audited every year. Councilwoman Brookes Rankin responded the first year he satisfied the money and we do have an audit every year. Through all his records it showed the money came back. We were told it was a stale dated check and had to get another one issued and within a month the check was in the account and the taxes were satisfied. The next year we felt like it was happening again so we did ask him about it, his wife had passed away a couple of months previous to this, and he was not really feeling well but we said we still need to find out the delinquents because of the state of the economy the solicitor suggested maybe that is why people were not paying their taxes but still not to the extent we thought it should be. By the month of November we had hired the auditors to go to his home and that is when we got notification it was not necessary. President Short explained he is also collecting taxes for the school district he had the ability to take money since the fiscal years are different had money coming in at different times of the year. Just an assumption by President Short, in 2011 he had the money coming in from the school district and was able to take money from there deposit into our account and it looked like as far as we were concerned it was just a mistake. Councilwoman Brookes Rankin responded we don't know what happened with the School District but we were satisfied. Dr. Sayeed asked what is Council's plan for over sighting transparency moving forward. President Short explained we made some plans with the new tax collector however State law he is separate from this Council. He does not answer to us. He answers to you, the tax payers. We have it set up now checks are not made out to the tax collector himself they are made out to the Borough however if the tax collector according to law wants to go to the County and have the bills written up where the checks are written out to him that is his prerogative and that is state law. President Short's comment was that is a problem these laws that allow him to be a separate entity and he does not answer to any one but the voter. We have taken steps with the new tax collector's cooperation: the work is not done in his home any more it is done in the Municipal Building; the checks are written out to the Borough as opposed to the tax collector and we have cooperation with the bank to be informed what money is going into the accounts.

Mrs. Goldsborough said President Short said it's up to the voters. President Short said no I said he doesn't answer to Council he answers to the voters. He doesn't have to submit anything to us. Mr. Seflin commented he is an independently elected official.

Dan Procopio asked Mr. President you mentioned some dollar figures have you been given a breakout of the prior 8 years as to how much he stole or allegedly misappropriated over the course of the 8 years. Our Solicitor, Mr. Seflin responded approximately in 2012 is when it really accelerated that he misappropriated roughly \$227,000.00 in 2012 alone. Mr. Seflin explained what is meant by misappropriated is he took for his own use irrespective of what he put back. Then it is approximately another \$150,000.00 that he misappropriated over the 9 years previous that the investigation looked at. The figure Mr. Seflin got was \$377,529.74 over a 10 year period. Mr. Seflin also explained to go back to what President Short and Councilwoman Brookes Rankin said much of that money especially in the first 8 years was put back so it is really only in 2011 that a problem became apparent but he fixed it.

So it was really just 2012 when he really accelerated over two thirds of his misappropriation or theft took place in the year he was caught.

Dan Procopio asked of the \$377 that the DA said in the news conference do you have an exact figure that the Borough lost in that period of time? \$377 was misappropriated how much is really actually missing. President Short responded that is the number that should have come to the Borough but did not. The large majority of that was in 2012 with the \$150 for the 10 year period prior to that. President Short explained you may think how did no one on Council pick that up? There are different pay times; there is the discount period; a face value period; and a delinquent period. All three are different amounts that the tax collector can collect. He has lead way in moving numbers around and we depend on his figures as to when you paid your taxes. So over 10 years that is how that amount could go unnoticed.

Dr. Sayeed commented it behooves me to think that the only thing Council has done is move the Tax Collector into the Building instead of his home. President Short asked, what would you suggest that we do? Dr. Sayeed suggested a sub-committee to oversee the tax collector. Mr. Seflin explained we can't do that it is illegal and he is an independently elected official. Dr. Sayeed thought over 10 years was a long period of time. Mr. Seflin said he was misappropriating a float but then putting it back so when he is audited it looks OK and then he started to lose money. Mr. Seflin commented with the School District it looks even worse over 10 years \$981,684.00 is what he was charged. You could say where was the School District? The answer is the same they only care about the end of the year when there is a reconciliation. Mr. Park had a reputation in those 10 years that his records were better than the other 5 tax collectors in the boroughs that make up the William Penn School District. The reason for that is he is a smart guy. He was trained in this and he had a vast amount of experience in the field of finance. He was able to finagle those books as long as they reconciled at the end of the year and the School District or the Borough received their monies he was OK. He was using this float to basically gamble with your money and did OK for over 8 years. In the 9<sup>th</sup> year he started to have problems and the 10<sup>th</sup> he really fell through and that is when he was caught. Dr. Sayeed said it doesn't get us back our money. Everyone responded we will get back all of our money it is secured. The money will be returned to us.

Mike Xavier asked Mr. Park was bonded is that right? President Short responded yes. Mr. Xavier then asked it is also correct the Borough and the School District will be made whole? President Short that is also correct.

Dan Procopio asked you mentioned you have already turned the information over to the Bonding Company have they gotten back with any time frame? President Short responded no not yet. Dan asked they only bond you for the face value of the amount of money and are they going to accept the DA's number? Mr. Seflin explained he thinks there will be a 2 stage payment one is a figure the Bonding Company and the Borough and our Broker all agree upon, we know this much was taken, it won't be until he is actually convicted or pleads guilty because at that point there will be a final figure stamped by a Judge. We do not think this will go to trial his attorney has said multiple times publicly that he is accepting responsibility it is just a question of agreeing on a figure. It may be the only trial is on that narrow issue of what was actually taken as opposed to what was misappropriated. In the view of the District Attorney it doesn't matter and defense claims he didn't misappropriate what the DA said and they are fostering the argument really he should only be charged what was actually taken not what he was using to play with. President Short commented the amount that is the difference was 20 some thousand dollars. Mr. Seflin commented no it was about 300 thousand dollars. Mr. Seflin said CID is saying 1.33 was misappropriated total and Mr. Park's attorneys are saying 1.017 is the total.

President Short was talking about the Borough not the School District. Mr. Seflin then said for the Borough they were pretty close it was the School District there was a big discrepancy. Dan asked so the Borough is saying 377 and he is saying 357. President Short explained as far as sentencing goes he is above an amount that is really doesn't make a difference. Dan only other point would be although being made whole for whatever that final number is going to be there is an interest amount the Borough has lost for the use of that money over that period of time specifically the last 2 years where it was a larger sum and that is not covered by the Bonding Company is that correct? Mr. Seflin explained that is to be determined and is an issue we are dealing with and will report on that when it is resolved. We are hoping for early next year if not sooner. That is the time frame the DA and CID gave us. Mr. Seflin was in contact this week with CID and need some further information.

### **NEW BUSINESS**

President Short reported Caucus will be Wednesday, October 2, 2013 at 7:30 P.M. at the Municipal Building and Council will meet on Wednesday, October 9, 2013 at the Reinl Recreation Building at 7:30 PM for Executive Session and General Meeting starting at 8:00 PM.

### **PRIVLEDGE OF THE FLOOR**

Dan Procopio reminded everyone again about the Founders Day on September 21<sup>st</sup> and also the Aldan Boosters' Civic Association is hosting Veterans' Appreciation Night at the American Legion Building on Saturday 28<sup>th</sup> from 7:30 to 11:30. Any veteran or active service member in town is welcome to join us to thank them for their services.

Mike Xavier asked a 4<sup>th</sup> of July question and directed it to Dan Procopio. Mike asked there was solicitation for the 4<sup>th</sup> of July ad book or return the money to the patrons. Dan responded the plan is to distribute but if that does not come to fruition because there have been issues with volunteers then the money would be returned to the patrons. Mike asked if there was a date on distribution. Dan's answer was we hope by the end of this month. Mike commented if you are going to take the money in the spirit of transparency this was money solicited from patrons how can you ask them again next year if we did not have a book this year. President Short commented we should give them the ad they paid for.

### **ADJOURNMENT**

On a motion made by Councilwoman Brookes Rankin seconded by Councilman Coppola and unanimously, approved, the regular meeting of the Borough Council was adjourned at 9:02 P.M.

### **ATTEST**

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MARIE V. KAUT  
Borough Secretary