

UPLAND BOROUGH COUNCIL

MEETING MINUTES

JUNE 7, 2010

Comments for Zoning Changes from the public regarding Ordinance No. 4 began at 6:33 pm.

There were no comments from the public and this portion of the meeting ended at 6:37 pm.

The regular meeting of the Upland Borough Council was called to order at 7:03 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, 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 19 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 stepped out of the normal order of business and turned the meeting over to Mayor Ciach.

Mayor Ciach at this time swore in two new part time Police Officers, Eric Hanna and Steve Jackson.

Mayor Ciach introduced Reverend Brenda Shaw, and administered the Oath of Office making Reverend Shaw the official Chaplain of the Upland Police Department.

Reverend Rocky Brown, the Police Chaplain of the Chester Police Department gave a brief summary of Reverend Shaw's credentials and praised her accomplishments and presented her with a cross to wear in performing her duties.

At this time, Mayor Ciach made a Mayoral Proclamation to resident Bill Kirby declaring his outstanding service to the community for the past 45 years.

Mr. Kirby was moved by the presentation and thanked the Mayor and Council.

There was a brief discussion on a resident's request to have a block party and Council had no objection.

Still operating out of the normal order of business, and while Chief Dan Smith was able to be present, President Mitchell requested copies of a letter for everyone on Council dealing with the fire fighter, Steve Edwards who was injured. President Mitchell further stated all members of council should have copies of the same correspondence to prevent delays in the meeting.

President Mitchell asked the Solicitor to comment.

Mr. O'Connor reported on the conflicts of interest involved with having a fire fighter who is already injured coming into Upland and potentially putting others in danger and any other problems which may occur, including liability on the part of Upland Borough should something happen.

Chief Dan Smith reported he has already informed this individual he cannot act in any capacity in Upland during an emergency until he has been cleared by a doctor. Subsequently, Mr. Edwards joined a neighboring company and has come into Upland to act as fire police when assistance was needed.

President Mitchell requested letters be sent to Parkside and Chief Smith informing them of the situation and our position on the matter.

President Mitchell also wanted to comment on an issue a few months ago where our Police Department was issuing citations and the enforcement coming out of the Brookhaven Courts was not in support of our efforts.

After the Mayor looked into the situation we found out the Magistrate did not want to represent Upland or Parkside as he was not being compensated. The Magistrate felt that during this 2010 census, now would be a good time for him to back out of representing us.

President Mitchell asked the Solicitor to send a letter to the Magistrate requesting a letter from him stating he is backing out of representing us so we can take it to the County Administrator to see if we can obtain some relief.

At this time President Mitchell allowed Mindy White from 1009 Church Street to address Council as she had a baby with her.

Ms. White wanted to know if the Borough could have the hedges at 1006 Church Street cut back as they are overgrown and growing over the sidewalk and this presents a danger to children riding their bikes as cars cannot see the children as they are backing out of their driveways. Also, cars are speeding up and down the street and this is an ongoing problem.

Mr. Hunter reported he is aware of this problem and has already sent them a letter stating the hedges must be cut. Mr. Hunter explained he must wait 10 days before sending a certified letter and then if they do not claim the letter the process of the Borough doing the work and placing a lien on the property can move forward.

Since the certified mail delivery can sometimes take several weeks, it was decided in addition to certified mail, the Borough would have the Police hand deliver the letter to try to obtain some relief for the residents in the area.

As far as the speeding issue is concerned, the police are well aware of the problem and have been working overtime issuing citations, however, as President Mitchell stated earlier in the meeting we are not receiving the support needed from the Magistrate and we are working to find a solution to the problem.

Reverend Rocky Brown took the floor to address Council about a new drink on the market which is packaged to look like soda, comes in fruity flavors and contains 12% alcohol. Reverend Brown feels this drink is marketed towards younger people and is becoming an increasing problem in our area and wanted Council to be aware of this.

Reverend Brenda Shaw of 205 8th Street was the next to address Council as a concerned parent regarding the security cameras in the park. Reverend Shaw is concerned that child predators may be monitoring the web site to determine schedules and patterns of play by children, making it easier for them to isolate and prey upon unsuspecting children. Reverend Shaw is requesting the cameras be removed.

President Mitchell stated the cameras are needed in the park to prevent vandalism which is an on-going problem in the park as evidenced by the amount of money the Borough spends to maintain the park.

The next resident to address Council was Abigail Gertner from 1013 Church Street who expressed concerns regarding the home 1011 Church Street and the issue of noise and calling the police. The resident informed Council Officer DiNardo has been called with reports and he does not feel the problem is that bad and the resident does not want to be cited for bothering the police with nuisance calls. The resident also complained about trash, in particular chicken bones all over the ground.

Mr. Hunter is working on the trash problem.

5. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - May 11, 2010

Ms. Crawford made a motion to approve the Council Meeting Minutes from May 11, 2010. Mr. Peden seconded the motion. Council unanimously approved the motion.

6. Treasurer/Manager Report - Shirley Purcival

A-1 Treasurer's Report

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

A-1a) Income Statement

Mrs. Hicks made a motion to approve the Income Statement. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-2 Manager's Report

Mrs. Hicks made a motion to approve the Manager's Report. Ms. Crawford seconded the motion. Council unanimously approved the motion.

At this time there was some discussion by President Mitchell and Mr. Peden regarding taking the Manager's Report and the Proof of Publication off the agenda as these two items are required and do not need to have any action taken.

7. Auburn Village Report - Christine Peterson

A-1 Motion by Mrs. Peterson to accept the emergency pricing from Ellis Construction for the repairs on the storage sheds at Front Street and Arbor Lane and Ms. Crawford seconded the motion. Council voted Aye on the motion.

A-2 Motion to accept the bid for the Ford F-350 Truck

Mrs. Peterson made a motion to accept the bid on the Ford F-350 Truck for the price of \$ 35,100.00. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-3 Motion to have the Solicitor draw up the contracts for the Auburn Village Ford F-350 Truck

Mrs. Peterson made a motion to have the Solicitor draw up the contracts for the Auburn Village Ford F-350 Truck. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-4 Motion to reject bids for Auburn Village Windows

Mrs. Peterson made a motion to reject bids for the Auburn Village Windows due to the fact the low bidder is a supplier and not a contractor and the scope of work will change to add two roofs and repairs of interior walls, if needed during the window process. Mr. Peden seconded the motion. Council unanimously approved the motion.

A-5 Motion to have the Engineer re-bid Auburn Village 2nd floor windows and add two roofs on Cypress and Ivy Lanes

Mrs. Peterson made a motion to have the Engineer re-bid Auburn Village 2nd floor windows and add two roofs on Cypress and Ivy Lanes. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

8. Code Official Report - Leland Hunter

Mr. Hunter reported he has been sending out certified mail notices to residents to clean up their properties and cut their grass.

A-1 Fire Marshall's Report - Dave Favinger

Mr. Hunter reported the Fire Marshall has received 4 new certifications.

A-2 Fire Chief's Report - Dan Smith

Chief Smith reported for the month of May, 2010 there were no fire incidents, 15 non-fire assists, 11 mutual aid for a total of 26 incidents. There were 3 drills for a total activity of 29.

There were 10 assists for fire, 1 cover assignment, 1 motor vehicle assignment, 1 fuel spill, 7 fire alarms and 6 good intent calls.

We had 20 hours of service for the month, 15 day time, 14 night time and an average runner of 6.

President Mitchell inquired if we have received a letter from the Fire Chief from Tinicum granting George German permission to drive for us. We are still waiting for this letter.

Chief Smith said he will try and stay on top of everything.

Chief Smith reported there was a basement fire on Second Street and there was some problem with the radio system which did not work properly. Delaware County Emergency Services is aware of the problem and measurers have been taken to be sure this does not happen again.

9. Public Safety - Leland Hunter

Mr. Hunter reported police vehicle no. 24 has been costing us a lot of money. He had in his possession quotations from between \$ 7,300.00 for a new transmission and \$ 6,500.00 for a rebuilt transmission.

Mr. Hunter made a motion that when funds are available we purchase a new police car and use the no. 24 as a reserve vehicle.

There was some discussion to the amount of repairs car no. 24 has entailed lately and the cost of the repairs versus purchasing a new vehicle.

It was decided that when funds do become available we will purchase a new police vehicle. There was no vote at this time.

At this time Mr. Hunter reported he had a report from the Police Department requesting to purchase 4 camera mobiles to read license plates on vehicles. However, the request was cut down to 2 at \$ 57,000.00 for both.

Mrs. Peterson gave a brief run down on how these units work and the advantages of having these units.

It was decided to look at purchasing these units next year.

10. Building & Grounds Report - Sandy Miazza

Mrs. Miazza reported we have received official notice the \$ 43,000.00 has been approved from the C.D.B.G. for payment to Land Tech.

Mrs. Miazza made a motion to approve 90% of the payment to Land Tech from the Delaware County C.D.B.G. funds. Ms. Crawford seconded the motion. Council unanimously approved the motion.

The work on the Pavilion has been completed and we have purchased 4 new picnic tables and 2 new trash cans for the ball field. Hill Street park received 3 new picnic tables and 2 new trash cans.

MacQueen Hall has been painted and the new curtains have been installed.

11. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills - \$ 192,693.29

Ms. Crawford made a motion to approve the General Fund Bills for the month of May in the amount of \$ 192,693.29. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-2 Approval of Auburn Village Bills - \$ 58,746.68

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of May in the amount of \$ 58,746.68. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

12. Ordinances & Resolutions Report - Ray Peden

A-1 Motion to approve Ordinance No. 4 - Zoning Changes Establishments

Mr. Peden made a motion to adopt Ordinance No. 4 - Zoning Changes Establishments. Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-2 Motion to approve Ordinance No. 5 "Floodplain Management"

Mr. Peden made a motion to approve Ordinance No. 5 "Floodplain Management". Ms. Crawford seconded the motion. Council unanimously approved the motion.

A-3 Motion to approve Resolution No. 11 - Confirming Civil Service Status Status Employment.

Mr. Peden made a motion to approve Resolution No. 11 Confirming Civil Service Status Employment. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-4 Discussion on Upland Zoning Ordinance Modernization Program

Mr. Peden reported he is forming a committee to deal with the modernization of our Zoning Code.

Mr. Peden has contacted Delaware County to ask for help from resources out of the Planning Department.

Mr. Peden asked that Council direct President Mitchell to send a letter to Mr. Pickett at the Planning Department outlining the Borough's plans and asking for their help.

Mr. Peden made a motion to direct President Mitchell to send a letter he had prepared and read aloud to Council to Mr. Pickett at the Planning Department. Mrs. Peterson seconded the motion. Council unanimously approved the motion.

President Mitchell asked how long the commitment would be for and who would be on the Steering Committee. Mr. Peden reported there are two vacancies on the committee and the members currently serving are: President Ed Mitchell, Ray Peden, Judge Kenneth Miller, William Dennon and Ron Reynolds who also serve on the Zoning Hearing Board.

The commitment would be 10 to 12 meetings and each meeting would take approximately 2 hours and be held once a month.

A-5 Motion to approve Resolution No. 12 - Appointment of Alternate Member to the Zoning Hearing Board

Ms. Crawford made a motion to approve Resolution No. 12 Appointment of Alternate Member to the Zoning Hearing Board naming Joanne Peden as the Alternate Member for a term of 5 years. Mrs. Peterson seconded the motion. Council approved the motion with Mr. Peden abstaining.

13. Research & Development - Moira Crawford

Ms. Crawford reported there were 600 hits to the web site and many new features have been added.

14. Streets & Equipment - Christine Peterson

A-1 Motion to continue Performance Bond for Phantom Fireworks end of maintenance period

Mrs. Peterson made a motion to continue the Performance Bond for Phantom Fireworks. Ms. Crawford seconded the motion. Council unanimously approved the motion.

15. Community Affairs - Sandy Miazza

Mrs. Miazza reported the carnival starts tomorrow.

16. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival reported for the month of May there were 10 certificates issued and a total of 3 units failed their inspection, 1 unit received a conditional U & O, 1 commercial temporary U & O. A total of \$ 1,225.00 was deposited into the General Fund for these inspections.

17. Mayor's Report - Michael Ciach

For the month of May there were 230 citations issued and a total of \$ 22,820.50 for citations issued.

So far this year the total citations issued is 744. There were 14 parking tickets issued, 3 motor vehicle accidents, 7 copies of the reports and the amount from the DJ's court was \$ 2,924.43.

There were 284 calls answered and there were 42 assists.

18. Solicitor's Report - Robert O'Connor

Mr. O'Connor reported he attended the Planning Meeting and has drafted the road paving contract. He has prepared the work truck contract which will be finalized tomorrow.

Mr. Hunter had a few questions regarding the confidential portion of the report and told Mr. O'Connor he would gather all the information he had and Mr. O'Connor stated he would review the situation.

19. Engineer's Report - Charles Catania

Mr. Catania reported the resurfacing contract is substantially completed. He stated he had payment for A.F. Damon, Inc. for 90% or \$ 43,668.45. Also Mr. Catania needs authorization to file the completion report with Penndot.

Mrs. Peterson made a motion to release 90% payment to A.F. Damon. Mr. Hunter seconded the motion. Council unanimously approved the motion.

20. Old Business

There was no old business at this time.

21. New Business

A-1 Motion to cancel Council Meeting for July 13th and hold Council Meeting on the 2nd meeting of the month on July 27, 2010

Mrs. Peterson made a motion to cancel Council Meeting for July 13th and hold Council Meeting on the 2nd meeting of the month on July 27, 2010. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

At this time Mr. Peden asked Council to generate interest in getting people to submit written interest in residents joining the Historical Society. This will be discussed at a later time.

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

22. Floor Open to the Public

There were no comments at this time.

23. Adjournment

There being no further business the meeting was adjourned at 9:01 pm.

Respectfully submitted,

Shirley Purcival,
Borough Manager

Linda Saylor,
Recording Secretary