

UPLAND BOROUGH COUNCIL

MEETING MINUTES

March 11, 2014

The meeting of the Upland Borough Council was called to order at 7:01 p.m. by President Edward Mitchell. The meeting was held in the Upland Municipal Building.

Present was President Edward Mitchell. Vice President Christine Peterson was excused due to illness. Council members present were Ms. Moira Crawford, Mr. Leland Hunter, Mrs. Sandra Miazza, Mr. Harold Peden, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq., and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary.

Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Reporter from the Delaware County Times, and approximately six residents/guests were also in attendance.

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

5. Public Comments on Agenda Items Only

No one responded.

6. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - February 11, 2014

Ms. Crawford made a motion to approve the Council Meeting Minutes of February 11, 2014 and Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

Mr. Mitchell stated that items listed on the agenda as 6-A-2 and 6-A-3 will be addressed as 20-A-2 and 20-A-3.

7. Treasurer's Report

A-1 Treasurer's Report

Ms. Crawford made a motion to accept the Treasurer's Report and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Income Statement

Mrs. Miazza made a motion to accept the Income Statement and Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

8. Auburn Village Report - Christine Peterson

Mr. Mitchell stated reports progress.

9. Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's Report for February 2014 Report into record.

A-2 Fire Company's Report

Mr. Peden asked Mr. Daniel Smith to present the reports.

A. January 2014

Mr. Smith read the January 2014 report into record. The Fire Company had 1 fire incident, 18 non-fire incidents, 22 mutual aid; for a total incidence of 41; with 3 drills for a total of 44. They had 20 assists for fire, 2 cover assignments, 1 motor vehicle accident, 1 ambulance-assist, 1 fuel spill, 1 gas leak, 7 fire alarms, 4 good intents, 3 assists to police, and 1 vehicle fire.

B. February 2014

Mr. Smith read the February 2014 report into record. The Fire Company had 0 fire incident, 8 non-fire incidents, 26 mutual aid; for a total incidence of 34; with 2 drills for a total of 36. They had 20 assists for fire, 5 cover assignments, 1 airbag call, 1 ambulance-assist, 1 gas leak, 1 fire alarm, 3 good intents, and 2 assists to police. They had 26.9 hours in service for the month; 21 day time and 15 night time with an average runner of 6.

10. Safety / Code Committee - Daniel Smith

A-1 Code Officials Report

A. January 2014

Mr. Smith read the January 2014 report into record.

B. February 2014

Mr. Smith read the February 2014 report into record.

Mr. Smith mentioned that the fire company along with Council has begun the smoke detector program. "We've been getting some forms in, and now that we are at the daylight-savings time of changing your clock and changing your batteries, we are going to start installing the detectors next week." Mr. Smith stated that it was a little slower than what they anticipated, as they only have 12 requests so far. We are hopeful that once we start to install and distributing these detectors, we will get more forms in. Mr. Smith announced "If any of you are homeowners and need smoke detectors, both the Fire Company and Council are willing to help make that happen for your property, for safety." Mr. Mitchell suggested placing another announcement into the monthly newsletter, on the front page, as that would be the first thing property owners see as it is very important. Mr. Smith agreed.

11. Building & Grounds Report - Sandy Miazza

Mr. Mitchell stated reports progress.

12. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills

Ms. Crawford made a motion to approve the General Fund Bills for the month of February 2014 in the amount of \$ 176,821.09. Mrs. Miazza seconded the motion. Mr. Smith abstained from check number 30912 and Aye on the remainder. Mr. Mitchell abstained from check number 30883 and Aye for the rest. All other Council voted Aye on the motion.

A-2 Approval of Auburn Village Bills

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of February 2014 in the amount of \$ 25,192.56. Mr. Peden seconded the motion. Mr. Mitchell abstained from check number 6024 and Aye on the rest. All other Council members voted Aye on the motion.

A-3 Motion to Exonerate Tax Collector

A. Real Estate \$ 11,313.94

Ms. Crawford made a motion to exonerate the Tax Collector for Real Estate taxes for the year 2013 in the amount of \$ 11,313.94. Mr. Peden seconded the motion. All Council members voted Aye on the motion.

B. Trash Tax \$ 11,583.00

Ms. Crawford made a motion to exonerate the Tax Collector for Trash taxes for the year 2013 in the amount of \$ 11,583.00. Mrs. Miazza seconded the motion. All Council members voted Aye on the motion.

Ms. Crawford made a motion to send the delinquent trash taxes to the delinquent trash collector. Mr. Peden seconded. All Council members voted Aye on the motion.

13. Ordinances and Resolutions Report - Harold Peden

- A-1 Motion to Approve Ordinance No. 1 of 2014
 - Amending Chapter 173 "Vehicles and Traffic", Article III
 "Parking Regulations", Subsections 173-25 and 173-26

Mr. Peden read Ordinance 1 of 2014 into record then made a motion to pass and adopt as presented. Mrs. Miazza seconded the motion. All Council members voted Aye on the motion.

- A-2 Motion to Approve Ordinance No. 2 of 2014
 - Amending Chapter 162 "Parking Services Tax", Section 3
 "Imposition of the Tax"

Mr. Peden made a motion for Council to table Ordinance No. 2 of 2014 until sometime in the distant future. Ms. Crawford seconded the motion. All Council members voted Aye on the motion.

14. Research & Development - Moira Crawford

Ms. Crawford reported the website for the month of February 2014 had 3,558 page views, with 1,176 visitors; with an approximate of 42 visitors per day. Ms. Crawford stated that we had an event, the Soup and Salad dinner, and we added photos to our Photo Bucket account for that event.

15. Street & Equipment - Mrs. Shirley Purcival for Christine Peterson

Mrs. Purcival reported “it has been a hard winter and we have used approximately 388 tons of salt; equates to approximately \$ 19,400 plus dollars. We have had minor incidents with our vehicles losing a spring or a bolt. We did have some trouble with our snow blowers; and have purchased 2 new Honda Trac blowers; we used a week ago Monday and they did a phenomenal job. We have been very fortunate to get through this winter with the surplus of salt and the workers did a great job.”

Mr. Mitchell asked Mrs. Purcival to please pass that along to the guys, they did an excellent job. He is very proud of them.

16. Community Affairs - Sandra Miazza

Mrs. Miazza reported that they took a loss on the Soup and Salad dinner. Mr. Mitchell suggested it may have been weather related.

Mrs. Miazza stated that on Monday, March 17, 2014 they will hold the Senior’s Saint Patrick Ham and Cabbage Day luncheon. The luncheon begins at noon-time.

Mrs. Miazza continued that on April 19, 2014 at 9:00 a.m. is the Easter Egg Hunt at Bristol Lord Field followed by Easter Bunny Breakfast at MacQueen Hall.

The carnival begins on Tuesday, May 20, 2014 and it runs through Saturday, May 24, 2014 at Bristol Lord Field. The Annual Memorial Day Parade and Family Picnic is Monday, May 26, 2014 at the Bristol Lord Field.

17. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read in the record the Use and Occupancy Report for the month of February 2014.

Mr. Mitchell asked if anyone had any questions of the Manager. No one responded.

18. Mayor’s Report - Michael Ciach

Mayor Ciach reported for the month of February 2014, a total of 81 citations were issued; total amount of citation fines \$ 21,507.50; we received \$ 4,654.36 from the District Justice Court. Year to date citations totals 150. We had 35 parking

tickets issued, 6 motor vehicle accidents, 4 accident reports copied, and total of 152 answered calls for the month with 15 assists.

Mayor Ciach also noted that on the report, as they wish to expand their efforts to notify Council, it indicates the degrees of crime that the Police are dealing with.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read the Solicitor's Report for February 2014 into record.

Mr. Mitchell asked about the landlords and the fire inspections. He stated that Mr. Smith reported we had no structural fires this month. Mr. Mitchell asked "Is that correct?" Mr. Smith replied "Correct." Mr. Mitchell asked "How do we get these guys attention because I would like to continue with that kind of record? Where we have no structural and we need to inspect these properties. What kind of teeth do we need to give somebody to get in there and check these places?"

Mr. O'Connor replied that the letters were sent out approximately three weeks ago to those that are non-compliant with the fire safety for year 2013. The plan was that if there was no response, another letter would be send out in the fourth week indicating to the owners that we would issue citations and take them to court. Mrs. Purcival stated that we started with 12 and we are down to 6 or 7 properties. We are down approximately 50%. Mr. Mitchell stated "keep the pressure on to keep this at zero fire community."

Mr. Peden addressed Mr. O'Connor "throughout the Borough from time to time, we have people moving into buildings that have not yet been inspected for a use and occupancy. That happens, for a lot of reasons. Generally speaking, people say they misunderstood. On a sale of a property, what responsibility does the real estate agent have to inform their client of their requirement to comply with these laws?" Mr. O'Connor replied he assumes that they would have some responsibility; he would also assume that the purchaser of the property would have some responsibility to be cognizance of what the laws are and what they need to comply with. Mr. Peden stated that the owner could reply that they did not know and could make it hard for us to catch them. Mrs. Purcival stated that last year when we started to see that increase because they were cash sale; we started sending out, to the new owner, as soon as we found that that property had been transferred, a welcome letter indicating the requirements of a Use and Occupancy. For folks moving in without that appropriate Use and Occupancy, that percentage has dropped immensely. Mr. Peden asked if this was for the renters. Mrs. Purcival stated that it was for when a property has been transferred. Fifty percent of our properties are owner-occupied and they have been very cooperative.

Mrs. Purcival continued "A lot of our rental properties are standard landlords that we have dealt with before. They like our community. They like the services that we provide and they have been very cooperative. So that percentage has dropped since we started that procedure." Once in a while, Mr. Hunter or the police will catch somebody, but it has become more and more rare. Mr. Peden stated it had troubled him that a couple properties that we know of, the real estate agents basically did not tell people that they needed to do these things. And he was wondering how they could get through their settlement. Mrs. Purcival stated that they are cash deals. Mr. O'Connor asked Mr. Peden if we knew if it was the purchaser telling us that or is it the realtor telling us that. Mr. Peden mentioned that the listing in the newspaper, there was a situation on Mulberry Street just up the street from him, where the address was listed in Brookhaven PA 19015. The people moved in under the belief that they would be in the school district in Brookhaven because the realtor allowed them to continue to believe that without telling the truth. Mr. Mitchell stated the people of Toby Farms had the same thing. Mrs. Purcival stated that one of the properties we most recent had was with a landlord we had been dealing with for several weeks now. He moved the furniture in and that has been an issue as we had asked him to move it out because he did not have a Use and Occupancy. It was one of those where they stated they did not know. However, they had to because they must have received our letter as well as already applying for permits.

Mr. Peden stated the bottom line was that we are in much control as we can. He stated that he respects our inspectors and what you have done, that wasn't an issue. He was more questioning whether it was a separate little thing over here that we could get to the real estate people to inform their buyers. Mrs. Purcival stated "every year we get a questionnaire from the Realtor's Association, the Delaware County Realtor's Association. That questionnaire will ask us millage, school district, permit requirements and information on Use and Occupancy. That questionnaire is consistently sent in. So, the Delaware County Realtor's Association is aware if everyone looks in there little book under Upland of what we need and what we expect."

Mr. O'Connor stated that he recalled that last year we had a lot more letters for non-compliance for fire safety than we did this year. Mrs. Purcival stated that we sent out between 22 to 24 letters for non-compliance for year 2012. Mr. O'Connor indicated for the non-compliant fire safety inspections for year 2013, we solved almost half the issues in just a few weeks, which is surprising to him. Mr. Mitchell mentioned that it is amazing we can see by the report; what the inspectors are doing every Friday, when they are out on the street. He stated this was working out good.

20. Engineer's Report

- A-1 Motion for Approval of Payment for Fire House Addition -
Contract #1, General Construction for Columbus
Construction, LLC; Third Installment of \$ 31,697.00

Mr. Catania stated we have the request for payment requisition #3 for the General Contractor for ongoing construction for the Fire House addition.

Ms. Crawford made a motion to approve of payment for Fire House Addition - Contract #1, General Construction for Columbus Construction, LLC, third installment of \$ 31,697.00. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mr. Catania stated the MS4 report is not due to the DEP until October. We have plenty of time to do it. We will certainly be on time and retain our permit.

- A-2 Bid Opening Minutes - February 28, 2014
- Construction of Eleventh Street Extension: Phase II

Ms. Crawford made a motion to approve the Bid Opening Minutes of February 28, 2014 for Construction of Eleventh Street Extension, Phase II. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

Ms. Crawford made a motion to reject all bids and to re-advertise the Eleventh Street Extension, Phase II. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

- A-3 Bid Opening Minutes - March 3, 2014
- Truck Scale Installation and Construction of Scale Building

Ms. Crawford made a motion to approve the Bid Opening Minutes of March 3, 2014 for the Truck Scale Installation and Construction of Scale Building. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

Ms. Crawford made a motion to reject all bids for the Truck Scale Installation and Construction of Scale Building and re-advertise as needed. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mr. Mitchell added that the fence, between Sixth and Fourth Streets, if anybody has taken a look at that, it is very nice. He would feel better when we get the ends closed up, but right now it is pretty safe from anybody walking off. Ms. Crawford asked if there is a top part going on there. Mr. Mitchell stated there are rings that go on there. Mr. Hunter stated that the kids are enjoying walking on there. Mr. Mitchell stated we will get it closed off. Mrs. Miazza asked how they will close

it off. Mr. Mitchell stated they will put a half moon on there, over the wall. It will act as a double agent; it will also act as support.

21. Old Business

Mr. Mitchell asked if there was any old business. No one responded.

22. New Business

A-1 Motion to Cancel Second Meeting of March 2014

Ms. Crawford made a motion to cancel the second meeting of March 2014. Mrs. Miazza seconded the motion. Mr. Mitchell stated “All those in favor, signify by saying Aye. All Council replied “Aye.”

A-2 Motion to Cancel First Meeting of April 2014

Ms. Crawford made a motion to cancel the first meeting of April 2014 and Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Hold Second Meeting in April (April 22, 2014)

Ms. Crawford made a motion to hold the second meeting in April on April 22, 2014. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Approve Donation to the Upland Athletic Club for the Easter Egg Hunt in the Amount of \$ 250.00

Ms. Crawford made a motion to approve a donation to the Upland Athletic Club for Easter Egg Hunt in the amount of \$ 250.00. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

23. Floor Open to Public

Mr. Mitchell stated the floor is now open to the public. There was no participation.

24. Adjournment

Ms. Crawford made a motion to adjourn. Mr. Peden seconded the motion. Mr. Mitchell stated "All those in favor signify by saying Aye." All Council voted Aye, no one opposed. Motion carried.

The meeting adjourned at 7:38 p.m.

Respectfully submitted,

Shirley Purcival
Borough Manager/Treasurer/Secretary

Shannon Strigle
Recording Secretary