

MINUTES SECOND MEETING OF UPLAND BOROUGH COUNCIL

DATE AUGUST 23, 2016

TIME 7:00 P.M.

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

CALL TO ORDER President Peterson called the Second Meeting of August 2016 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 – Present; Mayor Ciach – Present; Daniel Archdeacon, P.E., Catania Engineering – Present; and Mr. Robert E. O’Connor, Esquire – Present.

GUESTS/RESIDENTS IN ATTENDANCE

Acting Police Chief of Upland Police Department, Michael Irely, Police Officer William Meyer, Fire Chief Dan Smith, Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Daily Times Reporter, and approximately eleven (11) residents/guests were also in attendance.

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

President Peterson called an Executive Session. All Council and Mr. O’Connor exited Council Chambers into the Office Conference Area.

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Return to Normal Order of Business – 7:13 p.m.

5. Public Comments on Agenda Items Only

Janice Geraghty, Church Street, approached Council. She asked how the amendment came about for the Sewer Lateral proposed Ordinance No. 4 of 2016. President Peterson explained “we were asked to take a look at it, some people want it gone, some people think it is too expensive.” She further explained that we were trying to find ways to make it less expensive; therefore with jetting. If any infiltration, then jetting it out first before video, this may help alleviate any small roots and we could get a better picture. Tom Kennedy, Plumbing Inspector, explained that most pipes in the Borough are five inches, jetting would clean out any sediment at the bottom of the pipe which could expose any potential of sagging pipe and for the angel hair roots, the jetting would cut them off therefore if we don’t see them, we can’t fail you for that reason.

Mrs. Geraghty asked Mr. Dennon about his experience with his sewer lateral. Mr. Dennon stated that when he bought the house, they found out the previous owner put in a bathroom with an illegal line going into his house.

President Peterson asked to place on the record her explanation about the Sewer Lateral Ordinance as Mrs. Geraghty keeps saying “we tabled it (the Ordinance), and then we did it anyway.” When it was tabled and when we first suggested it, what the Borough was going to do was lend everyone (the money), get everyone’s laterals done. Then the homeowner would pay back the lateral. No one wanted to do that. So, when we did it, we did it when the homeowner was moving.” President Peterson continued “This is not something we did to “screw people”, this is something we did because we have to do what is best for the Borough. No one wanted to borrow money from the Borough. You did not want to borrow money from the Borough to have it done.” Mrs. Geraghty replied “I think it was more like homeowners did not want to have it mandatory.”

President Peterson stated “Council does not care how they do it. If you want to put it on the person buying your house, that is not up to us.” Through much discussion, Mrs. Geraghty is still in disagreement with the Sewer Lateral Ordinance.

Mayor Ciach stated he has been doing some research, and there is an issue, state-wide regarding sewer laterals.

## 6. Approval of Previous Meeting Minutes

### A-1 Council Meeting Minutes – July 12, 2016

Mr. Mitchell made a motion to move and accept the Council Meeting Minutes of July 12, 2016 as presented. Mr. Dennon seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Abstain; and Mrs. Peterson – Aye. Motion carries.

### A-2 Bid Minutes – July 12, 2016

Mr. Mitchell made a motion to move and accept the Bid Minutes of July 12, 2016 as presented. Mrs. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; and Mrs. Peterson – Aye. Motion carries.

## 7. Treasurer’s Report

### A-1 Treasurer’s Report - July 2016

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

### A-2 Income Statements – July 2016

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

8. Auburn Village Report – Richard McClintock

Reports progress.

9. Public Safety Report – William Dennon

A -1 Fire Marshall's Report

Mr. Dennon read the Fire Marshal's Report of July 2016 into record. Copy included with minutes.

A-2 Fire Company's Report

Fire Chief Dan Smith read the July 2016 report into record. Copy included with minutes.

10. Code Officer's Report - Leland Hunter

Mr. Hunter read the July 2016 into record. Copy included with the minutes.

11. Building & Grounds Report – Judith Bush

Reports progress.

12. Finance & Insurance Report – William Dennon for Moira Crawford

A-1 Approval of General Fund Bills - **\$ 90,981.41**

Ms. Crawford made a motion to approve the General Fund Bills for the month of July 2016 in the amount of \$ 90,981.41. Ms. Bush seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries. Copies included with minutes.

A-2 Approval of Auburn Village Bills - **\$ 67,612.23**

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of July 2016 in the amount of \$ 67,612.23. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – 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. 4 of 2016  
 - *Amending Chapter 150 "Sewers", Subsection 18, C, Paragraph (1) of Article II  
 "Private Sewer Lateral Connection"*

Mr. McClintock made a motion to **table** Ordinance No. 4 of 2016 – *Amending Chapter 150 “Sewers”, Subsection 18, C, Paragraph (1) of Article II, “Private Sewer Lateral Connection”* until next month’s meeting. Mr. Dennon seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

- A-2 Motion to Pass and Adopt Resolution No. 13 of 2016  
 - *Declaration of Relinquishment in Accordance with Section 408 of the Eminent Domain Code (3702 Sixth Street)*

Mr. McClintock made a motion to pass and adopt Resolution No. 13 of 2016, *Declaration of Relinquishment in Accordance with Section 408 of the Eminent Domain Code (3702 Sixth Street)*. Mr. Mitchell seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

- A-3 Motion to Pass and Adopt Resolution No. 14 of 2016  
 - *Parking Tax 100% to be Used for Capital Improvements within the Borough*

Mr. McClintock made a motion to pass and adopt Resolution No. 14 of 2016, *Parking Tax 100% to be Used for Capital Improvements within the Borough*, noting the change in property ownership to Prospect Holding. Mr. Mitchell seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

- A-4 Motion to Pass and Adopt Resolution No. 15 of 2016  
 - *Reinstatement of Historical Commission for Two (2) Year Term*

Mr. McClintock made a motion to pass and adopt Resolution No. 15 of 2016, *Reinstatement of Historical Commission for Two (2) Year Term*. Ms. Crawford seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Abstain on Brock Peterson, and Aye on everyone else. Motion carries.

- A-5 Motion to Approve Procedure - *Prior to Acquisition of a Property, Borough must Perform a Title Search and Acquire Title Insurance on That Property*

Mr. McClintock made a motion to approve the procedure - *Prior to Acquisition of a Property, Borough must Perform a Title Search and Acquire Title Insurance on That Property*. Ms. Crawford seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

#### 14. Research & Development – Moira Crawford

Ms. Crawford provided a report on the research and development for June 2016 and July 2016. There is a copy included with the minutes.

15. Streets & Equipment – Leland Hunter

Mr. Hunter stated one of the Street Department employees is out; recovering from a back surgery. He will be out for a while. The other employee is working between two departments; and the Streets Department is down to one man full time. Mr. McClintock stated that after the meeting, he would like to talk with Mr. Hunter about the Streets Department.

Mr. Hunter also mentioned that Mr. Kennedy stated what was wrong with Main Street. The Borough Manager and Catania Engineering are trying to get that hole fixed on the hill on Upland Avenue. We are getting nowhere with that hole; it seems to get bigger and bigger all the time, as well as deep. Mr. Hunter stated he was unsure what can be done on a State Highway and to get them to move, it is completely impossible. President Peterson offered a suggestion for Mr. Hunter to speak to Mr. Grillone to get them moving on fixing that hole.

16. Community Affairs – Moira Crawford

Ms. Crawford provided a report on Community Affairs. This information is available with the Research and Development report. Ms. Crawford mentioned a special note to thank all the Volunteers that have helped.

17. Use & Occupancy Report – Gregory Grillone

Mr. Grillone read into record the Use and Occupancy Report for the month of July 2016. Copy included with minutes.

18. Mayor's Report - Michael Ciach

Mayor Ciach read the July 2016 report into record. Copy included with minutes.

Mayor Ciach also wanted to address Officer Sean Dougherty has completed 96 hours of training of the Motor Carrier Safety Assistance Program; a truck safety inspection program. Also, Officer Daniel Lemmon was recognized by Mayor Ciach and Acting Chief Irely; Mayor Ciach commended him on how he dealt with a certain individual during a situation while on duty. Acting Chief Irely spoke about Officer Lemmon; the letter from the individual thanking Officer Lemmon for going out of his way to help him in his dilemma.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read his report for July 2016 into record. Copy included with minutes.

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

Mr. Archdeacon read the report for July 2016 into record. Copy included with the minutes.

A-1 Recommendation for Trash Collection Bid 2017-2022  
- Motion to Award

Mr. Archdeacon stated the lowest bid was from B&L Disposal Services. The prices, included on the Bid Tabulation sheet, would include recycling and bulk trash. Ms. Crawford made a motion to award the Trash Collection Bid for years 2017-2022 to B&L Disposal Services, cost per year to include the language regarding the recyclables and bulk trash. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-2 Motion to Authorize the Borough Engineer to take Proposals for the Demolition of  
227 Eighth Street

Ms. Crawford made a motion to authorize the Borough Engineer to take proposals for the demolition of 227 Eighth Street. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

A-3 Discussion on CDBG Modular Wall at 6<sup>th</sup> & Main Streets

Mr. Archdeacon made a recommendation to revisit this project. Ms. Crawford made a motion to re-bid the 2014 CDBG Modular Wall at 6<sup>th</sup> & Main Streets. Mr. Mitchell seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

21. Old Business

A-1 Police Crown Victoria Vehicles

- Year 2004; 82,404 miles bbv \$4,000 - \$250 to strip
- Year 2008; 132,785 miles bbv \$1,500 (doesn't include blown motor- offer \$500)

President Peterson discussed the Crown Victorias. She would like the Borough Manager to speak with Municibid to see how much it would be to advertise with them. There was a confirmation/correction from Acting Chief Irely about the year of vehicle and the mileage.

Ms. Crawford made a motion to authorize the Borough Manager to contact Municibid to find out how much it would cost to place the vehicles on their website. Mr. Mitchell seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

22. New Business

A-1 Motion to Approve CBA with the FOP for the Period of 01/01/16 through  
12/31/2020

Ms. Crawford made a motion to approve the Collective Bargaining Agreement with the Fraternal Order of Police for the period of 01/01/16 through 12/31/20. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Abstained. Motion carries.

#### A-2 MacQueen Hall Caterer – Frankie’s on Fairview

Ms. Crawford stated that there will be catering capabilities for the Hall renters. Ms. Crawford stated that Frankie’s will send potential renters to the Borough Hall, and we in turn will offer Frankie’s as being a potential caterer for their event. Ms. Crawford expressed that the potential renter is not obligated to use Frankie’s on Fairview. Ms. Crawford stated that the Community Affairs Committee will also be talking again to Frankie’s regarding other activities and/or events they wish to host.

Ms. Peterson asked for a verbal agreement from Council; all voted Aye, no one opposed.

#### A-3 Upland Fire Company – 90<sup>th</sup> Anniversary Commemorative Program Ad

Ms. Crawford made a motion to authorize for a full-page ad, at \$100 for Upland Borough and another full page ad, at \$100.00, for the Upland Police Department. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Aye. Motion carries.

#### A-4 Labor Arbitration Settlement with Fraternal Order of Police

Ms. Crawford made a motion to approve the labor arbitration settlement with the Fraternal Order of Police as discussed in Executive Session. Mr. McClintock seconded the motion. Roll call was taken: Mr. Dennon – Aye; Mr. McClintock – Aye; Mr. Hunter – Aye; Mrs. Bush – Aye; Mr. Mitchell – Aye; Ms. Crawford – Aye; Mrs. Peterson – Abstained. Motion carries.

#### 23. Floor Open to Public

Sondra Maquire of West 22<sup>nd</sup> Street approached Council. Her concern is the trash and the pot holes in the alleyway. This concern was addressed to Council, by her, at the beginning of the year. The trash issue was addressed. Mr. Kirby has sent letters to the property owners. However, the pothole issue has yet to be addressed. Ms. Maquire wanted to know what could be done. Mr. Mitchell stated that it is private property; this issue was addressed before. Ms. Maquire stated she will seek legal action, if needed against the Borough, if her car gets damaged.

Through much discussion by Council and residents, the issue of private property was addressed. Mr. Geraghty expressed how the Borough can tell someone to do a sewer lateral on their private property and on the other hand, tell Ms. Maquire from 22<sup>nd</sup> Street, that the Borough cannot help with the pothole situation for which is on private property.

The Borough Solicitor, Robert O’Connor as well as Tom Kennedy, Plumbing Inspector, stated they would look into the Property Maintenance Code for any other information that may resolve this issue.

#### 24. Adjournment

Ms. Crawford made a motion to adjourn. Mr. Mitchell seconded the motion. Verbally, all Council voted Aye. Motion carries.

The meeting adjourned at 8:28 p.m.

Respectfully submitted,

Gregory Grillone  
Borough Manager/Secretary/Treasurer

Shannon Strigle  
Recording Secretary