

Minutes  
Council Meeting  
October 14, 2008

- I. A regular scheduled meeting of the Borough Council was called to order at 7:05 p.m. by President Edward Mitchell. The meeting was held in the Upland Municipal Building.
  - A. Present were: President Edward Mitchell, Vice President Christine Peterson, Council members Mrs. Sandy Miazza, Ms. Moira Crawford, Mrs. Georgianna Hicks, 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.
  - B. Approximately twenty residents attended the meeting and Fire Chief Dan Smith.
- II. The Pledge of Allegiance to the American Flag was lead by President Edward Mitchell. The Pledge was followed by a moment of silence.
- III. Moment of Silence

President Edward Mitchell asked to suspend the normal order of business.

President Mitchell stated the following, "One of the things that Council has wanted to do, and we're going to kick it off this evening, over the years, one of the problems we have had in this community is that Council hasn't really been a real good friend of business and one of the things that we really wanted to establish with the energy and everything that we are doing here is to start recognizing our businesses and we want them to feel part of the community. We haven't really done a very good job as we get ready to close out our first year in office, we want everybody to get things in place for next year and the remaining years".

President Mitchell stated, "One of the things we've come up with is that we wanted to honor our businesses. Each month we want to bring in a new business partner to our community and make them feel welcome. The first recipient of our award is the Upland Diner."

President Mitchell asks Vice President, Christine Peterson and Council Member, Moira Crawford to present the award.

Vice President, Christine Peterson read the following proclamation, "Whereas Upland Borough Council does eat at Upland Diner, has delicious and tasty food with great service, reasonable prices, and has been voted to be the number one restaurant in the Borough of Upland." Signed:  
The Upland Borough Council

One of the owners of the Upland Diner, Edguardo accepted the award and thanked the Upland Council.

The owner stated he thinks the Upland Diner is a great asset to the community and knows many customers and/or employees are from Upland.

The owner asked Council if they would allow the Upland Diner have their patrons bring a bottle of wine with their dinner.

The owner again thanked Council and asked if they ever need anything for any special events, the Upland Diner would be glad to accommodate Council as well as help the community in any way that they can.

President Edward Mitchell responded by saying, "The Council appreciates you being here. You are a valuable asset to our community and you employ a lot of our residents, and that's a good thing."

President Edward Mitchell responded, "As far as somebody bringing wine, there's not a whole lot with the Liquor Control Board that we can do to stop that as long as you regulate it and you know what's going on. You're not selling it, so I don't think Council has a problem with that."

President Edward Mitchell asks Council their comments.

The owner of the Upland Diner responded that he has been trained in serving alcohol. Only one patron has requested this, which he would consider, under supervision.

Council member, Sandra Miazza asked the owner, because of her background in the restaurant business, if the wait staff are trained to know how much liquor is too much?

The owner of the Upland Diner responded his employees are not trained, but he himself has twenty years of experience in hotels, where he had been trained how to handle customers with care. There are many programs that he could implement. The objective is not to have someone abuse this, but to enjoy their meal, because we do have a few items on the menu that are upscale.

Mayor Michael Ciach stated the Upland Diner servers would not be allowed to serve the wine.

Council Member, Moira Crawford asks what the normal business hours are.

The owner of the Upland Diner responded, "We're open until 9:00 P.M."

The mention of advertising this was brought up by several Council members.

The owner responded that he hadn't thought about advertising this.

President Edward Mitchell thanks the owner of the Upland Diner again and wishes him the best of luck.

At 7:15 p.m. the meeting is returned to the normal order of business.

IV. Roll Call

V. Approval of Previous Minutes

A.1 President Mitchell asks for a motion to accept the Minutes of the Council Meeting of September 9, 2008.

Mr. Walls offered a motion to accept the Minutes of Council Meeting of September 9, 2008, which is seconded by Mrs. Hicks.

Council unanimously voted aye on the motion.

