

UPLAND BOROUGH COUNCIL

MEETING MINUTES

JULY 27, 2010

The regular meeting of the Upland Borough Council was called to order at 7:04 pm 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 on vacation.

Mr. Ken Stark from the Delaware County Daily Times was present along with approximately 7 residents.

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

5. Approval of Previous Meeting Minutes

- A-1 Bid Opening Minutes - June 4, 2010
- A-2 Council Meeting Minutes - June 7, 2010
- A-3 Bid Opening Minutes - July 20, 2010

Ms. Crawford made a motion to approve 5 A-1 through A-3. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

6. Treasurer's Report - Shirley Purcival

- A-1 Treasurer's Report
- A-1a) Income Statement

Mrs. Hicks made a motion to approve A-1 and A-1a). Mrs. Miazza seconded the motion. Council unanimously approved the motion.

- A-2 Correspondence - Fire Company

Mrs. Purcival read into the record an e-mail from Dave Favinger, Fire Marshall expressing concern over an issue with our mutual aid companies responding to the Borough and refusing to take command of the fire scene in the absence of an Upland Fire Officer. They expressed concern over units which may not be needed responding and possibly getting into an accident.

At this time Fire Marshall Favinger took questions from Council addressing this issue.

Mrs. Peterson questioned whether Chief Smith asked other responding companies to come in slower so Upland can get there first. The Fire Marshall indicated he was told this by a member of Parkside Fire Company. Apparently, Parkside feels they get attitude problems from Chief Smith and in light of two recent fires this is a potentially dangerous situation. Chief Smith reported he would never say anything like that and he feels there is a feud going on between Parkside and Brookhaven and Upland does not want to be involved. There was a problem with no one taking charge at the two fire incidents and Upland does not want to over step their bounds.

Mr. Peden wanted clarification that the first Fire Company on the scene takes control until the local Fire Company arrives, and then they take control. Fire Marshall Favinger confirmed this is generally the protocol.

In the background Chief Smith denied any problems were happening between him and the Parkside Fire Company.

President Mitchell asked whether it would be feasible to merge with Brookhaven and Fire Marshall Favinger said that is certainly an option as volunteerism is down and many other municipalities in the area are merging or considering a merger.

President Mitchell wanted to know if Chief Smith would serve on a committee to sit down and negotiate with Brookhaven to see if they are willing to negotiate a merger. President Mitchell feels that we are not getting the job done, that our equipment is not getting out there and this could cause problems with the Insurance Company and this could affect our coverage.

President Mitchell stated he is distressed over the situation and feels getting decent, adequate coverage for our community has been our weakest moment.

Chief Smith responded no to serving on a committee due to the fact we rely on mutual aid and he feels that to merge you would be closing both charters and would have to start a new charter and essentially it would be closing down the Fire Company. However, the Fire Marshall stated there are ways around this and he feels it would be in our best interest to look into the possibility of a merger.

Chief Smith stated that the City of Chester will never come into Upland Borough.

Mr. Mitchell requested the Solicitor send a letter to neighboring Solicitors to see if we can get a meeting together to discuss a merger and we can get rid of the museum and the "Dilly" and put an ambulance in that area. A merger may be the way to go.

President Mitchell stated that if Chief Smith felt so strongly about this issue then he should turn over the records to the Fire Company so the Borough can determine if the Fire Company can support itself so the Borough can turn over all the assets and get out of the Fire Company business.

At this time the issue of the new roof was brought up and how if the Borough Council was informed of the need for a new roof the Borough would have taken care of it.

Mrs. Purcival expressed concerned regarding the lack of communication between the Fire Company and her office. Mrs. Purcival stated that in the past the Fire Chief would give her office a courtesy call the morning after a fire and that is not happening at this time.

Mr. Hunter also pointed out there is also a problem with ambulance service and the rotation in the various communities. Chief Smith responded ambulance service is out of his control. The calls go through the 911 center, and currently the order of call is Parkside, Brookhaven and Crozer.

The Chief was concerned that the manager has the right to approve all run cards. President Mitchell stated that Council has it setup that way so they are kept informed of any changes. Chief Smith felt that has been a problem.

President Mitchell asked the Manager to check with the County to make sure her list of ambulances are correct. Mrs. Peterson also asked that be done in the morning. Mrs. Purcival said she would do that.

President Mitchell pointed out that Council has requested many times in the past the Fire Company and the Borough sit down together to determine if the Fire Company can stand on its own which would allow them to have greater control on how things are done and the Fire Company has been reluctant to do so. Meetings have been set up and no one has shown up. President Mitchell stated that the Borough wants to turn everything over to the Fire Company so they can run themselves, but only if they can financially stand on their own two feet. President Mitchell also stated the Borough does not want to be involved in the running of the Fire Company.

There was also discussion regarding George German obtaining a letter from his Board of Directors stating he had fire school training. Mr. Mitchell asked that the Manager meet with George at 8:00 am and get this straightened out.

Mrs. Purcival stated she has a letter from Steve Johnson expressing concerns over some issues should Mr. German be called out on Borough time. Mr. Mitchell said he remembered the letter and we will get it straightened out.

President Mitchell wanted to know since Steve Johnson lives in Claymont, Delaware if the Fire Company ran smoothly there. Chief Smith said he knows everything.

7. Auburn Village Report - Christine Peterson

A-1 Motion to accept bids for improvements to Auburn Village

Mrs. Peterson made a motion to accept bids for improvements to Auburn Village. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-2 Motion to authorize the Solicitor to draw up the contract for Auburn Village

Mrs. Peterson made a motion to authorize the Solicitor to draw up the contract for Auburn Village. Mr. Hunter seconded the motion. Council unanimously approved the motion.

8. Code Official Report - Leland Hunter

Mr. Hunter reported he has cleared up many of the problems he has been working on and is working hard to find solutions to some issues with people complying.

A-1 Fire Marshall's Report - Dave Favinger

Mr. Hunter reported Mr. Favinger has completed several rental inspections and completed additional training.

A-2 Fire Chief's Report - Dan Smith

Chief Smith reported for the month of May there were 2 fire incidents, 13 non-fire incidents, 7 mutual aid for a total of 22 incidents, 2 drills for a total activity of 24. There were 6 assists for fire, 1 cover assignment, 2 motor vehicle accidents, 1 electric lines down, 5 fire alarms, 2 fire alarm systems (human error), 3 good intent.

We had 28.4 hours of service for the month 15 day time and 14 night time and the average runner is 6.

Chief Smith reported through grant money the Fire Company has purchased two new rescue units for adults and children.

President Mitchell informed Chief Smith Steve Edwards has been medically cleared for Fire Police only.

9. Public Safety Report - Leland Hunter

A-1 Motion to have Catania Engineering locate blockage in sewer pipe under Citgo Gas Station

Mrs. Peterson made a motion to have Catania Engineering locate blockage in sewer pipe under Citgo Gas Station. Mr. Hunter seconded the motion. Council unanimously approved the motion.

10. Building & Grounds Report - Sandy Miazza

Mrs. Miazza reported the Pavilion has been completed with an alarm system installed.

Additional mulch has been added to the children's play area, some of it was washed away in the recent storms.

The dance floor in MacQueen Hall has been installed and looks great.

11. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills - \$ 67,876.90

Ms. Crawford made a motion to approve the June 2010 General Funds Bills in the amount of \$ 67,876.90. Mrs. Miazza seconded the motion. Council approved the motion with Mr. Peden abstaining.

A-2 Approval of Auburn Village Bills - \$ 53,066.36

Ms. Crawford made a motion to approve the June 2010 Auburn Village Bills in the amount of \$ 53,066.36. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

Ms. Crawford reminded Council the "Wish List" for the upcoming year should be turned in to her no later than August 15, 2010.

12. Ordinances & Resolutions Report - Ray Peden

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

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

13. Research & Development - Moira Crawford

For the month of June we have had 540 hits to the web site, approximately 18 hits per day. Since we starting keeping count on the web site we have had 8,385 hits.

The photo bucket account for the month of June showed 17,699 files viewed. There were 1,145 album visits for a total 309,501 file views with 2,788 album visits.

Some new photos have been added of the different celebrations and the carnival.

14. Streets & Equipment - Christine Peterson

Mrs. Peterson reported the road and sidewalk on 10th Street has risen due to the heat and heavy rain getting under the roadway. The Borough will be fixing it.

15. Community Affairs - Sandy Miazza

Mrs. Miazza reported the trip to the Wilmington Blue Rocks will be held on August 13th. There are still some seats available.

On September 5th we will be having fireworks starting at dusk.

We will be having a spaghetti dinner on Saturday, September 25, 2010 at 4:00 pm.

The children will have their Halloween party on Saturday October 30th at 4:00 pm.

The children's Christmas Party and Tree Lighting Ceremony will be held on November 26th at 6:00 pm.

16. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival reported for the month of June 6 units passed their inspections and 7 units failed. A total of \$ 950.00 was deposited into the General Fund for the Use & Occupancy inspections.

17. Mayor's Report - Leland Hunter for Michael Ciach

For the month of June the total number of citations issued 167 and the total citations fines were \$ 24,844.50, half of which is the Borough's share totaling \$ 12,422.25. The total previous count on citations is 744. The current count is 167 and the total to date is 911.

The total of parking tickets issued was 18. The amount of parking tickets paid is \$ 170.00. The amount received from the DJ court is \$ 2,848.56.

There 295 calls answered and 59 total assists.

18. Solicitor's Report - Robert O'Connor

Mr. O'Connor reported on the preparations on the Ellis Contract for Auburn Village Improvements.

Some preliminary work has begun on the C.D.B.G. contract has begun.

A-1 Northwest Human Services Agreement

Ms. Crawford made a motion to have the necessary officials sign the documentation for Northwest Human Services. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

19. Engineer's Report - Shirley Purcival for Charles Catania

Mrs. Purcival informed Council they need to entertain a motion to forward to Delaware County two invoices for Land-Tech for the Park Recreation Improvements for a total of \$ 61,537.50.

