

# UPLAND BOROUGH COUNCIL

## MEETING MINUTES

February 12, 2013

The 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, Ms. Moira Crawford, Mr. Harold Peden, 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 a work engagement.

Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Reporter from the Delaware County Times, as well as approximately 10 residents/guests were in attendance.

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

### 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

#### A-1 Council Meeting Minutes - January 8, 2013

Ms. Crawford made a motion to pass the January 8, 2013 meeting minutes as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

#### A-2 Northwest Human Services - January 29, 2013

Mr. Peden made a motion to pass the January 29, 2013 Northwest Human Service meeting minutes as presented and 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. Peterson made a motion to accept the Income Statement as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

8. Auburn Village Report - Edward Mitchell

Mrs. Peterson reported that several units were vacant and some were filled. The Maintenance Department is working quickly in the units.

9. Code Official Report- Leland Hunter

Mr. Hunter read his January 2013 Code Official Report into record.

A -1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's January 2013 Report into record.

A-2 Fire Chief's Report

Mr. Peden requested that Dan Smith present the Fire Chief's Report. Mr. Smith presented the report for the month of January 2013. There were 0 fire incidents, 10 non-fire incidents, 20 mutual aids; for total incidents of 30 and 4 drills for a total activity of 34. There were 18 assists for fire, 2 cover assignments, 2 fuel spills, 1 motor vehicle accident, 2 fire alarms, 2 electrical malfunctions, 4 auto alarm systems failures, 3 good intent calls. There were 27.3 hours in service for the month; 18 daytime, 16 night time, for an average runner of 8.

Mr. Smith offered an update on the new engine. He received an email from Seagrave, informing us the final inspection is due March 21st and 22nd. Mr. Smith and his crew will visit Wisconsin and perform their own final inspection of the truck before it gets delivered to Upland.

Mr. Mitchell asked if the new truck was already assembled. Chief Smith stated that when they visit in March, the truck will be assembled. When it gets delivered to Upland, it will go out to get the tools mounted and all the lettering. Mr. Mitchell asked Chief Smith if he had a committee formed for the new truck. Chief Smith replied that there were four people going out to Wisconsin.

10. Building & Grounds Report - Sandra Miazza

Mrs. Miazza announced the Annual Tree Lighting/Decoration Awards. First place winner of \$100 was awarded to Lori Wood, 8th Street resident. Second place winner of \$50 was awarded to Georgianna Ladd, 7th Street resident. Third place winner of \$25 was awarded to Joe Crowley, Willow Way resident.

Mrs. Miazza reported that the heater upstairs, in the Hall, had been repaired. Tomorrow we pick out the rugs for the Hall and also, the numbers are on building.

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 January 2013 in the amount of \$ 180,286.33. Mrs. Miazza seconded the motion. Mr. Peden abstained from check number 29103 and Aye on the remainder. Mrs. Peterson abstained from check number 29122 and Aye on the remainder. Mr. Hunter abstained from check number 29104 and Aye on the remainder. Mr. Mitchell abstained from check number 29124 and Aye on the remainder. 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 January 2013 in the amount of \$ 13,810.20. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Exonerate Tax Collector

A. Real Estate \$ 10,947.88

Ms. Crawford made a motion to exonerate tax collector of the delinquent real estate in the amount of \$ 10,947.88. Mr. Peden seconded the motion. Mr. Mitchell abstained from the motion while all other Council voted Aye.

B. Trash Tax \$ 11,583.00

Ms. Crawford made a motion to exonerate tax collector of the delinquent trash tax in the amount of \$ 11,583.00. Mr. Peden seconded the motion. Mr. Mitchell abstained from the motion while all other Council voted Aye.

C. Per Capita Taxes \$ 561.00

Ms. Crawford made a motion to exonerate tax collector of the delinquent per capita tax in the amount of \$ 561.00. Mr. Peden seconded the motion. Mr. Mitchell abstained from the motion while all other Council voted Aye.

D. Single Per Capita \$ 5,225.00

Ms. Crawford made a motion to exonerate tax collector of the delinquent single per capita tax in the amount of \$ 5,225.00. Mr. Peden seconded the motion. Mr. Mitchell abstained from the motion while all other Council voted Aye.

A-4 Motion to Allow Borough Manager to Forward Delinquent Taxes to Delinquent Tax Collecting Agencies

Ms. Crawford made a motion to allow the Borough Manager to forward the delinquent taxes to the delinquent tax collecting agencies. Mrs. Peterson seconded the motion.

12. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Adopt Resolution No. 2 of 2013  
- *Update to the Comprehensive Fee Schedule*

Mr. Peden read Resolution No. 2 of 2013 then made a motion to adopt as presented. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Adopt Resolution No. 3 of 2013  
- *Authorize the Treasurer to Transfer Monies*

Mr. Peden read Resolution No. 3 of 2013 then made a motion to adopt 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 January 2013. The website had 3,728 page views with 1,487 visitors; with an approximate of 48 visitors per day. She assumes many people viewed the website due to the Holiday photos. The Photo Bucket account had 923 album visits. Ms. Crawford stated that we added photos from the Kerlin Street Bridge Clean-Up Luncheon, and she offered special thanks Ken Stark again. Also, we updated some of the Council and Staff photos. The only two not updated were Mr. Peden and Mr. Hunter's photos.

14. Street & Equipment - Christine Peterson

Mrs. Peterson wanted everyone to know that we ordered our first 50 tons of salt for the year. It is due to arrive during the week.

15. Community Affairs - Sandra Miazza

Mrs. Miazza offered upcoming events. The soup and Salad event is on February 23, The Doo-Wop Dance Party is scheduled for March 9th and the tickets are going very fast. March 18th is the Ham & Cabbage for all Upland Senior Citizens and it is free. On March 30th, the Easter Egg Hunt begins at 9 a.m., and is followed by the Bunny Breakfast at 9:30 a.m. This event is free for the kids. The adults pay \$5.00 each.

16. Use & Occupancy Report - Shirley Purcival

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

17. Mayor's Report - Michael Ciach by Harold R. Peden

Mr. Peden read Mayor Ciach's report for the month of January 2013. A total of 122 citations were issued; 89 traffic citations and 33 non-traffic citations. Total amount of fines equal \$ 16,910.00 with \$ 1,675.32 received from the District Justice Court. Year to date citations totals 122. We had 8 parking tickets issued, amount of tickets/reports paid restitution was \$ 449.56, parking tickets sent to the DJ was 0, 4 motor vehicle accidents, 6 accident reports copied, and total of 114 answered calls for the month with 14 assists.

18. Solicitor's Report - Robert O'Connor

Mr. O'Connor read into record his January 2013 report.

Mr. Smith did confirm that the fire alarm system at 900 Main Street was not mapped out yet. Mr. Mitchell asked Mr. Catania his opinion on this issue, for safety's sake. Mr. Catania stated that in our codes we have citations that can be filed against that particular homeowner/property owner. Mr. Mitchell asked who would be the issuing agent; Mrs. Peterson stated that it would be Code Enforcement as the issuing agent. Mr. Mitchell asked Mr. O'Connor to touch base with Mr. Hunter to wrap this up. Mr. O'Connor indicated he would.

19. Engineer's Report

Mr. Catania updated everyone that Premier Concrete began work on the 11th Street Extension project on February 12, 2013. The contractors and laborers are doing most of the landscaping removal. We should be moving right along now, with the weather becoming nicer, we could possibly be completed by the 1st of March.

20. Old Business

Mr. Peden asked about satellite dish antennae. Mr. Mitchell explained that Comcast and Verizon are regulated by a million pages of documentation. Satellite dishes are not. If you are a satellite subscriber, the only commitment that they have is to install the dish on the roof. They will not take it off if you should move. There are no guidelines for a dish on a bad roof. Mr. Mitchell continued by stating that 5 percent of the gross receipts are paid to the Borough of Upland from Verizon and from Comcast, which means that everyone here that is a subscriber in the Borough to some degree that the conveyance of the wires and all that are maintained on the poles. We have no control here, no rules no regulations or anything dealing with the satellite dishes. The only thing that came back from the State is the fact that there are some FCC rules and regulations that you do have to put the antennae on good solid construction, whether it is on good siding and he had emailed everyone on Council that information. Mr. Peden stated that there is something in our zoning code requires that the wiring for those antennas be grounded properly. It also requires that they be installed in keeping with good construction practices. FCC, in 1996, went out of their way to remove all satellite communication devices from any control by the FCC, and that still exists. Mr. Peden emailed PSAB and asked them to get back with us regarding this. Except for the statement in our zoning code regarding the installation shall be in accordance with all applicable local, state and federal code, if we could find something in our codes regarding not being done that way, we have the zoning code to move on them with that. As far as leaving them behind after they move, if property is abandoned or not being used anymore, we have nothing in our code

about that and there is nothing in the UCC about that. He is not sure how far we can take it, but he will continue to search it if needed. Mr. Mitchell stated that he believes that this is something that needs to be regulated. Mr. Peden stated that we cannot regulate it; Mr. Mitchell stated if there is no law we can't. Mr. Peden stated that we cannot charge them a fee like we do with the agreements with the cable people. Mr. Mitchell stated that we could make them get a permit for a satellite dish. Mr. Peden stated that we may be able to do that. Mr. Peden stated he will look further into this matter as the FCC left it up to the communities to manage them.

Mrs. Miazza asked about the generator. When are we getting it? Mr. Catania stated that it is on its way. Mrs. Purcival stated that we applied for and paid for the permits. We are waiting for PECO to come in and as Mr. Catania said, the generator is on its way. Mrs. Miazza asked once the generator is installed can we use the Hall as an emergency center? Mr. Mitchell stated yes. Mr. Mitchell stated he thinks everything is in there. He asked if we had budgeted in for this year, the washer, dryer and bathrooms for upstairs and the showers downstairs. Ms. Crawford stated yes; the generator was in last year's budget while all other was in this year's budget.

## 21. New Business

Mr. Mitchell wanted to make a sad announcement. Former Mayor, Ms. Shirley Miller, is not doing well health-wise. He asked that everybody keep her in their prayers. She had been given her last rites and we are hoping for the best for her and her family.

### A-1 Motion to Cancel February 26, 2013 Meeting

Mrs. Peterson made a motion to cancel the February 26, 2013 meeting. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mr. Peden stated that the Friends of the Caleb Pusey House are having their Welcome Day Celebration on May 11, 2013 and the Clean-Up Day will be May 4, 2013 from 8:30 a.m. until approximately 2 p.m.; if anyone is interested in helping. Mr. Peden stated that he would give Shirley the information to do the normal routine.

## 22. Floor Open to Public

Mr. Bob Koswuk, mother resides on Mulberry Street, approached Council regarding his and his mother's concern of the 11th Street Extension Project. Mr. Mitchell provided Mr. Koswuk the reasons of the project. Mr. Mitchell stated that

we have had this project advertised in the newsletter, in the newspaper, and on our website. This project has been in the process for some time. Mr. Koswuk stated that he just wanted to voice his opinion on the project; for which he is against.

Mr. Tom Keller, Washington Ave in Brookhaven, approached Council. He wanted to publicly apologize for taking ornaments from the tables at the Holiday Party. He was told he could take them, for which he did. Later, he returned them. Mr. Mitchell stated that on behalf of Upland borough, they will accept his apology.

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 7:55 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary