

Minutes  
Council Meeting  
March 10, 2009

- I. A regular scheduled meeting of the Borough Council was called to order at 7:00 p.m. by President Edward M. Mitchell. The meeting was held in the Upland Municipal Building.
- II Present were: President Edward M. Mitchell and Vice President Christine Peterson. Present were Council members Mrs. Sandy Miazza, Mrs. Georgianna Hicks, Ms. Moira Crawford, Mr. Lee Hunter and Mr. Dennis Walls. Mayor Michael Ciach, Mr. Charles Catania, Sr. P.E., Mr. Robert O'Connor, Esquire and Mrs. Shirley Purcival, Borough Manager/Treasurer Secretary were present.
- III. Approximately twenty residents attended the meeting.
- IV. The Pledge of Allegiance to the American Flag was lead by President Edward M. Mitchell. The Pledge was followed by a moment of silence.
- V. President Mitchell asked for a motion to accept the minutes of the Council Meeting Minutes of February 10, 2009.
- A-1 Mr. Walls made a motion to accept the minutes, which is seconded by Ms. Crawford.  
  
Council unanimously voted aye on the motion.
- A-2 Vice President, Christine Peterson offered a motion to accept the Police Station Bid Opening Minutes of February 24, 2009, which is seconded by Mrs. Miazza and Ms. Crawford.  
  
Council unanimously voted aye on the motion.
- A-3 Vice President, Christine Peterson offered a motion to accept the Special Council Meeting Minutes of February 24, 2009, which is seconded by Mr. Hunter.  
  
Council unanimously voted aye on the motion.

VI. Treasurer/Manager's Report - Mrs. Shirley Purcival

A-1 Mr. Walls made a motion to accept the Treasurer/Manager's Report, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

A-1 a) Income Statements - Mrs. Shirley Purcival

Mrs. Miazza made a motion to accept the Income Statements, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

A-2 Manager's Report - Mrs. Shirley Purcival

Mr. Hunter made a motion to accept the Manager's Report, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

VII. Auburn Village - Mr. Dennis Walls

Mr. Walls stated the new lights installed on Dogwood Lane are now operating.

Mr. Walls spoke to a few of the Auburn Village residents and they are thankful.

Mr. Walls offered a motion to authorize the Engineer to advertise for bids for a roof replacement on Birch Lane, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

VIII. Code Official Report - Mr. Leland Hunter

A-1 Mrs. Hicks offered a motion to accept the Fire Marshall's Report, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

A-2 Report of Fire Chief - Dan Smith

Dan Smith stated the Monthly Report for February 2009 as follows:  
 0 Fire Incidents, 8 Non-Fire Incidents, 17 Mutual Aid for a total of 25 Incidents.  
 There were 2 drills for a total activity of 27. There were 13 Assists for Fire, 3 cover assignments, 1 rapid intervention call, 1 fuel spill, 1 electric problem, 1 appliance, 1 outlet, 3 fire alarms, 1 Good Intent. There were 18 .7 hours of service for the month, 13 day time, 14 night time for an average runner of 9.

President Edward Mitchell stated he sees there are a few more guys here, which is good.

President Edward Mitchell asked Dan Smith how the membership was going?

Dan Smith advised they had 1 that was accepted and 1 that was declined.

Dan Smith advised that Dave Favinger has been showing him the fire inspections and what to look for and Dan Smith also met with the Borough Inspectors.

Dan Smith stated that one order of business that is good for the Borough and the Fire House is that the Upland Fire Company has been awarded a 2008 State Volunteer Fire Fighting Grant in the amount of \$9,832.67. That grant was put into place to replace all of the outdated materials to standard. The grant was also used to put the firefighters names on the bottom of their coat for visual accountability.

President Edward Mitchell asked who the grant writer was?

Dan Smith replied, "It was Steve and myself."

Both President, Edward Mitchell and Vice President, Christine Peterson stated, "Good Job."

IX. Public Safety Report -

Mr. Hunter reported progress.

A-1 Mr. Hunter stated at the request of Chief John Easton, Mr. Hunter offered a motion to terminate one part-time officer, which is seconded by Ms. Crawford.

On roll call vote: Mrs. Hicks, Aye. Mr. Walls, Aye. Ms. Crawford, Aye. Mrs. Miazza, Aye, Mr. Hunter, Aye, Mr. Mitchell, Aye. Vice President, Christine Peterson abstains.

X. Building and Grounds - Mrs. Sandra Miazza

Mrs. Miazza offered a motion to advertise for Grass Cutting Services for a one year contract, which is seconded by Mr. Walls.

Council unanimously voted aye on the motion.

