

UPLAND BOROUGH COUNCIL

MEETING MINUTES

December 10, 2013

The meeting of the Upland Borough Council was called to order at 7:00 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 Ms. Moira Crawford, Mr. Leland Hunter, Mrs. Sandra Miazza, Mr. Harold Peden, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq., and Mrs. Shirley Purcival, Borough Manager / Treasurer/Secretary.

Mr. Ken Stark, Reporter, and Chief John Easton along with approximately five 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 - Mayor Ciach

*Swearing in of Part-Time Police Officer - Michael Curran*

Mr. Mitchell suspended the normal order of business at 7:02 and turned the meeting over to the Mayor. Mayor Ciach performed the swearing in of part-time police officer Michael Curran. A round of applause was provided by Council and guests. Mr. Mitchell asked if there were any speeches.

Officer Curran stated that he wanted to thank Borough Council and Upland Borough residents. He is happy to be back and he just wanted to say thank you and he appreciates the opportunity.

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Regular Council Meeting resumed its' normal order of business at 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 - November 12, 2013

Ms. Crawford made a motion to approve the November 12, 2013 minutes and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-2 2014 Community Development Block Grant Public Hearing Minutes - November 12, 2013

Ms. Crawford made a motion as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

A-3 Bid Opening Minutes for Auburn Village Sidewalk Project - December 2, 2013

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

Mr. Mitchell stated that Chief and the officers may leave. Mr. Mitchell also stated that they have time set aside for the Chief and Officer Dougherty after the meeting.

Mr. Mitchell asked if Mrs. Purcival had something she was working on with Mr. Hunter. Mrs. Purcival stated she wanted him to leave his microphone on. Mr. Hunter stated "I think he was talking about working with me." Mrs. Purcival replied "That was handled today by the office." Mr. Mitchell asked what was handled. Mr. Hunter stated that he had a discussion with Shirley before he left the office. They figured out who, where, when and what. Mr. Mitchell asked if everyone was totally confused now. Mrs. Purcival explained "We had a problem with several bags of trash and debris mysteriously appearing in the alleyway. And the first time we cleaned it up, it mysteriously appeared again. The first time we contacted the owner of the property. He stated it wasn't his because the property was empty. And it appeared again, we contacted the owner, thinking he may have a secondary property and he was dumping on us. It turned out the owner did come in from out of the area and sorted through every bag of trash to find a piece of paper with a woman's address. It turned out to be a prior tenant of a landlord in which we've had numerous problems with, here in the Borough. The owner who dumped the trash apologized and said it was a big mistake that the trash was supposed to be deposited one street over at the home he owns. He was told that if he does it again, he will be issued a citation by the Police in the amount of \$ 1,000.00. Mr. Hunter added that the one pickup was over one ton of trash and we paid for that. Mrs. Miazza asked if the Borough paid for that. Mrs. Peterson stated we did. Mr. Mitchell stated he was still confused. Mrs. Peterson stated we picked up the trash because he dumped the trash in the Ninth Street

alley. Mr. Mitchell asked where the owner brought the trash in from. Mrs. Purcival stated “the owner thought the trash was being placed behind his unit in the Eighth Street alley and it was actually trash that came from a property he owned in Aston. A piece of paper was found with the address on it. We traced the address to him being the owner of the property in Aston.’ Mr. Mitchell asked “Well, doesn’t that make that commercial trash?” Mrs. Purcival indicated yes. Ms. Crawford and Mr. Peden both indicated he would need a dumpster. Mr. Mitchell stated to have a letter sent to the owner indicating he would need a dumpster placed in that area; and he can pay for it to be hauled out. Mrs. Purcival stated that the owner was told. Mr. Mitchell asked Mr. O’Connor if we can send him a letter. Mr. O’Connor stated he would follow-up with a letter.

Mrs. Peterson further explained “A lady that lived on Ninth Street came to the Police Department because there was trash behind her house. When she said trash, she also informed us that this was the second incident. When she said trash, she meant a lot of trash. It was like a 14 foot box truck full of trash. The first time our guys picked it up as they thought it was our trash.” But the second time, we caught up with our trash guys and said not to pick it up.

Mr. Mitchell asked “So what you are really saying, instead of me jumping on Lee about confusing me, I should be thankful for him catching this guy.” Mrs. Peterson replied “That is correct.” Mr. Mitchell stated “You did good Lee.” Mr. Hunter said “You finally give me credit.” Mr. Mitchell stated “Let the record show, you did good Lee.”

## 7. Treasurer’s Report

### A-1 Treasurer’s Report

Ms. Crawford 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. Miazza 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 - Christine Peterson

Mrs. Peterson stated that we have a lot of empty houses and that we are moving along, trying to get them filled as quickly as possible. “We had another pipe

break underground, outside, over the Thanksgiving holiday. That has been fixed, and we are moving along.”

9. Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

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

A-2 Fire Chief's Report

Mr. Peden asked Mr. Smith to present the report for the month of November 2013. There were 2 fire incidents, 15 non-fire incidents, and 15 mutual aids; a total incidents of 32; with 6 drills for a total activity of 38. There were 11 assists for fire, 4 cover assignments, 2 motor vehicle accidents, 2 gas leaks, 1 appliance, 1 electrical fixture, 3 fire alarms, 3 good intents, 2 malicious fire alarms, 1 assist to police, 1 single family dwelling fire and 1 shed fire. We had 37.8 hours of service for the month; 20 day time, 18 night time with average runners of 8.

Mr. Peden asked Mr. Smith to talk about smoke and fire detectors. Mr. Smith stated that Upland Fire Company along with the Upland Borough and BRK Electronics, which makes First Alert, have gone into a partnership to do a Smoke Detector Program, next year starting in the Borough for residents who do not have them or who need to change them out. First Alert has donated 50 detectors to start the program. There will be a form developed and starting in January where residents can fill out the form requesting the detectors. On form it will state how many floors and how many bedrooms; if there is children and if they need assistance in installing the detectors. The Fire Company will be installing the detectors for mainly the seniors that are unable to do it; we will make sure they are up and operational so that we can have the safety of our residents taken one step higher.

Ms. Crawford made a motion to approve \$ 600.00 for 100 smoke alarms. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

10. Code Official Report - Leland Hunter

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

11. Building & Grounds Report - Sandy Miazza

Mrs. Miazza noted progress.

12. 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 November 2013 in the amount of \$ 143,416.65. Mr. Peden seconded the motion. Mr. Hunter abstained from check number 30486 and Aye on the rest. Mr. Smith abstained from check number 30383 and Aye for the remainder. Mrs. Peterson abstained from check number 30458 and yes for the rest. Mr. Mitchell abstained for check numbers 30304 and 30427 and Aye for the rest.

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 \$ 38,173.24. Mrs. Miazza seconded the motion. Mr. Mitchell abstained from check number 5871 and Aye on the rest. All other Council members voted Aye on the motion.

A-3 Motion to Adopt the 2014 Proposed Budget for General Fund

Ms. Crawford made a motion to adopt the 2014 Proposed Budget for the General Fund for Income in the amount of \$ 3,060,161.00 and for Expenses in the amount of \$ 3,060,161.00. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

A-4 Motion to Adopt the 2014 Proposed Budget for Auburn Village

Ms. Crawford made a motion to adopt the 2014 Proposed Budget for Auburn Village for Income in the amount of \$ 778,000.00 and for Expenses in the amount of \$ 778,000.00. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

13. Ordinances and Resolutions Report - Harold Peden

A-1 Motion to Adopt Ordinance No. 4 of 2013  
- *Tax Levy or Rate Ordinance*

Mr. Peden read Ordinance No. 4 of 2013 then made a motion to pass and adopt as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

Mr. Mitchell wanted to make one comment for those in the audience and for Council. "This is the 27th year we haven't raised the taxes in this town. That is

saying a lot for what we do, in all the services that we provide. Everybody here should feel proud. Good job and it could not have been without everybody's efforts to keep the cost down and to increase services. Feel proud that you are a part of it."

A-2 Motion to Pass and Adopt Resolution No. 24 of 2013  
- *Employment Appointments*

Mr. Peden read Ordinance No. 24 of 2013 then made a motion to pass and adopt as presented. Mrs. Peterson seconded the motion. Mr. Peden abstained from Zoning Hearing Board and Aye on the rest. Ms. Crawford abstained from Civil Service Commission and Aye on the rest. Mr. Mitchell abstained from Borough Engineer, Planning Commission and Civil Service Commission and Aye on the rest. All other Council members voted Aye on the motion.

A-3 Motion to Pass and Adopt Resolution No. 25 of 2013  
- *Employee Compensation*

Mr. Peden read Ordinance No. 25 of 2013 then made a motion to pass and adopt as read. Mr. Smith seconded the motion. Mrs. Miazza abstained from Cleaning Person, herself, and Aye on the rest, Mr. Hunter abstained from Code Officer, himself, and Aye on the rest, Mr. Smith voted Aye, Mr. Peden abstained from Zoning Board Member, Joanne Peden, and Aye on the rest, Ms. Crawford abstained from Administrative Assistant, Shannon Strigle, and Aye on the rest, Mrs. Peterson abstained from Administrative Assistant, herself, and General Maintenance, Patrick White, and Aye on the rest and Mr. Mitchell abstained from Borough Engineer and Tax Collector and Aye on the rest.

A-4 Motion to Pass and Adopt Resolution No. 26 of 2013  
- *Authorize the Treasurer to Transfer Monies for Additional Security Camera at the Reese Center and the Carriage House*

Mr. Peden read Ordinance No. 26 of 2013 then made a motion to pass and adopt as presented. Ms. Crawford seconded the motion. Council unanimously voted Aye on the motion.

14. Research & Development - Moira Crawford

Ms. Crawford reported the website had 2,998 page views with 1,141 visitors; with an approximate of 38 visitors per day to the website. For our Photo Bucket account for November 2013, we added photos from the Senior's Thanksgiving Dinner, the Tree Lighting Holiday celebration and those photos were provided by George Patterson and Ken Stark.

15. Street & Equipment - Christine Peterson

It was good team work this past weekend for the bad weather falling on a weekend. Shirley stepped up as usual. Patrick did a great job for his first time with Chuck out of town. We had a little bit of blips but it got straightened out. Our Deputy Chief came in, on his own time basically, and used his own truck to assist with accidents and police calls since the Highway Personnel could not get off the road and we only had the one Tahoe. It worked out really well.

Mr. Smith stated that he thinks our streets were the best out of anyone. Mr. Mitchell agreed, stating by far. Mr. Peden mentioned that if anybody wants to blame anyone, for it being a little slow getting started, ask them to complain to Channel 6, 10 and 3; because nobody expected that. Mrs. Peterson stated that we had people calling within one hour saying "Why isn't my road cleared yet." Mr. Peden stated the with all due respect to the public, sometimes they need to understand.

Mr. Mitchell stated that the guys did a nice job; for the first time or the tenth time, it's always great.

16. Community Affairs - Sandra Miazza

Mrs. Miazza stated they had the kids Christmas Party, and we had to purchase and wrapped 125 gifts. Mr. Mitchell and Mr. Peden both indicated it was a great night. Mrs. Miazza replied "It turned out real good, but boy was it a mess." The Senior's Dinner was before that, and it had a nice turnout as well.

Mr. Mitchell thanked Mrs. Miazza for all her efforts as it was a good year.

17. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read in the record the Use and Occupancy Report for the month of November 2013.

18. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of November 2013, a total of 66 citations were issued; total amount of fines equal \$ 26,146.00 with \$ 6,883.47 received from the District Justice Court. Year to date citations totals 1,204. We had 38 parking tickets issued, parking tickets sent to the DJ was 34, 8 motor vehicle accidents, 11 accident reports copied, and total of 157 answered calls for the month with 7 assists.

Mayor Ciach also wanted to thank the road crew and Shirley for doing a great job over the weekend. He also mentioned about residents on Mulberry Street having problems with speeding issues. He assured them that our Police Department will be addressing that, but they also wanted us to consider some type of slowing-device but he will yield since Mrs. Deldeo, a resident of Mulberry Street, is present. He will allow her to elaborate more on those problems when the floor is opened to the public.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read the Solicitor's Report for November 2013 into record.

A-1 School Code Chapter 10 (MOU Charter School)

Mr. O'Connor stated to the best of his recollection, last month he apprised Council that we needed to proceed with the memorandum between the Borough and the school district. He asked "Do we have further questions or revisions before we got back to counsel for the school district?"

Mr. Peden thanked Robert and stated if we are going to craft our agreement with them to be this, then he would be very happy. Mr. Mitchell stated it was outstanding as it is better than what the City of Chester and what Chester Township has.

A-2 Collection of Unpaid Debts to the Upland Borough Fire Department

Mr. Mitchell explained that Council gave the right to the Fire Company, via an ordinance, to collect for out-of-town owners who own property here in Upland, as an investment. One of the things we didn't do is have enough language in the ordinance to enforce them to collect it. Dan and the Fire Company are sitting there with about \$ 6,900 worth of bed debt and if they go to court, it gets very expensive at that point. We need to strengthen the ordinance up and give the Fire Company a little bit more muscle to where they can actually lien properties if they are allowed to lien properties. Or to look at the law to see if the Fire Company can go out and lien the property and if not, can the borough lien the property and after the lien is satisfied, can we give them their money. If that makes sense to Council; similar to what we do on a condemned property when it falls into disrepair.

Mr. O'Connor stated that with the municipal liens that we do, we get when the property sells. On the flip side, if we take these people to court, there certainly expenses involved. We could go to the district court and get a judgment against these folks; we don't have to wait until the property sells until we get our money. With the way properties are selling, we may get lucky and get money within 6

months; maybe we get unlucky and have to wait 30 years. But at least when we go to court, we get judgments against these folks; we could proceed to execution right away. Mr. O'Connor stated that he did not want to perpetuate, he thinks we can certainly get our money. He stated that we should try to tighten up our ordinance; therefore will most likely get our money as well as legal fees.

Mr. Mitchell asked Mr. O'Connor to work with Mr. Peden on the ordinance issue. Mr. Peden stated that they can surely look at the ordinance. He thinks the words are there, but we still have to take the people to court. If we take them to court and there is a judgment against them then usually they come around, especially if they are a reputable company.

Mr. Mitchell also stated that Dan Smith had a situation on Upland Avenue where two houses, next door to each other, were on fire. One had eight people living in there. Mr. Smith stated he understood, that was listed at the Borough as an owner-occupied. We did not even know that was a rental property. It was listed as four, but had eight people living there. Mr. Mitchell stated that two things happened. It was a multi-family dwelling as well as they were collecting the Homestead Act discount on school taxes. Mr. Peden asked if we cited them for the violations. Mr. Mitchell stated that house should be listed as a multi-family dwelling and fall into the compliance of everything it needs once it starts to be put back into repair under the permit process, unless it needs to be treated as an apartment complex. Mr. Smith confirmed there were 3 families in consisting of 8 people in the one house and 7 in the other house. Mr. Mitchell asked what caused the fire. Mr. Smith stated the fire was being listed by the fire marshal's office and Delaware County CID, as an electrical space heater. Mr. Mitchell stated that makes it dangerous when we get those types of situations. We have no control over it but if we knew it going in, and the house was in compliance as a multi-family dwelling, then we would have had the necessary fire extinguishers and smoke detectors in there. Mr. Mitchell asked "If under our ordinance, would we have the right to declare a single family dwelling now a multi-family dwelling because of their past history?" Mr. O'Connor replied "I would think so." Mr. Mitchell asked "Can we rule it as that then, right?" Mr. Peden replied "Yes, they are actually in violation of the zoning code because they have a non-conforming use which is illegal about five different ways. Mr. Mitchell asked Mr. Purcival to get together with Mr. Ferguson and bring Lee up to speed on what we need to do there on the permits. Mr. Mitchell asked Mr. Smith if that satisfied his needs. Mr. Smith replied "That sounds great, sir." Mr. Mitchell asked if anyone else had questions with the solicitor. Mr. Peden mentioned we should let our Fire Marshal know if we changed that building use so that he can put it on his inspection list. Mr. Smith stated that he has been in contact with the Fire Marshal and he is aware of it. Mr. O'Connor stated the only other topic to discuss will be held in Executive Session after the regular Council meeting.

## 20. Engineer's Report

## A-1 Upland Fire House Renovation Update

Mr. Catania provided an update for the Upland Fire House renovations. The electrical contractor, Higgins & Sons, has begun work at the site. By the end of this week, we should have the electrical service renewed and returned to the original building. We will proceed from there with the other contractors.

## A-2 Recommendation from Borough Engineer for Auburn Village Sidewalk Project

Mr. Catania updated that bids were taken for the curbs and sidewalks in Auburn Village. We received seven bids and the bids ranged from the low of \$ 424,000 to a high of \$ 642,000. These bids were well beyond the funds available. Mr. Catania recommended we reject all the bids.

Mrs. Peterson made a motion to reject the bids. Ms. Crawford seconded the motion. All other Council voted Aye on the motion.

## A-3 Ellis Construction - Fencing on Main Street Wall

Mr. Catania advised that the fencing should resume the project after the first of the New Year, after the material arrives to complete that job. It should only take them a week or so and they should be done.

## 21. Old Business

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

## 22. New Business

## A-1 Motion to Cancel Second Meeting of the Month

Mrs. Peterson made a motion to cancel the second meeting of the month and Ms. Crawford seconded the motion. Mr. Mitchell stated "All in favor signify by saying Aye." All Council voted Aye, no one opposed. Motion carries.

Mr. Mitchell stated he wanted to add beginning our next heavy trash date, January 29th, all mattresses and box springs being picked up, must be wrapped in a mattress bag or wrapped in a substance so not to spread bedbugs. Bedbug bags can be sold at Home Depot.

Mr. Mitchell asked Mr. Ken Stark to mention this topic as it is a serious issue.

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

23. Floor Open to Public

Mrs. Deldeo, Mulberry Street resident, stated she has been asked by neighbors if there was any way possible a speed bump can be put onto the middle of the hill on Mulberry Street to stop the speeding that has been going on. It has been crazy. The stop sign at Gray and Mulberry is absolutely worthless; they just fly through there and fly down. Mrs. Deldeo stated that is why she is at Council tonight as she told the neighbors she would attend and say something on their behalf.

Mr. Mitchell stated that one of the bad things about putting a bump up there now is, it would be in the way of the snow plow. But it will be something we look at in the spring. In the meantime we can definitely get with the Mayor and concentrate some police cars up there and make things better.

Mrs. Peterson stated that she believed due to several issues throughout the Borough, they had re-checked on the speed bumps and there was a liability on us if anyone did any damage to their vehicles. Mrs. Deldeo asked if they could put a sign up indicating a speed bump. Mrs. Peterson agreed and stated they could however, if anyone did any damage to their vehicles they could still come after us.

Mr. Mitchell replied that we have a way of putting some police up there and some of the fines are pretty stiff. Just a car going over a bump or going speeding and run a stop sign is one thing; but generally we end up towing about 90% of them with bad tags and other stuff. Mayor Ciach stated the only other thing since we are continuing the 11<sup>th</sup> Street project, possibly putting a stop sign there and up on 12<sup>th</sup> Street, forcing them to stop. Mr. Mitchell and other agreed that was a good idea. Mr. Mitchell stated good thinking.

Mr. George Oronzio, Woodside Avenue resident, approached Council. He wanted to question Mr. Smith in reference to the smoke detectors. "Are they the 10-year lithium or the one-year battery?" Mr. Smith replied that they are the one-year battery, 10-year warranty on the detector itself.

Mr. Orionzio also wanted to mention that he was stuck on US Route 1 on Sunday night, in the snow, for 4.5 hours. Normally a 45 minute drive, and when he came home into Upland, he would have never knew it snowed. The Streets Department had done such an outstanding job on his street and today, he watch them plow again and once again, he wanted to compliment them on the excellent job they did in both conditions.

Mr. Mitchell wanted to mention before adjournment, he wanted to wish everyone a Merry Christmas. On behalf of Council, he wanted to wish everyone in the audience a Happy New Year and a Merry Christmas, to be safe and watch themselves outside tonight as it is a little slick.

24. Adjournment

Mrs. Peterson made a motion to adjourn. Ms. Crawford seconded the motion. Mr. Mitchell stated "All in favor signify by saying Aye." All Council voted Aye, no one opposed. Motion carries.

The meeting adjourned at 7:58 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary