

UPLAND BOROUGH COUNCIL  
MEETING MINUTES

November 13, 2012

The regular meeting of the Upland Borough Council was called to order at 7:03 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 due to an employment obligation.

Mr. Ken Stark, Reporter, Upland Borough Police Chief John Easton and approximately nine 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.

Mr. Mitchell stated that he was sure everyone was happy over the election results, as he sees smiling faces.

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Out of the Normal Order of Business

Presentation to Officer William Meyer

Certification to Operate a Police Motorcycle

Mr. Mitchell handed the meeting over to Chief John Easton. Chief Easton explained that this Council has afforded us, the Police Department, the opportunity to send one of our young officers to the Philadelphia Police Academy. Officer William Meyer was assigned to an eight-hour extensive course of instruction with the Philadelphia Highway Patrol. Chief Easton called out there, and one of the commanders told him that only eight people in the history of the Philadelphia Police Academy got a 100 on their test. Unfortunately, Officer Meyer was not one of them. Had he not had his brakes locked up on one of the motorcycle drills he took, he would have been the ninth person in the history of the Philadelphia Police Department, to get a 100. But in fact, he did graduate in the top of his class with a 96. Council and the audience presented Officer Meyer with a round of applause. Chief Easton presented Officer Meyer with the Philadelphia Highway Patrol Badge for graduation in that curriculum. Once again, Council and the audience gave Officer Meyer another round of applause as well as offering congratulatory remarks. Mr. Ken Stark took advantage of the opportunity to take photographs of the celebratory presentation. Chief Easton asked if they could be excused from the meeting. Mr. Mitchell excused the Chief and the officers from the meeting without hesitation.

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Regular session of the meeting resumed at 7:10 p.m. Mr. Mitchell asked if everyone had a copy of the agenda, minutes and everything else.

3. Public Comments on Agenda Items Only

Mr. Mitchell asked if anyone wanted to address Council at this time. There was no audience participation in the agenda items.

4. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - October 9, 2012

Mrs. Peterson made a motion to approve the October 9, 2012 meeting minutes as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

5. 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

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

6. Auburn Village Report - Christine Peterson

Mrs. Peterson stated she had a brief update. The stucco painting project has been completed; all the units in Auburn Village look great.

7. Public Safety Report - Harold R. Peden

A-1 Fire Marshall's Report

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

## A-2 Fire Company's Report

Robert Covey presented the report. There were 10 non-fire incidents, 13 mutual aids, 5 drills for a total activity of 28. There were 12 assists for fire, 1 cover assignment, 1 motor vehicle accidents, 1 fuel spill, 1 gas leak, 1 wires-down, 3 false alarms, and 3 good intent calls. We had 16 day-time hours, 12 night-time hours, with an average runner of 10, with 58.8 hours in service. Mr. Mitchell stated very good. Mr. Peden thanked Robert for his report.

Mr. Peden presented Chief Dan Smith to hand out correspondence that Upland Fire Company received from a mutual aide fire company, Brookhaven Fire Company. They recently have given the fire company new staging instructions for mutual aid response into the Borough of Brookhaven. "As you will read on, regardless of whether it is a residential structure fire or commercial building fire, what they want the Borough of Upland to do, is to stand by a hydrant and do not call for orders on either one and wait for their officer to give us orders" stated Chief Smith. Chief Smith stated he was not trying to make this an attack against Brookhaven Fire Company by the Borough of Upland, but he is simply just trying to make Council aware of it, along with the Borough Solicitor and the Borough Manager, as protection for the Borough of Upland. Mr. Mitchell asked what happens if Upland got there first. Chief Smith stated they need to stand by the hydrant. Mr. Mitchell stated that if the house was burning, and they are telling you... Chief Smith continued to state that being the fire chief and talking to other fire chiefs that are involved with mutual aid...Mr. Mitchell stated that the liability would come back on the Borough of Upland because we are there. Chief Smith stated that they all agreed, at this point and that we would forego their instructions and do the operation the way it is supposed to be handled and let them come back and say that we did not follow their orders. Mr. Mitchell asked if they had an ordinance or something that says this or is this somebody's idea of a joke. Chief Smith replied this is strictly their instructions from their fire company; this is exactly what was handed to us. Mrs. Peterson asked "what does do not call for orders" mean. Chief Smith replied that usually, if we get dispatched to the Borough of Brookhaven for a building fire, when we make the response we go responding with the engine. As we arrive on location, we'll call for orders for exactly what they want us to do. Do they want us to drop the lines? Do they want us to come in to do a search: if we call for orders. What they want to stop is that they kind of want us to sit at the hydrant and wait for their officer to get there to make the decisions and they would radio down to us to tell us what to do at that point. Mr. Mitchell asked what this is based on? Chief Smith replied "I don't know, again it's their rules, we have to follow their rules." Mrs. Peterson asked if there was a fire, and someone is hanging out the window, you are not supposed to... Chief Smith interjected that it's their rules stating that. As fire chief that is not going to happen in our fire house. Mr. Mitchell stated that he should hope not. Chief Smith continued stating that for Upland's rule for any mutual aid is that we do not really care who gets there first, we don't really care who is in front of the building... Mr. Mitchell interjected, stating that he was not a fireman, but I wanted to ask a question; you got there first, you're the man in charge until their man gets there, correct? Chief Smith replied that is the way it is for the Borough

of Upland. Mr. Mitchell continued then you go back to your truck and he takes over. Chief Smith stated that is the way with the Borough of Upland. Mr. Mitchell continued that if they get to Upland first, then you show up, then you take over? Chief Smith stated that is correct. He does not care who is here first, who is running the scene first. Mr. Mitchell asked what does the Mutual Aid Agreement say? Do we know? Mr. Mitchell continued stating that we are not going to do this. This is bull. If you get there, put the fire out. Chief Smith stated that is agreeable with President Mitchell. We will not follow the rules when it comes to us sitting up the street and see fire...you know, if someone is trapped, we are going to do what is needed. Mrs. Peterson replied "We are talking about someone's life, maybe." Chief Smith stated that he is bringing this to Council's attention just to show you in case something should come back in the long run, hey, Upland did not follow the rules they were given. Mr. Mitchell offered two things to do; ignore this and number two, have our solicitor touch base with their solicitor. This is crazy. Our insurance premiums would go sky high. Chief Smith stated that our insurance premiums would have nothing to do with this. Mr. Mitchell retorted that if you let a house burn down, we would get our butt's sued over what you did not do. Chief Smith stated that we would be covered under their own safety instructions. Mr. Mitchell did state that we are second party on all lawsuits. Mr. Peden asked hypothetically that if he was the attorney for the homeowner, he did not get service from Upland and you sat there and watched my house burn down, am I doing the right thing? Robert O'Connor asked if Mike Maddren was the solicitor for Brookhaven Borough? The answer of yes was given. Mr. Mitchell asked if he would be able to get something in writing to the Fire Company. The consensus of Council and Solicitor was that they would find it hard to believe that Brookhaven's Council and/or Solicitor would know about this procedure letter that was received by Upland Fire Company. Chief Smith stated this is why he brought this matter to their attention. Robert O'Connor stated that he will contact the Brookhaven Borough Solicitor and report back to Upland Council as soon as possible. Mr. O'Connor stated he will do this tactfully, as not to create friction.

Mr. Mitchell readdressed Robert Covey regarding firehouse membership. Mr. Covey replied that membership was okay and they were currently in a Hazmat course right now with four weeks to go. Mr. Mitchell asked if they had a 2013 schedule of their fire prevention week and any activities they offer as council is currently putting together a calendar. If he does, get this information to the Borough Manager so she can place it on the calendar.

#### 8. Code Official Report - Leland Hunter

Mr. Hunter read the October 2012 report into record. Mr. Hunter also mentioned about going to court. One appearance that was scheduled today was continued for January 8, 2013 since no inspectors were at court. Mr. Mitchell asked if the inspectors were notified. Mr. Hunter and Mrs. Purcival both replied that they were not notified.

9. Building & Grounds Report - Sandra Miazza

Mrs. Miazza reported the Christmas Tree is up and will be lit on November 23, 2012. The Pavilion is winterized. Mrs. Miazza confirmed the Tree Lighting will be at 6 p.m.

10. 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 October 2012 in the amount of \$ 111,807.73. Mrs. Miazza seconded the motion. Mr. Mitchell abstained from check number 28774, voting Aye on the rest and 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 October 2012 in the amount of \$ 25,930.09. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Accept the First Reading of the 2013 Proposed Budget for Auburn Village

Ms. Crawford made a motion to accept the First Reading of the Income for the 2013 Proposed Budget for Auburn Village in the amount of \$ 763,500.00. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Ms. Crawford made a motion to accept the First Reading of the Expenses of the 2013 Proposed Budget for Auburn Village in the amount of \$ 763,500.00. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Accept the First Reading of the 2013 Proposed Budget for General Fund

Ms. Crawford made a motion to accept the First Reading of the Income for the 2013 Proposed Budget for General Fund in the amount of \$ 2,968,742.00. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

Ms. Crawford made a motion to accept the First Reading of the Expenses of the 2013 Proposed Budget for General Fund in the amount of \$2,968,742.00. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-5 Motion to Authorize the Borough Manager to Advertise the 2013 Proposed Budgets for General Fund, Auburn Village and Post for Public

Ms. Crawford made a motion to authorize the Borough Manager to advertise the 2013 Proposed Budgets for General Fund, Auburn Village and Post for Public. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

11. Ordinances & Resolutions Report - Harold R. Peden

A-1 Motion to Advertise Ordinance No. 17 of 2012  
- Tax Levy or Rate Ordinance

Mr. Peden made a motion to advertise Ordinance No. 17 as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mr. Mitchell commented on what Mrs. Peterson mentioned; as it is an important subject. Upland Borough has a 2 mill tax; 1 mill of taxes is worth \$ 120,000.00, 2 mills is worth \$ 240,000.00. And we just passed a budget of \$2,900,000.00; so he believes it to speak volumes for what Borough Council has been able to accomplish in the last 2 or 3 years; it's kind of a born success story from a little town that made it when most little towns are having financial difficulties. Again, it may look like we are having a good time up here, we are having a good time because we are relaxed and happy with the fact that we can provide all the services. When the town sees the new Christmas decorations go up tomorrow, weather permitting, he believes it will build some excitement around because those girls did a good job on that too. The things that you see that Mrs. Miazza and Council have done, the equipment we now have, he is proud to be a Councilman in Upland. He is sure everybody else is. It reflects in our ability to accomplish the things we are doing. When you get a copy of the minutes, give yourself a hand, because he thinks it's great. Mr. Mitchell acknowledged Mrs. Purcival and her team has done excellent; everybody has done excellent; Mr. Catania has kept the costs down and the progress coming; we cut down on the lawsuits; we've done so many great things in a town, we not only need to be proud of, we need to tell people what we are doing.

12. Research & Development - Moira Crawford

Ms. Crawford offered a brief report for the month of October 2012. The website had 3,707 page views with 1,486 visitors; with an approximate of 48 visitors per day. The Photo Bucket account had 971 album visits. She has added photos from the Halloween Party. Ms. Crawford thanked Mr. Stark for the Halloween photos; but we wait for the Senior Thanksgiving Dinner as Mr. Stark's computer is down.

13. Streets & Equipment - Christine Peterson

Mrs. Peterson updated that the leaves are being collected. We did set up the new dump truck with the salt when we were expecting our big snow storm that we did not get; and it works well. We are replacing sixteen worn or beat-up signs throughout the borough. We have two employees, Patrick White and Chuck Boyd that are attending a Dale Carnegie course; Patrick has been voted most improved by his peers and received an award recognizing such. Chuck won a leadership book for his achievements that he has had for his work time.

Mr. Mitchell stated that he and the Borough Manager have planned a little something for them at December's meeting, recognizing their achievements.

14. Community Affairs - Sandra Miazza

Mrs. Miazza reported that Saturday we had the Senior's Dinner and we served around 120 dinners. Mr. Mitchell stated it was great. Mrs. Miazza stated she bought 112 gifts for the Christmas Party and the Tree Lighting. This event is the Friday after Thanksgiving. She requested Mrs. Purcival to send out a call asking everyone to limit the amount of adults that come with the kids, per family, as there will not be room up there. Last year it was horrendous. Mrs. Peterson stated that there were almost 200 people there last year. On November 28th at 11 a.m., Mrs. Miazza and Mr. Smith have a meeting with carnival people; to have the carnival next year and every year after that. So that way we could possibly have a carnival back again this year. Mr. Mitchell stated a good job by the Committee.

15. Use & Occupancy Report - Shirley Purcival

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

16. Mayor's Report - Mayor Ciach

Mr. Peden relayed the Mayor's report for the month of October. Mayor Ciach was excused due to employment obligations. Mr. Peden reported for the month of October 2012, a total of 196 citations were issued; 182 traffic citations and 14 non-traffic citations. Total amount of fines equal \$ 35,282.00 with \$ 1,929.47 received from the District Justice Court. Year to date citations totals 1,793. We had 3 parking tickets issued, amount of tickets/reports paid restitution was 433.00, parking tickets sent to the DJ was 0, 7 motor vehicle accidents, 3 accident reports copied, and total of 159 answered calls for the month with 19 assists.

17. Solicitor's Report - Robert O'Connor

Mr. O'Connor read the Solicitor's Report for October into record.

Mr. O'Connor reminded Council to take a look at the confidential portion of the Solicitor's Report, which is protected under the Sunshine Law, as it is updated every month.

Mr. O'Connor asked if anyone had questions regarding his report. As no questions, that completed his report.

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

Mr. Catania stated that we are in the position to take bids on the 11th street Extension, from Mulberry to Hill Street. We need authorization to advertise for the bids. Mrs. Peterson made a motion to advertise for the bids for the 11th street Extension. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

19. Old Business

Mr. Peden stated that Council wanted to let everybody to know, officially, that we have started to require all applicants of Building Permits to fill out a disclosure form associated with our Blight Ordinance, as authorized under State law.

20. New Business

A-1 Motion to Advertise CDBG Hearing

Mrs. Peterson made a motion to advertise CDBG Hearing. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Have the Manager Order Candy Canes for the Fire Company/Santa

Ms. Crawford made a motion to have the Manager order candy canes for the fire company and for Santa. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion. Mr. Mitchell asked if Santa Claus still goes up to visit the hospital, the children's ward and all. Mr. Smith stated yes. Mr. Mitchell asked about the seniors at Episcopal Place. Mr. Smith stated that they do go through there.

A-3 Motion to Afford the Employee Holiday Bonuses

Ms. Crawford made a motion to afford the employee holiday bonuses. Mr. Peden seconded the motion. Mrs. Peterson, Mrs. Miazza and Mr. Hunter abstained from the motion, all other Council voted Aye.

A-4 Motion to Give a Kind Donation to the Senior Citizen Club

Ms. Crawford made a motion to give a kind donation to the Senior Citizens Club. Mrs. Miazza seconded the motion. Mr. Hunter abstained while all other Council voted Aye on the motion.

A-5 Motion to Advertise 2013 Meeting Dates

Mrs. Peterson made a motion to advertise the 2013 meeting dates. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-6 Motion to Cancel November 27, 2012 Meeting

Mrs. Peterson made a motion to cancel November 27, 2012 meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

A-7 Motion to Develop a Transition Team for the Reese Center

Mrs. Miazza made a motion to develop a Transition Team for the Reese Center. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

21. Floor Open to Public

Pastor William Barhorst introduced himself as doing many things for the municipalities and been involved with Upland since 2002. He is in front of Council for two reasons. One, two years ago he was working a site, commonly known as the Concord Plywood. He was trying to open up a multi-purpose center to help people in need. He rented originally from the Pileggi's for a three-month lease to see if they should continue to run it. What its' purpose was to provide clothing and furniture and give to those people in need; setting up washing machines that people donated; give a place to those that may need to wash their clothes and maybe pick out new clothes while there. It would be like a volunteer center where people can come and volunteer to help us do things. He stated that he has given out, in Delaware County, several thousand turkeys just on Thanksgiving.

He tried to rent the Upland Avenue property for three months. He stated that the City would not give him a permit. So the last money that his church had invested into this venture, went to null. He stated that word of mouth is that someone in the township did not want him there. The first reason was because he helped the homeless and he would attract a bad element. He stated that that really disheartened his heart. The second reason was the fact someone said that he does not obey the law or something to that effect. He stated he has been in charitable business since 1994. He came here to help a family that is living right around the

corner on West 3rd Street. They must have seen his information on the internet, they were at a funeral and they couldn't get fuel, and now the lady lives in Brookhaven. He stated he has helped this family quite a few times. He took this family in, and ended up moving to Aston to get an apartment because the family ended up homeless; the grand-mother, the mother and the five kids. He stated he put them up for two and a half years until he got them approved for Section 8 and everything else. They ended up moving into the complex behind the firehouse; he got all the furniture and everything donated for them. As he further explained, this is the types of things he does; that no other charity does. If someone gets evicted, he takes their stuff, he pays for their storage and everything else so the family does not lose it. Pastor Barhorst further explained similar situations pertaining to his charitable work in the community. He believes that what he does reduces crime in the community dramatically. He stated he has been very successful helping to get people jobs.