Mr. Peden made a motion to forward to Delaware County two invoices for the Land-Tech Park Recreation Improvements for a total of \$ 61,537.50. Ms. Crawford seconded the motion. Council unanimously approved the motion.

Mrs. Purcival asked Council move to have the remaining amounts of unfunded C.D.B.G. and the retainage of 10% for a total of \$ 11,687.50 to be paid upon approval of the Engineer by the Borough of Upland.

Mr. Peden made a motion to have the remaining amounts of unfunded C.D.B.G. and the retainage of 10% for a total of \$ 11,687.50 to be paid upon approval of the Engineer by the Borough of Upland. Ms. Crawford seconded the motion. Council unanimously approved the motion.

Mrs. Purcival asked if Council would entertain approving the invoice from Ellis Construction for the emergency repairs in a percentage of 90% of the work being done.

Mrs. Peterson made a motion to approve the invoice from Ellis Construction for the emergency repairs in a percentage of 90% of the work being done. Mr. Peden seconded the motion. Council unanimously approved the motion.

20. School Board Representative Report - Francis Kamp

Mr. Kamp was not present to give a report.

21. Old Business

There was no old business to discuss at this time.

22. New Business

- A-1 Fall Festival - Upland Baptist Church
- A-2 Motion to approve the family of Dave Clough's Memorial request
- A-3 Discussion of injured Firefighter
- A-4 Zoning Code update

Mr. Peden wanted to make a public announcement to inform everyone Council has put together a Review and Steering Committee to modernize our Zoning Ordinance. This work will begin on August 4, 2010 with sessions to be held by the County Planning Department.

Mrs. Miazza made a motion to approve 22 A-1 through 22 A-4. Mrs. Peterson seconded the motion. Council unanimously approved the motion.

23. Floor open to the Public

Judge Kenneth Miller from 3413 Oak Lane took the floor to address Council regarding a fence his neighbor constructed which he feels is illegal and is being held up by his fence and she also has a tripping hazard where a piece of her sidewalk has come up. He wanted to know why this neighbor, after receiving a letter from the Building Inspector, has not remedied the situation.

President Mitchell said the matter will be looked into and a citation will be issued. As far as the sidewalk is concerned, the resident said when she gets the money she will have it fixed.

President Mitchell assured Judge Miller the matter will be taken care of.

Mr. Hunter notified Council the Fire Marshall has a problem with the same resident. Located on the Main Street side of her house, where there is overgrowth of trees and shrubs as well as a property on Church Street. President Mitchell asked Fire Chief Dan Smith to get with the Solicitor after the meeting to discuss what could be done. President Mitchell also asked Mr. Hunter for a report on the situation.

Abigail Gertner from 1013 Church Street was present and spoke of seeing a child get hit with the bushes and fall into the street. They trimmed the bushes, however, they are still overgrown and present a hazard. The property is located at 1016 Church Street.

Also, another issue at 1011 Church is the playing of loud music. The Police were called, and they drove right past the house without stopping. The resident was informed that the Nuisance Ordinance was passed tonight giving the Borough more power to enforce the Ordinance. It seems when the Police are called by the time they get there the music has stopped. It was suggested they may have a scanner. The resident also complained of trash in the rear of 1011 Church and claimed someone is living in the unfinished basement and she is very concerned. It was determined this property is a rental and the Borough will see what can be done.

Chief Smith also mentioned the large property on Main Street has overgrown shrubs and vegetation that could be a fire hazard. He has planned to contact the owner to discuss this with her. If she does not comply, he will have her cited.

Mr. George Granzia from 1115 Woodside Avenue wanted to know what the Northwest Human Services Agreement is.

Mr. Mitchell explained it is a 5501C3 who has taken a number of municipalities to court to get a tax reduction.

Dave Schlott who resides in Brookhaven and is our Animal Control Officer wanted to address Council about the animal control issue and our lack of open space to set up our own kennel. Municipalities will have to set up their own kennels or join other municipalities in a larger one. At this time he is not sure what Delaware County is going to do. The SPCA will be going to a no kill shelter in June of 2011 so municipalities will have one year to work on the problem. Mr. Schlott offered his services in any way he could help deal with this problem.

24. Adjournment

There being no further business at this time, Mrs. Peterson made a motion to adjourn. Ms. Crawford seconded the motion. Council unanimously approved the motion. The meeting was adjourned at 9:09 pm.

Respectfully submitted,

Shirley Purcival,
Borough Manager

Linda Saylor,
Recording Secretary

Council Meeting Sign in for: July 27, 2018

Name: LEVIN KOZLOWSKI Address: 418 WILLOW WAY

Name: KENNETH N-MILLER Address: 3413 OAK LANE

Name: GEORGE G HARRIS Address: 1115 WOODSIDE

Name: Abigail Gertner Address: 1013 Church St

Name: DAN SMITH Address: FIREHOUSE

Name: Ken Stark Address: Daily Times

Name: G. PATTERSON Address: 501 WILLOW WAY

Name: DAVE SCHLATT Address: ANIMAL CONTROL

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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Name: _____ Address: _____

Name: _____ Address: _____