

UPLAND BOROUGH COUNCIL

MEETING MINUTES

AUGUST 10, 2010

The regular meeting of the Upland Borough Council was called to order at 7:00 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, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq. and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary was present.

Mr. Ken Stark from the Delaware County Daily Times was present along with approximately 14 members of the Upland Fire Company and approximately 10 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 announced the death of Tax Collector, Tom Winfree and spoke of his many years of service as a member of Council and later as Tax Collector. President Mitchell stated Mr. Winfree will be sadly missed.

President Mitchell turned the meeting over to Mayor Ciach for the swearing in of part time Police Officer, Nelson Ocasio. Officer Ocasio took the oath of office and was congratulated by the members of Council.

5. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - July 27, 2010

Mr. Peden made a motion to approve the Council Meeting Minutes of July 27, 2010. Ms. Crawford seconded the motion. Council unanimously approved the motion.

6. Treasurer/Manager Report - Shirley Purcival

A-1 Treasurer's Report

Mr. Peden made a motion to approve the Treasurer's Report. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-1a) Income Statements

Mrs. Peterson made a motion to approve the Income Statements. Mrs. Miazza seconded motion. Council unanimously approved the motion.

7. Auburn Village Report - Christine Peterson

Mrs. Peterson reported 523 Willow Way has been completed and looks great. Mrs. Peterson stated Ellis Construction did an excellent job.

8. Code Official Report - Leland Hunter

A-1 Fire Marshall's Report - Dave Favinger

Mr. Hunter reported on the business inspections by the Fire Marshall and that things are going well.

A-2 Fire Chief's Report - Dan Smith

Chief Smith reported for the month of July 2010 there were zero fire incidents, 9 non-fire incidents, 12 mutual aid for a total of 21 incidents. There were 3 drills for a total activity of 24.

There were 11 assists for fire, 1 cover assignment, 1 motor vehicle accident, 1 electric lines down, 2 light fixtures, 2 fire alarms, 1 good intent, 2 citizen assists for pump outs.

We had 22 ½ hours of service for the month, 14 day time, 10 night time and the average runner was 4.

Mr. Hunter asked Chief Smith what were the results of his investigation regarding the overgrown vegetation at the Cheshire House.

Chief Smith stated he has been in contact with Fire Marshall Favinger via e-mail and it was the Fire Marshalls understanding it would be handled by Mr. Hunter, however they could all work together to rectify the problem.

Mr. Hunter also questioned the overgrown vegetation at 1016 Church Street. Chief Smith stated in that same e-mail, the Fire Marshall reported he forwarded the Borough Manager a copy of the letter sent to 1016 Church Street and other than that he is unaware of what was going on.

Mr. Hunter stated he had a copy of the letter the Fire Marshall sent to the resident and Mr. Smith stated he has not received any correspondence other than the e-mail from the Fire Marshall.

The Borough Manager reported she spoke to the Fire Marshall today and she confirmed he sent both residents a letter and the deadline has passed. Fire Marshall Favinger stated he will be citing each individual property owner.

This matter will be handled by the Fire Marshall's Department rather than the Code Enforcement Officer for the two properties on Church Street.

The Borough Manager referenced page 9 of the minutes from July 27, 2010, which were just approved, to the section where Chief Smith brought up the issue of overgrown shrubs at the Cheshire House at 1100 Main Street and his plans to contact the owner and if she does not comply, he will cite her.

Chief Smith stated he has an e-mail response that he did message the Fire Marshall stating that he did receive a letter from the Borough Fire Marshall inquiring about the Cheshire property and it was discussed at the last Council meeting that we needed to investigate the situation.

Chief Smith asked the Fire Marshall what the next step is from his department and the Fire Marshall stated he sent the Borough Manager copies of the letters he sent to the Church Street residents and he thought Mr. Hunter would be handling the property on Main Street.

It was determined by the Fire Marshall, after he inspected the property, that the situation is a fire hazard and would be handled between all three departments and that Fire Marshall Favinger would send a letter to the property owner.

President Mitchell asked how the membership is going and Chief Smith reported there are three new members and three to be voted on.

Chief Smith reported this weekend; Upland will be in New Jersey for their annual competition and he notified the Fire Board to let them know we will be out of service for the weekend.

President Mitchell referenced a letter he sent to Chief Smith on August 4, 2010 dealing with day time coverage. Chief Smith stated he contacted Commissioner Johnson by phone and it was agreed further discussions need to take place. The run cards need to be switched so that Upland gets the closest coverage.

Chief Smith stated for wire calls and brush fires we don't really need the City of Chester, we could bring out Parkside or Brookhaven into assistance. Building fires, fire alarms and car fires where public safety is in jeopardy the City of Chester can come in on a day time basis.

Mr. Hunter asked if the City of Chester services Crozer and Chief Smith said yes, they always have.

President Mitchell wanted to know if the meeting has been set up with the Fire Commissioner. Chief Smith replied it will be set up before the next Council meeting. Chief Smith also stated Council has it set up where they get notified of run card changes, so as soon as it happens Council will have firsthand knowledge. President Mitchell wanted to know if progress is being made going towards that. Chief Smith replied absolutely, he has been in contact with the Fire Commissioner twice since he received President Mitchell's letter.

President Mitchell stated as the author of the letter, he would like to know what happening, but if it is easier for Chief Smith to go through Mrs. Purcival, she has total access to Council.

Chief Smith referred back to the letter and said it was stated in the letter that the run cards have been corrected and confirmed. He has made numerous phone calls to Ed Beebe at the Fire Board, who has not returned his calls, to find out exactly what changes were made or what is being done.

President Mitchell referred to a copy of the report the Borough Manager provided Council which shows the order of response is Parkside, Brookhaven and Crozer-Chester Medical Center. However Chief Smith wanted to know if the calls went to the Medics then the paid staff at Brookhaven or the volunteer ambulance over a paid staff. Chief Smith pointed out that Parkside has a paid medic program, Brookhaven has a paid staff, Parkside has a volunteer ambulance which amounts to us being like a dispatcher. Chief Smith wanted to know if the order goes first to Parkside's paid ambulance staff to Brookhaven's paid ambulance staff then back to Parkside's volunteer ambulance staff or do we bring a volunteer ambulance in before we bring in paid staff?

Chief Smith pointed out the volunteer ambulance can take up to nine minutes before the next ambulance gets dispatched and the paid staff can get out the door in three minutes.

President Mitchell asked the Borough Manager if this is how she has it is set up. The Borough Manager said it is, but as far as specifics go, the Borough Manager would have to refer to her report. Chief Smith requested the Borough Manager get back to him with the correspondence.

President Mitchell asked if there was anything Chief Smith needed. Chief Smith stated things are progressing nicely. The meeting should be set up by the end of the month. He has been in contact with Commissioner Johnson and other Mutual Aid Chiefs to resolve the day time run issues.

President Mitchell asked Chief Smith if we could expect closure on this within the week as we need to get word back on what we are doing with coverage. Chief Smith reported the Fire Company is having Commissioner James Johnson act as liaison who is also the

Fire Marshall for the City of Chester who is authorized to speak for the Fire House at this point. Chief Smith stated when we have our meeting with the Fire House he can then speak.

At this time Jim Johnson, Fire Commissioner for the City of Chester took the floor, stating that Chief Smith and he have had some exceptions in the terms of coverage. There are some particulars which need to be worked out on how we can best assist. Fire Commissioner Johnson assured Council the City of Chester's Fire Department is at our disposal. If there are any structure fires or life threatening issues they will be out the door as quickly as possible until he gets the permanent resolve from us in writing. Fire Commissioner Johnson suggested to Chief Smith once he receives this in writing they have a meeting to discuss this with representatives from Council present.

At this time Chief Smith wanted to go on record as per the minutes from the July 27, 2010 Council meeting by saying the Upland Fire Company is not in favor of a merger.

President Mitchell told Chief Smith if there is anything Council could do for the Fire Company to let him know.

10. Building & Grounds Report - Sandy Miazza

Mrs. Miazza reported there is progress on the upkeep and maintenance of the Police Station and Borough Hall.

11. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills - \$ 107,615.21

Ms. Crawford made a motion to approve the General Fund Bills for the month of July, 2010 in the amount of \$ 107,615.21. Mrs. Miazza seconded the motion. Council approved the motion with Mr. Mitchell and Mr. Peden abstaining.

A-2 Approval of Auburn Village Bills - \$ 45,003.88

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of July, 2010 in the amount of \$ 45,033.88. Mr. Peden seconded the motion. Council approved the motion with Mr. Mitchell abstaining.

12. Ordinances & Resolutions Report - Ray Peden

A-1 Motion to adopt Ordinance No. 6 - "Nuisances"

Mr. Peden made a motion to adopt Ordinance No. 6 - "Nuisances". Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-2 Motion to adopt Resolution No. 13 - Non-Uniformed Pension Plan

Mr. Peden made a motion to adopt Resolution No. 13 - Non-Uniformed Pension Plan be adopted. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-3 Motion to adopt Resolution No. 14 - Police Pension Plan

Mr. Peden made a motion to adopt Resolution No. 14 - Police Pension Plan. Ms. Crawford seconded the motion. Council unanimously approved.

A-4 Motion to adopt Resolution No. 15 - Appointment to Planning Commission

Mr. Peden made a motion to adopt Resolution No. 15 - Appointment to Planning Commission. Ms. Crawford seconded the motion.

13. Research & Development - Moira Crawford

Ms. Crawford reported that for the month of July we had 627 hits to the web site, approximately 20 hits per day. Since the inception of the web site 9,012 hits. Our Photo Bucket account we had for the month of July file views with 1,526 album visits.

We've updated the web site with the Zoning Ordinance Modernization Project Review, Steering Committee Members and the Community Affairs Events have been added.

14. Streets & Equipment - Christine Peterson

The Highway Department is busy with the grass cutting and sign repairs.

Also, they went to the Carriage House to spray for weeds and throughout the Borough as needed.

15. Community Affairs - Sandy Miazza

Mrs. Miazza reported this Friday is our annual trip to the Blue Rocks Game.

September 25, 2010 is our annual Spaghetti Dinner and tickets are on sale.

16. Use & Occupancy Report - Shirley Purcival

For the month of July there were 9 certificates were issued and 10 units failed their inspection and a total of 1,625.00 was deposited into the General Fund for Use & Occupancy inspections.

17. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of July there 82 citations issued and the total amount of fines was \$ 8,921.00 half of which is the Borough's share. The total to date is 993. There were 12 parking tickets issued, 6 motor vehicles accidents, 6 accident reports copied and the total amount received from the DJ's court \$ 3,285.89. There were 323 total calls answered and 66 assists.

At this time Mayor Ciach asked for a motion to remove a part-time Police Officer. Mrs. Miazza made a motion to remove a part-time Police Officer. Ms. Crawford seconded the motion. Council approved the motion with Mrs. Peterson abstaining.

A-1 Census Update

Mayor Ciach gave a brief update on the census. The average response from the Borough was 72% in the initial mailing, which is the national standard. Many surrounding municipalities didn't hit that rate and some went over that. Where we are right now is the workers are still out and we are 143 days away from the count.

Mayor Ciach has a meeting tentatively scheduled for next week with one of the Census Managers at the local office. The Mayor is hoping to get a little more information, but we can't get numbers until the final count comes out.

They are concentrating on the lower responding municipalities such as the City of Chester from the initial response was about 60%. Brookhaven responded at 80%, Parkside was 73%, Upland was 72%, Chester Township was 70%, Eddystone 65% and Trainer was 69%. These initial response numbers was based on the mail in only.

18. Solicitors Report - Robert O'Connor

Mr. O'Connor reminded Council to review the confidential portion of his report and if anyone has any questions to please let him know.

A-1 Announcement of Executive Session on August 30, 2010 at 6:00 pm

Mr. O'Connor made the announcement of the Executive Session with the Fire Company on August 30, 2010 at 6:00 p.m.

19. Engineer's Report - Charles Catania

Mr. Catania reported the Community Development Block Grant was approved by County Council for the Third Street Park. We asked for a relocation to an area on Fourth Street and they have tentatively approved our request. We have to submit a sketch plan and written request. This expects to be completed in about one weeks time.

At last month's meeting Catania Engineering was asked to check the blockage in the storm sewer under the gas station. The blockage has been located and cleared by Penndot and Penndot has told us they will maintain that storm sewer. They know where it goes and that it is their responsibility.

20. School Board Representative - Francis Kamp

Mr. Kamp was not present to give a report at this time

21. Old Business

There was no old business at this time.

22. New Business

A-1 Request letter be sent to the President of the Chester-Upland School Board

President Mitchell stated a letter has been sent to the President of the Chester-Upland School District School Board regarding some confusion from our Borough Official who represents us on the Chester-Upland School Board. Basically the letter is to make sure Mr. Kamp, our representative has a good understanding that he is allowed to give public records to us in the form of making a presentation here so everyone would understand what is going on in our school system.

A-2 Proposal for Higgins & Sons for wooden poles at the Carriage House

Mrs. Peterson made a motion for Higgins & Sons to install four poles at the Carriage House for a total \$ 5,272.00. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-3 Cancel the Second Meeting of the Month

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

23. Floor Open to the Public

Edward Evans of 1004 Church Street took the floor and spoke of many Fire Companies having problems getting out for calls during the day and this is not unique to Upland. President Mitchell stated we have a Borough Employee who is a fireman in the Tinicum Township Fire Company and we are waiting to make sure all his paperwork is in order so he could go out on calls during the day to ensure we have adequate protection in day time.

Abigail Gertner from 1013 Church Street took the floor who wanted to know if both residences on Church Street will be receiving citations. President Mitchell assured her they would.

A resident from 18 Main Street had questioned whether the portion of the Nuisance Ordinance regarding unregistered vehicles applies to private property. He didn't see what the problem would be if they are on private property.

Mr. Peden explained in the past people would keep vehicles on their property who would say they are going to fix them up someday or they would say it is a antique car and this became a problem. Mr. Peden went on to explain these vehicles are not being maintained by everyone and they become an eyesore which impacts the quality of life of other residents.

Steve Johnson, Director of Upland Fire Company and Assistant Fire Chief was the next person to address Council. Mr. Johnson took exception with the mention of his name in the July 27, 2010 meeting minutes and the implication that he does not know what is going on.

Mr. Mitchell stated that no one was implying that at the time. There was bantering going on between Chief Smith and the Fire Marshall and Mr. Mitchell stated the comment he made was "there is no problem down in Claymont, I'm sure Steve doesn't have a problem". Mr. Mitchell stated there was no malice intended. Mr. Mitchell felt Mr. Johnson's father made an issue out of it. Mr. Johnson wanted to know why Mr. Mitchell was worried about what goes on in Claymont when we have local fire companies around here.

At this time Mr. Johnson stated he felt our fire company is providing adequate fire protection per the agreement which was made back in July 1975 that he feels we all need to look at. He also stated that no one on Council has ever been in the Upland Fire Company, except for Mr. Hunter.

Mr. Mitchell stated when you are talking about the number of calls you had from April 2, 2010 to July 23, 2010 out of 36 calls 17 of them were missed. That is the question. Mr. Mitchell stated there is no one here who wants to debate anything; all we want you to do is provide adequate and safe fire protection for the community.

Mr. Johnson stated they are doing the best they can with what they have to work with.

Mr. Mitchell said we have a meeting set up on August 30, 2010. He has already had meetings with the Fire Commissioner from Chester, we have already sent out letters to neighboring communities asking for their help.

Mr. Johnson stated that should have been the Fire Company's job, not Council as the Fire Company is the one who is providing protection to the community not Council.

At this time Mr. Peden stated although Mr. Johnson feels it is a shared responsibility, Borough Council is the one who is responsible, not the Fire Company. The Fire Company does the work, but the responsibility to the citizens is Borough Council.

24. Adjournment

There being no further business at this time Mrs. Peterson made a motion to adjourn. Mr. Peden seconded the motion. Council unanimously approved the meeting. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Shirley Purcival,
Borough Manager

Linda Saylor,
Recording Secretary