He stated that he had previously worked the site of where Sam and Sam's is located; selling lollipops for fifty-cents to gather funds for charitable work. He stated the Mr. Lee Hunter shut it down.

Mr. Mitchell stated that what he is saying was new to this council. Mr. Mitchell asked "How long ago did the situation with Mr. Hunter occur?" Pastor Barhorst replied it was approximately one month to one and a half months. Several Council members stated that they never heard about this. Mr. Mitchell asked if he still had the lease on the building. Pastor stated it was two years ago; with further explanation of what the space was used for.

Mrs. Purcival explained that she believes that they occupied the building over two years ago. There was no Use & Occupancy for the building; then he wanted to have transient persons stay there. Pastor tried to interject, but Mrs. Purcival further explained. She stated that they found that transient persons were staying over there and there was also an accumulation of food, which meant food handler issues and Board of Health issues. Also, issues regarding the bathroom facilities because they needed a washer and dryer hook-ups, which were not there. Upon talking with the owner of the property, he did not know that the adventure had expanded and was not willing to put in that kind of money. Mrs. Purcival stated that to the best of her memory, since it was two years ago, it was a 120 day lease because he had another business trying to rent that property which turned out to be the furniture store. There were also fire hazards, furniture blocking doorways, and the cars on the property for which were donated. Mr. Dan Smith also mentioned that he was informed that transients living there.

Mr. Mitchell stated that if he had a lease and he had an idea or concept that he wanted to born in our municipality, it still has to walk through a process. It doesn't sound as if he walked through any processes, it sounds like it just opened up one day and it was just there. Mr. Mitchell explained that we are more than willing to help those that want to help others but we also don't want to create something that will create a bigger problem than what we need. He advised Pastor Barhorst to secure a lease, and in that application process, our Building and

other Inspectors will be there, our Zoning Committee, as well as the Board of Health will be there to ensure everything you need. Mr. Mitchell stated that he needs to work the application process correctly; the legal way. Mr. Mitchell did commend him for all he is attempting to do but please have it all in writing and get it working.

Mr. Hunter stated that Pastor Barhorst did not have permission from Springhill Realty, the property owners of the shopping center. They do not want anyone selling anything outside the stores. The store owner needs to issue a letter to the Borough and the Borough would give him a permit to sell the lollipops. Mrs. Purcival stated this was private property. Anyone who is on private property, say for instance Springhill Realty, the person that wants to solicit and/or sell, has to go to Springhill Realty first and get their written permission for which we must see. Then the store front, for which he is in front of, also gives permission. If there is food involved, they we need to bring in the Board of Health. Springhill Realty is very firm with their requirements. They will let the veteran's come in with the Poppy Day and they are very limited with what they will allow to go on in front of any of their storefronts. Mrs. Purcival stated that the gentleman did not have permission.

Mr. Mitchell stated, in closing, that we make our own fire department produce insurance and ask for permission to have a tag day. There are so many things that go in a government that you have to comply with. What you are requesting is not out of compliance but you are out of compliance by superseding the process. Mr. Mitchell advised Pastor Barhorst to go back and get a lease and start over.

Pastor Barhorst explained once again what he had been attempting. Mr. Mitchell stated to him that he is at the very end of a process that he has yet to start. He advised him, again, to go back and get what he needs and deal with the Borough Manager. She will help you get started. Pastor asked if he could ride his scooter around the Borough and sell the lollipops. Mrs. Purcival stated that Upland does not permit solicitation and peddling.

Due to the interjection of Pastor Barhorst on several occasions as well as the process being explained clearly multiple times, Mr. Mitchell moved on to see if any other resident wished to address Council. No other person addressed 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 8:20 p.m.

Respectfully submitted by,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary