

UPLAND BOROUGH COUNCIL
MEETING MINUTES
August 25, 2015

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 were President Edward Mitchell and Vice President Christine Peterson. Council members present were Mr. Harold Peden, Mr. Leland Hunter, Mr. William Dennon, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq., and Gregory Grillone, Borough Manager/Secretary/Treasurer. President Mitchell announced Councilwoman Sandra Miazza was excused and Councilwoman Moira Crawford was on vacation.

Mr. Ken Stark, Reporter, and approximately five (5) 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 7, 2015

Mr. Peden made a comment to reflect a change in the minutes as they were prepared. In item number 6, A-1, Approval of Council Meeting Minutes of July 7, 2015 there was a correction to note that William Dennon seconded the motion for approval.

Mr. Peden made a motion to accept the Council Meeting Minutes of July 7, 2015, with revision. Mrs. Peterson seconded the motion. Mr. Mitchell abstained as he was not present for the meeting on July 7, 2015. All other Council present voted Aye on the motion.

A-2 Bid Opening Minutes (Demolition of 36 Upland Avenue) – August 4, 2015

Mr. Peden made a motion to accept the Bid Opening Minutes (Demolition of 36 Upland Avenue). Mrs. Peterson seconded the motion. All Council voted Aye on the motion.

Mr. Catania recommended BRB Contractors, King of Prussia, PA. They were the lowest bid with \$ 10,500.00.

Mrs. Peterson made a motion to award BRB Contractors the contract for the Demolition of 36 Upland Avenue. Mr. Peden seconded the motion. All Council 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. Mr. Peden seconded the motion. All Council voted Aye on the motion.

A-2 Income Statements

Mrs. Peterson made a motion to accept the Income Statement as presented and Mr. Peden seconded the motion. All Council voted Aye on the motion.

8. Auburn Village Report/ Streets & Equipment - Christine Peterson

Mrs. Peterson reported that the next phase of storm door installation will take place in a few weeks, as we are currently compiling price quotes.

9. Public Safety Report – Harold R. Peden

A -1 Fire Marshal's Report

Mr. Peden read the Fire Marshal's Report of July 2015 into record.

A-2 Fire Company's Report

Mr. Peden read the July 2015 report from the Upland Fire Company into record.

Mr. Mitchell wanted to go back to number 9 A-1; for those not familiar with the Fire Marshal application.

Mr. Mitchell stated "It was never Upland Borough Council's intent to have Dave Favinger as our fire marshal. It was always our intent to have our local fire chief, at the time Dan Smith, but Dan hadn't come up with the credentials to meet the necessary state requirements. It needs to be stated that that offer is still wide open today for the Upland Borough Fire Company. It is not something we are giving away, but it is something we had asked Dan to do over and over; get certified and it hasn't happened. Just so the record continues to state clear, that this is something we continuously wanted because we want to keep it local. There is a tremendous amount of money and effort that goes into that; it's almost a side job where you could make it a full time job if you do it correctly. So, we are still hoping that it can turn around and become Upland's possession."

10. Code Officer's Report - Leland Hunter

Mr. Hunter read his July 2015 report into record.

11. Building & Grounds Report – Sandra Miazza

Mr. Mitchell reported progress.

12. Finance & Insurance Report – Christine Peterson for Moira Crawford

A-1 Approval of General Fund Bills- **\$ 97,872.78**

Mrs. Peterson made a motion to approve the General Fund Bills for the month of July 2015 in the amount of \$ 97,872.78. Mr. Peden seconded the motion. Mr. Hunter abstained from Frankie’s on Fairview payment. All other Council voted Aye on the motion.

A-2 Approval of Auburn Village Bills - **\$ 8,093.95**

Mrs. Peterson made a motion to approve the Auburn Village Bills for the month of July 2015 in the amount of \$ 8,093.95. Mr. Peden seconded the motion. All Council voted Aye on the motion.

13. Ordinances & Resolutions Report - Harold R. Peden

A-1 Motion to Pass & Adopt Resolution No. 13 of 2015

- Fill the Vacant Part-Time Position of Code Enforcement Office: William Kirby

Mr. Peden read Resolution No.13 of 2015 into record. Mr. Peden made a motion to pass and adopt Resolution No. 13 of 2015. Mrs. Peterson seconded the motion. All Council voted Aye on the motion.

A-2 Motion to Advertise - Ordinance No. 4 of 2015

- Amending Chapter 90 “Floodplain Management; Technical Provisions”

Mr. Peden read Ordinance No. 4 of 2015. Mr. Peden made a motion to advertise Ordinance No. 4 of 2015 with intent for passage at the October meeting. Mrs. Peterson seconded the motion. All Council voted Aye on the motion.

14. Research & Development – Christine Peterson for Moira Crawford

Mrs. Peterson reported for Ms. Crawford. Report is attached.

15. Streets & Equipment / Auburn Village Report - Christine Peterson

Mrs. Peterson read into record a letter written by a resident from Auburn Village to commend the employees for a job well done.

16. Community Affairs – Sandra Miazza

Removed from agenda.

17. Use & Occupancy Report – Gregory Grillone

Mr. Grillone read into record the Use and Occupancy Report for the month of July 2015. There were no questions for the Borough Manager.

18. Mayor's Report - Michael Ciach

Mayor Ciach read the July 2015 report into record.

Mr. Mitchell asked how it was going with the hospital as far as the security and police issues. Mayor Ciach stated that they have a meeting on Friday and should get an update then.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read his report for July 2015 into record.

Mr. Mitchell asked that Mr. Peden update everyone on the LabCorps request for zoning. Labcorp presented to the Zoning Hearing Board. They were given permission to proceed with their rental unit.

Mr. Mitchell and Mr. Peden provided an update on the use of Labcorp facilities; which will now be housed in the Upland Shopping Center. It will benefit many individuals.

Mr. Mitchell updated everyone on 15 Eighth Street, an alleyway that was up for a repository sale of \$1. Upland Borough purchased the property with the hopes to use as emergency access for those in the floodplain to get to higher ground. This is part of the 11th Street/8th Street flood works project that we have had for the last eight (8) years.

Mr. Mitchell stated that Upland does not make a lot of money on real estate taxes. We are one of the lowest in the state, we are at 2 mills. Mr. Mitchell spoke about the hopes of the welcome park in the area of Upland Avenue, Eighth Street and Hill Street.

Mr. Peden wanted to discuss the municipal liens. For many years, when he was first involved with the Borough, they would not lien any property for any reason. There are some people in the Borough of Upland that will make quality of life issues all around them. It has been our policy, the Borough code Officer, cites these people with code violations. Eventually, if they don't clean up the property, someone needs to clean it up and that would be us (the Borough). We need to try to get our money back somehow; so we lien the property. It amazes him that sometime it takes a lien to get these people's attention.

Mr. Peden stated that he believes if we advertise the fact that if you are not going to cooperate nor keep our Borough clean, we will lien your property. If people understood what this meant, maybe they would comply. Mrs. Peterson stated we should advertise it in the newsletter. Mr. Peden thinks it would be beneficial to advertise for two (2) reasons: the people not complying will get a monetary fine and those that do comply, will know that the Borough is doing something about those that are not complying.

Mrs. Peterson stated that at one point, we had so many liens, another worker could have done this duty themselves. At that time, it took a lot of time from the Highway Department doing their regular jobs.

Mr. O'Connor stated he agreed with what Mr. Peden said. Mr. O'Connor stated about half of the liens he files, are repeat offenders. Mr. Peden asked if we should be raising the stakes to the next level to those repeat offenders. Mr. O'Connor wanted everyone to know that when we receive money in, that means the problem property owner sold the property. Mr. Peterson asked if we could do an offense tier?

Mr. Mitchell stated that not all properties that have high grass are due to neglectful people. In some case, it could be due to deaths in the family or there are other issues from someone taking care of the landscape.

Mr. O'Connor wanted to bring up another item stating Council may be interested in doing an audit of the Borough Fire Company. Mr. Mitchell stated that for a couple reasons why he brings this up. "For one thing, this Council has always tried to divorce itself from the fire company, for those that never heard this story. We don't want anything to do with the fire company. Other than to be in total support of whatever they need to do to put the fires out. We don't want to have any control over it, none of us are members, none of us go to the meetings, none of us want anything. We've tried to give the fire company lock, stock and barrel, the deed to the ranch and move on in support. The fire company continues to say no, they have no money. They do not want to assume that responsibility. With the recent go-around with the selling of the fire truck, they have fifty-seven thousand reasons why I want to continue to give them what they should have. Every other fire company owns their own buildings. Take it. Let us deed the whole thing over to you. It's still my desire to do that now that they have money. And they are making money. Before, they never had a fundraiser of any sort. Now, you guys are doing all kinds of good things over there. From the duck thing, the fireworks thing coming up; you're making money. And that's important. That is all we ever wanted you to do is get up on your feet and run with it." "We have no business over there. You guys were always a separate entity. And you do better when you are independent. You know, it's yours. You take more pride in what is yours then what is someone else's. Mr. Mitchell informed everyone that the title on the new fire truck will reflect Upland "Borough". One of the things that we need to do is to see if you can financially stand on your own. That's an important thing to a community. If you can. If you can't. What is your budget? We know what your budget is." "We don't want to pay for tires for you guys to go to a parade. We don't want to keep passing ordinances for you to keep trucks in town. We don't want to pay for it any more. Everybody else is in control of what they own. Upland Fire Company #1 is not in control of everything because they don't own it. They don't want to take ownership. They want to be dictated to. And that is fine. If that is the way they wish to structure their business. But the bells, when they ring, they are not being responded to. And we have a great concern about that. The liability is so great with a non-responsive fire company, that at some point the lawsuits are going to fly, because we are not getting the job done.

Mr. Mitchell continued to state that Upland currently has a great, great, great working relationship with Chester. They cover us all day long on structural fires. But they are currently ready to change their political structure.

Mr. Mitchell stated they requested meetings before with the fire company, for a sit down sensible meeting. It always appears that we are the bad guys doing these things. And it is not fair to us to always have the black eye, when all they have to do is sit down with us and have a discussion for the community sake, not for personality sake. Mr. Mitchell is for having an audit as we never had one. Let's see where they stand; can they sustain their business.

Mr. Peden stated he is "not too sure how much credence we give to what you hear on Channel 6, but if there's going to be"...Mr. Mitchell interject "Oh I know about that, but there is fifty seven thousand dollars in the bank that they took a check from." Mr. Peden continued "But if there is going to be an active investigation.." Mr. Mitchell replied "there is one, with CID. Dan's already talked to them. So we already know that." Mr. Peden replied "so I was wondering how much we can get involved in doing an

audit.” Mr. Mitchell stated “we are not involved in this at all. They did us the biggest favor by putting it in to advertise in a book, selling a firetruck without telling us anything, they took our money to buy it, then went and sold it out from under us after we built them a new bay to put it in.” Mr. Peden stated “I understand. I am not arguing with the point. I’m asking whether or not, if there is any potential for a conflict with auditing something that’s under investigation.” Mr. Peden indicated that he is all for it. Mr. Mitchell replied “One is financial and one is criminal. And never should the paths cross. I would rather have a clean record of every contribution we ever gave them was covered. At one point, we will need to sit down and talk to them. They will want to talk.” Mr. Mitchell stated “January 1st is coming quick. We need to tell our people that we just spent one million dollars on a new firetruck and we need to make sure it is coming out the door when the bell rings. Somehow it has got to come out the door.”

Mr. Mitchell asked if there any interest in entertaining a motion to perform an audit. Mr. Mitchell indicated they could get John Hanna to do it, as he was the original person who brought up the idea. Mr. Peden indicated confirmation “So we had our in-house accountants say we should do that?” Mr. Mitchell stated that we need to justify why we spent one million dollars for this new truck and addition but someone else is running our fires.

After much discussion, Council will give an audit further consideration.

20. Engineer’s Report - Charles Catania

Mr. Catania reported that they received the invoice for the paving project, resurfacing of the streets by A.F. Damon in the amount of \$ 70,677.26. It has been approved by PennDot. He recommended payment of invoice.

Mr. Peden made the motion to approve the payment and Mrs. Peterson seconded the motion. All Council voted aye on the motion.

21. Old Business

There was no old business.

22. New Business

A-1 Request for Kind Donation – Marine Corps League

Mrs. Peterson will follow up with the Delaware County Prison for the Marine Corps League’s need for picnic tables that were destroyed by fallen debris due to the most recent storm as well as address any additional monetary donation at the September meeting.

A-2 Discussion on MMO Contribution

Tabled until Ms. Crawford returns.

A-3 Letter – Commendation of Employees by Resident

Addressed within Streets and Equipment report.

23. Floor Open to Public

Mr. Paul Michalkiewicz, Ivy Lane resident, stated he was not here for the fire company but will address Council regarding the fire company. Mr. Michalkiewicz stated “You know we can’t do it on our own. We are low on man power during the day. We need membership. The younger generation today, just don’t want to do it. The older generation, some are working two jobs; some three jobs just to survive. We are not the only borough/township that has this problem. It’s all over this place. Brookhaven is a great example. They just hired two (2) people. They hired their chief and another guy so they can guarantee to get a truck out. They will get their truck out, but it won’t guarantee manpower. It’s not just Upland Borough, it’s all over the place. You’ve been talking about Colwyn. The thing about Colwyn is between their president and vice-president; and the transfer of money. What does Upland have to do with what is going on in Colwyn? You brought up about CID. Obviously, you know more about this than we do as members. We didn’t know anything about this CID investigation; it was just on the news.” Mr. Peden stated “I think that is all we know about it.” Mr. Mitchell stated “Yes, that is pretty much all we know. I am just echoing what I seen on the news.”

Mr. Mitchell asked Mr. Michalkiewicz “As a resident, not as a fireman, do you think it would be right to call for a meeting to see if we can merge with Parkside or Brookhaven. Do you think it would be better for the community?” Mr. Michalkiewicz replied “It seems to be the thing people do now. Marcus Hook recently did it, Swarthmore did it.: Mr. Mitchell stated “Why I asked is because whenever someone would give the fire company report, I would always ask how membership was; is there anything we can do to encourage that?” The answer was always “No, membership was running along real good. When push comes to shove, that was not the case. The young people don’t want to do it... We understand that, trust me. We don’t have money for full time drivers. We can’t afford that. What we can do is support something that does make sense and a merger. If there isn’t any membership, then it would be a merger.” Mr. Michalkiewicz asked “Who are we going to merge with? Parkside? Chester Township, they can’t even get their trucks out? So, who is there to merge with?” Mr. Mitchell stated “We don’t know, but as of January 1 we have a problem with the City.” Mr. Michalkiewicz stated it is frustrating getting up at 3 o’clock in the morning, and during the day, there is no driver.” He continued to state that previous members had flexible work schedules. Doug Scott was able to do it and Steve Johnson was able to do. But their work schedules changed. It is frustrating as a member. However, he stated he cannot think of a single incident in the Borough that the Fire Department did not show up and did what they had to do, even at times a helping hand. Mr. Michalkiewicz stated “We just passed something that we could go in our own vehicles to certain calls to assist. That is working out. We have done that already a couple of times; where our members took their own vehicles.” Mr. Mitchell stated we’ve had policemen who can drive, we’ve had our own employees who are firemen, we had a spirit of cooperation with the fire company. There never seems to be a reciprocal way that we can help and we’ve spent some serious money hiring one individual who drives everything in Essington. They have a whole bunch of trucks up there. And he is qualified to do it all. But, it did not qualify here. And it kind of saddened us to think that we could at least get the truck out the door during the day, because he’s here. But guys like you, you are there. We are not getting any cooperation. We need a little bit more flexibility on the fire companies part.” Mr. Michalkiewicz stated “I won’t deny that. And again, we get one story and that is the one reason why we come to these meeting to hear the other side of the story.” We get to see who is being truthful.

In conclusion, after much discussion, Council will give an audit further consideration but they hope that nothing in the meantime gets sold.

Mr. Hunter stated he wanted to thank everyone involved with his retirement party. He also wanted to make a motion to dedicate the kitchen, up in the Hall "Sandy's Kitchen" for Sandy Miazza. Mrs. Peterson seconded the motion. All council voted Aye on the motion.

24. Adjournment

Mrs. Peterson made a motion to adjourn. Mr. Hunter seconded the motion. Council verbally voted Aye on the motion.

The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Gregory Grillone
Borough Manager/Secretary/Treasurer

Shannon Strigle
Recording Secretary