

UPLAND BOROUGH COUNCIL  
MEETING MINUTES

September 11, 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, Mr. Robert O'Connor, Esq., Mr. Charles Catania, Sr., P.E., and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary. Mayor Michael Ciach was excused.

Mr. Ken Stark, consultant for Upland Borough, Ms. Leslie Krowchenko from the Delaware County Times and approximately 10 residents/guests were in attendance.

Mr. Mitchell proceeded to lead in the Pledge of Allegiance to the Flag and a moment of silence, asking all to remember "911", followed by roll call.

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3. Public Comments on Agenda Items Only

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

4. Approval of Planning Commission Recommendations

Mrs. Peterson made a motion to approve the Planning Commission Recommendations. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

5. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes -August 14, 2012

Mrs. Peterson made a motion to pass the August 14, 2012 meeting minutes as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

6. Treasurer's Report

A-1 Treasurer's Report

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

A-2 Income Statement

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

Mr. Mitchell asked Mrs. Purcival, Borough Manager, to provide an update on Earned Income Tax. Mrs. Purcival prepared a quick memo for all Council. As everyone is aware, the Delaware County Tax Collecting Committee has moved forward with appointing Keystone Collection Group for the EIT for those municipalities in Delaware County that has the earned income tax. The Keystone Collection Group will be charging a service fee of 1.45% versus the original fee of 1.75%. Unfortunately, Centax will be expected to be out of business by the end of the month. Most of their phones are not being answered or we will get a straight busy signal. The Keystone Collection Group has been working through Meridian Bank to obtain all the information, on all the accounts including payment history, delinquent and current accounts. Once this is transferred over, then the money should be divided amongst the different municipalities. We may not see any more EIT money for approximately one month, until this process is completed.

Mrs. Purcival did reach out to a service supervisor with Keystone Collection Group to introduce the Borough Council and herself to them today. They were very pleasant; they understand our plight, with not being where we should be this time of year, with our EIT money and they have assured us that they will all due diligence and move monies as soon as they can get this together. One of the nice things about the Keystone Collection Group is they have also helped out Allegheny and Lebanon Counties. They are currently working in Chester, Bucks and Montgomery Counties. And one of their known missions is to help out distressed counties who have had situations where they have had a Tax Collection Committee organization and they have gone into these counties and have performed audits and have been able to move funds to the appropriate municipalities in a very timely manner. They have a very good repertoire with local auditors and local tax collectors.

Mrs. Purcival met with Mike Hill from e-Collect today. He is also familiar with the Keystone Collection Group and he has a great repertoire with them as well. He will be assisting in this audit. He has advised us not to do any audits right now on the delinquent EIT money because this is currently in the process of being transferred over from Central Tax to the Keystone Collection Group through Meridian. So, it would interrupt their process by having Mike Hill getting involved with the delinquent EIT monies.

Mrs. Purcival has offered, once this process has been completed and Mr. Hill starts doing the delinquent audits, the Council Chambers for Mr. Hill and our residents who may have an audit come up, to meet. That way the residents are familiar with where we are and may be more comfortable to come here.

Mrs. Purcival stated that we also have a problem with Central Tax with our parking tax money. We have not received funds for the month of July or August yet. She placed a call into Impark and talked to their auditor. They claimed they have sent Central Tax our July monies for parking tax which is approximately fourteen thousand dollars. Mrs. Purcival has asked them to hold any August funds, so monies do not go to Central Tax. Mr. Hill and Mrs. Purcival spoke today and Mr. Hill will be tackling our parking tax monies, performing the collection directly with Impark, with that fund. Mr. Hill was given the appropriate reports that we have up to date, and the gentleman at Impark sent her the July report but could not tell her if the check was issued or if it was issued, did it go to Central Tax. Right before she left today from work, Central Tax called her back. She has been trying to get them for days and days. They do not know if they received July's parking tax monies, from Impark or not. The Aston office of Central Tax closed, they are on a bare-boned staff and the gal that did call her, she had no idea. Mrs. Purcival communicated again with Mr. Hill, to let him know that he will contact Impark, asking them to put a stop-payment on their July check. And Mr. Hill will pick up July and August and we will move forward with this. It may take some time but Mr. Hill will be diligent on that. Mr. Hill's company, eCollect, has a service charge of 1.25% and she will keep Council updated on these issues.

