

MINUTES SECOND MEETING OF UPLAND BOROUGH COUNCIL

DATE March 28, 2017

TIME 7:00 P.M.

PLACE Upland Municipal Building, 224 Castle Avenue, Upland, PA

CALL TO ORDER President Peterson called the Second Meeting of March 2017 for 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, P.E., Catania Engineering – Present; and Mr. Robert E. O’Connor, Esquire – Present.

GUESTS/RESIDENTS IN ATTENDANCE

Mr. Ken Stark, Reporter, and approximately eight (8) residents/guests were also in attendance.

5. Public comments on Agenda Items Only

There were no public comments.

6 Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes – February 14, 2017

Ms. Crawford made a motion to accept the Council Meeting Minutes of February 14, 2017 as presented. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; and Mrs. Peterson – Aye. Motion carries.

A-2 Re-Bid Minutes 227 8th Street – March 9, 2017

Ms. Crawford made a motion to accept the Re-Bid minutes of 227 8th Street of March 9, 2017 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; and Mrs. Peterson – Aye. Motion carries.

7. Treasurer’s Report

A-1 Treasurer’s Report

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

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 – Richard McClintock

Mr. McClintock reported the Fern Lane roof repair is complete.

9. Public Safety Report – William Dennon

A-1 Fire Marshall's Report

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

A-2 Fire Company's Report

Fire Chief Smith read into record the report of February 2017. Copies are included with the minutes. President Peterson asked the Fire Chief how everything was going. Fire Chief Smith replied fine. The annual funds drive for residents and businesses. The annual giving is declining and they hope to somehow convince the residents that the funds drive helps the fire company with their finances. Chief Smith stated that since year 2014, they are in a steady decline, approximately two thousand dollars per year.

President Peterson asked if the Fire Company has any upcoming funds drives. Chief Smith replied they do. The Annual Easter Flower Sale will be on April 14, 15 and 16, 2017, at the Fire Company. And they did the Christmas Tree Drive, combined with another fire company, and they made a good profit on that.

President Peterson stated to the Fire Chief that Council had allotted monies for the Fire Company in the budget and they would address it at the next council meeting. Fire Chief Smith replied "Thank you."

10. Code Officer's Report - Leland Hunter

Mr. Hunter read the February 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 of February 2017 – \$ **94,868.28**

Ms. Crawford made a motion to approve the General Fund Bills for the month of February 2017 in the amount of **\$94,868.28**. 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 of February 2017 – **\$ 52,559.33**

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of February 2017 in the amount of **\$ 52,559.33**. 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.

A-3 Motion to Exonerate Tax Collector

A. Real Estate **\$ 12,583.27**

Ms. Crawford made a motion to exonerate the Tax Collector for the 2016 Delinquent Borough Real Estate Taxes in the amount of \$ 12,583.27. 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.

B. Trash Tax **\$ 14,850.00**

Ms. Crawford made a motion to exonerate the Tax Collector for the 2016 Delinquent Borough Trash Taxes in the amount of \$ 14,850.00. 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.

C. Motion to Allow Borough Manager to Forward Delinquent Trash Taxes to Delinquent Tax Collecting Agency

Ms. Crawford made a motion to allow the Borough Manager to forward delinquent trash taxes to the delinquent tax collecting agency. 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.

D. Authorize the Borough Manager to Change Banking Institutions for Escrow Account (from Wells Fargo to TD Bank)

President Peterson explained Wells Fargo was charging a steep fee and TD Bank will charge no fee. Ms. Crawford made a motion to authorize the Borough Manager to change the banking institution for escrow account from Wells Fargo to TD Bank. 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.

13. Ordinances & Resolutions Report – Richard McClintock

A-1 Motion to Pass and Adopt Resolution No. 2 of 2017

- *Confirm Borough Manager as Chief Administration Officer of Police and Non-Uniformed Pension Plans*

Mr. McClintock read Resolution No. 2 of 2017, *Confirm Borough Manager as Chief Administration Officer of Police and Non-Uniformed Pension Plans*. Mr. McClintock made a motion to pass and adopt Resolution No. 2 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 Resolution No. 3 of 2017

- *Approving the Submission of an Application to the Pennsylvania Department Conservation and Natural Resources - C2P2 Grant*

Mr. McClintock read Resolution No. 3 of 2017, *Approving the Submission of an Application to the Pennsylvania Department Conservation and Natural Resources - C2P2 Grant*. Mr. McClintock made a motion to pass and adopt Resolution No. 3 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.

14. Research & Development - Moira Crawford

Ms. Crawford reported for the month of February 2017, the website had 4,581 page views, with an average of 164 per day. There were 2,906 visitors with an average of 104 per day. Ms. Crawford stated photos were added to the website from the Soup and Salad Dinner as well as their March event, Senior Citizen's St. Patrick's Day Luncheon.

15. Streets & Equipment – Leland Hunter

Reports progress.

16. Community Affairs – Moira Crawford

Ms. Crawford reported Community Affairs had a few events since their last meeting. The Soup and Salad Dinner had a light turnout, but better than last year. A small profit was made. The Annual Senior Citizen's Free St. Patrick's Day Luncheon was held on March 13, 2017. Despite to the impending bad weather, they did have a nice turnout for the event. Community Affairs Committee received a Thank You note from the Senior's Club. A copy is attached to the minutes.

Ms. Crawford announced the next event, the Easter Egg Hunt and the Breakfast with the Easter Bunny will be held on Saturday, April 15, 2017. The Easter Egg Hunter will be at Bristol Lord Field, beginning at 9 a.m. and the breakfast will immediately follow at MacQueen Hall. The breakfast is free for those children that have a Borough ID or proof of residence, otherwise, the charge will be \$3.00. Children must be accompanied by an adult. The price for adults is \$5.00. Photos with the Easter Bunny will also be available.

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 February 2017. Copy included with minutes.

19. Mayor's Report - Michael Ciach

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

20. Solicitor's Report - Robert O'Connor

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

21. Engineer's Report – Lisa Catania / Dan Archdeacon

Mr. Archdeacon read the Engineer's Report into record. Copy included with minutes.

A-1 Recommendation for Demolition of 227 8th Street

Mr. Archdeacon stated Catania Engineering recommends A.J. Jurich to be awarded the contract for the demolition of 227 8th Street.

Ms. Crawford made a motion to award the demolition of 227 8th street to A.J. Jurich for \$49,000.00 plus Alternate #1 if needed. 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 Motion to Authorize Engineer to Advertise for Bids of the 2016 CDBG Road Program

Ms. Crawford made a motion to authorize the Engineer to advertise for bids for the 2016 CDBG Road Program. Mr. McClintock wanted to clarify where the advertisement would be published. Mr. Grillone stated he spoke to the Engineer, and there was a correction as the advertisement will be placed in the Daily Times. 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.

President Peterson discussed the advertising in the Spirit. President Peterson stated that Mr. Hunter addressed this concern in the past. Mr. Hunter stated his issue is that a lot of people buy the Daily Times. He stated he addressed this before as he thought we should advertise again in the Daily Times. Also, he stated there are a couple of residents that buy the Daily Times and some residents were not aware of what

was going on in the Borough as they did not get the Spirit. Mr. Hunter stated he does not think we should use the Spirit to advertise our business.

Mayor Ciach had asked what the difference in pricing was. Mr. Grillone stated there was a cost difference but the Spirit is only published weekly. It added some more challenges in terms of the bidding requirements and getting bids scheduled. Although it does meet the definition of a general circulation publication; the Spirit does meet that but handicaps you. Mr. Grillone also concurred with Mr. Hunter; not many residents see it.

22. Old Business

President Peterson discussed Council and employee cell phones. Due to how the Right-To-Know laws are now, all Council members should have Borough-issued cell phones to have access to Council business and Council email. Their own personal equipment should not be used.

President Peterson stated she did an analysis of the phone bill and there were 8 to 10 phones that were not being used or sitting somewhere and still on. They have since been shut down. Also, as for the employees, per the last administration, employees were allowed to use the cell phones for both personal business and Borough business. President Peterson has since shut that down.

President Peterson stated the employees will be moved to flip phones; where they can basically conduct only business calls. President Peterson entertained a motion to change the phones. Mr. McClintock stated "So moved," and 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.

Mr. McClintock read a draft of a letter that was presented to Council by legal counsel. Mr. McClintock read a letter:

*“Upland Borough Council Members, Mayor
Call for Immediate Resignation
of Councilmember Ed Mitchell*

“Mitchell was charged by District Attorney Whelan for theft and illegal wiretaps as part of a \$133,000 kickback scheme that involved Borough funds

UPLAND, PA – Upland Borough Council President Christine Peterson, Vice President Moira Crawford, council members Leland Hunter, Richard McClintock, Judith Bush, and William Dennon, and Upland Mayor Michael Ciach joined together today in calling for the immediate resignation of council member Ed Mitchell.

Mitchell was charged recently by Delaware County District Attorney Jack Whelan with 41 felony counts including theft, receiving stolen property, conspiracy, and illegal wiretaps, as part of an alleged \$133,000 kickback scheme. Those criminal charges were followed by a federal civil rights complaint filed against Mitchell by the Borough’s fire chief, Dan Smith, who also served as a member of Borough council.

“We are appalled and strongly condemn the alleged activities and behavior of Councilman Ed Mitchell,” said Christine Peterson, President of Borough Council. “For the good of the Borough and local residents, we call upon Mitchell to do the right thing and immediately resign his position on Borough Council.”

“Serving the community as an elected official is a privilege that I and the other board members take very seriously,” said Peterson. “It is a responsibility that we are proud to do with honesty and integrity and each of us are disgusted by the alleged malfeasance of Mr. Mitchell.”

“While we all understand that the law presumes that Mr. Mitchell is ‘innocent until proven guilty,’ in light of the severity of the pending charges, together with the duty to always uphold the public trust, we all call for the immediate and unconditional resignation of Mr. Mitchell from his position as a councilman in the Borough of Upland. We believe that by retaining that office, Mr. Mitchell brings disrepute upon the Borough.”

President Peterson asked “Do I hear that in the form of a motion?” Mr. McClintock made a motion to enter the request of resignation into record. 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.

23. New Business

A-1 Motion to Accept Resignation of Flood Plain Administrator

- Discussion on Replacement

-

Ms. Crawford made a motion to accept the resignation of the Flood Plain Administrator with regret. 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.

President Peterson stated that discussion on the replacement Flood Plain Administrator will be address at the next meeting as they will be gathering additional information.

A-2 Update on Work and the Road Repairs at Main Street & Oak Lane

Mr. Dennon stated that Mr. Grillone’s first letter to Chester Water Authority initiated the ball to repair the roadway on Main Street, near Oak Lane. Both Mr. Dennon and Mr. Grillone established a good open communication to get this job done. Mr. Dennon stated his most recent communication was with Ms. Aileen Gallagher from PECO. Ms. Gallagher updated Mr. Dennon that Kehoe Construction will be doing the remainder of the work in that area; the total restoration of replacing the sidewalks, up to Upland’s standards as well as anything that was damaged in the process of their original repair.

Mr. Dennon stated permits will be need to be issued and with the collaboration of Code Department, the office, the Engineer and all involved, they will make sure the repairs are done correctly.

24. Floor Open to Public

No one addressed Council.

25. Adjournment

Ms. Crawford made a motion to adjourn. Mr. McClintock seconded the motion. Verbally, all Council voted Aye; no one opposed. Motion carries.

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Gregory Grillone
Borough Manager/Secretary/Treasurer

Shannon Strigle
Recording Secretary