

UPLAND BOROUGH COUNCIL

MEETING MINUTES

April 9, 2013

The meeting of the Upland Borough Council was called to order at 7:02 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, 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. Ms. Moira Crawford was absent.

Chief Easton, Deputy Chief Ocasio, Mr. Ken Stark, Reporter, Ms. Leslie Krowchenko, Reporter from the Delaware County Times, and approximately fifteen residents/guests were also 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 - Mayor Ciach

Mr. Mitchell suspended the normal order of business and turned the meeting over to Mayor Ciach. Honorable Ciach asked Joseph Augustine to join him. Mayor Ciach performed the swearing in of Mr. Augustine to fill the role of a part-time police officer in the Borough of Upland. A round of applause was provided by Council and guests.

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Back to the Regular Order of Business - 7:05 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

A-1 Council Meeting Minutes - March 12, 2013

Mrs. Peterson made a motion to pass the March 12, 2013 meeting minutes as presented and Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-2 Bid Opening Minutes for 2013 Road Program - April 5, 2013

Mrs. Peterson made a motion to pass the April 5, 2013 bid opening minutes of April 5, 2013 as presented and Mr. Peden 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 Mrs. Miazza 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 - Christine Peterson

Mrs. Peterson reported progress.

9. Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's March 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 March 2013. There were 0 fire incidents, 6 non-fire incidents, 16 mutual aids; for total incidents of 22 and 4 drills for a total activity of 26. There were 15 assists for fire, 1 cover assignments, 1 motor vehicle accident, 1 gas leak, 1 fire alarm, 1 good intent calls, 1 assist to police, there were 24.4 hours in service for the month; 16 daytime, 10 night time, and the average runners of 10.

Mr. Mitchell asked about membership. Mr. Smith stated that he believes they voted one in last month. We have 2 going to Delaware State Fire School in April

to become certified. Mr. Mitchell asked if that was Delaware County. And Mr. Smith stated it was Delaware State.

Chief Smith updated everyone regarding the new engine. It was delivered last Thursday. He thanked Council for all their assistance with everything; as it was a lot of work. Also, the truck manufacturer will be visiting Upland Fire House to go over the mounting of all the tools, and in about two weeks, we will have all the tools mounted. The lettering will also be installed on the truck. Hopefully the new engine will be in service before Memorial Day.

10. Code Official Report - Leland Hunter

A-1 Code Officer's Report

Mr. Hunter asked Chief Smith what fire company is currently authorized into the Borough for coverage. Chief Smith replied that for residential building fires during the day it is the City of Chester, Borough of Brookhaven, Parkside, Chester Township and of course, Upland. We also have Lower Chichester as a rapid-intervention team. For the evenings and weekends on a residential structure fire, it is Upland, Brookhaven, Chester Township and Parkside along with Lower Chichester coming in for rapid intervention. For commercial building fires, it is Chester, Brookhaven, Parkside, Chester Township, and Lower Chichester for rapid intervention, it also adds Middletown. Mr. Hunter stated that the reason why he was asking the question, it is because he received a note; something about Marcus Hook. Chief Smith stated that Marcus Hook is only a cover company. Mr. Mitchell asked Chief Smith to explain what a cover company is. Chief Smith explained that a cover company is one that covers the Borough when Upland is at an active fire scene; in case of a second emergency.

Mr. Hunter asked if the Police or anyone have a key to the lockbox at 900 Main; anyone but himself? Chief Smith stated it is called a Knox box; it is a fire department Knox box. Chief Smith stated he carries a key in the Chief's car, and there is a key on each of the engines. The procedure that is currently in place at the firehouse is that they do not open a Knox box alone without a Police Officer present. The Police Officer and the fire department both document the opening in their respective reports.

Mr. Hunter asked if Parkside or Brookhaven should arrive at 900 Main Street prior to Upland; would they need to wait until Upland arrives. Chief Smith stated there is entrance into that alarm room at 900 Main Street. The old way was through Apartment A, where you would need to access the panel through the apartment. They now since moved it; into an alarm room where they can check it anytime. Mr. Hunter asked if Brookhaven should arrive at an Upland fire first, can they access the Knox box. Chief Smith stated the other fire companies cannot open the box; the other fire departments do not have access into the alarm panel.

We don't want those keys available to everyone, like multiple fire companies; just like we don't have keys that belong to other local fire companies.

Mr. Hunter asked about the procedure of boarding up properties. Chief Smith explained that he cannot leave a scene unsecured.

Mr. Hunter stated that he posted a house on Upland Avenue uninhabitable. The property owner would constantly call the police to remove the padlocks so she can enter the house. Mr. Mitchell stated that the property in question will be demolished.

Mr. Peden asked for a motion to authorize the Solicitor to carry out proceedings to demolish the building located at 36 Upland Avenue. Mrs. Peterson seconded the motion. Mr. Catania clarified the intention of the motion and Council unanimously voted Aye on the motion.

11. Building & Grounds Report - Sandra Miazza

Mrs. Miazza stated the carpets upstairs will be installed on April 23, 2013.

12. Finance & Insurance Report - Harold R. Peden for Moira Crawford

A-1 Approval of General Fund Bills

Mr. Peden made a motion to accept the General Fund bills for approval for the month of March 2013 in the amount of \$191,668.95. Mr. Smith seconded the motion. Mrs. Peterson abstained from check numbers 29329 and 29367 and Aye on the remainder. Mr. Mitchell abstained from check number 29370 and Aye on the remainder. All other Council voted Aye on the motion.

A-2 Approval of Auburn Village Bills

Mrs. Peterson made a motion to approve the Auburn Village bills for the month of March 2013 in the amount of \$23,537.01. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

13. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Adopt Ordinance No. 2 of 2013  
- *Police Parking Issues*

Mr. Peden read Ordinance No. 2 of 2013 then made a motion to be passed and adopted as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Motion to Adopt Resolution No. 8 of 2013  
*- Application for County Aid for Liquid Fuels Tax Funds*

Mr. Peden read Resolution No. 8 of 2013 then made a motion to be passed and adopted as presented. Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

A-3 Motion to Adopt Resolution No. 9 of 2013  
*- Treasurer to Transfer Monies for Reese Center Electrical and Security Issues*

Mr. Peden asked if everyone had a chance to look at the details pertaining to Resolution No. 9 of 2013. Without inquiries, Mr. Peden proceeded to read Resolution No. 9 of 2013 then made a motion to be passed and adopted as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Adopt Resolution No. 10 of 2013  
*- Treasurer to Transfer Monies for Reese Center Mechanical Issues*

Mr. Peden read Resolution No. 10 of 2013 then made a motion to be passed and adopted as presented. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-5 Motion to Adopt Resolution No. 11 of 2013  
*- Treasurer to Transfer Monies for Reese Center for IP Cameras*

Mr. Peden read Resolution No. 11 of 2013 then made a motion to be passed and adopted as presented. Mrs. Miazza seconded the motion. Mr. Mitchell asked if there were any questions on the motion. Mr. Peden asked for clarity on the wording; it says that this money will be used to pay for installation of two high-definition cameras. Then it goes on to say this camera will be installed. Mrs. Purcival stated that it should read "cameras". The change was noted and Council unanimously voted Aye on the motion.

Mr. Mitchell wanted to clarify for the audience that there are a lot of things going back and forth dealing with the Reese Center. He further explained that several years ago, we passed a parking tax and we set up a special funds to put the

revenues from the parking tax we received from Crozer Hospital into a separate account to be used for the Reese Center and for the Carriage House. We thought that we were going to get the Reese Center four years ago. As all things go, the US Government was a tad bit slow deeding the property over to us. What we ended up with is the monies to operate. What we decided to do, so everybody is on board, and knows exactly what we are spending and where it's going to for the Reese Center, as there will be a lot coming up in the future with some of the activities that are planned for there; feel safe that everything there has not cost the taxpayers of Upland a dime to make these renovation to that center and for the operational day-to-day cost of that facility. So we feel proud that we finally got the deed, and tickled to death that we have the finances to make this happen.

Mr. Mitchell mentioned that if anyone has anyone has any questions, "surely Shirley has been around for the last four administrations, she knows all about it; please contact her." He stated that he hopes that clears up any questions on why we are doing it this way; you may not see when it is going in but you will see when it is coming out. And we don't want anyone to think that this is a burden on the taxpayers.

14. Research & Development - Christine Peterson for Moira Crawford

Mrs. Peterson offered a brief report on behalf of Ms. Crawford for the month of March 2013. The website had 3,666 page views with 1,487 visitors; with an approximate of 48 visitors per day. For the Photo Bucket account for March 2013, we added photos from our St. Patty's Day Luncheon for the seniors, the Easter Egg Hunt, and The Breakfast with the Easter Bunny. And she offered special thanks to Ken Stark and George Patterson for their help, as always.

15. Street & Equipment - Christine Peterson

We will be hiring someone for the position in our Highway Department. This position has been open since last year.

Mrs. Peterson made a motion to hire Peter Hartshorn for full-time Highway personnel contingent upon Mr. Hartshorn passing his CDL within 90 days from April 10, 2013. He will get paid \$14.00 per hour to start and once he passes his CDL; his pay will increase an additional \$1.00. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

16. Community Affairs - Sandra Miazza

Mrs. Miazza stated that since the last Council meeting the Ham & Cabbage Luncheon for the seniors took place on March 18, 2013 and it had a good turnout.

For the Easter Egg Hunt and the Easter Bunny Breakfast; we received so many compliments on the Hunt this year. Everyone who offered the compliments stated it was the best they have attended. Mrs. Miazza thanked the Upland Fire Company and the Upland Athletic Club for their help.

Mrs. Miazza stated that there was an anonymous donation to the Community Affairs Committee. The donation was provided by an "old-time Uplander". The amount of the donation was \$1,000.00.

The schedule for the upcoming events is as follows: The Welcome Day at the Landing Ford Plantation on May 11, 2013. Mr. Peden explained why the "Pusey" Plantation is referred to as the "Landing Ford Plantation."

The next event is May 21, 2013 which is Election Day and it is also the day the carnival begins. May 27, 2013 is the Memorial Day Parade and the Family Picnic in Bristol Lord Field.

On Saturday, June 8, 2013 the Senior Citizen's Club is have a Flea Market and Bake Sale at MacQueen Hall.

17. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read into record the Use and Occupancy Report for the month of March 2013.

18. Mayor's Report - Mayor Ciach

Mayor Ciach read his report for the month of March 2013. A total of 150 citations were issued; 137 traffic citations and 13 non-traffic citations. Total amount of fines equal \$ 24,212.00 with \$ 4,782.68 received from the District Justice Court. Year to date citations totals 389. We had 32 parking tickets issued, amount of tickets/reports paid restitution was \$725.88, parking tickets sent to the DJ was 24, 2 motor vehicle accidents, 4 accident reports copied, and total of 223 answered calls for the month with 16 assists.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read into record his March 2013 report. Mr. O'Connor stated that the bids for the 2013 Road Program already went out and we prepared the contract this morning. We will promptly send it out so that can move forward.

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

Mr. Catania stated the Borough took bids on the 2013 Resurfacing Road Program. We received three bids. The low bidder was A.F. Damon Inc. The bid price was \$ 60,860.00. We recommend the contract to be awarded to AF Damon and authorize the solicitor to take care of the required documents.

Mrs. Peterson made a motion to award the 2013 Road Program to A.F. Damon in the amount of \$ 60,860.00. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Peterson made a motion to have the Solicitor to draw up the necessary contracts. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

Mr. Catania stated that there has been some action on the 11th Street Project. PECO did remove their guide pole and now they will submit their proposal so we can get that job cleaned up.

Mr. Mitchell stated that he was excited about that street being opened too.

21. Old Business

There was no old business addressed from Council.

22. New Business

A-1 Motion to Cancel April 23, 2013 Meeting

Mrs. Peterson made a motion to cancel the second meeting of the month that is scheduled for April 23, 2013 meeting. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 Upland Fire Company - Annual Tag Days

Mrs. Peterson made a motion to approve Upland Fire Company's Annual Tag Days. Mrs. Miazza seconded the motion. Mr. Daniel Smith abstained but the remainder of Council voted Aye on the motion.

A-3 "Draft" QuitClaim Deed

*- Motion to Authorize the Solicitor to send necessary recommendation letter and request final QuitClaim Deed to be sent*

Mrs. Peterson made motion to authorize the Solicitor to send the necessary recommendation letter and request the final QuitClaim Deed for the Reese Center. Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

Mrs. Peterson reminded everyone to sign in at the meeting.

Mr. Hunter made a motion to appoint Patrick White as the foreman of the Highway Department. Mrs. Miazza seconded the motion. Mrs. Peterson abstained while all other Council present voted Aye.

Mr. Hunter asked if a pay increase for Mr. White was up for review. Mr. Mitchell explained that everyone needs to take into consideration that the prior supervisor had received a yearly-progressive raise and we can't do it that way. So, the Personnel Committee will sit down with the Borough Manager to work out the details of his pay.

23. Floor Open to Public

Mr. Douglas Scott, President of the Upland Fire Company and a resident of Willow Way, inquired about a previously-mentioned stipend for all new members. Mr. Scott stated that there has been questions from the members of the fire company, and he received two different answers and it has been two years now, and we just wanted to have answer. We were getting paper call in 2010; this was the amount of alarms you did, per position, per time of day. We thought this process was working pretty well. In 2011, Mr. Scott believes the numbers began to climb a little bit. But nothing ever came of it, and we kept asking what happened to the paper call. Mr. Scott stated he was not receiving any definite answers. He had spoken nonchalantly to two different council members and they told him it was in the budget and all he had to do was turn in the paperwork. However, he was told that it was not in the budget (from another council member). So, he was curious to know if it was or was not in the budget.

