

UPLAND BOROUGH COUNCIL
MEETING MINUTES

May 8, 2012

The regular meeting of the Upland Borough Council was called to order at 7:05 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 11 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 presented certificates to those members of Council that attended the State Conference in Seven Springs. Those that received certificates were Ms. Moira Crawford, Mr. Harold Peden, Vice-President Christine Peterson, and President Edward Mitchell. Mayor Ciach also wanted to present Mr. Peden an award he was to receive at the Conference. The "Cecil K. Leberknight Award" was awarded to Mr. Peden for ten (10) years of faithful and dedicated service to the Borough and it is recognized by the Pennsylvania State Borough's Association. Mr. Peden received a congratulatory round of applause from Council and attendees.

Back to the Normal Order of Business 7:08 p.m.

5. Public Comments on Agenda Items Only

Mr. Mitchell asked if anyone wished to address Council on any of the agenda items.

Mrs. Janice Geraghty, resident of Church Street, approached Council. She stated she agreed with Mrs. Peterson regarding Ordinance No. 9 (Ball Playing in the Parks). In her opinion, she stated: the parks are for the kids to play and if you take away this privilege, the kids will then just begin to play in the streets. If no one likes the hardball, the kids should be able to play with softer balls, maybe whiffleballs. Mrs. Miazza stated that they are allowed to play in the park, just not in the area of the tot lots or jungle gyms. Mrs. Peterson stated that she is disagreeing with the whole concept; Mrs. Geraghty stated she disagreed with it as well. Ms. Crawford asked if there was a way to revise this ordinance to address the concerns of this issue. Mr. Peden explained how this Ordinance came into effect. This has nothing to do with anything we created, in this legislature at all. Mrs. Peterson agreed, it has been on our Code for 20 something years. Mr. Peden stated that is why he addressed any concerns from the past. How have we been enforcing this in the past, have we ever enforced this? Mrs. Geraghty asked if it was not a problem in the past, why is it being brought up now. Mr. Peden replied because we are going to have a new zoning code. And it was established that this was not appropriate legislation be in a zoning code. So what we did was move this topic into "Parks and Recreations" where it was more appropriate for that sort of legislation to be. Mr. Peden asked Council to table this ordinance until he is able to acquire the appropriate wording.

Mrs. Geraghty stated she had a second concern about the ordinance on Public Participation. She stated that the taxpayers are the people who address the Council with their concerns. Mr. Mitchell stated the intent of the ordinance is if you come in here to speak on today's business, we have that information on hand. However, some may wish to address Council regarding previous issues, some that are archived already. If the public gives us advance notice, we will be able to retrieve that information. Mrs. Geraghty was still in disagreement even after Mr. Mitchell tried to explain the reasoning of this ordinance.

Mr. Dennis Geraghty, Church Street resident, approached the podium. He stated he was in disagreement with Ordinance No. 9. He stated he believes this ordinance is a violation of free speech. He mentioned his concerns about his last appearance in front of Council. Mr. Mitchell tried to interject several times, to tell him the reasoning behind Ordinance No. 9. Mr. Geraghty continued to voice his dismay.

Mr. Matt Steigerwalt of Oak Lane addressed Council. He addressed Ordinance No. 9. Giving notice ahead of time, he understands as Council needs to be prepared. However, he notes a discrepancy as Council offers multiple meetings during the month, and if something does come up that Council cannot answer immediately, then they can address at the Second Meeting of the Month. Mr. Steigerwalt mentioned his disagreement about limiting the public's time to address a concern. He stated that in various cases, the public may not be able to convey their concerns in the 3 to 5 minute period, as stated in the proposed ordinance. He doesn't think that this is wise on how to handle business.

6. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - April 10, 2012

Mrs. Peterson made a motion to pass the April 10, 2012 meeting minutes as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-2 Bid Opening Minutes - May 4, 2012

Ms. Crawford made a motion to approve the Bid opening Minutes from May 4, 2012. Mrs. Miazza seconded the motion. Council unanimously 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 Ms. Crawford 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 Mr. Smith seconded the motion. Council unanimously voted Aye on the motion.

8. Auburn Village Report - Christine Peterson

Mrs. Peterson reported that the next set of shingles is complete. Also, the contractor experienced an overage on the project because there was a problem with rotting wood. Also, the first set of storm doors have been ordered to begin the storm door project. There were 20 doors ordered.

9. Public Safety Report - Harold R. Peden

A-1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's Report. Mrs. Peterson made a motion for the report to be approved and accepted as presented. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-2 Fire Company's Report

Mrs. Purcival presented the report. There was 1 fire incident, 13 non-fire incidents, 17 mutual aids, for a total of 31 incidents. There were 3 drills, for total activity of 34, year-to-date activity is 136.

10. Code Official Report - Leland Hunter

Mr. Hunter read the April 2012 report into record.

11. Building & Grounds Report - Sandra Miazza

Mrs. Miazza reported on the status of the new hot water heater for the Pavilion. The previous heater was under warranty. Mr. Tom Kennedy, Plumbing Inspector, ordered the new water heater. It should arrive within the next couple of days. He will then install it. She also mentioned she purchased a small refrigerator for the Pavilion.

Table linens for MacQueen Hall have been ordered. As per Mrs. Miazza, when we rent out the Hall, we can give the renter the option of renting our linens or bringing their own in for their event.

12. 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 April 2012 in the amount of \$ 213,916.95. Mrs. Miazza seconded the motion. Council voted Aye on all the items except for the following: Mr. Hunter abstained from check # 27997, Mrs. Peterson abstained from check # 28077, Mr. Peden abstained from check #s 28009 & 28068, and Mr. Smith abstained from check # 28049.

A-2 Approval of Auburn Village Bills

Ms. Crawford made a motion to approve the Auburn Village bills for the month of April 2012 in the amount of \$ 19,283.80. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Make Donation to Football Team

Ms. Crawford made a motion to make a donation to the football team for equipment in the amount of \$ 2,500.00. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

13. Ordinances & Resolutions Report - Harold R. Peden

- A-1 Motion to Pass and Adopt Ordinance No. 4 of 2012
- Amending Chapter 150 - "Sewers"

Mr. Peden made a motion to pass and adopt Ordinance No. 4 of 2012. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

- A-2 Motion to Pass and Adopt Ordinance No. 7 of 2012
- Repealing All Provisions of Chapter 185 "Borough Zoning Code of 1969, As Amended" and Adopting New Chapter 185 "Upland Borough Zoning Code of 2012"

Mr. Peden made a motion to pass and adopt Ordinance No. 7 of 2012. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

- A-3 Motion to Pass and Adopt Ordinance No. 8 of 2012
- Administrative Code Chapter 34 "Public Participation Regulations"

Mr. Peden made a motion to pass and adopt Ordinance No. 8 of 2012. Due to lack of a second motion, this item was stricken.

- A-4 Motion to Pass and Adopt Ordinance No. 9 of 2012
- Amending Chapter 135 - "Parks and Playgrounds by Amending Section 135-2 to Change the Title of Said Section to Read Specifically Prohibited Uses and Ball Playing"

Mr. Peden made a motion to **table** Ordinance No. 9 of 2012. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

- A-5 Motion to Pass and Adopt Resolution No. 5 of 2012
- Application to the County of Delaware for an allocation of County Liquid Fuels Tax Funds in the amount of \$ 4,050.00

Mr. Peden made a motion to pass and adopt Resolution No. 5 of 2012. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mr. Peden seeks information from anyone that may have the desire to help revise the wording on this Ordinance No. 9 of 2012. Those that wish to suggest revision(s), please contact him with your suggestion(s) within the next few days. Mr. Peden hopes to have this read the way we had hoped it would read.

14. Research & Development - Moira Crawford

Ms. Crawford offered a brief report for the month of April 2012. The website had 3,038 page views with 1,169 visitors; with an approximate of 39 visitors per day. The Photo Bucket account had 7,019 file views with 667 album visits.

Ms. Crawford mentioned she added a new section to the website for historical documents. Ms. Crawford added the first minutes for the Borough of Upland. These minutes are a little hard to read as they were hand-written and there is slight damage to the bottom of the scanned document. She hopes to add a new document to this section every month.

15. Streets & Equipment - Christine Peterson

Mrs. Peterson reported that the new lawn mowers came in and they are in service. she noted there was a problem with the first newly purchased mower and had to have it returned. So just a few days ago, we received the second new mower.

16. Community Affairs - Sandra Miazza

Mrs. Miazza reported the several community events will take place in the near future. May 28th will be the Memorial Day Parade which begins at 9:00 a.m. and the picnic in the ballpark begins at 11 a.m. On June 4th, there will be a breakfast for the senior citizens of the borough.

On July 4th, at 11 a.m., there will be a Fourth of July Celebration in the ball field. After the picnic, the police department will have a kickball game with the youngsters of the community. And on August 17th is the Blue Rocks game.

17. Use & Occupancy Report - Shirley Purcival

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

18. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of April 2012, a total of 236 citations were issued. Total amount of fines equal \$ 30,955.00 with \$ 2,117.65 received from the District Justice Court. Year-to-date citation total now is 703. There were 19 parking tickets issued, 3 motor vehicle accidents, accident reports copied were 2, total calls answered were 140 with 30 assists.

Also, Mayor Ciach wanted everyone to know that the Chief had to leave the meeting as he had a pressing issue to attend to.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read into the record his report for the month of April 2012.

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

Mr. Catania stated that his firm has compiled the bids for the new fire apparatus into a specification for review by the Upland Fire Company and Borough Council. If everything is in order, then we will be in a position to advertise for bids should Council desire that. Mr. Mitchell stated that everyone has already reviewed the specifications as they already. Ms. Crawford made a motion to advertise bids for the new fire truck. Mrs. Miazza seconded the motion. Mr. Smith abstained from the vote, all other Council voted Aye.

Mr. Catania stated they have recommendations on the four (4) sets of bids that were solicited this past month.

The first bid was for Auburn Village Plumbing Facilities Inspection. The lowest bid was General Sewer Services, bid figure was \$30,375.00 for all the homes in Auburn Village. We recommend award of the contract, subject of confirmation and adherence as to the specification. Mrs. Peterson made a motion to accept and approve the bid. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

The second bid was for Auburn Village Homes, Phase II Concrete Sidewalks, Patios, and Step Replacement. The lowest bid was from Ellis Construction, bid figure was \$13,032.00 for the project. We recommend the award of the contract. Mrs. Peterson made a motion to accept and approve the bid. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

The third bid was for the 2012 Road (Street Resurfacing) Program. The lowest bid was from A.F. Damon, Inc., bid figure \$79,921.60. We recommend the award of the contract. Mrs. Peterson made a motion to accept and approve the bid. Ms. Crawford seconded the motion. Mrs. Miazza asked what streets will be resurfaced. Mrs. Purcival offered the information. Main Street to Front Street., Upland Avenue from 5th Street to 4th Street, 10 Street and Woodside Avenue, and 24th Street. Council unanimously voted Aye on the motion.

The fourth bid was for the CDBG project, Race Street Drainage Improvement. The low bidder was Premier Concrete, Inc., bid figure was \$36,800.00. We recommend the award of the contract to the low bidder. Mrs. Peterson made a

motion to accept and approve the bid. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Purcival asked President Mitchell if they would entertain a motion for the Solicitor to draw up the necessary contracts. Mrs. Peterson made a motion to have the Solicitor draw up the necessary contracts. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

21. Old Business

Mr. Peden wanted to thank the Borough, the County, and the Highway Department (Chuck Boyd) officially, for all the help they had with Clean Up Day at the Caleb Pusey House. Mr. Peden also wanted to remind everyone that Welcome Day at the Pusey House.

22. New Business

A-1 Cancel Second Meeting of the Month

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

A-2 Discussion on Empowering the Civil Service Commission to Test for Ranking of Police Corporal

Mr. Mitchell stated they made a discovery at the conference that they may not need to test for ranking of Police Corporal. There was an attachment to the part of the amendment that established where a Borough Employee, throughout Pennsylvania, could work for the borough. This attachment stated that we did not have to perform the psychological testing or physical exam because the individuals who you have hired, already were tested in these areas. So, basically, you are picking your best candidate at that point. Mr. O'Connor will be reviewing this matter, making sure that we follow all the necessary precautions and procedures in empowering the Corporal.

At the June regular meeting, Mr. Mitchell wishes to appoint the individual that is chosen as the Corporal by the Civil Service Commission.

A-3 Brief Discussion of Chester City Comprehensive Plan

Mr. Mitchell asked Mrs. Purcival to repeat her summary on the Chester City Comprehensive Plan. Chester City has sent this Plan out to the municipalities that touch-base with the City which would be Parkside, Upland and Chester Township. If Council reviews this plan, they will find that Chester has done an

excellent job not only in housing and land-use, community facilities, transportation, and economic development but also in outreach to their citizens. Of many of the issues they targeted, one issue was with home ownership. They have structurally-sound homes but they are vacant. In regards to this matter, they wish to focus on bringing those homes up to code so they can be owned and lived in. Another issue found was the hope to re-structure the community facilities. Chester City's mission pertaining to this Outreach Program, is to strive to meet all their goals within the Planning Department.

23. Floor Open to Public

Mr. Geraghty approached Council. He asked a question regarding the maintenance bond required of homeowners for repair of their sidewalk. Mr. Mitchell replied that if a homeowner should hire a contractor to repair their sidewalk, that contractor needs to be licensed, insured and bonded. That information needs to be submitted to the Borough Office when obtaining a permit. If anything should go wrong with the job performed by a contractor, the Borough has back-up paperwork to protect and ensure the contractor has complied with Borough Code. Mr. Geraghty asked if a homeowner could do the repairs themselves. Mr. Mitchell stated that homeowner needs to obtain a permit and submit proper information, but they can do the work themselves and no bond is needed.

Kevin Kozlowski, Auburn Village resident that resides on Willow Way, addressed Council regarding parking issues. His concern was that his guests have no place to park when they visit. Mrs. Peterson made comment that the parking spaces are for residents not guests.

24. Adjournment

Mrs. Peterson made a motion to adjourn. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

The meeting adjourned at 8:00 p.m.

Respectfully submitted by,

Shirley Purcival
Borough Manager/Treasurer/Secretary

Shannon Strigle
Recording Secretary