

UPLAND BOROUGH COUNCIL

MEETING MINUTES

November 9, 2011

The regular meeting of the Upland Borough Council was called to order at 7:00 p.m. by Vice-President Christine Peterson. The meeting was held in the Upland Municipal Building.

Present was Vice-President Christine Peterson; President Edward Mitchell was excused due to a death in the family. Council members present were Mr. Harold Peden, Mrs. Georgianna Hicks, Ms. Moira Crawford, Mrs. Sandra Miazza, Mayor Michael Ciach, Mr. Robert O'Connor, Esq., Mr. Charles Catania, Sr., P.E., and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary. Councilman Mr. Leland Hunter was excused from the meeting.

Mr. Ken Stark from the Delaware County Daily Times was also present along with three residents.

Vice-President Peterson led the Pledge of Allegiance to the Flag and a moment of silence followed by a roll call.

Out of the Normal Order of Business

Vice-President Christine Peterson announced a presentation of an award by Mayor Ciach and Chief John Easton to Officer Craig Scully.

Mayor Ciach asked the Chief to approach the podium to read something to Council. Chief Easton opened his remarks by acknowledging and congratulating the Council members that had achieved victory in the most recent voting. Chief Easton states he is honored to continue to work with the present Council members.

Chief John Easton reported information about an incident that occurred on Friday, November 4, 2011 around 3 p.m. Chief Easton went on to describe one of his officers. He recognized Officer Scully as "our newly-sworn rookie-type guy, 20-something man" was assigned to the Upland Borough's \$15 an hour school and traffic detail. Approximately 3 p.m. on noted date, Officer Scully observed a Pontiac sedan traveling through our school zone at a high rate of speed. When Officer Scully attempted to stop this vehicle, for obvious traffic violations, the vehicle sped off and drove away, again at a high rate of speed, into the Toby Farms/Chester Township development. At this point, Officer Scully cleared the school zone assignment and pursued the Pontiac sedan into Toby Farms.

The Pontiac was occupied by four males as it drove through Toby Farms, still at a super-high rate of speed. The males drove onto Powell Road and attempted to make a left turn onto Worrilow Road but their speed was so fast, they crashed and wiped out in the 4000 block of Worrilow Road, as they attempted to turn off of Powell Road. At that point, all four males fled the crash scene, in different directions.

Officer Scully was very professional and determined, as he called in his locations, he called in the crash site, he called in the description of the males who escaped, and their directions that they fled. Officer Scully also radioed in that he was now in foot-pursuit of one of the males that escaped from the crash scene. Officer Scully ran down alleys, jumped over fences, from Worrilow Road to the rear of Gideon Road. Officer Scully managed to catch one of the suspects who resisted arrest. Officer Scully fought with this individual, wrestled him to the ground and managed to affect the arrest and handcuff this guy. Officer Craig Scully, using his radio, informed surrounding police departments that one of the males ran towards Incinerator Road, and the other two males actually jumped into Chester Creek, by the break near Worrilow Road, up the embankment into Chester Township. They were subsequently apprehended by some waiting officers by the new industrial park. The three males that were captured, the two wet males and the one Officer Scully managed to get, were arraigned by Judge Stephanie Kline in Media. Each person was assessed at a quarter of a million dollars bail, and subsequently taken into Delaware County Prison.

Following the chase, Officer Scully, after securing the prisoner into the Upland Borough's police vehicle, back-tracked the path the prisoner had originally fled. Officer Scully managed to secure the individual's hat which of course provides us with DNA for court and a loaded 45 caliber semi-automatic handgun. When Officer Scully returned to the crash site, he also located a 50 caliber Desert Eagle semi-automatic handgun. Chief Easton explained for the civilians, as the military guys would know, that in the Geneva Convention, it states that the United States military cannot shoot an individual/person with a 50 caliber bullet. The 50 caliber bullets are designed to shoot down aircrafts and tanks, not people, and this is what this idiot had in his car, cocked, rocked and ready to rock n roll. Officer Scully also found in the right front passenger seat, two 9 millimeter semi-automatic handguns, also cocked and locked and fully loaded. There was one additional handgun found and that was a 45 caliber semi-automatic handgun. The individual that Officer Scully ran down, tackled and arrested, said as they all say, he did not know what he (Officer Scully) was talking about, he was scared, he did not know anything about a 45 caliber handgun, but he actually had 45 caliber bullets in his pocket.

Mayor Ciach announced that he would like to present Officer Scully with an award, The Gallantry Star. Mayor Ciach introduced the award, noting "excellent arrest award to Officer Craig Scully, an act of distinguished bravery in the arrest of a person who is a major threat to the welfare of the community and/or the officer; attested to by Chief Easton and/or the officer, Christine Peterson, Secretary and myself as Mayor." Congratulations were extended by all Council members, professional staff, other police officers, and residents in attendance by applause and a standing ovation for Officer Scully. Mrs. Peterson also mentioned she wanted to extend congratulations from her, as

well as all Council members, for a job well done. Once again, Officer Scully was recipient of another round of applause. In closing, Chief John Easton wanted to note that when this incident occurred, all other Police Officers in Borough were out at the Prison qualifying for their N4 rifles that the Borough has ordered us to protect and serve all of you.

 Back to the Normal Order of Business

Vice-President Peterson called the meeting back to order at 7:09 p.m.

5. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - October 11, 2011

Ms. Crawford made a motion to pass the October 11, 2011 meeting minutes be passed as presented and amended. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

6. Treasurer's Report

A-1 Treasurer's Report

Mr. Peden made a motion to accept the Treasurer's Report to be accepted as presented and Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-2 Income Statement

Mrs. Hicks made a motion to accept the Income Statement as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

7. Auburn Village Report - Christine Peterson

Mrs. Peterson reported that the project for new parking lots in Auburn Village will begin on Tuesday, November 15, 2011.

8. Code Official Report / Public Safety Report

Not presented due to excused absence of Leland Hunter.

9. Building and Grounds Report - Sandra Miazza

Mrs. Miazza reported that a new sump-pump is being installed in the municipal building's basement. The project began today, November 9, 2011. Mrs. Miazza

also reported that on November 21, 2011, the tot lot in the Bristol Lord Field will be re-landscaped in hopes that the mulch will no longer run down into Church Street. Mrs. Peterson asked if the project will need to be re-done again next spring. Mrs. Miazza and Mrs. Purcival stated that the need to add a heavier top-coat of mulch next spring will most likely satisfy the problem.

10. Finance and Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills

Ms. Crawford made a motion to approve the general fund bills for month of October 2011 in the amount of \$ 132,881.95. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion with Mrs. Miazza abstaining from check #27216.

A-2 Approval of Auburn Village Bills

Ms. Crawford made a motion to approve the Auburn Village bills for the month of October 2011 in the amount of \$49,870.40. Mrs. Hicks seconded the motion. The Council unanimously voted Aye on the motion.

A-3 Reading of the 2012 Proposed Budgets

Ms. Crawford offered the first reading of the General Fund 2012 Proposed Budget for Income is \$2,681,548.00; she also offered the first reading for the 2012 Proposed Budget for the General Fund for Expenses is \$2,681,548.00. The first reading of the Auburn Village 2012 Proposed Budget for Income is \$755,400.00 and the first reading for the Auburn Village 2012 Proposed Budget for Expenses is \$755,400.00.

A-4 Motion to Accept the First Reading of Proposed Budgets

Mr. Peden made a motion to accept all first readings of the Proposed Budgets of 2012 as presented. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

A-5 Motion to Authorize Manager to Advertise Proposed Budgets

Ms. Crawford made a motion to authorize the Manager to advertise the Proposed Budgets for 2012. Mrs. Hicks seconded the motion. Council unanimously voted Aye on the motion.

11. Ordinances and Resolutions - Harold Peden

A-1 Motion to Advertise Proposed Ordinances No. 7

Mr. Peden read the proposed ordinance then made a motion to advertise for passage in December 2012. Ms. Crawford seconded the motion. Ms. Crawford confirmed the mill rate of 2. Mrs. Purcival confirmed the Trash Tax to be the same as this year with no change. Council unanimously voted Aye on the motion.

A-2 Motion to Approve Resolution No. 17

Mr. Peden read proposed Resolution No. 17, Designation of Agent Resolution for Hurricane Irene (4025-DR-PA). Resolution declares Borough Manager, Mrs. Shirley Purcival, to act as Borough's agent to apply for FEMA recovery grant monies associated with Hurricane Irene. Mr. Peden made a motion to adopt proposed Resolution No. 17 of 2011 to be passed as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Approve Resolution No. 18

Mr. Peden read the proposed Resolution and then made a motion for Resolution No. 18 of 2011 to be passed as presented. This resolution authorizes the Treasurer to transfer \$42,300.00 from Upland Borough Pennsylvania Local Government Investment Trust Consolidated Account and deposited the same exact amount into the General Fund Account at the Wells Fargo Bank in Brookhaven. This money is to purchase police card readers, supply packs, antennas, and service plans from Eltag North American Company. Ms. Crawford seconded the motion with confirmation from Mrs. Purcival that mentioned readers are the same readers identified in the budget. Council unanimously voted Aye on the motion.

12. Research and Development - Moira Crawford

Ms. Crawford offered the total amount of 4,006 page views on the Borough's website in the month of October 2011. Ms. Crawford mentioned there were photos added to the photo gallery and we had 12,295 file views of those photos, with 876 album visits. Ms. Crawford mentioned that the website is constantly updated and all should visit and check out the events, as well as the borough calendar which lists upcoming meeting dates, trash pickup dates, to any event the Community Affairs Committee offers to the public. Mrs. Peterson asked if the cameras are up and running for the public to view. Ms. Crawford replied they are working.

13. Streets and Equipment - Christine Peterson

Mrs. Peterson announced that the Highway Department has begun leaf collection. Mrs. Hicks inquired about the days of leaf collection. Mrs. Purcival offered that the Highway Department performs leaf collection on Tuesday and Wednesdays, weather permitting, until December 28th. Mrs. Miazza asked if we could still bag the leaves. Mrs. Purcival stated not for leaf collection as residents need to gather

their leaves curbside. Mrs. Purcival did explain that if those residents that reside on busy streets throughout the borough wishes to dispose of their leaves; they can still bag them and place out for regular trash.

14. Community Affairs - Sandra Miazza

Mrs. Miazza reported that there will be a Senior Citizen's Holiday Dinner this Saturday, November 16, 2011 at 6 p.m. at MacQueen Hall. This free event is open for all Upland residents that are 62 years old or older. Mrs. Miazza also reported that on Friday, November 25, 2011 at 6 p.m. there will be a tree lighting ceremony and then the Children's Holiday Party with a visit from Santa Claus. All residents are welcomed to attend the party, but only those children, 10 years old or younger, that are registered, will be given a gift, as well as a photo with Santa Claus. Mr. Peden requested the cut-off date to register. Mrs. Miazza reported that registration is open until November 11, 2011.

15. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read the Use and Occupancy Report for the month of October 2011 into record at this time.

16. Mayor's Report - Michael Ciach

Mayor Ciach reported that for the month of October, a total of 185 citations were issued, total amount in fines amount to \$29,404.50, with \$1,328.57 received from the District Justice Court. The total year-to-date citations written were 1342. There were 5 parking tickets issued, 3 motor vehicle accidents, accident reports copied were 3, total calls answered were 103 with 13 total assists.

17. Solicitor's Report - Robert O'Connor

Mr. O'Connor has declared no public report to issue, however, wanted to extend gratitude to Council for their most recent invite to dinner last Friday night. He enjoyed himself. He also mentioned viewing an article in the Daily Times on 11/08/11 that reflected information on rental inspections. While he has not researched the case law on this story yet, by an individual from a municipality in Delaware County had complained about violation of inspections on rental units, the US District court ruled it was a reasonable regulation. Mrs. Purcival requested a copy of the article and Mr. O'Connor stated he would provide a copy to her.

18. Engineer's Report - Charles Catania

Mr. Catania reported progress.

19. School Board Representative - Richard McClintock

Mr. McClintock was not present at the meeting. No report issued.

20. Old Business

Mr. Peden wanted to mention that on Friday, November 18, 2011 at 9 a.m., the Delaware County Planning Department, Federal Emergency Management Agency, and the Governor's Community and Economic Development Office are having representatives speaking in Delaware County at the Springfield Township Building. They will address the communities involved with flood plains. As many people don't have a good opportunity to learn about the flood plain ordinance and why it's there, and how it affects people, when your constituents come to ask you about it, it might be helpful if you had an understanding about it. So if anyone wanted to attend, Mr. Peden could almost guarantee it would be a good investment for a couple hours of time. Mr. Peden will be attending and provide Shirley any materials from this meeting. Mr. Peden also confirmed, at Mrs. Peterson's request, that the meeting was free of charge. Mr. Peden is also willing to transport any Council member that is interested in attending this meeting.

Mrs. Peterson confirmed that there were no issues with Old Business.

21. New Business

A-1 Cancel second meeting of the month

Ms. Crawford made a motion to cancel the second meeting of the month and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Authorize the Manager to Advertise for C.D.G.B. Meeting

Mr. Peden made a motion to authorize the Manager to advertise for the 2012 C.D.B.G. meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Authorize the Manager to Advertise 2012 Council Meeting Dates

Ms. Crawford made a motion to authorize the Manager to advertise the 2012 Council meeting dates. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Order Candy Canes for Christmas

Ms. Crawford made a motion to order candy canes for Christmas for the Upland Firehouse. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-5 Ratify Termination of Employee

Mr. Peden noted that as everyone on Council is aware, it was necessary for the personnel committee, to take action to terminate one of our employees. Mr. Peden made a motion that Council ratifies the termination of the employee by vote. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Purcival wanted to bring the topic of Hepatitis shots are available to employees and Council. She is currently compiling a list and if anyone is interested, please contact her. Mrs. Peterson noted for those interested in such an immunization, to be aware of any current allergies you may be subject to as the shot may cause adverse effects.

22. Floor Open to Public

No one addressed the podium.

23. Adjournment

Mr. Peden made a motion to adjourn the meeting. Mrs. Miazza seconded the motion. Council dispersed at 7:30 p.m.

Respectfully submitted,

Shirley Purcival,
Borough Manager/Treasurer/Secretary

Shannon Strigle,
Recording Secretary