

UPLAND BOROUGH COUNCIL

MEETING MINUTES

SEPTEMBER 14, 2010

The regular meeting of the Upland Borough Council was called to order at 7:04 p.m. by President Edward M. Mitchell. The meeting was held in the Upland Municipal Building.

Present were President Edward M. Mitchell and Vice President Christine Peterson. Present were Council members Mr. Leland Hunter, Mrs. Sandra Miazza, Mr. Ray Peden, Mrs. Georgianna Hicks, Ms. Moira Crawford, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq. and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary was present. Mayor Michael Ciach was absent.

Mr. Ken Stark from the Delaware County Daily Times and Mr. Luke McConnell from Community Spirit were present along with approximately 11 residents.

President Mitchell led the Pledge of Allegiance to the Flag and a moment of silence followed by a roll call.

At this time President Mitchell suspended the normal order of business for the swearing in of part-time Police Officer Aaron Kisela.

Judge Kenneth Miller administered the Oath of Office to Officer Kisela and Council offered their congratulations.

President Mitchell returned to the normal order of business at 7:10 p.m.

5. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - August 10, 2010

Ms. Crawford made a motion to approve the August 10, 2010 meeting minutes.

Mr. Peden seconded the motion. Council unanimously approved the motion.

6. Treasurer's Report

A-1 Treasurer's Report

Mrs. Peterson made a motion to approve the Treasurer's Report as presented. Mr. Peden seconded the motion. Council unanimously approved the motion.

A-1a) Income Statements

Mrs. Miazza made a motion to accept the Income Statements. Ms. Crawford seconded the motion. Council unanimously approved the motion.

7. Auburn Village Report - Christine Peterson

Mrs. Peterson reported the unit on Willow Way which had to be rebuilt turned out beautifully.

At this time we have only one empty unit.

We are putting heads on the new lights.

8. Code Official Report

Mr. Hunter stated he has issued quite a few police citations to people who are not taking care of their properties and are in violation of Borough Code.

There is a resident who does not want to move back into her house which is in deplorable condition and is causing quite a bit of problems.

Mr. Hunter reported the hedges on Church Street were cut back off of the sidewalk. President Mitchell wanted to know if the Fire Department and the Fire Marshall were going to handle that and asked Chief Smith if he was happy with the hedges being cut back. Chief Smith replied no, the hedges need to be cut down so you could see the house.

Mr. Hunter stated the letter and citation from Fire Marshall Favinger only stated the hedges had to be cut back off of the sidewalk. Chief Smith stated he has not seen any of the correspondence. Chief Smith was under the assumption we wanted them cut down so you could see the house.

At this time the Borough Manager reported the Fire Marshall has checked all of the Codes and there is nothing in the Code to indicate they have to remove all of the hedges. The hedges have been there for twenty to thirty years and the residents have created a sort of English Garden with benches inside the front yard and neither resident smokes so there is no fire hazard.

The only issue the Fire Marshall found, which he discussed with Mr. Hunter and the Borough Manager, was the house number is not visible from the street and he is in the process of contacting them regarding getting a numbered sign put in front of the hedges so it is visible from the street.

President Mitchell asked that Dan Smith be provided with a copy of the correspondence from the Fire Marshall to keep him up to date and there are no surprises.

Mr. Hunter stated there is an ordinance that you must have an identification number on the front of your residence and they had a fire call up there one day and the numbers on the house on either side do not match the one in the middle and the Fire Company had a difficult time finding the house because you cannot see any numbers on the outside of the house.

Mr. Peden asked President Mitchell, if Council determines we should look at heights, to let him know and he will try to find out if there is any precedent for that.

A-1 Fire Marshall's Report - Dave Favinger

The Fire Marshall's Report included several completed classes taken by Fire Marshall Favinger.

A-2 Fire Chief's Report - Dan Smith

Chief Smith reported for the month of August there were 0 fire incidents, 5 non fire incidents, 23 mutual aid, for a total of 28 incidents, and 3 drills for a total activity of 31.

There were 22 assists for fire, 1 cover assignment, 1 ambulance assist, 1 gas leak, 1 human error fire alarm malicious pull, 1 good intent and 1 assist police.

We had 25.6 hours of service, 17 day time, 14 night time with an average runner of 5.

Chief Smith reported last month they voted in three people including George German and they have eight more applications to consider.

At last Thursday's meeting a committee was formed to talk about the rules and values on George German and stipend issue and as soon as it is worked out he will forward the paperwork to Ms. Crawford.

Chief Smith reported the fireworks went well however, the set up area was not where they were directed to set up. After speaking with Mrs. Purcival and Mrs. Miazza, Chief Smith told them to set up where they set up last year at the top of the hill and by the time Chief Smith and the Fire Marshall went to inspect they decided on their own to set up at the bottom of the hill. Chief Smith stated this was not an appropriate location as it was too close to the corner houses.

Mrs. Miazza wanted to know why Chief Smith didn't make them move the fireworks. Chief Smith replied that when they did the final inspection between 6 and 7 they were completely set up and if they were told to move them they would never have gone off.

Chief Smith felt the area was well protected as he moved his men to the corner area.

Chief Smith spoke to Mrs. Miazza after the fireworks and he stated, he along with the Fire Marshall, will be having a talk with Schaeffer Pyrotechnics before we sign contracts for next year because they have to set up where we tell them to set up.

Mrs. Purcival wanted to take a moment to thank Chief Smith for bringing to President Mitchell's attention about the directional signs for I-95. Mrs. Purcival contacted Penndot and they will be installing more directional signs.

Mrs. Purcival also wanted to thank Fire Marshall Favinger and Chief Smith for being very responsive the Sunday of the fireworks. Mrs. Purcival received a call from the Company who was having a problem with the wind direction. She spoke with the Chief about the wind direction and apparently the crew they sent was a new one and there was no supervisor available.

President Mitchell asked if the Fire Company needed anything at this time. Chief Smith said no.

9. Public Safety Report - Leland Hunter

Mr. Hunter gave his report in the Code Official Report portion of the meeting.

10. Building & Grounds Report - Sandy Miazza

Mrs. Miazza reported that one of the new picnic tables in Hill Street Park was broken.

The swings in the ball park were unsafe, so we had them taken down and new swings are in the budget for next year.

11. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills - Section A \$ 154,540.38
Section B \$ 4,500.26

Ms. Crawford made a motion to approve the Section A General Fund Bills in the amount of \$ 154,540.38. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

Ms. Crawford made a motion to approve the Section B General Fund Bills in the amount of \$ 4,500.26. Mrs. Miazza seconded the motion. Council approved the motion with President Mitchell abstaining.

A-2 Approval of Auburn Village Bills - Section A \$ 49,726.42
Section B \$ 4,500.00

Ms. Crawford made a motion to approve the Section A Auburn Village Bills for approval in the amount of \$ 49,726.42. Mr. Peden seconded the motion. Council unanimously approved the motion.

Ms. Crawford made a motion to approve the Section B Auburn Village Bills for approval in the amount of \$ 4,500.00. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

12. Ordinances & Resolutions Report - Ray Peden

A-1 Resolution No. 16 - Appointment of Linda Mitchell as Tax Collector

After reading Resolution No. 16, Mr. Peden made a motion to adopt Resolution No. 16 - Appointment of Linda Mitchell as Tax Collector. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

13. Research & Development - Moira Crawford

In August we had 532 hits to the web site, approximately 17 hits per day, the total since the inception of the web site 9,545 hits. Our photo bucket account for the month of August we had 9,388 file views with 1,237 album visits.

At this time, Mrs. Hicks called attention to an error on Section B of both the General Fund Bills for Approval and Auburn Village Bills for approval.

President Mitchell announced the Chair will entertain a motion to rescind the previous vote on 11 A-1 Section B-General Fund Bills for Approval.

Ms. Crawford made a motion to rescind the previous vote on 11 A-1 Section B-General Fund Bills for Approval. Mrs. Hicks seconded the motion. Council unanimously approved the motion.

President Mitchell announced the Chair will entertain a motion to approve the August General Fund Bills for Approval-Section B in the amount of \$ 1,838.50.

Ms. Crawford made a motion to approve the August General Fund Bills for Approval-Section B in the amount of \$ 1,838.50. Mrs. Peterson seconded the motion. Council unanimously approved the motion.

President Mitchell announced the Chair will entertain a motion to rescind the previous vote of 11 A-2 Section B Auburn Village Bills for Approval.

Mr. Peden made a motion to rescind the previous vote 11 A-2 Section B-Auburn Village Bills for Approval. Ms. Crawford seconded the motion. Council unanimously approved the motion.

President Mitchell announced the Chair will entertain a motion to approve the August Auburn Village Bills for Approval-Section B in the amount of \$ 4,500.26.

Ms. Crawford made a motion to approve the August Auburn Village Bills for Approval-Section B in the amount of \$ 4,500.26. Mrs. Peterson seconded the motion. Council unanimously approved the motion.

14. Streets & Equipment - Christine Peterson

Mrs. Peterson reported we now have a four way stop sign at 8th and Church with some flashing lights there so everyone gets used to it. Hopefully, this will help with some of accidents there.

Mrs. Peterson requested Mrs. Purcival send a thank you letter to Penndot for their work.

15. Community Affairs - Sandy Miazza

Mrs. Miazza reported we had fireworks on Labor Day.

We have our Spaghetti Dinner coming up on September 25, 2010 starting at 4:00 p.m.

Our Halloween Party will be on October 30th.

16. Use & Occupancy Report - Shirley Purcival

For the month of August eight units received their Use & Occupancy and six units failed. A total of \$ 1,200.00 was deposited into the General Fund Account.

Mrs. Purcival also wanted to remind Council she put out a memo with some suggestions on the C.D.B.G. Projects for the next year. If anyone has any ideas or recommendations or if you accept these or reject these to please let her know so we start the process.

17. Mayor's Report - Michael Ciach

Mayor Ciach was not in attendance so President Mitchell asked Council to review the report and asked if anyone had any questions. There were none.

Mrs. Peterson made a motion to approve the Mayor's Report for the month of August. Mr. Peden seconded the motion. Council unanimously approved the motion.

18. Solicitor's Report - Robert O'Connor

The Solicitor reminded Council to review the confidential portion of his report and he nothing else to report.

19. Engineer's Report - Charles Catania

Mr. Catania reported he has been notified by Ellis Construction the contractor is to install the windows and roofing in Auburn Village. The windows will be delivered early next week and we will start the installation the week of the 27th. We will start with the windows and do the roof in the spring.

20. School Board Representative

President Mitchell announced we have a resignation of our School Board Director and Council is pleased to announce that we supported Mr. Richard McClintock to fill the vacancy to the Chester Upland School Board. We wish him well. This is a job that definitely requires somebody with Mr. McClintock's stamina to go down there and represent us.

21. Old Business

Mr. Peden reported the Zoning Modernization Task Force and Steering Committee had their second meeting two weeks ago, Wednesday. Everything is going well, the County is being very helpful.

22. New Business

A-1 Cancel second meeting of the month

Mrs. Peterson made a motion to cancel the second meeting of the month. Mr. Hunter seconded the motion. Council unanimously approved the motion.

A-2 The Friends of the Caleb Pusey House request for \$ 5,000.00 donation

Mrs. Peterson made a motion to donate \$ 3,500.00 to The Friends of the Caleb Pusey House for the remainder of the year to pay the utilities. Ms. Crawford seconded the motion. Council approved the motion with Mrs. Hicks and Mr. Peden abstaining.

23. Floor Open to the Public

Frank Pileggi who represents Concord Real Estate Agency who owns the former Concord Plywood and Supply was the first to address Council.

Mr. Pileggi acknowledged a problem has arisen near the top of the hill on Upland Avenue of water accumulating and rushing down the hill. Most recently, about three weeks ago where the water current was so strong it washed rocks and stones down the hill and left some on the sidewalk and some in the street.

They have had some people inspect the site. When he was called that day he went down there and saw a deep hole in Upland Avenue adjacent to the sidewalk where the ground has been washed away with the force of the current. When he arrived there he saw a hole in Upland Avenue about five feet deep and eight feet wide. At this point Penndot was called in to inspect. Mr. Pileggi took pictures and in the pictures you can see a pipe leaking at the bottom of the hole.

When Penndot came they repaired the pipe and refilled the hole and they blacktopped a large hole on Upland Avenue approximately 18 to 20 feet long and 5 feet wide.

After some investigation with the Borough Engineer it is his opinion that the source is the storm line not under the street as the photos show, but coming from the shopping center down to a storm drain, underground, across a portion of Concord Plywood's property and going downhill.

Mr. Pileggi had a suggestion for the Board, it seems that Mr. Catania feels that we should get the Penndot Official who claims it is Upland Borough's pipe and set up a meeting between Penndot's Engineering Department and their Road or their Road Inspection Official and Mr. Catania and members of Upland Borough Council to determine who actually owns the pipe.

There is also an undermining of the sidewalk adjacent to the curb on Upland Avenue which is near the source of this water and the direction of the undermining is such that it goes from the high point under the sidewalk to washing down to the low point at Concord Plywood. We hope we can get the opinion of independent Engineers and Penndot so we can come to a reasonable conclusion

Mr. Mitchell stated he doesn't feel that Mr. Catania needs a third party down there with him. Mr. Catania already has had several meetings with Penndot.

Mr. Catania reported at last month meeting with Mr. Murphy from Penndot, he admitted the pipes belong to Penndot and they found the sewers and the outcall of them and they were going to maintain them. Mr. Catania doesn't see any sense in meeting; he stated he thinks the property owners there, whether it's Concord Real Estate or whoever the tenants are and the Shopping Center people should do their part to maintain the pipes.

Mr. Catania reported there is no easy solution to this problem and he stated the roadway was built by Penndot not the Borough and for many years it has been maintained by Penndot. Penndot on their own has to decide when they are going to schedule reconstruction, including the storm sewer system, and until they can do that there is not an awful lot of talking we can do.

Mr. Catania suggested we contact our State Senator and our State Representative to see if they get that moved up on the schedule to reconstruct Upland Avenue.

Mr. Pileggi still feels we should have a meeting with the Penndot Official who admitted it was Penndot's pipe. Mr. Pileggi feels we should have that Official sign an affidavit.

President Mitchell stated this Council is more than willing to sit down with our State Senator to get this straightened out. President Mitchell feels to facilitate a meeting would bring out justice in this matter.

President Mitchell told Mr. Pileggi that when Kerlin Street gets flooded out from debris from his property he can't cite Penndot. Mr. Pileggi stated the mound of debris will be cleaned up within two weeks.

Mr. Hunter pointed out that he gave Mr. Pileggi a note when he was cleaning up the rocks from the last rain to put something around the bottom of the dirt to prevent the rocks from being washed into the street.

President Mitchell stated the whole area has been a problem for many years and just this year when Penndot has determined and our Engineer has determined that the pipes belong to Penndot and not the Borough. The dirt and rocks add to the problem and must be cleaned up. Mr. Pileggi said again, they would be cleaned up within 2 weeks.

President Mitchell asked for a copy of the report on what they find running off his property.

The next person to address Council was Abigail Gertner from 1013 Church Street who feels her civil rights are being violated as she was sitting outside with her neighbors late at night talking and someone called the police and they were told they were violating the

noise ordinance. Ms. Gertner pointed out there are loud fights going on across the street and the police do nothing.

President Mitchell suggested she meet with Chief Easton to voice her concerns. Mrs. Peterson said she would set up a meeting.

Mr. Vaughn Nickerson from 3 Castle wanted to address Council regarding the non-enforcement of the law your house number must be five inches in height and visible from the middle of the street.

Mr. Nickerson also reported he smelled a foul odor coming from the vacant property to the rear of his property as someone had cleaned out a freezer and left it on the ground and then they took the freezer.

Also, he is having a problem with possum and feels all trash cans should have lids and this would solve the problem.

24. Adjournment

There being no further business at this time Mrs. Peterson made a motion to adjourn. Mrs. Hicks seconded the motion. Council unanimously approved the motion. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Shirley Purcival,
Borough Manager

Linda Saylor,
Recording Secretary