Mr. Mitchell replied that the most straight forth answer is that every meeting, this Chair asks "How's membership going", How's drives going?, as well as other questions, then we came down to taking a look at a million dollar fire truck that ended up costing 1.2 million." At some point there's enough, so it is not in there now. Mr. Mitchell stated that the purpose was to drive membership up when we first started negotiations when we had the first big meeting up here. And we were trying to help; what can we do to get somebody over there because at the time, Council and the Fire Company, in all honesty, were kind of at war. Mr. Mitchell stated that they can have the building, the trucks, the equipment, the ground, everything; we will sign it over to you. "But you guys did not want it. Well, at that point, let Council throw some offers out there to stimulate the growth. And the package everyone agreed to was to put the new facade on the front of the

building, you need another garage there to house the new truck, and let's face it, when you look at the amount of money, \$ 180,000.00 in new equipment that went into the new truck and you don't have to take off the old truck, which is a serious commitment from the community. Now, Doug, that is a lot." Mr. Scott replied that he just wanted an answer as he was told two different answers.

Mr. Smith asked Mr. Mitchell if he could step out of the councilman role for a second to fill the shoes of the Fire Chief duties. Mr. Smith stated that this was never in the budget from his understanding. It wasn't even in the budget in 2010. He stated the Fire Company approached Council in the beginning of 2011, for the 2010 numbers. That was where we agreed to do it. That is where the first pay went; the first donation from Council to the Fire Company. At that point, it was mentioned on the Council floor, as he was Chief, that it would be continued to be put into the budget. When I requested 2011 numbers for year 2012 from Mr. Scott with the figures, I was advised that it was not in the budget and that we had gotten the million dollars. Mr. Smith stated that he had relayed this information back to the Fire Company, twice. Since then, two other Council members have approached Mr. Scott, stating that it was in the budget. And the reason it hasn't been paid out is because he, himself, had not submitted the paperwork. Mr. Smith stated "that was false, I did give the paperwork last year and that is when it was decided that the million dollars was issued to the fire company for that stuff. And it was not in the budget. So the question came up at the Fire House through the President's side of things, that he was being told by two other council members that it was in the budget and that Mr. Smith just did not submit paperwork. And that was untrue."

Mrs. Peterson stated she understood it to be because Mr. Smith did not submit the paperwork on time. Mr. Mitchell stated "Regardless, we never actually gave an elemental breakdown. On the check donation, you guys broke it down the way you guys wanted to. Because it was determined by the Solicitor's office at that time, if we gave everybody in the fire department a check, what are we giving the Brookhaven or Parkside or others that come in here to help fight a fire? Are we going to pay them too? So, it was easier for us to make a cash donation and let you guys break it up."

Mr. Scott replied that it was just a question as he was told by two Council members that it was in the budget and Mr. Smith did not submit the numbers. Mr. Mitchell stated that he never heard that Dan (Mr. Smith) did not submit the numbers; it was just that we ran out of money. Mr. Scott stated he heard it. Mr. Mitchell stated the truth was that there is no money left for that. Mr. Scott stated okay. Mr. Mitchell stated that unless they wanted to back out of (the project), because the Engineer is about to advertise. Mr. Scott stated No, he was just trying to find out the correct answer.

Mrs. Miazza asked if they were to continue to have those meetings, like the one they had two years ago, to keep the communication open between the Fire Company and Council? Mr. Mitchell stated that somehow with no communication, they managed to get 1.2 million out of Council. Mr. Mitchell stated he thinks it is valuable to have these meeting. Mr. Smith stated that it would be imperative to set up a meeting again between the Fire Company and Council.

Mr. Kevin Kozlowski, Willow Way resident, stated his concern of vehicles entering Willow Way the wrong way. Willow Way is a one-way street; a Do Not Enter sign is posted. There are many children that play in that area where cars are entering. Mr. Mitchell and Mrs. Peterson advised Mr. Kozlowski and others to call 911 or take a picture with their cell phone and provide it to the Police Department.

Mr. Ken Stark mentioned Wilson's Auction has been scheduled to be present at the Welcome Day for Landing Ford. They will provide low-cost antique appraisals at the event.

24. Adjournment

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

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary