

MINUTES REGULAR MEETING OF UPLAND BOROUGH COUNCIL

DATE April 11, 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 – Excused; Mrs. Bush – Present; Mr. Mitchell – Absent; Mayor Ciach – Present; Daniel Archdeacon, Catania Engineering – Present; Mr. Robert E. O’Connor, Esquire – Present; and Cynthia Romeo, Borough Clerk, was in attendance.

GUESTS/RESIDENTS IN ATTENDANCE

Mr. Ken Stark, Reporter, Chief Dan Smith, Upland Fire Company, and approximately thirteen (13) residents/guests were also in attendance. Reporter, Michele Lee, Spirit Newspaper was also in attendance; verified by Mayor Ciach.

5. Public Comments on Agenda Items Only

No one approached Council.

6. Approval of Previous Meeting Minutes

 A-1 Council Meeting Minutes – March 28, 2017

Ms. Crawford a motion to approve the Council Meeting Minutes from March 28, 2017. Mr. McClintock seconded the motion. Mr. Dennon – Aye; Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copy included.

7. Treasurer’s Report

 A-1 Treasurer’s Report – March 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; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copy included with minutes.

A-2 Income Statements – March 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; 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 March 2017 into record. Copy included with minutes.

A-2 Fire Company's Report

Chief Smith read into record the report of March 2017. Copies are included with the minutes.

10. Code Officer's Report - Leland Hunter

President Peterson stated progress.

11. Building & Grounds Report – Judith Bush

Mrs. Bush reported progress.

12. Finance & Insurance Report – Moira Crawford

A-1 Approval of General Fund Bills – **\$ 163,781.37**

Ms. Crawford made a motion to approve the General Fund Bills for the month of March 2017 in the amount of **\$163,781.37**. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Approval of Auburn Village Bills – **\$ 76,006.11**

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of March 2017 in the amount of **\$ 76,006.11**. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye;

Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copies included with minutes.

13. Ordinances & Resolutions Report – Richard McClintock

There were no Ordinances or Resolutions to address at this time.

14. Research & Development – Moira Crawford

Ms. Crawford reported for the month of March 2017, the website had 6,262 page views, with an average of 202 per day. There were 3,593 visitors with an average of 116 per day.

15. Streets & Equipment – Leland Hunter

President Peterson reported progress.

16. Community Affairs – Moira Crawford

Ms. Crawford announced the next event will be this Saturday. The Easter Egg Hunt begins at 9:00 a.m. at the Bristol Lord Field. The Breakfast with the Easter Bunny will begin immediately following the Egg Hunt, at the MacQueen Hall. The Breakfast is free for children that have a Borough ID or proof of residency; all children must be accompanied by an adult. For children without proof of residency, the cost is \$3.00 and adult price is \$5.00. Photos with the Easter Bunny will be available as well. Ms. Crawford stated “We look forward to seeing a lot of people on Saturday for the Breakfast with the Easter Bunny.”

17. Future Projects – Richard McClintock

Mr. McClintock reported progress.

18. Use & Occupancy Report – Mayor Ciach

Mayor Ciach read into record the Use and Occupancy Report for the month of March 2017. Copy included with minutes.

19. Mayor’s Report – Mayor Michael Ciach

Mayor Ciach read the March 2017 Mayor’s Report into record. Copy included with minutes.

20. Solicitor’s Report - Robert O’Connor

Mr. O’Connor read his report for March 2017 into record. Copy included with minutes.

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

A-1 March 2017 Report

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

22. Old Business

There was no old business.

23. New Business

A-1 Motion to Ratify the Decision not to renew the Borough Manager's Contract

Ms. Crawford made a motion to ratify the decision not to renew the Borough Manager's contract. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Motion to Ratify the Advertisement of a New Borough Manager

Ms. Crawford made a motion to ratify the advertisement of a New Borough Manager. Mr. Dennon seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-3 Motion to Authorize Donation to Upland Athletic Club for Easter Egg Hunt

Ms. Crawford made a motion to authorize a donation to Upland Athletic Club in the amount of \$275.00. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mrs. Bush – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-4 Discussion on Donation for Upland Fire Company

Ms. Crawford made a motion to approve payment of \$17,100.00 to the Upland Fire Company; broken down to payments in monthly installments of \$1,900.00 beginning April 2017. Mr. McClintock seconded the motion.

A-5 Motion to Approve Upland Fire Company Annual Tag Days

Ms. Crawford made a motion to approve Upland Fire Company's Tag Days for May 12 & May 13 as well as September 8 & 9; with make-up dates will be the following weekends. Mrs. Bush seconded the motion. President Peterson asked for a verbal approval; all in favor, no one opposed. Motion carries.

A-6 Motion to Cancel the Second Meeting of the Month – April 25, 2017

Ms. Crawford made a motion to cancel the second meeting of the month, April 25, 2017. Mr. McClintock seconded the motion. President Peterson asked for a verbal approval; all in favor, no one opposed. Motion carries.

A-7 Motion to Advertise the Council Meeting Date for May, 2017

Ms. Crawford made a motion to advertise the next Council Meeting for May 2, 2017 instead of May 9, 2017. Mrs. Bush seconded the motion. President Peterson asked for a verbal approval; all in favor, no one opposed. Motion carries.

A-8 Clean Up Day Scheduled

Mr. Dennon announced a PA Clean-Up Day is scheduled for Sunday, April 23rd 8:30 a.m. to 2 p.m. Volunteers are needed. Delaware County Community Service and the Upland Fire Company will be helping as well. PennDot will donate the materials; trash bags, vests, gloves, etc. The purpose is to clean up the area, as best as possible.

24. Floor Open to Public

Dana Dudek, Church Street resident, approached council. Ms. Dudek had a few areas of concern she wanted to address with Council.

Ms. Dudek reported that kids were playing on the street riding skateboards and scooters. The kids are out of control and they play chicken with the cars. They even cut off the cars when they are driving. It would not be fair if the motorist hits them. Ms. Dudek stated that she almost hit the same child two (2) times. Ms. Dudek mentioned about her own childhood, how the Police used to come into the schools.

President Peterson	There is an officer in the schools every week. I will pass this on.
Ms. Dudek	What about citing the parents? Or confiscating their bikes? What else can be done? I mean, it is really out of control. Last week there was a mob of kids.
President Peterson	The only thing you can do at that time, is call the Police.
Mrs. Bush	Do you know where the children live...to cite the parents?
Ms. Dudek	We've tried to call the Police.
President Peterson	We will take a look at that and get back to you, okay?
Ms. Dudek	Okay.
Mayor Ciach	Dana, you have my number. If you ever call the police and they do not come, call me.
Ms. Dudek	The Police could be on another call.
Mayor Ciach	They are still required to show, though.
Ms. Dudek	I would like to voice a very strong objection to Tom Kennedy being even considered for the Floodplain Administrator. I don't even think he should be the Plumbing Inspector. The man is rude, not-knowledgeable about things that go on in this borough. He has created havoc with a lot of residents. And, I strongly urge Council not to consider it.

- Ms. Dudek Sewer line inspections. Another thing, I am pleading with Council to rescind this ordinance. Who read these videos; who determines a pass or fail?
- President Peterson In the end, our Plumbing Inspector.
- Ms. Dudek There are cases, as to the explanation as to why they failed, is not true. And people have the videos to prove it. I tell you, this is suicide for this borough. I have had realtors state they do not want to deal with Upland, they will not take home listings in Upland. Property values are declining. The Church Street property value is now down to approximately \$ 70,000.00. That is an ultimate disgrace. Council has got to do something. People are just walking away.
- President Peterson The last time we looked at this Dana, we were basically told by Legal that we can't take it back because of the ones that we have already done.
- Ms. Dudek But the public was promised it was not going to pass and then it was passed behind everyone's back. That to me, Upland...(inaudible).
- President Peterson It wasn't passed behind everyone's back. We have to remember when that was done, the borough was going to basically cover it. No one had to worry about it until the end. And no one wanted to do that.
- Ms. Dudek You've got senior citizen's here that...
- President Peterson I understand.
- Ms. Dudek Property values are in the tank. Something desperately needs to be done. And one last questions, why can't the public see copies of bills to be paid?
- Mrs. Bush and Ms. Crawford both said once they are approved.
- President Peterson Once they are approved, I have no problem with releasing them.

Mr. Garrity, Church Street resident, approached Council regarding the Sewer Lateral testing. Mr. Garrity read a sample agreement of a Seller's Property Disclosure Statement from the Pennsylvania Association of Realtors. According to Mr. Garrity it reads "the fact that a structural element, system or subsystem is at or beyond the end of the normal useful life of such a structural element, system, or subsystem is not by itself a material defect."

Mr. Garrity "Which mean if it is old and still functioning, it is not defective. The state does not even require the changing of the lateral line; the replacement of the lateral line. If we have a plumber that comes to our house, and there is a real estate transaction pending, and he says the line is fine, that is where it should end. The borough should be involved with the permit and making sure the plumber is licensed and qualified but as far as giving explicit power to give to him to demand the line be replaced, just because it is old, or has a bely or a few repairs in it, is an over-reach." If the issue is due because it is old, then that is a negotiating between the buyer and seller.

Mr. McClintock Could you make sure we get a copy of that?

Mr. Garrity If there is still life to the line, and the buyer agrees to accept that risk, because when you buy an older home, you assume that risk. That is why new construction costs more than new construction. The plumbing inspector has the final say on whether or not a line should be replaced of not, like I said is an over-reach. What really truly troubles me, not necessarily with the current gentleman, but in the future, you have the possibility of schemes or paybacks. If this is ever taken to court, and the Borough is found to be a bit beyond their power...

Once again I ask the Council to reconsider this ordinance and repeal it. It is on private property and it should remain between buyer and seller. The extent of the Borough's problem, like I said, is to get the permit and to make sure the plumber is qualified...It is not the government's responsibility for the buyer exchange.

- Mr. McClintock If the inspection should show that the line is blocked, are you saying that the person that owns that home should be paying to get it fixed?
- President Peterson That doesn't have anything to do with us. That is between the buyer and seller.

There was much discussion about the sewer lateral.

- President Peterson Mr. Garrity, we've beat this thing to death. I assure you, I promise you, that we will, as a Council, stretch out further and check this out one more time.
- President Peterson If we decide now that we are not going to do it, what about all the other people we made replace their line. And that is what I am saying to you.
- Mr. Garrity Two wrongs will not make a right.
- Ms. Crawford Ordinances can be changed; they are changed all the time. It doesn't mean that anyone is liable for anything if they change that.
- President Peterson Mr. Garrity, I just spoke to Mr. O'Connor. We will check on one more thing, I promise you we will. We will let you know by June's meeting, okay?
- Mr. McClintock I would like to have a copy of that.

With confirmation from other Council members, they would like a copy of the sample agreement of a Seller's Property Disclosure Statement from the Pennsylvania Association of Realtors.

- Chief Smith When he owned a property in Upland, deciding whether to sell or not, the potential buyers that viewed his property were happy that Upland had the sewer lateral ordinance. Chief Smith stated that when he looked at potential properties in Edgemont Township and Nether Providence Township, everybody is getting the sewer lateral inspections. It is not just Upland, Delcora and the water company is also pushing for the sewer lateral inspections. Chief Smith stated he is neither for the inspection nor against it, however it is a positive thing when someone is buying the property. It is just like any other politics that goes into play, it helps some of people and it doesn't help others. And you will hear both sides of the stories; that is my side.

- President Peterson Thanks, Dan.

Mr. Novak approached Council. He stated he was in agreement with Mrs. Dudek regarding the children playing. The children are unruly. Mr. Novak stated that Upland needs an ordinance about this.

- President Peterson Mr. Novak, we already have an ordinance.
- Mr. Novak You need to enforce it.
- President Peterson We do. You need to call the police.
- Mr. Novak I do call the police.
- President Peterson Okay, I will pass it on.

There was more discussion on the children playing and how they are unruly and disrespectful. President Peterson stated she will pass the information along to the Police Department.

Mr. Novak asked about the fire pit. He had a letter and gave to Mr. Ciach. President Peterson explained that two letters were needed from his neighbors, in case someone had breathing problems. Mr. Novak stated he would get them. President Peterson stated the Mr. Kirby can check it out as it is a case by case. President Peterson stated they would take care of it.

Mr. Garrity readdressed Council regarding sewer laterals and qualifications of the plumber. President Peterson ensured Mr. Garrity they will look into this situation.

Ms. Gethers, Hill Street resident, approached Council. Ms. Gethers was concerned about the park that will be coming to the area near her residence. She wanted to know if there will be trees planted along the fence. She wants to make sure that she will be able to keep her privacy. She was concerned about people walking by and her privacy. Ms. Gethers mentioned that she was concerned about the assessment of her property when the park was done. She also asked about the clock tower and how the light may reflect into her windows. President Peterson assured her that there will be no problem where it would affect her privacy. Mr. Archdeacon also mentioned that when they go to final plans, they would make sure her concerns were addressed.

Mr. Sal Deviato, Second Street resident, approached Council. He stated he also had a problem with children on the bikes. President Peterson stated that hopefully when they start the bike patrol; it will elevate some of the problems with the kids on bikes. Mr. Deviato also asked about the floodplain stick.

President Peterson asked Cindy to have Chuck look into the Children at Play signs.

25. Adjournment

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

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Shannon Strigle
Recording Secretary