

MINUTES REGULAR MEETING OF UPLAND BOROUGH COUNCIL

DATE February 14, 2017

TIME 7:00 P.M.

PLACE Upland Municipal Building, 224 Castle Avenue, Upland PA

CALL TO ORDER President Peterson called the Regular Meeting of the Upland Borough Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

President Peterson led the Pledge of Allegiance and a moment of silence.

ROLL CALL

Mrs. Peterson – Present; Ms. Crawford – Present, Mr. Dennon – Present; Mr. McClintock – Present, Mr. Hunter – Present; Mrs. Bush – Present; Mr. Mitchell – Absent; Mayor Ciach – Present; Daniel Archdeacon, Catania Engineering – Present; and Mr. Robert E. O’Connor, Esquire – Present.

GUESTS/RESIDENTS IN ATTENDANCE

Mr. Ken Stark, Reporter, and approximately eleven (11) residents/guests were also in attendance.

Out of the Normal Order of Business at 7:02 p.m.

Swearing in of Paul Michalkiewicz
- Upland Fire Police Officer

Mayor Ciach performed the swearing in of Paul Michalkiewicz as the Upland Fire Police Officer. Council and the audience offered a round of applause, congratulatory remarks and pictures were taken.

Back into normal order of business at 7:05 p.m.

5. Public Comments on Agenda Items Only

No one approached Council.

6. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes –February 14, 2017

Mr. McClintock a motion to approve the Council Meeting Minutes from February 14, 2017. Mrs. Bush seconded the motion. Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copy included.

A-2 Bid Minutes – February 10, 2017
- Demolition of 227 8th Street

Ms. Crawford made a motion to accept the bid minutes of February 10, 2017. Mr. Dennon seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

Ms. Crawford made a motion to re-bid the project of Demolition of 227 8th Street. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

7. Treasurer's Report

A-1 Treasurer's Report – January 2017

Ms. Crawford made a motion to accept the Treasurer's Report as presented. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copy included with minutes.

A-2 Income Statements – January 2017

Ms. Crawford made a motion to accept the Income Statements as presented. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copy included with minutes.

8. Auburn Village Report

Mr. McClintock reported progress.

9. Public Safety Report – William Dennon

A -1 Fire Marshall's Report

Mr. Dennon read the Fire Marshal's Report of January 2017 into record. Copy included with minutes.

A-2 Fire Company's Report

Mr. Dennon read into record the reports of October 2016, November 2016, December 2016, and January 2017. Copies are included with the minutes.

10. Code Officer's Report - Leland Hunter

Mr. Hunter read the January 2017 into record. Copy included with the minutes.

11. Building & Grounds Report – Judith Bush

Mrs. Bush reported progress.

12. Finance & Insurance Report – Moira Crawford

A-1 Approval of General Fund Bills – \$ 202,005.57

Ms. Crawford made a motion to approve the General Fund Bills for the month of January 2017 in the amount of \$202,005.57. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Approval of Auburn Village Bills – \$ 55,592.37

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of January 2017 in the amount of \$ 55,592.37. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copies included with minutes.

13. Ordinances & Resolutions Report – Richard McClintock

A-1 Motion to Pass and Adopt Ordinance No. 1 of 2017
- *Condemnation of #2 Hill Street*

Mr. McClintock read Ordinance No. 1 of 2017, *Condemnation of #2 Hill Street*. Mr. McClintock made a motion to pass and adopt Ordinance No. 1 of 2017. Ms. Crawford seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Motion to Pass and Adopt Ordinance No. 2 of 2017
- *Change in Compensation of the Borough Tax Collector*

Mr. McClintock read Ordinance No. 2 of 2017, *Change in Compensation of the Borough Tax Collector*. Mr. McClintock made a motion to pass and adopt Ordinance No. 2 of 2017. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-3 Motion to Pass Resolution No. 1 of 2017
- *Application to County Aid for Year 2017*

Mr. McClintock read Resolution No. 1 of 2017, *Application to County Aid for Year 2017*. Mr. McClintock made a motion to pass and adopt Resolution No. 1 of 2017. Mr. Dennon seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

14. Research & Development – Moira Crawford

Ms. Crawford reported for the month of January 2017, the website had 6,223 page views, with an average of 201 per day. There were 3,910 visitors with an average of 126 per day.

15. Streets & Equipment – Leland Hunter

Mr. Hunter reported progress.

16. Community Affairs – Moira Crawford

Ms. Crawford announced that the Annual Soup & Salad, All-You-Can-Eat Dinner, is scheduled for Saturday, February 18th at MacQueen Hall from 4:00 p.m. to 6:00 p.m. The cost is \$5.00 for children under 12 years old, \$7.00 for senior citizens and \$10.00 for adults.

Ms. Crawford also announced the Free Senior Citizen's St. Patrick's Day Luncheon for all Upland Senior Citizens will be held at 12 noon on Monday, March 13, 2017.

17. Future Projects – Richard McClintock

Mr. McClintock reported progress.

18. Use & Occupancy Report – Gregory Grillone

Mr. Grillone read into record the Use and Occupancy Report for the month of January 2017. Copy included with minutes.

19. Mayor's Report – Mayor Michael Ciach

Mayor Ciach read the January 2017 Mayor's Report into record. Copy included with minutes.

20. Solicitor's Report - Robert O'Connor

Mr. O'Connor read his report for January 2017 into record. Copy included with minutes.

21. Engineer's Report – Daniel Archdeacon for Elizabeth Catania

A-1 January 2017 Report

Mr. Archdeacon read the report for January 2017 into record. Copy included with minutes.

A-2 Authorize the Change Order for CDBG Project 2014-A (6th Street Modular Wall)
- \$ 4,600.00

Ms. Crawford made a motion for a Change Order of \$4,600.00 to be paid by the county for the CDBG 2014-A Modular Wall. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

22. Old Business

There was no old business.

23. New Business

A-1 Contract Services – Mingis, Gutowski & Co., LLP
- *Motion to Approve Auditor Contract for Years 2016, 2017, 2018, and 2019*

Ms. Crawford made a motion to approve Auditor Contract Services with Mingis, Gutowski & Co., for the years of 2016 & 2017. Mr. McClintock seconded the motion. President Peterson stated they will revisit years 2018 and 2019 at a later time. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Auburn Village Roof Proposals – *Recommendation from Catania Engineering*

Ms. Crawford made a motion to approve the Auburn Village roof in the amount of \$16,500.00 to Ronald Menna Roofing. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-3 Annual PSAB Spring Conference – Hershey, PA

Ms. Crawford made a motion to approve council and the Mayor to attend the Annual PSAB Spring conference in Hershey Pa from May 7 through May 10, 2017. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-4 Event March 4, 2014 – Honoring Mayor Michael Ciach for 30 years of Service

Ms. Crawford made a motion to approve the purchase of ten (10) tickets, at \$50.00 per ticket, for the ceremony on March 4, 2017 honoring Mayor Michael Ciach and his 30 years of service. Mr. McClintock seconded the motion; stipulating the tickets are for all of Council. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-5 Motion to Contract Professional Group for Communication Services

Ms. Crawford made a motion to retain Bellevue Communications Group of Philadelphia for professional services. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-6 Motion to Re-Advertise the Bids for 227 8th Street

Ms. Crawford made the motion to re-advertise the bidding for 227 8th Street. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-7 Motion to Change the Meeting for May 2017

Ms. Crawford made the motion to change the meeting date of May 9, 2017 to May 2, 2017. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-8 Meeting for Parade Committee

Mr. Dennon mentioned the first meeting for the Memorial Day Parade will be on Thursday, February 23, 2017 at 5:00 p.m. in Council Chambers. He invited any residents that were interested to attend.

A-9 Motion to Cancel the Second Meeting of the Month – February 28, 2017

Ms. Crawford made a motion to cancel the second meeting of the month. Mr. Dennon seconded the motion. All Council verbally voted Aye, no one opposed. Motion carries.

24. Floor Open to Public

Mr. Jessie Richardson, Mulberry Street, approached Council.

Mr. Richardson Last meeting, Ms. Crawford, you said you received the tax transfer for the hospital, correct?

Ms. Crawford Yes.

Mr. Richardson What was the amount? Four hundred and some thousand dollars?

Ms. Crawford No, and I don't recall the amount.

Mr. Grillone Somewhere in the vicinity of Three hundred and thirty thousand dollars.

Ms. Crawford Yes, it was about Three, thirty.

Mr. Richardson What account did that go into?

Ms. Crawford that went into a Special Revenue Account.

Mr. Richardson Okay. And is the Borough still fighting the hospital to get taxes from the 2015 – 2016 fiscal year?

Ms. Crawford Are you talking about June of 2016 to the end of the year?

Mr. Richardson Yes.

Ms. Crawford I don't know if that was determined or not. I thought it was with legal.

President Peterson It is with legal, the larger amount. We did not decide to go after the smaller amounts. We didn't think they would be a fight.

Ms. Crawford There are several properties. We are going after, with legal, with the most value.

Mr. Richardson I have asked this before; is it possible to have the Borough bills for the Terrace - Auburn Village and the Borough, and General Fund and the Income Statements out here on the table so we also have an opportunity to look at the bills?

President Peterson So, you want us to put something out that hasn't been approved yet? Many municipalities, Mr. Richardson, do not do that. You're aware of that. When you were on Council did they do it?

- Mr. Richardson I'm requesting it now. I'll tell you the reason why. When the Fire Chief sues the member and the Police Chief. Now, is any of the money being used to defend the Police Chief and Mr. Mitchell?
- President Peterson That has not even gone to the insurance carrier yet, because we just got that, correct?
- Mr. Grillone It will go to the carrier.
- Mr. Richardson It will affect the insurance rate.
- Mr. Richardson about the newspaper articles; Regarding the Turmoil in the Borough, from the Inquirer. The next one; Dual Jobs in Upland Borough. Now, from reading this article, did the borough hire this management team? Did the Borough Council employ this management team? Yes or no?
- No response from Council.
- Mr. Richardson Now, let me go into this. I was told Mr. Mitchell and Mrs. Peterson; you went to Harrisburg to lobby for the Borough change of the Borough Code. Up to year 2010, the Borough Code stated you had to have 3,000 residents, you were not allowed to be employed up to 3, 00 (residents)? Did you, Mr. Mitchell lobby?
- President Peterson I did not lobby, no.
- Mayor Ciach May I speak?
- President Peterson Sure.
- Mayor Ciach No.
- Mr. Richardson Mr. Mitchell didn't go?
- Mayor Ciach We were in a conference that week, I took a trip to Harrisburg to see Senator Pileggi.
- Mr. Richardson In regards to this.
- Mayor Ciach Yes; Mr. Mitchell did take the trip but he did not get in to see Senator Pileggi, I did.
- Mr. Richardson But both of you took the trip?
- Mayor Ciach Yes.
- Mr. Richardson On borough expense?
- Mayor Ciach No.
- Mr. Richardson None of that was charged to the Borough?
- Mayor Ciach No, I took that on my own personal time.
- Mr. Richardson Now, do you have the "Report" available?
- President Peterson Yes we do, and it is a structural report, it also has personnel information on there. And that report should not have been released. Or, let me ask you this question. Which report do you want? The July Final Report or the August Final Report?
- Mr. Richardson the report done by the woman from management resource center.
- President Peterson Once again, which report? The July Final Report or the August Final Report? They are personnel matters. They should not have been released.
- Mr. Richardson If you leave out that regarding personnel, what did it pertain?
- President Peterson Basically structural information; organizational, stuff for the Police Department.
- Mayor Ciach Since I am the Administrative Head to the Police Department, the first time I officially show that report, it was at the end of last fiscal year. This fiscal year, after when Mr. Mitchell was no longer President, he submitted a letter along with the report, claiming responsibility for that report. However, he gave it to all members of Council. I got a copy as well. However, that is an internal report; we do not release that information...I don't know how it was released. All these folks here, we don't know how it was released. And to my knowledge, the one that was given to this Board, was dated August.

President Peterson And can I tell you that a Right-To-Know was denied. And someone, as there are only very few people that have that report, released it.

Mr. Richardson Ok. Who paid for it? Did this guy do it for nothing?

President Peterson No

Mr. Richardson Who authorized this payment? Does Council with a vote? Did someone make a motion that we hire this company? That is why I am asking? I know you guys are a lot smarter than this.

President Peterson You know, Mr. Richardson, I'm trying to do everything. I am trying to be transparent. I am trying to do everything the right way. I spend a lot of time going back, doing a lot of things that were done incorrectly...Please, to patronize, it's not right. If you have a question, ask your question; and if I can answer it, I will.

Mr. Richardson Ok, I am asking a question. Was this bill paid? And who authorized it?

Mayor Ciach Madame President, may I? I just checked with the Solicitor just so I can say this. After I received a copy of that, I went back through the minutes of all last year; all minutes from January through December 2015. It was never approved at Council here; publicly. It was never brought up at Council here, publicly. And checks were issued by the Borough; three (3) checks were issued to pay for that.

Mr. Richardson Would show that on the Borough monthly bills?

Mayor Ciach I did not check them. Yes, I believe they would.

President Peterson It has too.

Mr. Richardson Okay, my next one. And I do not believe you being accused of being bias. I disagree with that. Is the borough paying for any legal services for the EEOC with everything going on? Or have they cleared the Borough?

President Peterson It's ongoing.

Mr. Richardson But no expenses for the Borough? Okay, but I don't think you are capable of doing that.

President Peterson Thank you. And it was also told to the reporter that I was not capable of doing that. But because I chose not to put my source out there. It was said in the newspaper that a source told them that I was incapable of doing it. But there certainly wasn't a source, that was put in the paper, that said that I was capable. So if we are actually out for the truth, and we are actually out for balance, and if we're actually out for fair, then I do believe that both sides of the story should go out when you are reporting something. Just like, let's go back to my job, I hold two (2). First of all, I was never just a Council person. I was also the Vice-President since day one. The Police Department did not have a secretary. I worked in there for six (6) months for free. After that, I became part time; which I still worked full time, 40 hours a week for this borough for free. So, when the job was available, yes, I took the job. I have always, from day one, abstained from Police issues.

Mr. Richardson That's not why I'm commenting. (inaudible)

President Peterson Because of the position I hold, I work harder, then any other person that would go into that position. Because I don't want to hear a bunch of stuff. I do my job. It's getting old. I am getting tired of getting attacked every week. I'm tired of it. I am tired of the unfairness, I'm tired of the things being reported that are a bunch of lies so that someone can sue this Borough and get money out of us for nothing. Because two (2) people decided that they were going to just destroy things. It's bullshit, and I've had it.

Mr. Richardson If you recall, I said...

President Peterson It has nothing much to do with him.

Mr. Richardson I say this as I said this to you before, I do not believe you are capable of doing that.

- President Peterson I'm not. Thank you.
- Mr. Richardson Was Borough Council aware of the vehicle put on Borough property?
- President Peterson Yes we were. It was put there two (2) years ago. Who knew? I'll tell you another thing. Everybody and the milk man, has fobs to this joint. Because they can come and go whenever they feel like it. Fobs – you can open any gate or any door. We need to get this security back under control.
- Mr. Richardson I don't.
- President Peterson You must be the only one; because there are plenty of people not even from this town that have one.

Mr. Richardson explained that he only requests to have a right to a copy of the minutes and the bills every month at Council instead of doing a Right-To-Know request to get the bills for approval.

- President Peterson You don't need a Right-To-Know. You can have the copies as soon as we approve them.
- Mr. Richardson Thank you.
- Ms. Crawford You can get them right from the manager.
- Mr. Richardson Thank you.
- President Peterson As soon as all of council approves them, you can have them.
- Mr. Richardson That will give me a chance to look them over. So right here, are we responsible for this vehicle.
- President Peterson No we're not. It is not ours. They were told to come and get it.
- Mr. Richardson So, you are all going to the Pennsylvania State Association of boroughs. It is paid by taxpayers fund. Is it possible for when you get back, that you could give the resident a report that was accomplished?
- President Peterson Sure, we have actually done that. When we go, we attend the classes.

Mr. Richardson asked about the Hill Street property and the cost to the borough. President Peterson explained the condemnation process and we have to do fair market value; "at this point, I believe they want more than fair market value." Mr. Richardson asked if someone could try to sell the house while it is being condemned? (inaudible response).

Mr. Richardson asked about the Code Enforcement. There is a property on Hill Street and a person jumps the sidewalk and parks on the side of the house, as there is no driveway. Mr. Richardson asked who would code Enforcement go after in this case of illegal parking? President Peterson replied "the homeowner". President Peterson asked "Mr. Grillone could you please get Mr. Kirby on that, if he hasn't done so already." Further discussion on this situation; parking on unpaved areas. Mr. Hunter stated he had problems about this before. President Peterson stated that if someone parks in front of the driveway, they are on the street and the Police can handle it. If it's in the yard or they are parking on non-pavement, that is Code Enforcement. Mr. Richardson stated we must be careful of the term of "uphold the Borough Code", and the ordinances are part of the Borough code; if the Police see something, they should have enough courtesy and go and tell Mr. Kirby. Mr. Richardson stated that Mr. Kirby as a part time worker, does a good job and he gets around. President Peterson suggested Mayor Ciach talk to the Police about this. Mayor Ciach replied he would.

Kathy Zeola, Main Street resident, approached Council. Upon approaching the podium, Ms. Zeola stated she was in support of Christine (President Peterson). "If I parked in my yard, it is legal?" The response was no. You cannot park on an unpaved area. Mr. Hunter explained about the U&O process and all were in agreement the need to use a paved driveway.

Ms. Zeola asked about the inspection of #5 Main Street. Mr. Grillone replied that an extension was granted and the extension was granted for 6 months. Ms. Zeola stated the property owner of #5 Main Street posted on a social website that she had someone working on her electricity. Ms. Zeola asked if the property owner got a permit for that? Does she need permits to get work done? Mr. Grillone replied she does need permits. Ms. Zeola asked if property owner got a permit for that. Mr. Grillone replied he did not know that for a fact, he would have to check. But she was made aware of the fact that she would need to get permits for any of the work that had to be done. Ms. Zeola stated that her main concern was her house. Ms. Zeola explained about a discussion she had with BCO Ferguson; Mr. Ferguson stated that Ms. Zeola's house was stable. Mr. Grillone stated that Ms. Zeola's house had no structural problem. Ms. Zeola wanted that statement on record as she does not agree with that statement.

Ms. Zeola further asked about the enforcement department as well as the inspector's positions. President Peterson explained the inspector's roles as well as Code Enforcement. Ms. Zeola wanted to know how the individuals got into office. Mr. Grillone explained that Council appoints the individuals to their respective positions. Also, the Building Code Official is appointed by council and that it is required he is certified by Pennsylvania and he has to take certain amount of continuing education every year to maintain his certification. Ms. Zeola wanted to know who would take care of the issue of her actually having electrical work done? The Electrical Inspector under the auspices of the Building Code Official. Ms. Zeola wanted to make sure someone make the Inspector aware of the electrical work that was done. Mr. Grillone stated he would do that.

Ms. Zeola asked if property owner fails her inspection in 6 months, will she get another extension. Mr. Grillone stated it depends on what they find and to what extent she has made the necessary repairs. Mr. Grillone stated if progress was made, that any reasonable person would give her the opportunity to complete. Mr. Grillone stated "but that is just my gut feeling. You can't predict." Ms. Zeola wanted to know how she would find out if property owner received any permits. Mr. Grillone stated "You can come into the office and check." Ms. Zeola stated "Okay. Thank you."

25. Adjournment

Mr. McClintock made a motion to adjourn. Mr. Hunter seconded the motion. Verbally, all Council voted Aye. No one opposed. Motion carries.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Gregory Grillone
Borough Manager/Secretary/Treasurer

Shannon Strigle
Recording Secretary