

UPLAND BOROUGH COUNCIL  
MEETING MINUTES  
June 10, 2014

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 Mr. Harold Peden, Ms. Moira Crawford, Mr. Leland Hunter, Mrs. Sandra Miazza, Mr. Daniel Smith, Mayor Michael Ciach, Mr. Charles Catania, Sr., P.E., Mr. Robert O'Connor, Esq., and Shirley Purcival, Borough Manager/Secretary/Treasurer.

Mr. Ken Stark, Reporter, and approximately thirty-three 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.

Mr. Peden made a motion to go out of the normal order of business for some recognition work on the part of the Mayor. Mrs. Crawford seconded the motion.

Mr. Mitchell stated we do not need to have Council unanimously do anything as this is a special time in Borough Council's history when the Mayor is able to do something like this.

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Out of Normal Order of Business - Mayor Ciach

Mayor Ciach stated that today we would like to recognize two individuals in the Borough. Mayor Ciach read into the record two Mayoral Proclamations noting respectively Kameron Staples' and Kamri Staples' outstanding academic achievements. Both Kameron and Kamri Staples were named as Bill and Melinda Gates Millennium Scholars within the last two years; Kameron received the award in 2013 and Kamri received the award in 2014. This status offered the two siblings to receive a "good-through-graduation" scholarship to use at any college or university of their choice. Kameron is currently attending Brown University. Kamri will be attending Cornell University.

Upon receiving the proclamations, a round of applause was offered to the siblings as well as to their parents.

Mr. Peden read into record Resolution No. 7 of 2014 to Recognize the Consistently Outstanding Academic Achievements of Kameron Staples and Kamri Staples.

Mr. Peden made a motion to adopt Resolution No. 7 of 2014 and Ms. Crawford seconded the motion. All Council voted Aye on the motion.

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Normal order of business resumed at 7:12 p.m.

5. Public Comments on Agenda Items Only

No one responded.

6. Approval of Previous Meeting Minutes

A-1 Council Meeting Minutes - May 13, 2014

Ms. Crawford made a motion to approve the Council Meeting Minutes of May 13, 2014 and Mrs. Miazza seconded the motion. All Council voted Aye on the motion.

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

Ms. Crawford 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

A-1 Motion to Ratify Payment to Ellis Construction on Emergency Repair of Outdoor Closets on Two Auburn Village Units in the Amount of \$ 16,400.00

Mrs. Peterson made a motion to ratify payment to Ellis Construction on Emergency Repair of Outdoor Closets on Two Auburn Village Units in the Amount of \$ 16,400.00. Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

9. Public Safety Report - Harold R. Peden

A -1 Fire Marshall's Report

Mr. Peden read the Fire Marshall's Report for May 2014 Report into record.

A-2 Fire Company's Report

Mr. Peden requested Dan Smith to read the May 2014 report for the Upland Fire Company.

Mr. Smith read the report. They had 0 fire incident, 18 non-fire incidents, 17 mutual aid; for total incidence of 35; with 3 drills for a total activity for the month of 38. They had 13 assists for fire, 4 cover assignments, 1 motor vehicle accident, 1 elevator rescue, 1 ambulance-assist, 1 appliance, 4 fire alarms, 1 controlled burn, 1 c/o detector activation, 6 good intents, and 2 assists to citizen. We had 32.1 service hours for the month; 25 day time and 13 night time with an average runners were 8. Mr. Mitchell and Peden thanked Mr. Smith.

10. Safety / Code Committee - Daniel Smith

A-1 Code Officials Report

Mr. Smith read the May 2014 report into record.

11. Building & Grounds Report - Sandy Miazza

Mrs. Miazza reported that we are in the process of putting new lights in upstairs, all we need to do is get the lights as all the ground work is done. The floor in the utility room, in the back, is falling through to the basement and she believes Tom Kennedy will fix that. We had a leak in the ice machine at the Pavilion, and Tom will be fixing that too. Mrs. Miazza mentioned we needed that done by the 4th (of July).

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 May 2014 in the amount of \$ 161,616.21. Mr. Peden seconded the motion. All 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 May 2014 in the amount of \$ 23,539.49. Mr. Peden seconded the motion. All Council voted Aye on the motion.

Mrs. Peterson stated she forgot an abstention. She abstained from check number 31315 on the General Fund and Mr. Mitchell abstained from check number 31258. It was so noted for the record.

13. Ordinances and Resolutions Report - Harold Peden

A-1 Resolution No. 6 of 2014

- Authorize Reinstatement of Michael Curran as Full-Time Police Officer

Mr. Peden read into record Resolution No. 6 of 2014 which Authorizes Reinstatement of Michael Curran as Full-Time Police Officer into record. Ms. Crawford seconded the motion. Mrs. Peterson abstained from the motion while all other Council voted Aye on the motion.

14. Research & Development - Moira Crawford

Ms. Crawford provided an update on the website for April 2014. We had 4,147 page views and 1,551 visitors; in May 2014 we had 5,020 page views with 1,934 visitors. It was recorded that on May 28, 2014 we had the most visitors we ever had to our website. Mr. Mitchell asked of it was

due to Memorial Day and its activities? Ms. Crawford confirmed yes, but mentioned there were also pictures from the Caleb Pusey House added to the website, courtesy of Mr. Stark; the Carnival photos was courtesy of Mr. Stark, and the Memorial Day Service/Parade/Picnic were provided by Mr. McClintock, George Patterson and Mr. Stark.

15. Streets & Equipment - Christine Peterson

Mrs. Peterson mentioned the inlet and curb line that the Highway Department had finished on Eighth Street. Mrs. Peterson stated that the Highway Department did a really good job on that and if you have time, go by and look at it. They saved a lot of money doing that in-house. Mr. Mitchell stated "give an 'attaboy' to the guys; that's good stuff."

16. Community Affairs - Sandra Miazza

Mrs. Miazza stated this Saturday, June 14, 2014, we will have the Senior's Flea Market from 9:00 a.m. to 3:00 p.m. and we will have the wrist bands available for the Fourth of July signups. We just had the Carnival and made a profit of \$ 4,726.45; which was good due to the weather. The Picnic in the Park is on July 4th from 11:00 a.m. to 2:00 p.m. Mrs. Miazza announced that this year they will not do the Blue Rocks in August, however she will have either a magic show or a science show for the kids upstairs. They will have pizza and a sundae bar, and all that kind of good stuff, something different. Mr. Mitchell stated that would be fun. Mr. Smith asked if she had a date for that event. Mrs. Miazza stated she did not have a date yet, she awaits to hear back from people. On Monday, July 28, 2014, there will be a Breakfast for the Upland Seniors. On Sunday, August 31st will be the fireworks and the Firehouse, she believes, will do the pretzels and all the goods this year. Mr. Smith stated he had yet to bring it up to the Firehouse yet. On September 27, 2014 is the Spaghetti Dinner and on October 13th is the Shady Maple's trip for the Seniors. Mr. Mitchell stated "very good; pretty aggressive schedule, very good."

17. Use & Occupancy Report - Shirley Purcival

Mrs. Purcival read into record the Use and Occupancy Report for the month of May 2014. Mr. Mitchell asked if anyone had any questions of the Borough Manager. No one responded.

18. Mayor's Report - Michael Ciach

Mayor Ciach reported for the month of May 2014, a total of 153 citations were issued; total amount of citation fines \$ 15,919.00; the amount received from DJ Court is not available due to the Judge being on vacation. Year to date citations totals 494. We had 62 parking tickets issued, 21 sent to the District Court. There were 6 motor vehicle accidents, 4 accident reports copied, and total of 361 answered calls for the month with 49 assists; year to date total of calls at 1,533. Mayor Ciach reported that there were 29 major Crimes on the report; we had 1 Sexual Assault, 1 Strong-armed Robbery, 19 Domestic Abuse complaints, 2 Burglaries, and 6 Narcotics Sales/Possession.

19. Solicitor's Report - Robert O'Connor

Mr. O'Connor read the Solicitor's Report for May 2014 into record.

20. Engineer's Report - Charles Catania

Mr. Catania stated he had just one item. The addition/renovations of the Upland Fire House are moving along. We have requests and seek approval for three payments.

- A-1 Motion for Approval of Payment for Fire House Addition - Contract #1, General Construction for Columbus Construction, LLC; Sixth Installment, Amount of \$ 78,832.00

Mr. Catania stated the first payment is for Columbus Construction for General Construction in the amount of \$ 78,832.00.

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #1, General Construction for Columbus Construction, LLC, Sixth installment in the amount of \$78,832.00. Ms. Crawford seconded the motion. Mr. Smith abstained while all other Council voted Aye on the motion.

- A-2 Motion for Approval of Payment for Fire House Addition - Contract #2, Mechanical Construction for Ellis Construction, Inc.; Second Installment of \$ 13,775.00

Mr. Catania stated they sought approval for Contract #2, Mechanical Construction for Ellis Construction, Inc. in the amount of \$ 13,775.00.

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #2, Mechanical Construction for Ellis Construction, Inc.; Second Installment of \$ 13,775.00. Ms. Crawford seconded the motion. Mr. Smith abstained while all other Council voted Aye on the motion.

- A-3 Motion for Approval of Payment for Fire House Addition - Contract #3, Electrical Construction for Charles A. Higgins & Sons, Inc.; Third Installment of \$ 16,110.75

Mr. Catania stated they sought approval for Contract #3, Electrical Construction for Charles A. Higgins & Sons, Inc. in the amount of \$16,110.75.

Mrs. Peterson made a motion for approval of payment for Fire House Addition - Contract #3, Electrical Construction for Charles A. Higgins & Sons, Inc.; Third Installment of \$ 16,110.75. Ms. Crawford seconded the motion. Mr. Smith abstained while all other Council voted Aye on the motion.

Mr. Catania informed all that all the contractors have their sub-contractors working on punch list items, which has been assembled. We expect that within the two-week period they will be

completed and we will be able to take occupancy of the firehouse. Mr. Catania stated that was all he had. Mr. Mitchell asked if anyone had any questions for the Engineer. No one responded.

## 21. Old Business

### A-1 Open Discussion Concerning the Fire House Addition

Mr. Mitchell asked if there was a spokesperson for any issues dealing with the fire company. Mr. Steve Johnson approached and greeted Council. Mr. Johnson began "I have been asked to say a few words as far as the new addition on the firehouse. My name is Steve Johnson. I am one of the director's over at the firehouse and we have some new concerns about the deletions that were told to us and what was not finished at the firehouse. We feel as though the deletions and the change orders should have been brought to our attention so we can make those decisions as well. Some of those decisions; we won't be able to move into the offices until they are finished and by these change orders, the offices aren't going to be finished. so we would have rather been involved and decide of what was going to be taken out and what was going to be left in. You know, we don't need \$ 7,000.00 worth of plants out front. We have a little bell and that is all we can afford to, do plants every year and we thought that was sufficient 'cause that is all we could get going. Who is going to take care of all those bushes? You know, we just don't have that luxury; we don't have our 'Mackey' no more who use to take care of our flowers for 35 years. So, that's one thing we could have cut out just to get the offices done. Let's be practical here. And you know we...we can't move into them until they are done. We got a ceiling; no tile. We got a concrete floor, we got unpainted, unfinished walls, drywall and no insulation. So we're kind of concerned with that; we got no ceiling tiles put in, in the engine room and we go to put heat in it this winter; we got a hole into the 2nd floor and believe me..."

Mr. Johnson continued "We thank you very much for everything you have done for us, and the place looks great on the outside. The inside is not done; we didn't need a tower. Towers were designed back in the old days for hose to be put in. We can't even get up to them. You got a hole in the floor to get there. Somebody's got to cover that hole so we can heat the room in the winter-time. And I have been dealing with Shirley and sending her pictures of the punch list we've been finding. The cracks in the floors and the doors and stuff like that; Mr. Ferguson went over there, he has been doing his job and doing a great job for us as well; looking after our behalf and the Borough's behalf. And he has been seeing some of the same stuff we have. He has been in the contracting business for a long time; and I have been in maintenance for over 31 years, so I know what to look for as well. So, we just had some concerns about this, and you know, we just found out it will be two more weeks before we can even get in there. Our other truck is due back hopefully by the end of the week; as far as some additional warranty repairs. So we'd like to get things rolling too 'cause we can't move out of one office into another office until this is finished."

Mr. Mitchell responded "Steve, the tower floor was not meant to be a \$ 9,000.00 venture, ok? And you talk about the hole in the floor, that's a trap door to get up to the tower. The tower is part of the design. Everything was laid out. I mean that picture is as old as some people in this room when you look at the original design of that building. That is how they laid it out. The \$ 9,000.00, once that industrial-type floor was put in the tower, that money had to come from somewhere; that was not originally \$ 9,000.00 floor; that was a \$ 2,000.00 floor. You would have had everything else finished had we not had to spend that money up there. So..." Mr. Johnson interrupted "I believe that..." Mr. Mitchell stated "It's a mute-point at this time there's nothing that's going to be done as far as the trees, if you look at all the original plans and prints, these trees

and bushes and sidewalk had been there. The paint job that nobody likes was approved by Dan. The colors and everything was done by you guys.” Mr. Johnson stated “We didn’t pick the colors.” Mr. Mitchell stated “Dan did. It certainly wasn’t me, I’m color-blind so you can’t blame that on anybody sitting here except your own people. So, you know, what you have right now, is what you are getting. As far as the punch list items, we do not have the punch list completed, as you have heard we are within the two week window and we will have that finished. Mr. Johnson stated “You say that the bushes and all were in the plans. So was the finished drywall, so was the ceiling tiles and so was the insulation and the paint and the drywall. That was in the plans too. So that is what I am saying; priorities here. We are a basic fire company. We have no ‘Taj Mahal’ over there. We paid for everything and tried to do everything in-house that we can. We don’t have marble countertops or anything like that. We want basic. There was nothing wrong, ya know, just giving us what we need to do the job and do it right. So I think the priorities were wrong here. I think we should have been involved of what was being left out. Because, you did a great job for us, but we cannot move in. It’s as simple as that. We are not going to move into something that is not done. Now...”

Mr. Mitchell stated “Well, Steve, I’m sorry to say you have a home when the truck is back from being repaired, but put it back down to where it was, on Lane K, put it down there. I mean, there’s no more money here. It’s a 1.2 million dollar business expenditure over there. Mr. Johnson stated “I didn’t say that. What I am asking is why aren’t we involved with making the decisions on what was being deleted. That was...” Mr. Mitchell stated “Your involvement was the approval of the plans. Okay. When the plan got changed, by Dan wanting a floor up there, that’s where the money got exchanged. The project...” (Mr. Johnson stated something inaudible.) Mr. Mitchell stated “now I’m listening to you. The project was going to cease, they were just going to pull out until someone figured out how to pay for the floor ‘cause they still had to put the roof on. This was back in the dead of winter. They had to put the studding up, they had to enclose it in. The floor got put down there because that is what the Fire Company wanted. If your..” Mr. Johnson tried to speak. Mr. Mitchell stated “wait, wait, wait, if you’re not told by your people and you have a representative sitting here on Council, what was going on, I don’t know what to tell you. We are not firemen. We don’t know. But we do know, the \$ 9,200.00 we had to spend, it had to come from someplace to get the job and keep it moving. And that is where it went, it went up in that tower, on the floor. You can’t even get to the tower.” Mr. Johnson asked “So, there was a written change order to put in and spend \$ 9,200.00 to make that floor heavier duty?” Mr. Mitchell replied “Yes.” Mr. Johnson asked again “A written change order?” Mr. Mitchell replied “Yes.” Mr. Smith asked “A signed change order?” Mr. Mitchell replied “Yes.” Mr. Smith and Mr. Johnson both asked to see it. Mr. Mitchell stated “You’re talking to Santa Claus here. Once we give you the gift, you ain’t going to come back here and open the books. If you wanna...If you think there is something proprietary went wrong there, you just go and seek out an attorney and do what you got to do. But the taxpayers of this community gave you 1.2 million dollars, and you’re getting no more. You got a fire truck; and you talk about not wanting a Taj Mahal, your fire truck matching anything bigger, better, greater than anywhere else in Delaware County; so I am told. I don’t know anything about fire trucks. You couldn’t put another thing on there. You got what you wanted. Okay. Council wanted a facelift, they wanted the place updated, they wanted new guttering, they wanted new fascia; they wanted everything that you’ve got. And that is all you’re gonna get. If you don’t like that you can’t use the office, well you don’t have an office now, so what’s the big deal.” Mr. Johnson stated “We have an office that works...” Mr. Mitchell asked “The President and the Chief don’t have an office, do they?” Mr. Johnson stated “They don’t need one.” Mr. Mitchell stated “Well, we gave you two offices and now you don’t need one. Leave them there for storage. I don’t care what you do with them. That is what you got. The plans were approved by the fire company and by this Council. The money was

appropriated, it's spent, and that where you're at. Mr. Smith asked "So, you're stating on the record there's a signed change order from me for that floor." Mr. Mitchell stated "No, not from you. You have no power to change order." Mr. Smith replied "Well, that is what you told Council." Mr. Mitchell stated "You had the contractors, and we are not going to debate this... You had the contractors change it in a Monday meeting. The following Monday, when you had the meeting, you said the 'well, the firehouse is not paying for it'. Well, it's too late then. The thing was already nailed down."

Mr. Smith asked "Was there a signed change order with Shirley's signature on it?" Mr. Mitchell replied "I don't know, I haven't even seen the paperwork." Mr. Smith redirected the question to Mrs. Purcival "Shirley, is there a signed change order for the floor?" After Mrs. Purcival received Mr. Mitchell's approval to address, she stated "Before a meeting, our Engineer came to me and stated that you had requested from the general contractor a floor to be put up there for your office. And it was going to be almost \$ 10,000.00. I stated that I could not approve that kind of change order because the amount of money. We did not discuss it in a meeting. The Engineer went back to his office and I contacted Mr. Mitchell. Mr. Brown contacted Mr. Catania and I received several communications in which they were trying to bring down the figure from close to \$ 10,000.00 to something more applicable. We did a no-cost change order. And the Engineer eliminated certain things to accommodate for the cost of the floor that was put up there. Mr. Smith asked "Mr. President, can I ask questions back?" Mr. Mitchell replied "Yes." Mr. Smith continued "The question was, in all the minutes for this addition and every Monday meeting, it states on line 3 'No work is to be performed or started unless there is an executed, signed change order in effect from Borough Council and the Borough Manager'. I'm asking if that was done. And I know it was not done because I am not the one who brought the floor up. I sent Council a letter, I sent Council a letter explaining that it was Columbus GC's decision to try to put the floor up there; that I didn't want it from the start. When the question from Columbus GC was to change the floor, Catania Engineering through Lou Brown, sent them a different flooring without Council's approval; without the Firehouse's approval; without a signed contract." Mr. Mitchell stated "Dan, you, no, no, no. When we had a meeting last Friday with the GC over there, okay, Lou Brown and Council was there, and it was clearly stated then that it was your request that you wanted that floor. When we were in Penn State..." Mr. Smith stated "I don't know how that is true, Mr. President, because the GC on location", Mr. Mitchell stated "I'm just telling you what he is saying, Dan. We are not at the meetings." Mr. Smith stated "The GC on location was not the GC that brought it up." Mr. Mitchell stated "Well, let's put it this way. You have a floor up there, and a new firetruck." Mrs. Peterson asked "What did he say?" Mr. Smith replied "The GC that was over there was not the GC that originally brought the floor up. It was the other GC from Columbus. Columbus has had 3 GCs over there." Mrs. Purcival stated "Columbus has had...if I may Mr. President?" Mr. Mitchell replied "Go ahead." Mrs. Purcival continued "Columbus has had only two foremen on site." Mr. Smith stated "I'm sorry Catania had Stan. I'm sorry it was John and Rob." Mrs. Purcival continued "The first foreman was replaced upon his request." Mr. Smith replied "Correct." Mrs. Purcival continued "Because he felt, and if you excuse me Council, he felt the Fire Company members were very difficult to work with, in specifically you, Councilman Smith." Mr. Smith giggled and stated "I have nothing to do with that, I work all day long." Mrs. Purcival stated "And they changed over the foreman and brought this new gentleman, young man in." Mr. Smith stated "I'd tell you that he personally gave me his phone number and told me that I could call him, and bring him in and talk in front of Council, that it was his decision to say that a floor should have been tacked down and not a big flooring episode. And that was from John Russo, who was the GC of Columbus, not the one you had a meeting with the other day. And I don't know how he told you that I recommended a flooring when Rob Russo who is over there now, had nothing to do with the conversation." Mrs. Purcival replied "That is John's

nephew.” Mr. Smith replied “Correct.” Mr. Mitchell stated “I’m gonna end this because it’s...the floor is there, the floor’s paid for, it’s unfortunate that you can’t use the two offices and as far as the cinderblock not being painted, you know, paint it.” Mr. Smith stated “I just want to make sure that there is not a signed change order in effect for that floor. That you are accepting that without a signed change order.” Mr. Mitchell began “The mere fact is, it’s an approved change order. What was the intent?” Mr. Smith stated “I don’t know...” Mr. Mitchell stated “the intent was you already heard what the Manager tells us, that you wanted a floor up there for an office.” Mr. Smith replied “I never told Shirley I wanted a floor at all.” Mr. Mitchell replied “Listen, we are not going to get into semantics in how you were going to get up there because you needed a ladder and an escalator and everything else. You can’t get there from the ground.” Mr. Smith replied “Just so you are proving it without a signed change order.”

Mr. Mitchell asked “Steve, how else can we help you?” Mr. Steve Johnson replied “I know you just made a statement, the block walls not painted, the problem is half the wall was pointed, the other half was supposed to be covered in drywall because it’s an exterior wall. You paint that, it going to look like...” Mr. Mitchell stated well, when you run out of money, Steve. Steve, let’s do it this way. You’re from Delaware, and you don’t have a penny invested in over there, and you want the tax payers to go over there and finish something for you.” Mr. Johnson stated “Excuse me.” Mr. Mitchell stated “Excuse me is right.” Amidst many people talking, Mr. Mitchell stated “We are not paying any more money, we don’t have it.” Mr. Johnson stated “Thirty-seven years and I don’t have...” Mr. Mitchell stated “This Board here has the right to get into the checkbook of the Borough taxpayers. We do not have any money, more money, to pay for that.” Mr. Johnson stated “The tower, we didn’t need that, it was not practical...” Mr. Mitchell stated “It was on the design, you approved it...” Many people began to speak and it was inaudible.

Mrs. Peterson gently interrupted “Dan, wait a second. Hang on. This doesn’t need to be like this. But Dan, you were at every construction meeting every week. Right?” Mr. Smith stated “Correct, when I could. I wasn’t at every one of them.” Mrs. Peterson continued “Alright, well, at the beginning you were at every construction meeting every week?” Mr. Smith confirmed “Correct.” Mrs. Peterson stated “If there were issues...” Mr. Smith stated “I’d like to specify in my letter to Council, when John Russo brought up the fact that we should put the floor down before they dry walled the ceiling, so the full sheets could go up, I said to him I was not worried about it at the time. I was not in a meeting when John Russo brought up the fact that we wanted a floor. The following meeting, I attended. It was brought up about the floor and I said “I do not want the floor, do it as planned.” Rob Russo, the GC of Columbus right now, knows every single time, and he will say it also, I said build it to plans. I never specified putting the floor in, I never asked for a floor in any of these Monday meetings.” Mrs. Peterson stated “Okay. Here’s the bottom line, alright. The bottom line is that we committed to your fire truck, okay. We committed the additional monies of the million dollars towards your addition, okay? So you could get that. Because there have been issues, like with every other construction thing there is, you have issues that come up. Okay? It’s unfortunate that because of said issues and because we had to put extra money into it, that there was no money to finish it. We said we would do a million. That is what everyone voted on. We actually went \$ 1,157,282.00, okay, because of the problems; because of trying to finish it for you. Unfortunately, right now, there is no more money and that’s the bottom line. I understand your situation, we all understand your situation, but right now there is just no more money.” Mr. Johnson stated “Again, I approached Council just asking why we were not involved with the changes. That is all I was asking.” Mrs. Peterson stated “But, but...” Mr. Mitchell stated “Steve...Steve...Chris please hold up. Steve, are you aware that the \$27, 000.00 that it cost to move the transformer that was free that Dan had had lined up to be moved for nothing. We ended up paying \$ 27,000.00 to have it moved. Where do you think the money

comes from for these kinds of things?” Mr. Smith stated “the gas service was free. We concluded that.” Mr. Mitchell stated “Dan, we never budgeted that from day one. That was not budgeted. And when your guy went south on us from PECO...” Mr. Smith stated “That’s correct. That was the gas guy that went south, Mr. President.” Mr. Smith stated something else inaudible. Mr. Mitchell continued “Okay, he went south but the bottom line is where do you think the \$ 27,000.00 come from?” Mr. Smith replied “I agree. I am not saying that. But don’t throw my name in there saying that I’m the one...” Mr. Mitchell stated “Well, you’re the one that said that we don’t have to budget that because you’ll take care of it.” Mr. Smith stated “..the gas.” Mr. Mitchell stated “It’s in the minutes, it’s in the minutes...” (Inaudible as many people were talking at once.)

Mr. Johnson asked to ask one more question. “On here, it doesn’t say anything about BCT tile that was supposed to be put into the two offices. Are we at least getting that?” Mr. Mitchell replied “No.” Mr. Johnson continued “because it was part of the contract.” Mr. Mitchell stated “there’s no money left.” Mr. Johnson stated “but it’s not in the addendum to cut out.” Mr. Mitchell stated “Well, the \$ 27,000.00 for your transformer wasn’t in there but the lights work.”

Mr. Doug Scott, President of the Firehouse, asked “where did the \$ 57,000.00 go then?” Mr. Mitchell replied “Your contribution?” Mr. Scott stated “Yes.” Mr. Mitchell replied “It went into the general project. It was \$ 80,000.00 over and we went \$ 30,000.00 just doing the transformer.” Mr. Scott and Mr. Johnson proceeded to leave Council Chambers. Upon exiting, Mr. Johnson sarcastically said “Thank you” and Mr. Scott said “Thanks for nothing.” Mr. Johnson cynically continued, “thank you, residents, for your support being here tonight, too.” Other “inaudible” remarks/comments were made when the other members of the firehouse and general public exited the room.

Mr. Mitchell asked if anyone else wanted to address Council. Mr. Mitchell stated “We were going to go into New Business, but since the floor is open to the public, please go ahead.”

Ms. Theresa Jackson, Third Street resident, approached Council. She had a few questions regarding the Police Department. Ms. Jackson provided a typewritten letter addressed to Council in which she stated that she did not expect the questions to be answered now but she does hope to follow up with Council soon. A copy of the letter is included in the official minutes. One question/situation Ms. Jackson asked/mentioned about is this why the police department requested social security numbers. “A few months ago...there was an issue we had. There were two residents that had to contact the police department.” One of those people was her mother, where “the officer asked her for her personal information which wasn’t an issue, but the officer also asked her for her social security number.” Ms. Jackson asked “Is every citizen that comes to the Upland Police Department required to submit their social security number? If not, what is the procedure to determine which person is required to give their social security numbers? If a resident decides not to give their social security number to the officer, will that resident still receive services from the police department? Now this question is in response to some of her neighbors, they are under the impression if they were not give their social security number, they will not continue to receive police services. And also, and this is the biggest concern for me as well, what was the police department doing with our social security numbers and for example, are they being processed for storage?” Mr. Mitchell stated that social security numbers should not be given out to anybody. “Don’t give it to anybody.” Ms. Jackson stated that in this case, when her mother came to the police department, the man was very persistent. Ms. Jackson was inaudible.

Ms. Jackson proceeded to talk about concerns of decreased patrol in her residency area of Parkview, Delaware County Housing. Mr. Mitchell stated we got the bikes and all up there. Mrs. Peterson advised Ms. Jackson that the bike patrol just began at the end of May, which we normally get a grant for the bikes to be up in the Delaware County Housing. The last couple of years have not done that. However, the Police put it in their budget; to pay out of their budget, to do that. Ms. Jackson stated there seems to be a lack of police patrol in the area; compared to what she used to see. Mrs. Peterson stated we get plenty of calls in that area, so she knows they are there. Mrs. Peterson stated “Why you are not seeing them, I’m not really sure.”

Mrs. Jackson proceeded to continue about the social security issue. The police seemed very persistent to get the social security numbers. Mrs. Peterson stated that “The Mayor can work with the Chief to work that out but just know that is not a system that just anybody can get into. That system is very secure.” Ms. Jackson asked who has access to this. Mrs. Peterson replied “The Police, that’s it, the Police.” (Other comments were made but inaudible.)

Mr. Mitchell addressed Ms. Jackson. He asked her if she had anything additional or other complaints, the Borough Manager is here. Ms. Jackson stated to be fair, she does not expect every single question on the letter addressed right now. But what she does expect is to speak with someone in a timely manner.

## 22. New Business

### A-1 Motion to Cancel Second Meeting of June 2014

Mrs. Peterson made a motion to cancel the second meeting of June 2014. Ms. Crawford seconded the motion. All Council verbally voted Aye on the motion.

## 23. Floor Open to Public

Ms. Denise Marusco, resident of 310 Tenth Street, approached Council. Mrs. Purcival asked if she was taping. With confirmation by Ms. Marusco, Mrs. Purcival stated she needed to announce that to Council. Ms. Marusco stated that reading through the minutes, she had some disputes. She requested to hear and review the tape. Mr. Mitchell stated that she could set that up with the Borough Manager and she will make that tape available to her. Mrs. Purcival stated “Mr. President, we are not on tape. We are on computer.” Mr. Mitchell asked how it came through the computer. Mrs. Purcival stated that it is “Automatically and electronically put through to the secretary’s desk.” Mr. Mitchell and Mrs. Purcival both confirmed that all Ms. Marusco had to do was set up an appointment to hear the minutes in question.

Ms. Marusco proceeded to give information she found on the web on the Borough of Upland regarding land being .07 square miles and water is a 0.0 square miles (at this point she held up a laminated map of the area.). She mentioned she thought we did have waterways in Upland. Mr. Mitchell asked what her point was and if she had a complaint. At this point, Ms. Marusco continued to talk but was inaudible. Mr. Mitchell did state “We will not comment on anything that you presently have active in the Courts.” Ms. Marusco stated “It has nothing to do with the (inaudible).” Mr. Mitchell stated that under the advisement of the Solicitor, we will not discuss your lawsuit or anything feeding into it.”

Mr. Mitchell asked Ms. Marusco if she had another issue. Ms. Marusco stated "Yes.". She stated "November 5, 2013, my husband hand-delivered a letter concerning storm water (inaudible word). We had not had any feedback on this (inaudible). Also, on December 20, 2013 we sent a signed, certified receipt letter to the Borough Plumber, Tom Kennedy; which it came back unclaimed. October 8, 2013 and October 11, 2013 we had proposals that for the ground water they say cannot save (inaudible)." Mr. Mitchell stated "I'm gonna have to stop you. I'm not going to let you stand there and try to bait this Council..." Ms. Marusco interrupted but Mr. Mitchell continued "You are not going to bait this Council into saying something that you're going to turn around and use against the homeowners and the good tax payers and the people sitting at this table." Ms. Marusco stated something inaudible. Mr. Mitchell stated "Thank you very much. So am I. There is nothing you can do about what your issue is." Ms. Marusco stated "To be ignored when I called the police, they do not respond." Mr. Mitchell stated "Can you prove that? If that's an issue, you have to deal with the Mayor. That's a private matter with the Mayor."

Ms. Marusco began to speak again about storm water as she indicated to a map of the waterways that run through and near our property. "We have been here since 1991, with a certificate of occupancy. We had not had this problem. And that school went up, we got the problem." Other comments Ms. Marusco made were inaudible as other were talking. Mr. Mitchell announced "if there is anyone else here that would like to speak...that's fine. If not, I'm gonna adjourn the meeting."

Mr. Kennedy, Plumbing Inspector, asked "if I may add?" Mr. Mitchell stated "No, not to that. No. The Chair will not recognize that."

Mr. Mitchell asked "Anyone else? If not, I call for adjournment."

#### 24. Adjournment

Mrs. Peterson made a motion to adjourn. Mr. Smith seconded the motion. All Council voted Aye on the motion verbally.

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Secretary/Treasurer

Shannon Strigle  
Recording Secretary