XI. Finance and Insurance Report - Moira Crawford

- A.1 Ms. Crawford offered a motion to approve the February Bills for approval for the General Fund in the amount of \$516,631.52, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

- A.2 Ms. Crawford offered a motion to approve the February Bills for approval for the Auburn Village in the amount of \$24,928.51, which is seconded by Mr. Walls.

Council unanimously voted aye on the motion.

XII. Ordinances and Resolutions - Mrs. Georgianna Hicks

Mrs. Hicks stated the Upland Borough Council has issued the following Proclamation:

WHEREAS, Governor Rendell proposes to create a legislative commission to study how to best right-size Pennsylvania's local school districts; and

WHEREAS, his goal is to have no more than 100 school districts throughout the Commonwealth; and

WHEREAS, full scale school consolidation provides a very efficient way to relieve the local property tax burden all across Pennsylvania; and

WHEREAS, there is need to maintain 500 separate school districts across the Commonwealth of Pennsylvania, each with its own staggering and growing administrative costs; and

WHEREAS, reducing the number of school districts would not necessitate the closure of individual schools, but could instead improve the effectiveness and efficiency

of public education through other means; and

WHEREAS, only 10 states in the nation have more school districts than Pennsylvania while many of the highest-achieving states are organized into far fewer school districts in order to achieve greater efficiencies and to improve the delivery of quality educational services; and

WHEREAS, more than 40 percent of Pennsylvania's school districts educate fewer than 2,000 students and require over 80 percent of school districts educate fewer than 5,000 students, requiring significant bureaucracy while raising questions about the diversity of courses offered to students; and

WHEREAS, consolidation is not a new idea in Pennsylvania, but rather in 1955 there were 2,700 separate school districts before the General Assembly authorized consolidations statewide; and

WHEREAS, within two years the number of separate school districts was reduced to 1,900; and

WHEREAS, by 1962 the number of separate school districts fell to 600; and

WHEREAS, as of July, 2009, there will be 500 school districts statewide; and

WHEREAS, the proposed commission would have 12 voting members appointed by the Pennsylvania General Assembly; and

WHEREAS, it would also have two non-voting members who serve ex-officio; and

WHEREAS, the proposed commission would have one year to develop a plan for the reorganization of school districts; and

WHEREAS, it would be responsible for determining the optimal enrollment size, new statewide boundaries, and implementation plans; and

WHEREAS, to ensure progress is made, the Governor proposes that the commission adopt up to two merger plans; and

WHEREAS, after a period of public comment, the General Assembly would be required to give an "up or down" vote to each commission consolidated plan within six months; and

WHEREAS, if the General Assembly rejected both plans, the law would vest authority for consolidating school districts with the State Board of Education.

NOW THEREFORE, the Borough Council for the Borough of Upland does hereby proclaim their support of the Governor's afore stated proposal

**PROCLAIMED this 10<sup>th</sup> day of March, 2009 by:**  
**Edward Mitchell,**  
**President, Upland Borough Council**

XIV. Streets and Equipment Report - Christine Peterson

Vice President, Christine Peterson offered a motion for Chuck Boyd to attend the annual PEMA Workshop, which is seconded by Mr. Hunter.

Council unanimously voted aye on the motion.

XV. Community Affairs Report - Sandra Miazza

Mrs. Miazza stated this Saturday, March 14<sup>th</sup> there will be a "Movie Night" featuring Madagascar II at MacQueen Hall between 7:00 p.m. to 9:00 p.m. There is no admission, however, refreshments will be sold.

Mrs. Miazza stated on March 18<sup>th</sup> there will be a "History Night" with Ray Peden.

Mrs. Miazza stated the Upland Fire Company is not having the breakfast this year. Mrs. Miazza stated the Community Affairs Committee may sponsor the breakfast, but would first like to get together with Dan Smith and a couple of other members of the firehouse.

XVI. Use and Occupancy Report - Shirley Purcival

Mrs. Purcival stated a total of 7 units received Use and Occupancy Certificates for February 2009, 4 units failed their inspections and a total of \$1,200.00 was deposited into the General Fund for the Use and Occupancy Inspections.

XVII. Mayor's Report - Mayor Michael Ciach

Mayor Ciach stated for the month of February 2009, 191 citations were issued. The total amount of citation fines was \$26,029.00 of which \$13,014.50 was the Borough's share. There were 18 parking tickets issued, 8 motor vehicle accidents, and 6 reports were copied. The total amount received from DJ court was \$2,056.06. The total calls answered were 341 and there were 12 total assists. Also, during the month of February we had 7 assaults, 6 thefts and 4 disorderly conducts.

XVIII.. Solicitor's Report - Mr. Robert E. O'Connor, Esquire

Mr. O'Connor drafted the Proclamation in support of Governor Rendell's proposal to consolidate the number of school districts within the Commonwealth of Pa.

XIX. Engineer's Report - Mr. Charles J. Catania, Sr. P.E.

Mr. Catania stated he did receive correspondence from PennDot they are going to update the ADA ramps at five separate locations from Main Street from Brookhaven Borough line to Sixth Street, Upland Avenue to the City of Chester and 2<sup>nd</sup> Street, Upland Avenue to Kerlin Street, 8<sup>th</sup> Street on Upland Avenue to Main Street, 22<sup>nd</sup> Street on Upland Avenue to the Chester City Line.

Mr. Catania stated they advised us of this so we could mark out our utilities and traffic signals at any particular location.

XX. Old Business - President Edward Mitchell

President Edward Mitchell stated, "I guess at this point, it is safe to say Dan this will make you happy. If you're ready, we're ready. It looks like the funds have become available for the air packs on a 60-40 basis as we agreed to before. So if you guys are ready, we're ready for you."

Dan Smith responded that he will talk to the Borough Manager tonight.

President Edward Mitchell stated, "It has been a struggle but it was a good commitment from Council and Moira leading up the finances between her and Mrs. Purcival and the rest of Council, we got the money together quickly and hopefully we can continue on in the spirit of cooperation as we've done in the past."

President Edward Mitchell stated, "Again, Council you did good."

A-1 Vice President, Christine Peterson offered a motion to cancel the 2<sup>nd</sup> Council meeting of the month, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

XXI. New Business - President Edward Mitchell

President Edward Mitchell commented, "for those of you who missed the caucus meeting,

the Buildings and Grounds Committee met with Council tonight with a presentation for fireworks, so it looks like we are going in the right direction for a fireworks display for Labor Day.”

President Edward Mitchell stated, “Mrs. Miazza and the Community Affairs did an outstanding job on getting the vendors together to get this going.”

## XXII. Floor Open to the Public

Margaret Flanagan - 1201 Main Street, Upland, PA

Mrs. Flanagan stated she was sorry for not getting back to Council sooner as she had some personal problems she had to take care of.

Mrs. Flanagan stated she spoke with the Borough Manager and asked her how much of her fence she had to come down.

Mrs. Flanagan stated that Mrs. Purcival told her the whole back fence comes in twenty feet or I have to have the whole side cut down to four feet.

Mrs. Flanagan stated she was not told about twenty feet coming in from that.

Mrs. Flanagan stated “she had her property surveyed and where I have the fence, is on my property. Why I would have to come in twenty feet from the side of my neighbor, I would like to know why?”

President Edward Mitchell responded, “I guess it is kind of safe to say at this time that seeing how this is under pending litigation, Council at this point, will have no comment on that.” “At this time, your solicitor is dealing with the Borough Solicitor.”

Mrs. Flanagan continues on and states she was never told that the whole side of her fence had to be moved.

President Edward Mitchell responded, “I understand that Mrs. Flanagan, but back in the open sessions prior to any possible potential litigation when we had the open conversations with the Zoning Board and Council we touched on that for several hours and several meetings dealing with that. Now that we are where we are, we cannot comment on that.” “Compliance is what needs to be done.”

Mrs. Flanagan responded, “It will be cut down before the end of the week, however, I want to say that I think your rules here and the way you explain things are very poor, because I was misled through this whole thing, and I don’t think it’s right. Everyone

is partly wrong and I was stuck in the middle between two people. The rules you have here, I think are very unsatisfying to me. I had no idea. When I called the Borough Manager and when she told me the changes that had to be made, I didn't understand that."

President Edward Mitchell responded, "Thank you for your comments, and we will take them under advisement."

Mrs. Flanagan stated that she would like someone from the Borough the day she has the contractor at her residence to make the fence changes to make sure they are doing it correctly. I will call you the day that he is coming, because she doesn't want any more things going wrong.

Mrs. Purcival, Borough Manager stated that Mrs. Flanagan called the office today with a neighbor on the phone and she was again instructed what she needed to do.

President Edward Mitchell stated that since our last meeting, there has been some input back and forth with Brookhaven Borough and Upland Borough and it ended up where we are today, in litigation.

President Edward Mitchell addressed Shannon Strigle regarding the response to the community fund raiser that was sponsored for her family.

President Edward Mitchell stated, "Upland will support those who need help." "It was kind of chilling to see the large response, and we are sorry we couldn't do more and we all hope and pray for the best outcome. Please let us know if you need anything more."

### XXIII. Adjournment

There being no other business before the Council, President Mitchell requested a motion to adjourn.

Mrs. Peterson offered a motion, which is seconded by Mr. Hunter to adjourn the meeting at 7.32 p.m. Council unanimously voted to adjourn the meeting.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Secretary/Treasurer

Virginia M. Sentyz  
Recording Secretary