Mr. Mitchell asked if there was anything else to do pertaining to this issue. Mrs. Purcival said no, that Central Tax's main office is the only office that has a bare-boned staff at the current time. The office expects to have everyone out of the office by the end of September.

Mr. Mitchell asked who will take over Central Tax. Mrs. Purcival stated it will be Keystone Collection Group. She further explained Berkheimer's was either going to purchase or go into business with Central Tax. Mrs. Purcival stated that deal fell through with the litigation that was before Delaware County.

Mr. Mitchell detailed to all Council and for the public that even though they are having problems collecting our taxes, we are okay. There is nothing here that will trigger off any change in services or anything else in the community. We are in good shape financially. One of the concerns that we have and is always spending amount of energy to ensure we always have the income flow that we've grown to enjoy.

Mr. Mitchell mentioned to Mrs. Purcival that it was a good report. He then asked if anyone had any questions. There were no questions from Council.

7. Auburn Village Report - Christine Peterson

Mrs. Peterson stated she has a few updates regarding Auburn Village. We have started the stucco painting of units and they are really looking nice from the street. She thinks it was a good choice to do that. Also, we are back at full-man power in the Maintenance Department. Hopefully things will pick up, as we were a little slow with one guy for most of the summer. The last item, the trees we have planted over by the firehouse, have been removed due to being lifeless. The company, that originally planted the trees, will come back and give us new trees in the fall.

8. Public Safety Report - Harold R. Peden

A-1 Fire Marshall's Report

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

A-2 Fire Company's Report

Mr. Peden stated he did not have access to the Fire Company report. The report will be submitted to Mrs. Purcival tomorrow morning.

9. Code Official Report - Leland Hunter

Mr. Hunter read the August 2012 report into record. Mr. Hunter also wanted to mention he has four more properties that he wants to discuss with Mr. Ferguson, BCO. These properties are occupied without a current use & Occupancy Inspection. He stated he filed four court cases for the same issue and he received four more today.

10. Building & Grounds Report - Sandra Miazza

Mrs. Miazza reported that the picnic tables have been taken out of the ballpark. She also mentioned that we had some vandalism on the port-a-potties over the weekend. She requested that the Borough Manager get locks installed on the two remaining units. The electricity has been shut off in the Pavilion and the carpeting in the Borough Offices has been complete.

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 August 2012 in the amount of \$ 190,407.01. Mrs. Miazza seconded the motion. Mr. Smith abstained from check number 28582, Mrs. Peterson abstained from check numbers 28580, 28581 and 28582, and Mr. Mitchell abstained from check number 28502 while all other Council members 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 August 2012 in the amount of \$ 49,942.29. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

12. Ordinances & Resolutions Report - Harold R. Peden

A-1 Motion to Pass and Adopt Ordinance No. 11 of 2012  
- Amending Article IX Entitled "*Zoning Hearing Board*"

Mr. Peden made a motion to pass and adopt Ordinance No. 11 of 2012 as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Pass and Adopt Ordinance No. 13 of 2012  
- *Creating Chapter 110 "Unlawful Loitering"*

Mr. Peden made a motion to pass and adopt Ordinance No. 13 of 2012 as presented. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Advertise Ordinance No. 14 of 2012  
- *Rescinding Article I "Per Capita Tax" of Chapter 162 "Taxation"*

Mr. Peden made a motion to advertise Ordinance No. 14 of 2012 as presented. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Advertise Ordinance No. 15 of 2012  
- Adopting a Schedule of Reasonable Costs in Connection with the Collection of Delinquent Earned Income and Net Profits Taxes

Mr. Peden made a motion to advertise Ordinance No. 15 of 2012 as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

- A-5 Motion to Advertise Ordinance No. 16 of 2012  
- *Amending the Wording of Chapter 85 “Fire Prevention”, Article I Section 85-1 “Adoption of Standards”, and Creating a New Article II “Emergency Rapid Entry Requirements” within Chapter 85*

Mr. Peden made a motion to advertise Ordinance No. 16 of 2012 as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

- A-6 Motion to Pass and Adopt Resolution No. 6 of 2012  
- Non-Uniformed Pension Plan Funding Requirements for Budget Year 2013

Mr. Peden made a motion to pass and adopt Resolution No. 6 of 2012 as presented. Ms. Crawford seconded the motion. Mrs. Peterson abstained from this motion and all other Council members voted Aye on the motion.

- A-7 Motion to Pass and Adopt Resolution No. 7 of 2012  
- Police Pension Plan Funding Requirements for Budget Year 2013

Mr. Peden made a motion to pass and adopt Resolution No. 7 as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

13. Research & Development - Moira Crawford

Ms. Crawford offered a brief report for the month of August 2012. The website had 2,901 page views with 1,254 visitors; with an approximate of 40 visitors per day. She has added photos from the Blue Rocks game and the Labor Day fireworks display. Unfortunately, the Photo Bucket account has been down for approximately four days, therefore, she is unable to provide us with totals. Mr. Mitchell stated that there was a good amount of activity on the website. Ms. Crawford stated that the activity will probably increase due to pending events within the next couple of months.

14. Streets & Equipment - Christine Peterson

Mrs. Peterson stated we are going to be looking at containers for the water, liquid brine and the weed spray. She believes in the long run, it will save us some money. Hopefully we can get our Highway Department employees licensed to spray and Mrs. Purcival will look into that issue.

15. Community Affairs - Sandra Miazza

Mrs. Miazza updated everyone that they had the trip to the Blue Rocks, for which they got through as the rain began, on the way home. We also had the Labor Day fireworks. We had one complaint, maybe two about the fireworks. On September 22, we have our Spaghetti Dinner. The cost is eight dollars for adults, six dollars for seniors and four dollars for children, 12 years old and under. The Senior Lunch at Shady Maples is October 8<sup>th</sup>; October 27<sup>th</sup> is the Halloween Party from 4 p.m. to 7 p.m.; November 10<sup>th</sup> is the Holiday Dinner for all the seniors in the community, and November 24<sup>th</sup> is the Annual Tree Lighting and immediately following that is the kids Christmas Party.

16. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read into the record the Use and Occupancy Report for the month of August 2012. Mrs. Purcival also mentioned that Mayor Ciach has been previously nominated for Vice President of the Delaware County Association of Boroughs and is serving. She also wanted to let Council know and to congratulate, Mr. Mitchell. We have been notified that Mr. Mitchell has been appointed as a member of the Board of Directors for the Pennsylvania State Association of Boroughs.

Mr. Mitchell addressed Mrs. Purcival about the eleven properties that failed their inspection in the month of August. He wanted to know if they were rental properties or homeowner properties. Mrs. Purcival stated that they were assorted properties. She explained that some of our new landlords have received a letter from the Borough. When the secretaries receive the Record of Deed transfers from the County, we started a new procedure several months ago, to send a "Welcome" letter from the Borough of Upland. In the letter, it congratulates the property owner on their purchase, as well as what inspections, Use and Occupancy and laterals, needs to be completed. We have found out, through this method, that most of the transfers are cash deals. Therefore, there is no mortgage company to demand a Use and Occupancy inspection. When the property owner receives the letter, they either call us or stop by. Unfortunately, they have had a lot of issues with some of these properties because they are picking them up for thirteen to sixteen thousand dollars, and the properties are "as is."

17. Mayor's Report - Dan Smith for Michael Ciach

Mr. Smith, on behalf of Mayor Ciach, reported for the month of August 2012, a total of 185 citations were issued; 140 traffic citations and 45 non-traffic citations. Total amount of fines equal \$ 23,321.00 with \$ 2,395.48 received from the District Justice Court. There were 12 parking tickets issued, 4 motor vehicle accidents, and total of 238 answered calls for the month.

18. Solicitor's Report - Robert O'Connor

Mr. O'Connor reminded Council to take a look at the confidential portion of the solicitor's report as it is updated every month.

The five matters he is addressing this evening, for the public, is the recording of the easement of the Bastian property, the finalization of the contract for Charles A. Higgins and Sons for a new generator, the Planning Commission Meeting concerning Ordinance 11 of 2012 and to thank Mr. John Jay Wills, Esquire, for handling this meeting, in his absence, some work on the ongoing process for the fire truck which includes a lot of documents that we have taken a glance, at for the loan from Delaware Valley Regional Finance Authority, and lastly, we are working on the planning meeting for 1103 Woodside Avenue. He believes this is a sub-division application and the meeting is scheduled for October 2, 2012, at 7:00 p.m.

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

Mr. Catania stated he has been notified by Delaware County OHCD for the approval for moving forward with the 11th street Extension will be received in early November. So, we will be able to bid the project, once we get that written approval. The 2012 Road Program is completed by AF Damon, Inc. of Upland and total cost was \$ 77,723.80. He has received the one-year Maintenance Bond so authorization for payment is in order. The third item he addressed is the generator contract. He has received the submittals for the design from Charles Higgins, where we would expect, in the next week or so, to get his construction schedule and the work will probably get underway within about thirty days.

20. Old Business

Mr. Mitchell mentioned about everyone about the Chester Community Charter School. One of the concerns was the actual road not being wide enough for transportation. The road is narrow, funnel-like. We had commissioned the engineer to take a look at that to see what we can do to open that road way up. The two plans over here (noting the two easels set up near the fireplace) are available for everyone's inspection. Starting at the Borough line, which would be that the end of the property of Our Lady of Charity coming down, right where it funnels, where the wall is. It looks like its removing the wall back a good 15 feet and putting the wall back; we are relocating everything and making it wider. Hopefully, by the time we get down to 8th Street, at some point, it will be as wide as 8th & Main, all the way down to 3rd Street. That is a goal, a long-range goal. Again, this is just a plan and this is something that we just do not have the money for. We have already knee-padded to ask the engineer to try to find some money, to get PENNDOT to get on this program; to jump on board with. So the maps will be here for inspection. Shirley will leave it up; put it out in the lobby for anybody to take a look at it. There will be some concern as you will hear a lot of stuff about it. The school has scheduled to open up next September. They have not

started any demolition; Lee was able to get them to cut the grass. The police have been up there a couple times, he believes, on nuisance calls. Mr. Peden has asked for someone to remind them to allow us to access the building. Mr. Mitchell stated Mr. Smith is our contact person; he seems to get into them quicker than anybody. Mr. Smith confirmed we could get in the building anytime.

21. New Business

A-1 Cancel Second Meeting of the Month

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

Ms. Crawford made a motion to approve the warranty for 15 months with Logan Technology Solutions in the amount of \$ 20,925.00. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

Mr. Smith mentioned that with the fireworks display we had on Labor Day, we had a huge responsibility on the borough's end for fire protection. With that, we requested numerous mutual aid companies to help us with that. His recommendation is that the Borough sends the local fire company's thank you letters for that help that evening. Mr. Smith will assure that Mrs. Purcival receives that list in the morning. Mr. Mitchell agreed and asked Mr. Smith to give everyone our best as they did an excellent job.

22. Floor Open to Public

Mrs. Rosie Richardson, 3rd Street resident, addressed Council. She wants to talk to Council about one of the incidents that occurred on 3rd Street. She stated the last Council meeting she attended, she asked for additional police drive-byes as summer was approaching. And it's always escalating at one house, in particularly more than others, as a gang of kids hang out front. Mr. Mitchell asked if it was getting any better. Mrs. Richardson stated no, however since the incident that happened when she was away, it has. The other end of 3rd Street seems to have a congregation every night with basketball playing in the alley way. Her neighbor spoke to Mrs. Peterson today, regarding a gray Cadillac on the street. This car has four flat tires and has been there for approximately three weeks. There are 2 cars that have two tires each and a van has been sitting idle for at least 5 months. The van has a busted window and a flat tire. The gray car has been sitting on the street for about 4 months idle. Different neighbors have asked this particular resident to utilize their driveway, instead of taking up all the street parking, which can be used for others that do not have a driveway. Residents on 3rd Street, between Main Street and Upland Avenue, do not have designated street parking spots, unless you have a handicap space. Mr. Mitchell had asked Mrs. Richardson to hold off and since this particular residence is under investigation, to address the police privately. Mrs. Richardson also mentioned that said residence appears to be a multi-family dwelling. Mr. Mitchell advised her to give the exact address to

Mr. Hunter, the code enforcer, as multi-family dwellings are not permissible in that area. Mr. Mitchell and Mrs. Peterson assured Mrs. Richardson that this situation will be addressed.

Mrs. Richardson asked Mr. Mitchell about Central Tax Bureau and personal information. She wanted to know if any of our personal information is being compromised. Mr. Mitchell stated that we had that same concern however, we were guaranteed through the County, that the County holds the records. His further explanation stated that the employer releases funds to the County, then the County forwards the monies to the tax collection service. Mr. Mitchell thanked Mrs. Richardson. No other resident approached Council.

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 7:50 p.m.

Respectfully submitted by,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary