

UPLAND BOROUGH COUNCIL  
MEETING MINUTES  
December 9, 2014

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 Ms. Moira Crawford, Mr. Harold Peden, Mrs. Sandra Miazza, Mr. Leland Hunter, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Robert O'Connor, Esq., and Shirley Purcival, Borough Manager/Secretary/Treasurer. Mr. Mitchell stated Mr. Charles Catania, Sr., P.E. will be late.

Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Reporter for the Daily Times, and approximately three (3) 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 - November 10, 2014

Ms. Crawford made a motion to accept the Council Meeting Minutes of November 10, 2014 as presented. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

A-2 Community Development Block Grant Bid Minutes:  
- 6th & Main Streets Retaining Wall Construction - December 5, 2014

Ms. Crawford made a motion to accept the Bid Opening of the 6th & Main Streets Retaining Wall Construction of December 5, 2014 as presented. Mr. Peden seconded the motion. All Council voted Aye on the motion.

7. Treasurer's Report

A-1 Treasurer's Report

Mr. Peden made a motion of the Treasurer's Report to be approved as presented and Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

A-2 Income Statement

Ms. Crawford made a motion to approve the Income Statements and Mr. Peden seconded the motion. All Council voted Aye on the motion.

8. Auburn Village Report - Christine Peterson

Reports progress.

9. Public Safety Report - Harold R. Peden

A-1 Fire Marshall's Report

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

A-2 Fire Company's Report

Mr. Peden requested Dan Smith to read the November 2014 report for the Upland Fire Company. Mr. Smith read the report. They had 0 fire incidence, 6 non-fire incidences, 14 mutual aid; for total incidence of 20; with 3 drills for a total activity for the month of 23. They had 13 assists for fire, 1 cover assignment, 1 motor vehicle accident, 1 fire alarm, 1 human error/malicious fire alarm, 2 controlled burns, and 1 good intent. They had 22 hours in service hours for the month; 7 day time and 16 night time, with an average runner of 7." Mr. Smith stated that was his report. Mr. Peden replied "Thank you very much Mr. Smith."

A-3 Police Chief Ocasio's Letter - Rifle Racks

Ms. Peden read a letter to Council on behalf of Police Chief Ocasio. The letter was a request to purchase six (6) rifle racks for the police vehicles. The request is due partly to the recent violent outcry from Ferguson, Missouri and the New York City Grand Jury decisions. The letter stated "The FBI has intelligence that criminals and gang members will start an all-out assault on law enforcement personnel. Just a few days ago, a Chester Township police officer was attacked by gun fire from a suspect on a bridge. I'm glad to say the officer is okay but the suspect still remains at-large. The following day, I responded to Crozer for a gunshot victim. When I arrived on location, I discovered a vehicle that had been fired upon by three (3) suspects with assault rifles. I feel that this is imperative to the safety of our officers, our department and our Borough to have rifles available in the front of the vehicles versus the trunk so that the officers have the tactical advantage for a dangerous situation. As the Chief of Police, it is my hope that we as a police department will never have to use these rifles in that type of situation. However, I feel that we need to prepare ourselves to engage this type of situation if the need arises. The price of the racks is approximately \$499.00 per rack. I am asking to get these six (6) items approved as soon as possible. Thank you for your consideration in this matter."

Mr. Peden continued "At this time, I would like to make a motion that Council approve, not to exceed \$ 3,000.00 to cover the six (6) rifle racks for the cars. Ms. Crawford seconded the motion. All Council voted Aye on the motion.

Mr. Mitchell stated "Dan, there is another piece to your report that I have a note on, on going to school." Mr. Smith stated "Yes, that will be under Public Safety. That's the Ethics committee Class in February." Mr. Mitchell continued "Also, the second part would be 900 Main Street. We talked about it in Caucus. We need it in the minutes."

Mr. Smith replied "900 Main Street was based on Fire Marshal Favinger's report stated at the bottom, stated that during a fire alarm, they failed to comply with past regulations the borough had set forth for

that facility. So, Fire Marshal Favinger and myself, will be meeting with them hopefully this week to come to a conclusion on why they started to fail on their regulations. Mr. Peden stated "Thank you Dan. Mr. President. That is all I have." Mr. Mitchell replied "Dan, incompleteness you will touch base with the manager and upon that the manager with Council's authorization will notify the insurance carriers and get the owner of the property back down here for another meeting to correct that. And you guys will be notified also." Mr. Smith replied "Correct." Mr. Mitchell stated "Very good. Thanks Ray."

10. Safety Committee - Daniel Smith

Reports progress.

11. Code Officer's Report - Leland Hunter

Mr. Hunter read the November 2014 report into record. Mr. Hunter stated there were two jobs not listed on the report that he stopped for no permits. Both contractors for the jobs came to the office and applied for permits.

12. Building & Grounds Report - Sandra Miazza

Reports progress.

13. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills

Ms. Crawford made a motion to approve the General Fund Bills for the month of November 2014 in the amount of \$ 75,828.58. Mr. Peden seconded the motion. Mr. Mitchell abstained from check numbers 32039 and 32105 and Aye on the rest and all other Council voted Aye on the motion.

A-2 Approval of Auburn Village Bills

Ms. Crawford made a motion to approve the Auburn Village Bills for the month of November 2014 in the amount of \$ 12,194.09. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

Mr. Hunter noted he needed to abstain from check number 32126 in General Fund and Aye on the rest.

A-3 Motion to Adopt the 2015 Proposed Budget for General Fund

Ms. Crawford read the Proposed Budget for General Fund for Year 2015; for Income, \$ 2,902,955.00 and for Expenses, \$ 2,902,955.00. Ms. Crawford made a motion to adopt the 2015 Proposed Budget for General Fund. Mr. Peden seconded the motion. Mrs. Peterson abstained from her salary and Aye on everything else. All other Council voted Aye on the motion.

A-4 Motion to Adopt the 2015 Proposed Budget for Auburn Village

Ms. Crawford read the Proposed Budget for Auburn Village for Year 2015; for Income, \$ 778,000.00 and for Expenses, \$ 778,000.00. Ms. Crawford made a motion to adopt the 2015 Proposed Budget for Auburn Village. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

14. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Adopt Ordinance No. 6 of 2014  
- *Fixing Tax Levy or Rate for the Fiscal and Calendar year 2015*

Mr. Peden read Ordinance No. 6 of 2014; Fixing Tax Levy or Rate for the Fiscal and Calendar year 2015. Mr. Peden made a motion that Ordinance No. 6 of 2014 be passed and adopted as presented. Ms. Crawford seconded the motion. All Council voted Aye on the motion.

A-2 Motion to Adopt Ordinance No. 7 of 2014  
- *Parking Services Tax; Amending Chapter 162, Section 3, Imposition of the Tax*

Mr. Peden read Ordinance No. 7 of 2014; Parking Services Tax; Amending Chapter 162, Section 3, Imposition of the Tax. Mr. Peden made a motion that Ordinance No. 7 of 2014 be passed and adopted as presented. Ms. Crawford seconded the motion. All Council voted Aye on the motion.

A-3 Motion to Pass and Adopt Resolution No. 19 of 2014  
- *Employee Compensations*

Mr. Peden read Ordinance No. 19 of 2014 then made a motion to pass and adopt as read. Mr. Smith seconded the motion. Mrs. Miazza abstained from Cleaning Person, herself, and Aye on the rest, Mr. Hunter abstained from Code Officer, himself, and Aye on the rest, Mr. Smith voted Aye, Mr. Peden abstained from Zoning Board member and Aye on the rest, Ms. Crawford abstained from Administrative Assistant, Shannon Strigle, and Aye on the rest, Mrs. Peterson abstained from Administrative Assistant, herself, and Aye on the rest, and Mr. Mitchell abstained from Tax Collector and Borough Engineer and Aye on the rest.

A-4 Motion to Pass and Adopt Resolution No. 20 of 2014  
- *Employment Appointments*

Mr. Peden read Ordinance No. 20 of 2014 then made a motion to pass and adopt as presented. Mrs. Peterson seconded the motion. Mr. Peden abstained from Zoning Hearing Board, Member Joanne Peden, and Aye on the rest. Ms. Crawford abstained from Civil Service Commission, Member Denise Crawford, and Aye on the rest. Mr. Mitchell abstained from Borough Engineer, Planning Commission, himself, Civil Service Commission, himself, and Aye on the rest. All other Council members voted Aye on the motion.

15. Research & Development - Moira Crawford

Ms. Crawford reported for the month of November 2014 we had 4,403 page views, with 2,091 visitors with approximately 70 visitors per day. We added photos to the Senior Holiday Dinner as well as the Holiday Celebration courtesy of Mr. Ken Stark.

16. Streets & Equipment - Christine Peterson

Reports progress.

17. Community Affairs - Sandra Miazza

Mrs. Miazza reported the week of December 15 through December 23, 2014 will be the decorating contest for Christmas decorations. February 28, 2015 is the Soup and Salad Dinner from 4 p.m. to 6 p.m; the hours were changed from previous years as it was 4 p.m. to 7 p.m.

18. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read into record the Use and Occupancy Report for the month of November 2014. Mr. Mitchell asked Mrs. Purcival "As I drive through the community, I am starting to see more and more lawns dug up. Are they finding more and more problems with the old laterals?" Mrs. Purcival replied "We are." Mr. Mitchell asked "Okay. And they are all documented with video, and we keep a copy of it on file here?" Mrs. Purcival confirmed we do. Mrs. Purcival stated "There is also a chart that is made for every tape that comes in, every result, if they need to have a lateral repaired or if jetted, it is so noted, and then once the lateral has been completed, it is noted it's had a compliance certificate and for how long. So we keep quite an extensive record on that." Mr. Mitchell replied "Very good." Mr. Mitchell asked "Is there any questions of the Borough Manager?" There were no questions.

19. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of November 2014, a total of 120 citations were issued; total amount of citation fines \$ 14,082.00; the amount received from DJ Court was \$ 1,560.61. Year to date citations totals 1,075. We had 71 parking tickets issued, 20 tickets were sent to the district court; 5 motor vehicle accidents, 5 accident report copied, and total of 402 answered calls for the month with 44 assists; year to date total of calls at 5,050.

Mayor Ciach stated "Also, on a side note, the Chief in his absence asked me to just announce a few things. He sent me a message; I apologize as I will read it. We are expecting to receive the Tahoe from the County Grant in the next five (5) weeks that we received from the money from the County. The US Army provided us with seven (7) new handguns for free. The Chief and Officer Curran attended a meeting dealing with the use of the guns and the said policies of the guns and possibly gaining new equipment as well from the US Army. The Chief received new information from the Borough Manager and the Federal Government regarding funds to provide the department to purchase body cameras. The Chief assigned Officer Curran to this task once funding becomes available; they will let us know. And the car cameras are set for installation this Thursday."

Mayor Ciach wished everyone a safe and happy holiday.

Mr. Mitchell asked if anyone had any questions for the Mayor. Mrs. Miazza stated she wanted to ask about the progress of the youth identification badges. Mayor Ciach stated the attendance on Saturday, December 6th session was limited. Mayor Ciach stated he was late but Mrs. Peterson was present. Mrs.

Peterson stated the count of youth to date that have received the new identification badges are at 27. Mayor Ciach stated that they will try to put a big push on it after the first of the New Year. Indicating to Mr. Stark for The Uplander for a comment that we will be requiring the identification badge for any youth event/program that we offer beginning in the year of 2015; so the youth must have an Upland Borough issued identification to attend any events in 2015.

Mr. Mitchell asked if anyone had any questions for the Mayor. No one responded.

## 20. Solicitor's Report - Robert O'Connor

Mr. O'Connor began his report with information on 1103 Woodside Avenue. "You may remember this matter going back to 2012 and through about the first six (6) months of 2013; it sort of stopped at that time. And we received revised plans about one year and a half later, November 2014 is when we receive revised plans. It looks like, and I did not tell you this on December 2nd as I just found out this afternoon, it looks like, we will be advertising the to hold the meeting on Thursday, January 8, 2015 at 7 p.m.. I did hear from the last member of the Planning Commission just late this afternoon so that will be going out to the Daily Times tomorrow." "This is a sub-division proposal so if any of you are interested that is the latest on that."

Mr. O'Connor continued to complete his report. In concluding his report, he wanted to echo the words of the Mayor as he had a great time at the Borough Christmas Party and wanted to wish everyone a wonderful holiday.

Mr. Mitchell wanted to ask a question a question on the sub-division. "When someone applies on the first permit, does the clock start ticking, does that permit request ever expire? I see we are going back in and re-advertising now for another meeting. Who is picking up the tab on that for the second hearing?" After some discussing, Mr. O'Connor and Mr. Peden deemed it to be actually the third hearing that will be held for said sub-division. Mrs. Purcival, Mr. O'Connor and Mr. Peden confirmed that the Borough would be responsible for the fees associated with the hearing.

Mr. Mitchell stated "The first hearing, that we were prepared to have a hearing for, was a real disaster. It ended up as an informational." Mr. Peden replied "They were not prepared." Mr. Mitchell stated "The taxpayers had to pay for them not being prepared." Mr. Peden replied "That is correct." Mr. Mitchell replied "So then the second time comes around, they weren't prepared for that either." Mr. Peden asked if we charge anything for Planning? Mrs. Purcival replied "We do. They paid the fee initially for the solicitor, the court reporter and the legal advertising. The first time these residents came to pick up the application, they were given a to-do list. They brought back a lot of it. As they were told, you need Storm Water Management, water run-off, and they were told additional things to get their engineer involved. And they wanted to proceed against advice of what we have gone through in prior cases. They came before Planning, and as Ray said, was ill-prepared. And Robert indicated to them, this is what you need. I don't know if there was a second meeting, and they still had things they were incomplete with." Mr. Peden stated "there was." Mrs. Purcival continued "And they finally hired an engineering firm and complied with 100 and some points that our engineer indicated that they needed to comply with. So, they are filing now, after 18 months or so, in compliance with what we really need." Mr. Peden replied "But now they're paying an application fee for this meeting, yes?" Mrs. Purcival replied "No, the Planning Commission rescheduled." Mr. Peden asked "So, it's on the record as a continuance?" Mr. O'Connor and Mrs. Purcival both confirm that it is a continuance of the meeting. Mrs. Purcival stated "And how the M.P.C. is, as Mr. Peden indicted, there are certain things we can charge for and there are certain things we can't. And if it's a continuance, versus a new application, then we can't charge them again." Mr. Peden

stated “If we had said ‘go home and re-apply when you get your act together’, then we could charge them. But as it is, if it’s a continuance, or on the record as a continuance, then it’s on us.” Mr. Peden stated he certainly hope they do it right this time.” Mr. Mitchell replied “It’s a shame the taxpayers; everything in that process with the court-room stenographer and all, none of that is cheap.” Mr. Smith asked “Is there a time period where the permit lapses?” Mrs. Purcival and Mr. Peden both confirmed that the application does not run out. Mr. Smith asked “Is that something we can change or is it something by law we can’t change?” Mrs. Purcival stated “It’s guided by the M.P.C.” Mr. Peden stated “The weight is all on us. My understanding of the M.P.C is that if we don’t do what we have to do in a timely manner, they get what they want. There is no wording in the M.P.C. about if they don’t do what they said they would do.” Mr. O’Connor replied “What is good for the goose, does not always work for the gander.” Mr. Peden stated “You cannot just write ordinances against that which doesn’t comply with the M.P.C. because it won’t be legal.”

Mr. Mitchell asked the engineer if he ever ran into this before. He stated “Quite frequently.” Mr. Peden stated “I think my dad would have said ‘let that be a lesson to you.’ Next time when people come in, and they are not prepared, then we don’t give them a hearing.” Mrs. Purcival stated “And if I may interject, when I made initial contact, I looked at the file. And initially, the resident’s came in 2012 with an idea and wanted to find out what to do and how to go to Planning for a sub-division. And they have struggled with this process until just recently when they completed it.” Mr. Mitchell stated “Well, they’re determined. I’ll give them that.”

Mr. Mitchell asked if there were any questions of the Solicitor. No one responded.

## 21. Engineer’s Report - Charles Catania

### A-1 Community Development Block Grant Bid Recommendation - 6th & Main Streets Retaining Wall Construction

Mr. Catania stated there was only one item to address, the CDBG 6th and Main Street Retaining Wall. “We took the bids on the 5th of December. There were eighth (8) total bids. Apparent low bidder was Ellis Construction. The bid figure was \$ 38,500.00. Unfortunately, that figure was well over the budgeted funds available. It looks as though we will have to reject that set of bids and re-bid the contract.”

Mr. Peden made a motion that we reject the bids for the 6th and Main Streets Retaining Wall Project and re-bid it. Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

## 22. Old Business

Mrs. Peterson spoke about turnKey Taxes. “It is basically the earned income tax. While this is a work in progress, it’s been quite effective. The areas they are working on right now is that we have 129 tenants that were not included on the EIT, 22 groups of tenants that require additional information based on multiple people living in the apartment and 8 groups of where the address is the same but the name is different. And that is where we are at right now.” Mr. Mitchell replied “Very good.” Mr. Mitchell continued “One of the things that Borough Council started out on this journey a year or so ago, was to try to identify those folks that were either transient or move-in where there is multi-family dwelling, and we kind of lose count of where everybody is. A number of things we had hoped to accomplish by getting a better handle on who’s in our town, is when the census is taken we kind of have an idea of who is here in our town. A lot of federal money, subsidies, grants, and everything depends on how we monitor the total amount of people living in our community. We budget better when we know, in our case, we go with the

number of 2,800, we had 3,200 people in the last census. The population is increasing and we are just getting a better handle. And along with when there's an increase in numbers, there's also for those folks that have not been paying us EIT tax, there is a statute of limitation where we can go back and recoup some of our loses. Keeping in mind, for everybody who thinks this may be unfair, while you are paying the tax for the police department, people aren't but enjoying the same services. It's a fairness evaluation that we are doing to keep this thing moving along in a fair manner. Are there any questions on this report? I know Shirley and the office has been supplying most of the information working with the building inspectors when they put an occupant in a building, we now know who is in there. I think we've beefed up the fines and stuff on landlords if they don't report who is here. There are a lot of good things that come out of that. Just as one quick example, the Homestead Act permits any homeowner the luxury of having a \$ 600.00 discount on their school taxes. But you have to live in that property. We have found, in the case for Chester Upland School District, Lee has found about 22 property owners who live all over the country and out of Upland that have been enjoying the \$ 600.00 break and now the school district has gotten their money back. That's a good thing and of course, it benefits our kids. A lot of good things will come out of putting a report together like this. To everybody, it's a good thing."

Mr. Mitchell continued "And also, under Old Business, when you look at the budget again, I keep going on about the management of finances in the Borough of Upland and the amount of progress we have achieved over the last eight years, it's just a significant move on everybody's part on how well we've worked together to achieve all the goals we have set out to do. It's not easy when you have a little town hugged right in the middle of a lot of problems. If you look around us, every boundary from Brookhaven to Chester, Chester Township, Parkside, everybody is having the same problems we are. We've been very fortunate and able to finance all the things we are doing. We have an excellent Streets Department, Fire Department, Police Department, Borough Council functions well and we do everything through education. And that's very important. So, with that I'd like to say thanks for all the hard work, it's 28 years without a tax increase speaks volumes for what we are doing, we need to keep continue to do this, this is good stuff. And Dan, you missed out on going to school. You were going to bring that up?"

Mr. Smith stated "I was going to bring up the fact that I received an email from PSAB saying February 11, 2015 is the Ethics and Open Record Act Class. The closest class to us is in Montgomery County, The Hilton Garden Inn, in Fort Washington on February 11th. So I would like to take that class. I am just checking to see if anyone else is going to go?" Mr. Mitchell replied "If you give the information to the borough Manager, as always as I just said, education is always a priority here so. Shirley, you will make the reservations for him?" Mrs. Purcival replied "I will speak to the Councilman." Mr. Mitchell replied "Beautiful."

Mr. Mitchell asked if there was any other old business.

## 23. New Business

### A-1 Motion to Cancel Second Meeting of December 2014

Mrs. Peterson made a motion to cancel the second meeting of the month. Mr. Smith seconded the motion. All Council voted verbally Aye on the motion.

## 24. Floor Open to Public

Mr. Smith stated “Just a reminder to everybody, Santa Day will be here this Saturday. The weather looks nice. So, we will start out about somewhere about 11:00 am. and will be going through the community.” Mr. Mitchell asked “How about a plug for wreaths and flowers?” Mr. Smith stated the deliveries went great and thank you to the residents and Council members that were involved with that. It was a successful fundraiser for us. The guy was quite impressed with the number we received in, about 107 pieces, which was very impressive for him for our first year doing it. There were 2 other fire companies in Delaware County that do that fundraising thing, and they broke even. So, we actually made a profit and it turned out well. So thank you.” Mr. Peden stated “My wife and I, just for the record, were extremely impressed with the quality of the wreaths. They are on our front doors.” Mr. Smith stated this will be definitely done again next year. Ms. Crawford stated “Also, the blankets for the graves were huge and they were nice.”

Mr. Hunter stated “I would like to remind everyone that if, and I hope we don’t, get snow, do not put anything in the streets. If you have a parking spot, it won’t be removed and they will be fined. There is no more blocking the street with furniture or whatever. It happens every year.” Mr. Mitchell stated “I thought we had a handle on that.” Mr. Peden “A lot of these people pushing the edge.” Mr. Mitchell replied “We will pick up your chair or couch off your spot and they can come up and pick it up after they pay the \$250.00 fine. That is how that works, right?” Mr. Hunter replied “Right.” Mr. Mitchell asked “You didn’t change anything, did you?” Mr. Hunter stated he didn’t and wanted to wish everybody a Happy Holiday.”

## 25. Adjournment

Mrs. Peterson made a motion to adjourn. Ms. Crawford seconded the motion. Mr. Mitchell wished everyone a Merry Christmas. Council verbally voted Aye on the motion.

The meeting adjourned at 7: 58 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Secretary/Treasurer

Shannon Strigle  
Recording Secretary