

Minutes
Council Meeting
February 10, 2009

- I. A regular scheduled meeting of the Borough Council was called to order at 7:00 p.m. by President Edward Mitchell. The meeting was held in the Upland Municipal Building.
 - A. Present were: President Edward Mitchell, Vice President Christine Peterson, Council members Mrs. Sandy Miazza, Ms. Moira Crawford, Mrs. Georgianna Hicks, Mr. Lee Hunter, Mr. Dennis Walls, Mayor Michael Ciach, and Mr. Charles Catania, Sr. P.E., Mr. Robert O'Connor, Esquire, and Mrs. Shirley Purcival, Borough Manager Treasurer/Secretary were present.
 - B. Approximately twenty residents attended the meeting and Fire Chief Dan Smith.
- II. The Pledge of Allegiance to the American Flag was lead by President Edward Mitchell. The Pledge was followed by a moment of silence.
- III. Moment of Silence

Mr. Walls requested to go out of the normal order of business to have the Oath of Office administered to the newly appointed part-time police office, Michael Roberts, which is seconded by Mrs. Miazza.

Council unanimously approved the motion to go out of the regular order of business at 7:05 p.m.

Mayor Michael Ciach administered the Oath of Office to the newly appointed part-time officer, Michael Roberts.

Michael Roberts, the newly appointed part-time police officer makes the following statement:

“My name is Michael Roberts. I am a resident of Briarcliffe, Darby Township, Delaware County. I am currently employed by the Sheriff’s Department full time. I have ten to twelve years of law enforcement background. I graduated the Academy in 1988. Since then I have worked in different aspects of law enforcement. I was a state constable for six years in Clifton Heights. I was a prison guard for eight years. I was their Assistant Commander. I have twelve years in the Army as active reserve and National Guard. I have two tours of combat 2003-2004 in Kosovo and 2006-2007 in Iraq. I am really happy to be here. I couldn’t work for a better person than Chief Easton. I have known him for some time, and it’s an honor to work for him and Upland. Thank you very much.”

President Edward Mitchell stated, “On behalf of Upland Council and the residents of Upland, we welcome you, and I would be remiss if I didn’t say thank you for taking time out of your life to serve our country. We’re proud have you here and look forward to many good years.”

IV. Roll Call

President Edward Mitchell directed Mrs. Purcival, Borough Manager to let the record show that Upland Borough Council mourns the loss of one of our former Council persons, Elaine Davis, whose family lives on 5th Street.”

V. Approval of Previous Minutes

- A.1 President Mitchell asked for a motion to accept the Minutes of January 13, 2009. Mr. Walls offered a motion, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

VI. Treasurer/Manager’s Report - Mrs. Shirley Purcival

- A.1 Ms. Crawford made a motion to accept the Treasurer/Manager’s Report, Item A-1. Mrs. Miazza seconded the motion.

Council unanimously voted aye on the motion.

A.1 a Income Statements:

Mrs. Miazza offered a motion to accept the Income Statements, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

A.2 Manager’s Report

Vice President, Christine Peterson offered a motion to accept the Manager’s Report, which is seconded by Mr. Hunter

Council unanimously voted aye on the motion.

A-3 Proof of Publication

Mr. Hunter offered a motion to accept the Proof of Publication, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

VIII. Public Safety - Mr. Leland Hunter

- A. 1 Mr. Hunter stated he has a certificate of completion for David Favinger.

President Edward Mitchell asked Mrs. Purcival, Borough Manager to put the certificate in Dave Favinger’s personnel file.

- A. 2 Fire Chief Dan Smith reported the following for the monthly December 2008 Report:

Fire Incidents: 1, Non-Fire Incidents:11, 24 Mutual Aid for a total of 36.
There were 2 drills for a total of 38. Assists for Fire: 19, Cover Assignment: 4, 1 Rapid Intervention Call, 1 Motor Vehicle Accident and 1 Ambulance Assist, 1 Fuel Leak, 1 Gas Leak and 1 Electric Line Down, 2 Auto. Alarm System Failures , Good Intent: 3 . There were a total of 24 hours of service, 11 day time, 14 night time with an average runner of 8.

President Edward Mitchell asked Fire Chief Smith how the membership is?

Fire Chief Smith responded, "We have two coming in tomorrow."

President Edward Mitchell stated "Congratulations and a good job."

President Edward Mitchell asked about the Fire Marshall school?

Fire Chief, Dan Smith responded he started his own training and Dave Favinger is helping him out.

