

UPLAND BOROUGH COUNCIL

MEETING MINUTES

January 8, 2013

The 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, Ms. Moira Crawford, Mr. Harold Peden, 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. Councilwoman Sandra Miazza was excused due to illness.

Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Reporter from the Delaware County Times, Chief John Easton, and Officer Nelson Ocasio, along with approximately 17 residents/guests were in attendance.

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

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Out of Normal Order of Business

Mr. Mitchell stated that Mayor Ciach and his department are once again at the top of the agenda. Mayor Ciach performed the swearing of Erin Welsh as a police intern with the Borough of Upland.

Mayor Ciach asked for Officer Ocasio to step forward. Mayor Ciach performed the swearing of Officer Ocasio to fill the role of Deputy Chief of the Police of the Borough of Upland. A round of applause was provided by Council and guests.

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Regular Council Meeting resumed its' normal order of business at 7:10 p.m.

5. Public Comments on Agenda Items Only

Mr. Mitchell asked if anyone wanted to address Council regarding agenda items only. There was no audience participation.

6. Approval of Previous Meeting Minutes

Ms. Crawford made a motion to pass the December 11, 2012 meeting minutes as presented and Mr. Smith 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. Peterson 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 - Edward Mitchell

Mr. Mitchell reported progress.

9. Code Official Report/Public Safety Report - Leland Hunter

Mr. Hunter read his December 2012 Code Official Report into record. Mr. Mitchell asked the Solicitor, Robert O'Connor, to address the court issues .

Mr. O'Connor stated that we won but also lost. In regards to the defendant that was found guilty. An individual that we have been in court with numerous times and has created a lot of problems and issues within the Borough but mainly for the Code Enforcement folks. We have had a number of Court cases with this individual and today was a continuation of a previous hearing. Today, we had four witnesses plus himself, sitting around for 2 hours prior to presenting our case. The defendant was found guilty; however, the Judge felt sympathy toward him in regard to the amount of the fine which was to be between one thousand to ten thousand dollars. The Judge cut him a break and only fined him only one hundred dollars.

A -1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's December 2012 Report into record.

## A-2 Fire Chief's Report

Mr. Smith presented the report for the month of December 2012. There were 0 fire incidents, 12 non-fire incidents, 15 mutual aids; for total incidents of 27 and 3 drills for a total activity of 30. There were 14 assists for fire, 1 cover assignments, 2 fuel spills, 2 fire alarms, 4 good intents, 1 bomb threat, 2 assists to Police, and 1 assist to the other agency. We had 35.9 hours in service for the month; 18 daytime, 12 night time, for an average runner of 10.

Mr. Smith continued to supply with year-end totals for 2012. We had 5 fire incidents, 146 non-fire incidents, 204 mutual aid; for a total incidents of 355. We had 42 drill for activity total of 397 for the year. There were \$ 8,000.00 in structures lost, \$ 7,000.00 in contents, \$1,000.00 in vehicle; total loss of \$16,000 in the Borough. There were 177 assists for fire, 28 cover assignments, 13 motor vehicle accidents, 2 ambulance assists, 2 fuel spills, 4 gas leaks, 6 wire calls, 5 C/O and structure calls, 2 HVAC equipment calls, 8 appliances, 4 Electrical fixtures, 1 building power supply, 55 fire alarms, 4 fire alarms human error, 31 good intents, 1 bomb threat, 6 assists to Police, 1 assist to citizen, 1 assist to other agency. We had 1 single family dwelling, 1 vehicle fire, 1 vegetation fire, 2 dumpsters. We had 335.6 hours in service for the year. 217 daytime calls, 180 hour night time calls, 13 assists to Chester, 28 cover-ups, and the average runners for the year was 10.

Mr. Mitchell asked about the membership at the Fire House. Mr. Smith replied that he believes that they voted one in last month and possibly one more this month. Mr. Mitchell asked about new drivers. Mr. Smith stated that they passed 2 new drivers recently and they are moved up to the engine at this point. Mr. Mitchell asked for the definition of the phrase "moved up". Mr. Smith further explained that the drivers passed on the TACT Unit and then they will go up to the Engine. Mr. Mitchell asked about how long the requirement is. They need to do a County-approved pump school, which is 40 hours. Also 25 hours in the apparatus driving then they go onto actual pumping before they are actually tested for that, so it is rigorous.

Mr. Mitchell stated he knows Mr. Smith has not been involved with construction phase of the firehouse. Mr. Mitchell redirected the question to Mrs. Purcival. He asked "per our last conversation you were going to get ahold of Mr. Catania and has that been done?" Mrs. Purcival replied "Yes. I asked Mr. Catania to move forward with the building facade and the addition on the firehouse." Mr. Mitchell replied "Very good." Mr. Mitchell asked regarding the truck. "Do they supply you with monthly reports on how it is progressing?" Mr. Smith replied "Yes, we started to get some of the equipment in. The engine, itself, he spoke to the salesman today. He is heading out to Wisconsin tomorrow to do a final

inspection on Mount Pocono's apparatus and he will be able to get firmer dates as to completion. We are hopefully looking toward the end of June."

Mr. Mitchell referred to his notes from last year regarding Mr. Smith working with someone from PECO and you would be working with them to get the underground gas line moved. Mr. Smith replied that he and Mrs. Purcival had worked with someone in regards to both the gas and electric. Mr. Smith stated that he still has those contacts. Mr. Mitchell asked if that was still going to happen. Mr. Smith stated that they would probably need to meet with them again as last year they were willing to donate that. Mr. Mitchell asked to begin that process again as he does not want this to interfere with the project.

Mr. Mitchell thanked Mr. Smith and Mr. Peden.

10. Building & Grounds Report - Sandra Miazza

Mr. Mitchell stated that Mrs. Miazza did not leave a report for anyone.

11. Finance & Insurance Report - Moira Crawford

A-1 Approval of General Fund Bills

Ms. Crawford made a motion to accept the General Fund bills for approval for the month of December 2012 in the amount of \$ 112,050.45. Mr. Peden seconded the motion. Mrs. Peterson abstained from check numbers 28981, 29043 and 29073 with Aye on the remainder. Mr. Mitchell voted Aye on all with exception of one check, number 28987. 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 2012 in the amount of \$ 9,345.56. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

12. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Adopt Ordinance No. 1 of 2013  
- Revising Borough Code Chapter 157 "*Stormwater Management*"

Mr. Peden read Ordinance No. 1 of 2013 then made a motion to adopt as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Adopt and Pass Resolution No. 1 of 2013  
- Upland Borough Comprehensive Fee Schedule

Mr. Peden read Ordinance No. 1 of 2013 then made a motion to adopt as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Peterson stated that since she was absent from last month's meeting, she was to abstain from number 12, A-4, Resolution 12 of 2012, Employee Compensations. Mr. Mitchell confirmed this was needed to be on record.

13. Research & Development - Moira Crawford

Reports progress.

14. Street & Equipment - Christine Peterson

She quickly wanted to update everyone on the outcome of the first snow storm. She was asked by a couple people why our Auburn Village guy got called out for this event. However, it was a glitch, and is worked out for our next snow storm.

15. Community Affairs - Sandra Miazza

Mrs. Miazza was absent, therefore no report was submitted.

16. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read in the record the Use and Occupancy Report for the month of December 2012.

Mr. Mitchell asked if there has been any complaints with the residents in regards to the lateral inspections. Mrs. Purcival stated that there were no problems as everyone was trying to close due to year end. Out of the five, two homeowners were unaware of the situation. We've made it very public, as Council has been very diligent on that. But we've taken a step further and sent a letter to the real estate board for the County and notified them to please distribute that to the real estate agencies throughout the county, informing them to have a lateral inspection procedure. Mr. Mitchell inquired about the failure rate on the inspections. Mrs. Purcival stated that we have not had too many failures on the inspections. We had one that was marginal and he was given a time frame to repair that. The new

buyer decided that he was not going to wait. As we tell Buyer and Seller, that is between the two parties to differentiate on the financing of the project and the new buyer choose to have his lateral replaced. Mr. Mitchell stated that that speaks volumes for a seventy-year old system.

17. Mayor's Report - Michael Ciach

Mayor Ciach stated that before he got started with the Police Report, he would ask Council's indulgence to entertain a motion on the following memo; with recommendation from Chief John Easton to terminate a part-time police officer pursuant to a recent discussion in an executive session prior to the meeting.

The motion was moved by Mr. Peden and seconded by Ms. Crawford. Mrs. Peterson abstained from the vote while all other Council voted Aye.

Mayor Ciach reported for the month of December 2012, a total of 160 citations were issued; 1 traffic citations and 12 non-traffic citations. Total amount of fines equal \$ 27,783.00 with \$ 3,221.98 received from the District Justice Court. Year to date citations totals 2,082. We had 71 parking tickets issued, amount of tickets/reports paid restitution was \$ 1,790.33, parking tickets sent to the DJ was 34, 5 motor vehicle accidents, 5 accident reports copied, and total of 149 answered calls for the month with 11 assists.

18. Solicitor's Report - Robert O'Connor

Mr. O'Connor stated that before he began the Solicitor's Report, he wanted to reflect back to Mr. Hunter's report as all the inspectors, Mr. Skulski, Mr. Kennedy, Mr. Ferguson, and Mr. Hunter, did a really nice job of testifying in court today.

Mr. O'Connor proceeded to read the Solicitor's Report of December 2012 into record.

Further questions arose regarding the Non-Compliant Property Owners for their Fire/Safety inspections. Mr. Peden asked if Mr. O'Connor knew any reasons why some of the property owners are reluctant to comply with the inspections. Mr. O'Connor stated he was unaware of any reasons. Mrs. Purcival stated that we have had feedback from property owners stating that they sold their property and it is now residential. Mrs. Purcival stated that we do have several gentlemen that we do end up taking to court every year for their non-compliance.

Mr. Mitchell had a question on 900 Main Street. He asked Mr. Smith to provide an update on one of the issues we had when we meet with them before. The issue lies with the manner on how they treat the police department and/or the fire

department when they are dispatched to the property. Also, he asked about the new fire alarm system that needs to be re-addressed as this further takes time away from the police department and the fire department. They cannot continue to do that. They keep postponing it.

Mr. Smith stated that the fire department got dispatched to 900 Main Street for a fire alarm. The crews responded and when we went to the new alarm panel that was installed and in service, all they got on there was Zone 1. The installer for the alarm company never mapped out their heads, pull stations or anything. It was a generic install, generic labeling system. The fire department was able to reset the alarm, but 20 minutes later the alarm went off again. Mr. Smith responded himself this time, with the Knox box key that allows him to get into every apartment there. One of the first problems we ran into was Apartment B, which he believes was Green's, the Knox box master key did not work. They had changed the locks on that door. So when Mr. Smith entered in and seen Zone 1, he noticed the alarm company's sticker with the phone number of who installed it. Mr. Smith called the installer and asked if he personally installed the system. He received an affirmative response. Mr. Smith then asked the installer if he knew what Zone 1 was as the fire department was getting an alarm. The installer could not supply Mr. Smith with an answer as well as inform Mr. Smith that he just wired it up. Mr. Smith continued with questions. He asked if it was common for him to install this alarm system and not map out any of the zones, as the fire department need to walk into every apartment to look for exactly where the problem is as this was the second time the alarm went off.

When he and his crew went into the apartments, they went into Apartment C and the gentleman was sitting on the couch and his crew observed water coming out of the ceiling and through the fire alarm head. When he asked the tenant what happened, the resident informed him that he overflowed his washing machine on the second floor. When Mr. Smith entered into the Apartment, he checked the washing machine. He is unsure of Borough Code but the machine did not have a drip pan under it as it was on the second floor. Mr. Smith asked the tenant if he seen the fire department on the first call. The tenant stated that he did; however he was not aware that his incident set off the fire alarm.

Mr. Smith stated that there are still a few issues. He called Carol Schlemmer after the situation and advised her that the alarm guy did not finish the job. She stated that she was making sure that it was done. Mr. Smith stated he has not returned to see if it has been corrected and labeled.

Mr. Mitchell stated that when the next call comes in from the property, Mr. Smith and his crew will still be in danger as they will not know what they are facing, or the residents are in danger. Mr. Smith stated that the system needs to be labeled. During the initial call to the installer, the installer stated that he was in the wrong and he will be out to map out the system. Mr. Mitchell expressed his concern as there is no maintenance or service on site in case of these emergencies. Mr.

Smith and Mr. O'Connor both stated that there has been good communication between themselves and Carol Schlemmer.

19. Engineer's Report

Mr. Catania updated everyone about the 11th Street Extension Project. We are waiting for the County OHCD to approve the additional funding. Once we get that notification, we will get the contracts signed, prepared by the Solicitor, executed by the contractor and get the pre-construction meeting set up and start the construction. Hopefully it will be within a month's time, hopefully.

20. Old Business

Mr. Mitchell asked if there was any old business. No one responded.

21. New Business

A-1 Motion to Cancel January 22, 2013 Meeting

Mrs. Peterson made a motion to cancel the January 22, 2013 meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

22. Floor Open to Public

Mr. Harris Bloom addressed the Council. He wanted to take the time to thank Mr. Mitchell and Shirley for opening up the access from 6th street parking lot to his residence. It has been a big help, especially with snow. He just wanted to thank them. Mr. Mitchell accepted and welcomed Mr. Bloom.

Chief John Easton approached and stated that he received a letter from Chief of Police from Haverford Township. The letter informed us that they will be holding the PGA Golf Tournament and are in need of officers to work in various capacities; from security to parking and such. The officers will need to be in their jurisdictional uniform but will get paid directly from PGA. Insurance will be issued by PGA as well. Mrs. Purcival asked the Chief to obtain a copy of the insurance and forward to her so she can keep a record.

Mr. Smith made a motion to allow the four officers to be assigned to the tournament, as long as it does not interfere with their Upland work schedule. Mr. Peden seconded the motion. Mrs. Peterson abstained from the vote while all other Council voted Aye.

23. Adjournment

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

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary