

UPLAND BOROUGH COUNCIL
MEETING MINUTES
August 26, 2014

The meeting of the Upland Borough Council was called to order at 7:02 p.m. by President Edward Mitchell. The meeting was held in the Upland Municipal Building.

Present were President Edward Mitchell and Vice President Christine Peterson. Council members present were Mr. Harold Peden, Mrs. Sandra Miazza, Mr. Leland Hunter, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq., and Shirley Purcival, Borough Manager/Secretary/Treasurer. Mr. Mitchell announced Councilwoman Moira Crawford was on vacation. Mr. Mitchell stated that we have a quorum.

Mr. Ken Stark, Reporter, and approximately eleven 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 - July 8, 2014

Mrs. Peterson made a motion to approve the Council Meeting Minutes of July 8, 2014. Mr. Peden seconded the motion. Mrs. Miazza abstained from the vote, and all other Council present voted Aye on the motion.

A-2 Bid Opening Minutes / Eleventh Street Extension, Phase II - July 21, 2014

Mrs. Peterson made a motion to approve the Bid Opening Minutes on Eleventh Street Extension, Phase II - July 21, 2014. Mr. Smith seconded the motion. All Council present voted Aye on the motion.

7. Treasurer's Report

A-1 Treasurer's Report

Mrs. Peterson made a motion to accept the Treasurer's Report as presented and Mrs. Miazza seconded the motion. All Council present voted Aye on the motion.

A-2 Income Statement

Mr. Peden made a motion to accept the Income Statements for Auburn Village and General Fund be accepted as presented and Mr. Smith seconded the motion. All Council present voted Aye on the motion.

8. Auburn Village Report - Christine Peterson

A-1 Motion to Purchase 2015 Ford F-350

Mrs. Peterson advised all that the Auburn Village truck has blown an engine and there are funds to replace it. Mrs. Peterson made a motion to purchase the 2015 Ford F-350 in the amount of \$ 42,256.02. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

9. Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

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

A-2 Fire Company's Report

Mr. Peden requested Dan Smith to read the July 2014 report for the Upland Fire Company.

Mr. Smith read the report. They had 0 fire incidents, 11 non-fire incidents, 24 mutual aid; for total incidence of 35; with 2 drills for a total activity for the month of 37. They had 24 assists for fire, 1 ambulance assist, 2 electric lines down, 3 fire alarms, 1 C.O. detector, 3 good intents, 1 assist to citizens. We had 19.3 service hours for the month; 17 day time and 20 night time, with an average runner of 6. Mr. Peden thanked Mr. Smith. Mr. Peden stated "That is all we have tonight, Mr. President." Mr. Mitchell replied "Thank you."

10. Safety / Code Committee - Daniel Smith

A-1 Code Officials Report

Mr. Smith read the July 2014 report into record.

11. Building & Grounds Report - Sandy Miazza

Mr. Mitchell reported progress.

12. Finance & Insurance Report - Councilman Smith for Moira Crawford (vacation)

A-1 Approval of General Fund Bills

Mr. Smith, on behalf of Ms. Crawford, made a motion to approve the General Fund Bills for the month of July 2014 in the amount of \$ 128,486.92. Mrs. Miazza seconded the motion. Mrs. Peterson abstained from check number 31573 and Aye on the remainder. All other Council voted Aye on the motion.

A-2 Approval of Auburn Village Bills

Mr. Smith, on behalf of Ms. Crawford, made a motion to approve the Auburn Village Bills for the month of July 2014 in the amount of \$ 14,252.21. Mr. Peden seconded the motion. All Council present voted Aye on the motion.

13. Ordinances and Resolutions Report - Harold Peden

- A-1 Resolution No. 9 of 2014 - Motion to Authorize the Borough Manager to Sign the Five-Year Winter Traffic Service Agreement with the Commonwealth of Pennsylvania, Department of Transportation

Mr. Peden read Resolution No. 9 of 2014: Authorize the Borough Manager to Sign the Five-Year Winter Traffic Services Agreement with the Commonwealth of Pennsylvania, Department of Transportation for the Winter Season of 2014 through and including Winter Season of 2019 into record. Mr. Peden made a recommendation that Resolution No. 9 of 2014 be passed and adopted as presented. Mrs. Peterson seconded the motion. All Council voted Aye on the motion.

- A-2 Resolution No. 10 of 2014 - Motion to Authorize the Treasurer to Transfer Monies in the Amount of \$ 36,925.00 for Generators at the Reese Center

Mr. Peden read Resolution No. 10 of 2014: To Authorize the Treasurer to Transfer Monies in the Amount of \$ 36,925.00 for Generators at the Reese Center into record. Mr. Peden made a motion that Resolution No. 10 of 2014 be passed and adopted as presented. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

- A-3 Resolution No. 11 of 2014 - Motion to Recognize the Funding Requirements for the Non-Uniformed Pension Plan and Make Provisions for Budget Year 2015

Mr. Peden read Resolution No. 11 of 2014: Recognize the Funding Requirements for the Non-Uniformed Pension Plan and Make Provisions for Budget Year 2015. Mr. Peden made a motion that Resolution No. 11 of 2014 be passed and adopted as presented. Mrs. Miazza seconded the motion. Mrs. Peterson abstained, while all other Council present voted Aye on the motion.

- A-4 Resolution No. 12 of 2014 - Motion to Recognize the Funding Requirements for the Police Pension Plan and Make Provisions for Budget Year 2015

Mr. Peden read Resolution No. 12 of 2014: To Recognize the Funding Requirements for the Police Pension Plan and Make Provisions for Budget Year 2015 into record. Mr. Peden made a motion that Resolution No. 12 of 2014 be passed and adopted as presented. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

- A-5 Motion to Advertise Proposed Ordinance No. 3 of 2014
- Amending Chapter 173, "Vehicles and Traffic Section", Section 173-47
"Schedule IX: Stop Intersections"

Mr. Peden read Ordinance No. 3 of 2014: Amending Chapter 173, "Vehicles and Traffic Section", Section 173-47 "Schedule IX: Stop Intersections. Mr. Peden made a motion that Ordinance No. 3 of 2014 to be approved for advertising, with the intent to pass at our September meeting. Mrs. Peterson seconded the motion. All Council voted Aye on the motion.

14. Research & Development - Councilman Smith for Moira Crawford (vacation)

Mr. Smith read into record Ms. Crawford's report for July 2014.

15. Streets & Equipment - Christine Peterson

Mrs. Peterson reported the guys are cutting the grass. We did get paid \$ 623.00 on one of the properties that were liened for our services. As the summer months come to a close, Mrs. Peterson stated that they were looking into brine this year. Last year, containers were bought for it so this year we will look at prices for it.

16. Community Affairs - Sandra Miazza

Mrs. Miazza reported that last Saturday the Magic Show took place. They had a pretty good turnout; and they really like it. The magician was really good. Mr. Mitchell asked if we would have him back. Mrs. Miazza said yes. On September 13th, the Firehouse is having their BBQ fundraiser. September 27th is our fundraiser, the Spaghetti Dinner. October 25th is the Halloween Party for the kids. November 15th is the Senior's Holiday Dinner upstairs, for all the seniors in Upland. November 28th is the Tree Lighting and the Christmas Party for the kids.

Mr. Mitchell stated "Once again, a full agenda. Very good, very good."

17. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read into record the Use and Occupancy Report for the month of July 2014. Mr. Mitchell asked if anyone had any questions of the Borough Manager. No one responded.

18. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of July 2014, a total of 64 citations were issued; total amount of citation fines \$ 13,652.00; the amount received from DJ Court was \$ 2,111.05. Year to date citations totals 635. We had 38 parking tickets issued, 14 sent to the District Court. There were 2 motor vehicle accidents, 3 accident reports copied, and total of 485 answered calls for the month with 77 assists; year to date total of calls at 2,793.

Mayor Ciach read into record the supplemental report for July 2014. A copy will be attached to the official record.

Mr. Mitchell asked if anyone had any questions for the Mayor. Mrs. Miazza stated she did. She asked if we ever looked into getting the body cameras for the Police? She thinks that is a good idea; where they wear the cameras. She asked Mayor Ciach what he was laughing at. Mayor Ciach replied he had seen some of them. Mrs. Miazza stated that she was watching television and seen it, and she thinks it is a good idea. Mrs. Peterson stated "that they are actually testing them out now." Mr. Mitchell stated "Good thought though." Mr. Mitchell continued "Any support like that or any equipment that's going to help our guys in aiding to keeping them safe, we're for it."

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor stated he does not have a report. The only item he wanted to mention was "a stale item for which Mr. Peden already mentioned regarding Dave Favinger's report. With that said, the only other item to mention is that we update the confidential portion, which is protected under the Sunshine Act." Mr. Mitchell asked if there were any questions of the Solicitor. Hearing no response, Mr. Mitchell moved onto the next item.

20. Engineer's Report - Charles Catania

- A-1 Recommendation for Award of Eleventh Street Project, Phase II
(*Community Development Block Grant*)
- Motion to Have the Solicitor Prepare Necessary Contracts

Mrs. Peterson made a motion for the Eleventh Street Project, Phase II. Mrs. Miazza seconded the motion. All Council present voted Aye on the motion.

Mrs. Peterson made a motion to have the Solicitor prepare the necessary contracts for the Eleventh Street Project. Mr. Peden seconded the motion. All Council present voted Aye on the motion.

- A-2 Motion for Approval of Payment for Fire House Addition - Contract #1, General Construction for Columbus Construction, LLC; Seventh Payment, Amount of \$ 24,021.00

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #1, General Construction for Columbus Construction, LLC; Seventh Payment, in the Amount of \$ 24,021.00. Mrs. Miazza seconded the motion. Mr. Smith abstained while all other Council present voted Aye on the motion.

- A-3 Motion for Approval of Payment for Fire House Addition - Contract #2, Mechanical Construction for Ellis Construction, Inc.; Third Payment of \$ 2,150.00

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #2, Mechanical Construction for Ellis Construction, Inc.; Third Payment in the Amount of \$ 2,150.00. Mr. Peden seconded the motion. Mr. Smith abstained while all other Council present voted Aye on the motion.

- A-4 Motion for Approval of Payment for Fire House Addition - Contract #3, Electrical Construction for Charles A. Higgins & Sons, Inc.; Fourth Payment of \$ 4,797.55

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #3, Electrical Construction for Charles A. Higgins & Sons, Inc. Fourth Payment of \$ 4,797.55. Mrs. Miazza seconded the motion. Mr. Smith abstained while all other Council present voted Aye on the motion.

21. Old Business

- A-1 Ambulance Update

Mr. Mitchell asked Mr. Smith to provide information on the Ambulance update. Mr. Smith stated he did review with the 911 Center on total calls from January 1st to June 30th, 2014, there was a total ambulance calls were 430 in the Borough. Only 355 times were there patients transported to the hospital. Of the 430 calls for the 6 month period, there 147 calls to Crozer Hospital grounds, 119 of those calls were transports.

“In the paperwork, you can see the billing amounts that the ambulance bills for. Assuming there were approximately 900 calls in the Borough with at least 700 of them transports, of that we received payments of 500 of them; 500 calls at a \$ 300.00 transport would be approximately \$ 150,000.00. Picking up other calls in Chester Township and other mutual areas would increase this call volume. Depending on the way the system ran, whether we had staffing 24/7 or 12 hours a day/ 5 days a week Monday through Friday, the values would be \$ 245,280.00 to fund staffing for the 24 hours a day, \$ 87,360.00 to staff at 12 hours a day. In order to set up your own ambulance service, you would need to purchase a used ambulance at approximately \$ 50,000.00 with an additional \$ 30,000.00 needed for supplies to stock and operate.

Overall, start-up costs would be approximately \$ 100,000.00 for ambulance supplies and insurances. We would need at least a cushion of 3 months for payment for startup operating costs. For the 24 hour coverage that would be \$ 61,320.00 and for the 12 hour-a-day coverage, it would be \$ 21,840.00. Total costs for starting an ambulance service in Upland would be approximately \$ 122,000.00 to \$ 162,000.00. That value does not take into consideration insurance, fuels and repair costs.”

Mr. Mitchell stated “Very good.” Mr. Mitchell asked if there were any questions. No responded. He continued “In our Caucus meeting, Dan did advise us that he is continuing on with his search to bring about ambulance service or see why we can or cannot do it. Council is very much in favor of as there is a need for ambulance service, if it is something we can work out, then we will do our best to pull that off.”

Mr. Mitchell stated “On your agenda it shows #21 A-2. That has been stricken.”

22. New Business

A-1 Request for Donation to Upland Hurricane Youth Football Team

This was tabled until October 2014 meeting.

A-2 Approval of Resident to Purchase a Repository Property (Criswell)

Mr. Smith made a motion for the resident to purchase a repository property on Eighth Street. Mrs. Miazza seconded the motion. Mr. Mitchell asked is this something we need to look into further; are there any easements. Mrs. Purcival stated the proposed owner is sitting in the audience. Mrs. Purcival stated she believes that property is up further from the area Mr. Mitchell described. Mr. Criswell addressed Council. “It is 20’ by 100’ and 25’ deep box; it is not fenced.” Mr. Mitchell stated we have another meeting in two weeks. He would feel more comfortable to have our Engineer go down there and take a look to make sure there aren’t any easements or anything on that property.” With explanation to the location of the property, and no further questions, all Council present voted Aye on the Motion.

[This motion was revised at the end of the meeting, contingent upon Mr. Criswell bringing his primary property up to code.]

A-3 Information on U.S. Marshal Program

Mr. Mitchell turned this portion of the meeting over to Mayor Ciach. With information provided by Chief Ocasio, the Mayor explained that this program will allow us to send a police officer to work in the field with the US Marshals Violent Fugitive Task Force Team on a part time basis. This program will benefit Upland Borough. We would gain critical knowledge and experience for our department. We would gain access to provide US Marshals at our disposal if a volatile situation should occur in our municipality. Further explanation is provided in writing from Chief Ocasio.

Mayor Ciach stated that if anyone had any questions, the Chief and he would be glad to answer them. Mr. Mitchell stated "I reviewed the entire thing, and have asked a million questions. Also, of Chester Township and the benefits that can be obtained for Upland are a lot better than most programs the Federal Government has. We had a couple dealing with the workman's comp issue, personal injury issues, but other than that, I like what I seen. As long as it can be, as the Chief made it very clear, we can work the schedule around the person, that's good. I think it's one of pride that we have one of our troops, so to speak, that is willing to do that. And certainly, there is no shortage of crime. We can use all the help we can get from the Federal-side, from the State-side and everywhere else. Mike, if that's a recommendation you have, I'm all for it. I would encourage Council to go along with it. It's a wonderful thing when we have one of our guys working within the Federal structure." Mayor Ciach replied "Thank you." Mr. Smith asked "So, does that have to be a motion from Council?" Mr. Mitchell asked if there were any questions. Mr. Peden stated that he would be glad to add his voice to President Mitchell's voice. Mr. Peden continued "I had spoken at length with Chief Ocasio. It appears to me, that for very little additional investment on our side, there's more than adequate opportunities for us to benefit from this. And although you can't, right now, say what that benefit will look like in detail, just the idea that we're sharing resources and have an opportunity to take advantage of that program, seems to me to be a great opportunity for us. So I would happily put forth that motion. Mr. Smith seconded the motion. Mrs. Peterson stated that she would normally abstain from something like this because I work for them, the Police Department, however the benefit to the Borough is great and she would like to say Aye. All other Council present voted Aye on the motion.

Mr. Mitchell stated "In my understanding, Anthony (Deluise), you are to be congratulated. It's an honor and I know you will continue to serve the community well as you continue to do on a day-to-day basis. Very proud to say we are sending you to where ever they take you; for the three days a week." Officer Deluise stated "The wealth of resources that we can have at our finger tips, at any moment, any time, with multiple Federal agents. God forbid something would happen like Mercy-Fitz; we would have federal support coming to us. I think it will benefit us and I will make Upland Borough and Upland Police Department very proud." Mr. Mitchell stated "Very good." A round of applause, on behalf of Officer Deluise, was provided by Council and the audience.

Mr. Mitchell stated that he needed to apologize; he has a pile of rubble in front of him. "One thing that came in the mail, that I don't know how to answer it, I don't know where it came from. I will read it real quick. On July 20th, around 10:20 p.m., it was rumored that the Upland Fire Company did not respond to assist the Police Department with remove a resident's cat from a tree at 822 Upland Avenue. The resident, leaving the name out as I do not know the man, but Chester Township assistant Fire Chief did arrive on the scene. However, he stated the Upland Fire Company would not be responding to which he left Upland Police to try to get the cat down but was unsuccessful because the Police Department does not have the same equipment as the Fire Company. Upland Fire Company did finally arrive at 1:30 a.m., basically waking up the whole neighborhood. By this time, it was too late. The cat was already too far up the tree. Dan?" Mr. Smith replied "Do you want me to entertain that?" Mr. Mitchell replied "I don't want to blame anyone because I wasn't there."

Mr. Smith stated “We did go. The minute we put the ladder next to the tree, the cat ran further up the tree. Which is why we don’t rescue cats out of trees. Cats come down on their own. We were out on another call, another episode. We did send someone there to advise them we would be there when we cleared the other issue; which we did. We didn’t wake anyone up; the residents were sitting on their front porch waiting for us at the time. And again, as soon as we put the ladder up, the cat went up further. We said there was nothing more we could do and we cleared that call. The resident was actually very thankful for us.” Mr. Mitchell stated “I had received another letter earlier dealing with, I guess, I don’t know which fire company said that you guys were attending a concert.” Mr. Smith replied “We were paid, as a fundraiser, to supply fire protection for the concert services over in Chester Township; which is our mutual aid agreement. We run calls for them too; we were paid to be there for fire protection services.” Mr. Mitchell replied “Cool. The fire department got paid?” Mr. Smith replied “That’s correct.” Mr. Mitchell continued “How about the individuals? Did you guys get paid?” Mr. Smith replied “There were opportunities there for the guys, but they allowed the other people that were less fortunate that needed more, to go ahead and work it. So we did do fire protection and we were paid to be there.” Mr. Mitchell stated “Very good. Shirley, next time the letters come, as they do get into his envelope, could you let me know when?” Mrs. Purcival replied “Most certainly.” Mr. Mitchell asked “That is the only mail we had, right?” Mrs. Purcival replied “Yes.”

23. Floor Open to Public

Mr. Tom Bryant, Sixth Street resident, approached Council. He requested a meeting with the official for mechanical and electrical inspections. He requested just an informal meeting, just a few minutes, at their convenience whenever they are able to as he was having a problem with a contractor and he just wanted a little talk with them. Mr. Mitchell stated “Sure. You can set that up with the Borough Manager. She would be tickled to death to set up a meeting.” Mrs. Purcival asked “It was a mechanical contractor?” After Mr. Bryant confirmed but with holding names, Mrs. Purcival stated “Our Plumbing inspector is sitting in the audience.” Mr. Bryant asked that all the inspectors be there; Mr. Ferguson, Mr. Kennedy and Mr. Skulski.” Mr. Mitchell stated “Not a problem.” Mr. Bryant replied “Okay.” Directing at Mrs. Purcival “I will give you a call.” Mr. Mitchell stated “Very good Tom.”

Ms. Yanneisis Johnson, Sixth Street resident, approached Council. She stated that she is unsure on actually what to do, but she was asked to attend on behalf of the Upland Hurricanes. Ms. Johnson was advised by Mr. Mitchell that since the long delay between the summer Council meetings, due to vacations, we just received the request for a donation by the Upland Hurricanes. Our next meeting is in two weeks, so we just did not have enough time to prepare for it. Mr. Mitchell advised that Mrs. Miazza is looking into that request and it will be read at the October meeting. Ms. Johnson thanked Council.

Mr. Tom Kennedy, the Borough’s Mechanical and Plumbing inspector, asked to revisit the request from Mr. Criswell to purchase the repository property on Eighth Street. Mr. Kennedy requested that prior to Mr. O’Connor, the Solicitor, preparing a letter to support Mr. Criswell to purchase the property, that all confirms that Mr. Criswell takes care of his primary property taken care of first; as in Use and Occupancy inspections, temporary U & O’s and possible code violations.” Mr. Mitchell stated “Good point. I think that is how the ordinance is written; with taxes and everything.”

Mr. Smith amended the previous motion for Mr. Criswell to purchase the repository property under the terms that all current ordinances are adhered to by Mr. Criswell on his primary property prior to the

Solicitor sending a letter to approve Criswell's request to purchase repository property. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

Mayor Ciach stated he had one other request. We have Delaware County's Women Against Rape 5K Run on October 19, 2014. We have nine (9) officers that would like to participate in the 5K Run and they are asking if Council would be able to sponsor the individuals at \$25.00 per person, at a cost to the Borough of \$ 225.00. Mr. Mitchell stated it is a wonderful cause. Mrs. Miazza asked if it was for Prostate Cancer. Mrs. Peterson replied "No, it's Women Against Rape." Mr. Peden made a motion to sponsor the Police Officers to partake in the 5K run. Mrs. Peterson seconded the motion. All Council verbally voted Aye on the motion.

Mr. Smith stated "I speak as the Fire Chief here. The Upland Fire Company at this point has one member that is undergoing some health issues. Jason Madder has been an active member with us since he has been 18 years old. Probably 2-3 years. Some of you may know him as 'Madder'. A couple of months ago, he was diagnosed with testicular cancer. He underwent the surgery to try and catch the cancer with no avail. So they are aggressively trying to do chemo to stop it. He is 22 year old member." Mr. Smith continued "I wanted to bring to everyone's attention as you may see some things going around, as the Fire Company is supporting Jason in his attack on cancer." Mr. Mitchell stated "We will keep him in our prayers. Give him our best."

24. Adjournment

Mrs. Peterson made a motion to adjourn. Mrs. Miazza seconded the motion. All Council voted Aye on the motion verbally.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Shirley Purcival
Borough Manager/Secretary/Treasurer

Shannon Strigle
Recording Secretary