

UPLAND BOROUGH COUNCIL

MEETING MINUTES

March 13, 2012

The regular meeting of the Upland Borough Council was called to order at 7:00 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. Leland Hunter, Mr. Harold Peden, Ms. Moira Crawford, Mrs. Sandra Miazza, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Robert O'Connor, Esq., Mr. Charles Catania, Sr., P.E., and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary.

Mr. Ken Stark, consultant for Upland Borough, Ms. Leslie Kravichenko from the Delaware County Times, Chief John Easton of the Upland Borough Police Department, and approximately 22 residents/guests were in attendance.

Mr. Mitchell proceeded to lead in the Pledge of Allegiance to the Flag and a moment of silence followed by roll call.

Out of the Normal Order of Business

Mr. Mitchell handed the meeting over to Mayor Ciach. Mayor Ciach performed the duty of swearing in two (2) part-time police officers, Officer Joseph Schott and Officer Jay Rattman.

Back to the Normal Order of Business 7:07 p.m.

5. Public Comments on Agenda Items Only

Mr. Mitchell asked if anyone wished to address Council on any of the agenda items. No one approached Council.

6. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - February 14, 2012

Ms. Crawford made a motion to pass the February 14, 2012 meeting minutes as presented. Mr. Harold Peden seconded the motion. Mrs. Sandra Miazza abstained from the vote, all other Council members approved the motion.

7. Treasurer's Report

A-1 Treasurer's Report

Ms. Crawford made a motion to accept the Treasurer's Report as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Income Statement

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

8. Auburn Village Report - Christine Peterson

Mrs. Peterson reported beginning in March, they will begin the next phase of shingles and hopefully we will get all of those done this year. We are also looking into phase II of the concrete steps.

9. Code Official Report/Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

Mr. Peden noted progress.

A-2 Fire Company's Report

Mr. Robert Covey presented the Fire Company's Report. Mr. Covey reported for the month of February 2012 there were 12 non-fire incidents, 15 mutual aid; for total incidents of 27. There were 4 drills for a total activity of 31.

We had 12 assists for fire, 3 cover assignments, 1 heater, 1 appliance, 1 electrical fixture, 8 fire alarms, 1 good intent, 2 fire alarms human error. They had 17 hours of service consisting of 16 daytime calls and 15 nighttime calls and the average runner was 6.

Mr. Covey wanted to let everyone know that there are now three (3) members certified as Vehicle Rescue Technicians and received State certification. The members are Robert Covey, Joseph Taylor and Steven Kalichak. Chief Smith and Joseph Taylor also completed Pyro-Technician certification. After a background check from the ATF, they will be licensed to inspect.

Mr. Mitchell asked if there were any updates on the membership. Mr. Covey replied they hope to have one (1) potential new membership.

A-3 Code Officer's Report

Mr. Hunter provided a report for Council members. He read a synopsis of the report for everyone.

10. Building & Grounds Report - Sandra Miazza

Mrs. Miazza reported that the remodeling project MacQueen Hall is complete. It looks beautiful. Mrs. Miazza reported that mulch was ordered March 13, 2012 for the park at Lord Bristol Field and the port-a-potties were ordered for the softball teams. The port-a-potties will be relocated near the Pavilion for special events. Mrs. Miazza reiterated her previous conversation with Mrs. Shirley Purcival to have the Highway Department clean up the Memorial area as it demands attention. Mrs. Purcival has already addressed this issue with the Highway Department. Mrs. Miazza mentioned that the awning project on the Borough Hall and Police Station is complete. Mr. Mitchell stated the awnings look good.

11. 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 February 2012, in the amount of \$ 169,102.78. Mr. Peden seconded the motion. Council unanimously 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 February 2012 in the amount of \$ 19,761.61. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

12. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Pass and Adopt Ordinance No. 3 of 2012
- *Creating Chapter 53 - "Blight Control"*

Mr. Peden read Ordinance No. 3 of 2012 then made a motion to pass and adopt as presented. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Advertise Ordinance No. 4 of 2012
- *Amending Chapter 150 "Sewers"*

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A-3 Motion to Amend Employee Handbook

Mr. Peden made a motion on behalf of the Personnel Committee. This will allow the Borough Manager to update the Upland Borough Employee Handbook; adding the following paragraphs and language and the appropriate location of Part V - pertaining to the CDL Drivers Drug and Alcohol Policy.

“Controlled Substances - All drivers are required to notify the Borough in the event they are prescribed any medication defined as a “Controlled Substance” by the Pennsylvania Uniformed Commercial Driver’s License Act, 75 Pa. C.S.A. §§1601 et seq., or any successor statute controlling the licensure of the commercial drivers. No driver may be under the influence of any controlled substance at any time during such driver’s working hours.”

At this time, Mr. Peden made a motion that Council so direct the Borough Manager. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Advertise Proposed Ordinance No. 5 of 2012
- *Amending Chapter 140 “Plumbing and Mechanical Standards”*

Mr. Peden read Proposed Ordinance No. 5 of 2012. Mr. Peden made a motion to authorize Proposed Ordinance No. 5 of 2012 to be advertised with intent of passing and adopting it at our next monthly meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-5 Motion to Advertise Ordinance No. 6 of 2012
- *Amending Chapter 158 “Streets and Sidewalks”*

Mr. Peden read Proposed Ordinance No. 6 of 2012. Mr. Peden made a motion to authorize Proposed Ordinance No. 6 of 2012 to be advertised with intent of passing and adopting the ordinance at the next monthly meeting. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-6 Motion to Pass and Adopt Resolution No. 4 of 2012
- *Employee Parking Tax Allocation*

Mr. Peden read Resolution No. 4 of 2012. Mr. Peden made a motion to pass and adopt Resolution No. 4 of 2012. Ms. Crawford seconded the motion. Mrs. Miazza voted Nay on the motion while all other Council members approved the motion.

13. Research & Development - Moira Crawford

Ms. Crawford offered a brief report for the month of February 2012. The website had 3,750 page views. The Photobucket account had 6,165 file views with 559 album visits. Ms. Crawford mentions she added photos from the Soup & Salad Dinner as well as in the process of adding a "Public Notice" section to the website. This will correspond with those items listed in the newspaper.

Mr. Mitchell noted the report to be very good. Jokingly, he then asked resident, Mr. George Patterson, if it was he who keeps looking into the website. Mr. Patterson replied with "Yes".

14. Street & Equipment - Christine Peterson

Mrs. Peterson asked for approval to allow Chuck Boyd, Highway Leader, to attend the yearly EPA seminar. Mr. Peden made the motion to approve Mr. Boyd to attend the meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Peterson updated all that the process has begun to obtain pricing on the new salt truck that was budgeted. She believes they can go through with the Co-Star Program, a Commonwealth program. This will provide a better price on the new truck.

The liner for the trash truck has been ordered. We had a split in the hopper part of the truck and that has been soldered. The liner will ensure additional protection for the hopper.

Mrs. Peterson addressed previous concerns of residents in regards to the request for additional speed signs for the areas of Main and Sixth Streets; the school zone. She wanted everyone to know the signs have been ordered. One will be permanently stationed on Main Street and the other, a movable sign, will be placed on Sixth Street.

Mrs. Peterson addressed everyone regarding concerns that Officer Dougherty had about a few incidences on Upland Avenue. His concern was since the change of traffic lanes on Upland Avenue, from one lane to two lanes coming off of Kerlin Street, many residents are still parking in the right-hand lane. So when cars are coming off Kerlin Street and make a right-hand turn onto Upland Avenue, the cars parked there are causing a problem as the cars have to merge into the left lane. Officer Dougherty has spoken with PennDot already about this problem. And PennDot informed him that they will make lines where we want them. We will also need additional signs. Mr. Mitchell asked Mrs. Peterson to coordinate that concern and approach with the Engineer.

Mr. Mitchell asked when the signs are going up. Mrs. Peterson stated that the speed signs are ordered. Mr. Mitchell asked what these signs will do for us. Mrs. Peterson explained the signs have software programs that can be loaded into the police vehicles. The police officers have a gauge that will allow them to calculate what peak times of speeding. This will allow the police officer to determine when and where the hot spots are for violators. This will help them more effectively to control the speeding issues that are occurring on our streets.

Mr. Mitchell wanted to explain to the audience that we are under the Safe Streets Program and we are putting up flashing signs that will indicate how fast you are going. And of course, the speed sign will be posted in the same area as a speed limit sign. So, to reiterate what Mrs. Peterson stated, it will compound records and the police officer will be able to gather a lot of information on the best times to patrol that certain area.

15. Community Affairs - Sandra Miazza

Mrs. Miazza reported the Soup & Salad Dinner was held on February 25, 2012 and unfortunately the committee did not profit from this event. The Ham and Cabbage Luncheon for Saint Patrick's Day will be held on Monday, March 19, 2012 at 12 noon. This event is for all seniors, age 65 and older and it is free. The Community Affairs Committee will also have the Easter Egg Hunt on April 7th at 9 a.m. in the Bristol Lord Field. Immediately following the Hunt, the Easter Breakfast with the Easter Bunny will begin at 9:30 at the MacQueen Hall.

16. Use & Occupancy Report

Mrs. Purcival read into the record the Use and Occupancy Report for the month of February 2012.

17. Mayor's Report

Mayor Ciach reported for the month of February 2012, a total of 163 citations were issued. Total amount of fines equal \$28,065.00 with \$1,362.37 received from the District Justice Court. There were 241 parking tickets issued, 8 motor vehicle accidents, accident reports copied were 6, total calls answered were 103 with 24 assists. Year-to-date citations written were 325.

Mayor Ciach also mentioned that the youth ID badges will be issued on March 26th, April 9th and April 23rd from 6 p.m. until 8 p.m. at the Upland Fire Company.

18. Solicitor's Report - Robert O'Connor, Esq.

Mr. O'Connor updated everyone on the Savoy property and the code issues that existed at that location and the only other matter he had to report on is that he attended a meeting of the Planning Commission.

19. Engineer's Report - Charles Catania, Sr., P.E.

Mr. Catania sought permission to re-bid out a project for lateral inspections for the Auburn Village Homes. Mr. Catania stated that they will change the specifications of the project and hopefully they will receive 3 or four bids this time. Mrs. Peterson made a motion to advertise to re-bid the Auburn Village lateral project. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

20. Old Business

Mr. Mitchell stated that there was no old business to be discussed.

21. New Business

A-1 Cancel Second Meeting of the Month

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

22. Floor Open to the Public

Mr. Matt Steigerwalt, of Oak Lane, approached the podium. He wanted to thank Mrs. Peterson and Council for approving the (speed) signs.

Mrs. Rosie Richardson of Third Street approached the podium. She directed her first concern with Mayor Ciach. She is concerned about the upcoming "nice weather season" and how many kids are disrespectful/unruly on Third Street. She asked for more patrol on the bottom of Third Street to help solve this problem. Her second concern was addressed to Mr. Hunter. How long is someone allowed to keep junk in their yard before they disburse it? She stated she looked on the computer but could not find any information. The trash causes raccoons and rodents and it is an eye-sore. Mr. Mitchell and Mr. Hunter stated that the matter will be addressed in the morning.

Mrs. Janice Geraghty of Church Street approached the podium. She wondered if Council had a chance to look at the ordinance that stated the information about the

one percent building permit. Mr. Peden stated they had a potential amendment to the ordinance which did not meet muster with Council. So it has been tabled until next month. Mr. Peden asked Mrs. Geraghty to pass along the message to her husband that he was absolutely right as the wording in the most recent ordinance was incorrect. Mr. Peden explained that the issue was that in an earlier version of the ordinance, that wording wasn't there; it was actually replaced with a "50% rule" paragraph. That was the intention of the amendment and for what we would have taken action on tonight. At the earlier Caucus meeting, there was enough resistance by Council stating that this is not how we want to fix it or adjust on the intent of Council. As he understands it, the intent for next month is that Mr. Peden will word a "Cure of Amendment" which will remove the language from that ordinance that will make the ordinance only effective on the sale of your property or the upgrade of your property from a single family dwelling to a multi-family dwelling. Mrs. Geraghty stated that while she is glad the wording is/will be revised, she still does not agree with the lateral ordinance. The example she provided was that if you had plumbing issues, you would get them fixed. And if you are selling your house, the buyer inspects your home. If they want to do a lateral, they can if they want to, don't they? Mr. Peden stated they can if they want to, but now, it's mandatory. Mr. Peden explained that the cost associated with the lateral inspection is between the seller and buyer; it's up to the negotiation of sale. Mrs. Geraghty wanted to know if problems that require the lateral to be fixed, can the seller still sell the house / buyer purchase the house. Mr. Peden, with input from Solicitor Robert O'Connor, explained to Mrs. Geraghty and everyone in attendance that if in a situation where the lateral needs to be repaired but housing is immediately required, a temporary use and occupancy certificate can be issued and the new owner has 18 months to complete any and all repairs to bring the property up to code. After the 18 months, if all repairs are corrected, then a re-inspection can be arranged to ensure everything is in compliance with Borough, State and Federal Code. After Mrs. Geraghty stated she understood the procedure for lateral inspections and temporary use and occupancy certificates, she stated she just does not understand why Upland threw this ordinance in. Mr. Peden replied that every community is ultimately going to have to do it.

Mrs. Geraghty addressed her concerns about the sidewalk ordinance. She asked that if she had her sidewalk repaired/replace, would she need to supply 15% to Upland Borough. Mr. Peden asked that Mr. Catania explain the bond issue to Mrs. Geraghty and everyone. Mr. Catania stated that if you should have the sidewalk repaired by a contractor, the property owner or applicant will need to place 15% fee down on the project to obtain a permit. The 15% is good for 18 months. If the homeowner performs the work themselves, the permit is still needed and the cost would be calculated by supplies and materials.

Mrs. Geraghty asked if there was a way to place all meeting information on the website prior to the meetings. Mr. Mitchell advised Mrs. Geraghty that not everything can be placed on the website, especially prior to a meeting as things

are revised prior to and during the previous Caucus meeting. Ms. Crawford stated that maybe just the agenda could be posted, however that is also revised last minute. In consensus with other Council members, Mr. Mitchell stated it is something that Council will consider.

Mr. Smith of 7th Street abruptly spoke up and began to speak in a sarcastic tone as well as to shout derogatory remarks.

23. Adjournment

Mrs. Peterson made a motion to adjourn and Ms. Crawford seconded the motion. Council unanimously approved the motion.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Shirley Purcival
Borough Manager/Treasurer/Secretary

Shannon Strigle
Recording Secretary