President Edward Mitchell asked if he needed any help from Council.

Fire Chief, Dan Smith responded, "No, not at this time."

IX. Building and Grounds Report - Mrs. Sandra Miazza

- A.1 Mrs. Miazza offered a motion for the expenditure for the heater at the Borough Hall in the amount of \$3,350.00 to Tri-County Comfort Systems, Inc. which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

X. Finance and Insurance Report - Ms. Moira Crawford

- A. 1 Ms. Crawford offered a motion to approve payment of the January 2009 invoices for the General Fund in the amount of \$113,092.04 which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

- A-2 Ms. Crawford offered a motion to approve payment of the January 2009 invoices for the Auburn Village in the amount of \$19,835.32, which is seconded by Mr. Walls and Mrs. Miazza.

Council unanimously voted aye on the motion.

XI. Ordinances and Resolutions - Mrs. Georgianna Hicks

- A-1 Mrs. Hicks offered a motion to accept Ordinance #1 of 2009 - Fire Lane Enforcement, which is seconded by Mrs. Miazza and Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

- A-3 Mrs. Hicks offered a motion to adopt Resolution #5 of 2009 - Proclamation of National Engineer's Week as February 15, 2009 through February 21, 2009, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

President Edward Mitchell stated to Mrs. Purcival, Shirley Purcival that Agenda Item XI. A-2 has been tabled until the next Council meeting.

XII. Research and Development Report - Ms. Moira Crawford

Ms. Crawford stated there have been several problems with the website. The email has been going down and the server has been going down. In speaking with the PSAB, they are going to have to replace our server which will be done this week and hopefully that will take care of that problem at a cost to them.

Ms. Crawford expresses her appreciation to Ray Peden for his assistance in getting the History Section of the website up and it is very detailed.

Ms. Crawford stated the Event Section is up and they will be adding more.

Ms. Crawford stated on the Police Section a photo slide show was added that has some historical photos of the Police Department and if anyone has some photos, we will add it to that.

Ms. Crawford stated that Eddie Rostrum sent her old information to add to the Athletic Club Section.

Ms. Crawford asked for information for the War Memorial Section.

XIII. Streets and Equipment Report - Mrs. Christine Peterson

A.1 Vice President, Christine Peterson stated that two shipments of salt (50 tons) at approximately \$3,600.00.

Vice President, Christine Peterson stated the Highway Department received their generator jackhammer and saw and are very excited.

XIV. Community Affairs Report - Mrs. Sandra Miazza

Mrs. Miazza stated that on Saturday, February 21, 2009 from 10:00 a.m. to 1:00 p.m. there will be Youth Identification Badges for children between the ages of 5 and 18 at Mac Queen Hall.

Mrs. Miazza stated on Thursday, February 26, 2009 from 7:00 p.m. - 8:00 p.m. there will be a Safety Seminar for Upland businesses. "All Borough businesses are welcome to attend."

Mrs. Miazza stated on Saturday, March 14, 2009 from 4:00 - 6:00 p.m. there will be a "Grocery Bingo" at Mac Queen Hall and from 7:00 p.m. to 9:00 p.m. there will be a "Movie Night" for the children.

Mrs. Miazza stated on Wednesday, March 18, 2009 from 6:30 p.m. to 8:30 p.m. there will be a "History Night" hosted by Ray Peden.

Mrs. Miazza stated on Saturday, May 16, 2009 from 8:00 a.m. - 12:00 p.m. "Annual Clean Up Day."

Mrs. Miazza stated the Marine Corps League has informed the Borough today that their "Annual Sunday Breakfast is this Sunday, February 15, 2009 followed by a ceremony to honor Iwo Gima Veterans at 1:00 p.m. Congressman Sestak is slated to be there for a short ceremony.

XV. Use and Occupancy Report - Mrs. Shirley Purcival

Borough Manager, Mrs. Purcival stated in the month of January 2009 there were 9 inspections that received Use and Occupancy Certificates. 9 units failed the inspections and 1 unit received a Temporary Use and Occupancy Certificates. Mrs. Purcival stated a total of \$1,855.00 was deposited into the General Fund.

Ms. Crawford offered a motion to approve the Use and Occupancy Report, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

XVI. Mayor's Report - Michael Ciach

Mayor Ciach stated the following: 125 Total Citations were issued.. Total Citation fines were \$15,550.50 one half of which \$7,525.25 the Borough's share. Parking Tickets issued were 8.

There were 6 motor vehicle accidents, 4 accident reports. The total amount received from the DJ Court last month was \$2,042.70 There were a total of 275 calls answered and 5 assists. There were (3) assaults, (7) thefts, (5) burglaries and (10) disorderly conducts.

Mayor Ciach stated that along with the Youth Identification Badges, we will also be taking additional Town Watch applications.

Mayor Ciach stated " thirty applications have been received so far and hopefully after this drive, we will be able to get this rolling."

President Edward Mitchell asked Mrs. Purcival, Borough Manager to explain Ordinance #1 of 2009.

Mrs. Purcival stated, "Council just passed Ordinance #1 of 2009. What this does, it empowers the Fire Marshall and/or his or her duly authorized representative or any Upland Borough Police officer to issue parking tickets for anyone in violation of parking in a fire safety zone in the Borough of Upland. Any person violating any provisions of this Ordinance, for each and every violation, shall pay a fine of \$15.00 and any cost of prosecution. Such fines shall be paid to the Borough of Upland. Anyone failing to pay this fine shall constitute further prosecution at the local District Magistrate's Office."

XVII. Solicitor's Report - Mr. Robert O'Connor

Mr. O'Connor stated he had no Solicitor's Report tonight.

President Edward Mitchell asked the Solicitor the status of regaining the Upland boundary with the Lady of Charity fence issue on Main Street?

Mr. O'Connor stated the latest information regarding the boundary issued was discussed with Regina McKenzie, who is one of the Solicitor's in the Borough of Brookhaven who indicated the Code Enforcement in the Borough was aware of the issue, but did not indicate what action was going to be taken.

Mrs. Purcival stated the Brookhaven Zoning Code Official has contacted the property owner regarding the fence to discuss Brookhaven's issue with her. The property owner was asked to cut the fence down to four foot or move it in twenty feet.

Mrs. Purcival stated the property owner, while at the Borough Office was a little irate over the situation and did promise when the weather breaks she is intending to cut it back to four foot and not move it."

President Edward Mitchell asked that written notification should be directed to the homeowner to get a solid commitment to put an end to this boundary issue.

Mrs. Purcival suggested the Borough Solicitor to send the property owner written notification

to request a deadline that the four foot fence be cut down as she promised me?

President Edward Mitchell requested the status of the Mace property?

Mrs. Purcival stated, "The matter was scheduled to go to court on February 25th, however, there was a scheduling conflict with the four individuals and the case was continued and we do not have a new court date. We are waiting for the District Justice to advise a new date."

President Edward Mitchell asked what constitutes a scheduling conflict when we have residents in harms way?

Solicitor, Mr. O'Connor advised Council the scheduling conflict was a conflict to his schedule.

President Edward Mitchell asked the Solicitor to follow up with Brookhaven Court and ensure the date is scheduled sometime in early March.

XVIII. Engineer's Report - Mr. Charles Catania, Sr.

Mr. Catania stated the CDBG Project at Upland Municipal Park has been completed by Superior Landscaping.

Mr. Catania stated the new police station specifications are out. We will take bids on February 24th, 2009 at 10:00 a.m.

Mr. Catania stated approximately thirty sets of bid specifications are out on the street right now from prospective bidders and we still have a few weeks to go.

Mr. Catania stated the bids will be opened at 10:00 a.m and then tabulated and hopefully given to Council for possible action at the 7:00 p.m. meeting scheduled for the same day as the bid opening, February 24th.

Mr. Catania stated the Chester Creek Flood Control Project which was submitted to the Community Financing Authority for \$2.75 million dollars grant to correct the flood problem on Kerlin Street, Phase 1. Mr. Catania believed the closing dates on that was February 9th. Mr. Catania stated our application was sent in plenty of time. Additional requests for support were sent to our legislators and our various Senators and Congressmen.

Mr. Catania stated it will take the state a few months to review the project applications.

President Edward Mitchell asked Mr. Catania his gut feeling regarding the President's Proposed Economic Stimulus Package?

Mr. Catania's gut feeling goes back to 1975's Public Works Bill when Upland Borough Council, at that time, had submitted a \$4.4 million dollar application due the DPA for the Auburn Village houses and fortunately, Upland was one of the ten municipalities that received grant funding under that bill and we're hoping we'll be as fortunate this time.

XIX. Old Business

A.1 President Edward Mitchell stated there will be second meeting this month, which has already been advertised in the Delaware County Daily Times.

XX. New Business

Mrs. Purcival, Borough Manager stated Council is in need a new copiers from Ricoh. They've discounted the monthly lease fee from \$185.00 to \$180.00 to obtain two new copiers and a free printer. One copier would be used in the Borough Office and one for the new Police Department.

information was given to Council for their review.

Mrs. Miazza offered a motion to purchase the two copiers, which is seconded by Ms. Crawford.

Council unanimously voted aye on the motion.

Mr. Hunter offered a motion to approve David Schlott as the new animal control warden to replace the services previously contracted with the Delaware County S.P.C.A., which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

XXI Floor Open to the Public:

Ray Peden - 901 Mulberry Street

Mr. Peden, the appointed Flood Plain Administrator for the Borough of Upland stated a letter from FEMA was referred to him announced a meeting on February 5, 2009 at Springfield Municipal Building regarding the mapping process for the flood insurance program for Delaware County.

Mr. Peden asked Council to refer to the information provided to them, FEMA has been upgrading all of our flood insurance rate maps and the Natural Flood Insurance Program refers to those rate maps to determine who is in a flood plain or a controlled flood prone area in the municipalities. Those maps were done using some older technologies which have now been updated so it now coincides technologically with GIS.

Mr. Peden stated on November 26, 2008, they sent us a map kit, which had in it a new flood insurance study and three sheets of map grids for Upland. Those were marked preliminary and what they told us within the new few weeks FEMA will send us a letter of final determination about the flood insurance study and maps. Once that is sent to us, we will have six months to bring ourselves into compliance with FEMA'S and the National Flood Insurance Program's rules and regulations. We are, for all intent and purposes, already there. There a couple of small changes that occurred on the new maps and they actually work in our favor, in that the flood plain areas and boundaries in a couple of places of Upland, are actually smaller than they were before because of some of the new references they used. It actually decreased the flood heights represented on the maps by 1.06 feet generally. Once this is done, FEMA will need a copy of our ordinance. I gave a copy of the ordinance to our Region 3 representative, but knowing how bureaucracies are, sometimes they may find it next week and sometimes they may not. Once we get that letter, I will contact Mr. Fitzgerald at Region 3 and make sure they have a copy they have a new evaluation of our ordinance to make sure we're in compliance.

Mr. Peden stated the only other two things that we need to consider about the flood program in the Borough, is

1) our responsibility to manage and enforce that flood plain ordinance which brings me to a point that I wanted to ask Council if, in the spring time we can authorize Mr. Hunter to come with me and do a compliance inspection of the flood zone here in the borough to make sure we don't have anything outstanding that we don't know about. Typically, that just will require us to drive around the flood area of the borough to see if anyone has been naughty and doing anything they shouldn't be in the flood plain. Sometimes some of our contractors and friends get out of hand and pile things where they shouldn't be.

2) Community Outreach. From time to time I have questions to and I'm sure Mrs. Purcival does too in the office about how the flood plain thing works and I don't know whether it would be of any value to take that public and maybe as a public meeting to make people understand about how it works and get their questions answered. I can set up a date for that if Council would like to do that.

Mr. Peden stated about the notion of our comprehensive plan that we have developed over the last two years in a committee that had representatives from Parkside, Brookhaven and Upland in it, we've come up with a draft of that plan, but Sam Haber at the County told me that the draft has been developed into a cohesive final draft and that is going to have to be presented to all of the Councils' in the three communities. The next thing would be the planning commissions in the different communities would hear that plan and give comment on that and so forth and then finally, some organized public interaction with the plan before it would be up to you to adopt that long range plan. You'll have time to see it before you have to consider passing it.

Mr. Peden directs his comments to Mrs. Miazza in regard to the "History Night", if I could I would like the title changed to "A Focus on Upland Historic Preservation" and there are two things that will happen there.

- 1) We will review the things that we did wrong in the past
- 2) Introduce the public to the new preservation teams that are available.

Mrs. Miazza asked Mr. Peden when the clean up day at the Pusey House scheduled for?

Mr. Peden responded the first Saturday in May from 8:00 a.m. to 1:00 p.m.

Mr. Walls asked if we are still soliciting Community Service to work on the weekends?

President Edward Mitchell responded, Yes and the response has been nill and we can talk about that after the meeting.

XXII. Adjournment:

There being no further business before Council, Vice President, Christine Peterson offered a motion to adjourn the meeting at 7:59 P.M, which was seconded by Mr. Hunter.

Council unanimously voted aye on the motion.

Respectfully submitted,

Shirley Purcival
Borough Manager/Secretary/Treasurer

Virginia M. Sentyz
Recording Secretary