A.2 President Mitchell asks for a motion to accept the Recreational Improvements at Municipal Park Bid Opening Minutes of September 19, 2008.

Mrs. Miazza offered a motion to accept the Minutes of September 19, 2008, which is seconded by Mrs. Hicks.

Council unanimously voted aye on the motion.

A.3 President Mitchell asks for a motion to accept the Minutes of the Special Council Meeting held on September 29, 2008.

Vice President, Christine Peterson offered a motion to accept the Special Council Minutes of September 29, 2008, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

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

A.1 Mr. Hunter made a motion to accept the Treasurer/Manager's Report, Items A-1. Ms. Crawford seconded the motion.

Council unanimously voted aye on the motion.

A-1 a Income Statements:

Mrs. Miazza offered a motion to accept the Income Statements, which is seconded by Ms. Crawford.

Council unanimously voted aye on the motion.

A-2 Manager's Report:

Mrs. Hicks offered a motion to accept the Manager's Report, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

VII. Auburn Village Report - Mr. Dennis Walls

Mr. Walls stated he had nothing to report.

VIII. Public Safety - Mr. Leland Hunter

A. 1 President Edward Mitchell asks Council if they have reviewed the report submitted by the Fire Marshall and offered a motion to accept the report.

A. 2 Fire Chief Dan Smith is not present to submit a report.

X. Building and Grounds Report - Mrs. Sandra Miazza

Mrs. Miazza stated the port-o-potties will be removed from the ballpark the end of this month. There were no problems with them whatsoever. They were kept clean, no one drowned and no one turned them over.

Mrs. Miazza stated they got a new stove for the upstairs kitchen at MacQueen Hall.

Mrs. Miazza stated that four new long tables and a small table were ordered for upstairs.

Mrs. Miazza stated last Friday the Borough Manager and herself went to measure for the Tot Lot in Auburn Village and to enlarge the pavilion in the ballpark to put in the CDBG ramp.

A.1 Award of Municipal Park CDBG

Mrs. Miazza offered a motion to award the Municipal Park Bid to Superior Landscaping, Inc. of Wilmington, Delaware in the amount of \$21,392.00. The motion is seconded by Mr. Walls.

Council unanimously voted aye on the motion.

XI. Finance and Insurance Report - Ms. Moira Crawford

A. 1 Ms. Crawford stated the invoices for approval from the General Fund were in the amount of \$78,238.37. Ms. Crawford offered a motion for approval of payment of these invoices, which is seconded by Mrs. Peterson.

Council unanimously voted aye on the motion.

A-2 Ms. Crawford stated the invoices for approval for the Auburn Village were in the amount of \$7,421.27. Ms. Crawford offered a motion for approval of payment of these invoices, which is seconded by Mr. Walls.

Council unanimously voted aye on the motion.

President Edward Mitchell stated that before A-3 is approved, everybody on Council has had a chance to put their wish list into next years budget. If there are any complaints, please speak up now.

President Edward Mitchell stated the Finance Committee did a really good job.

- A- 3 a) Ms. Crawford stated the 2009 Preliminary Budget for Auburn Village Income is \$713,520.00 be approved.

Ms. Crawford offered a motion, which is seconded by Mrs. Miazza

Council unanimously voted aye on the motion.

- b) Ms. Crawford stated the 2009 Preliminary Budget for Auburn Village Expenses is \$713,520.00.

Ms. Crawford offered a motion, which is seconded by Mr. Walls.

Council unanimously voted aye on the motion.

- c) Ms. Crawford stated the 2009 Preliminary Budget for the General Fund Income is \$2,387,133.00.

Ms. Crawford offered a motion, which is seconded by Vice President, Christine Peterson and Mr. Walls.

Mr. Walls asks Mrs. Purcival, the Borough Manager if that is almost double than last year.

Mrs. Purcival stated last year was \$1.2 million for 2008.

Council unanimously voted aye on the motion.

- d) Ms. Crawford stated the 2009 Preliminary Budget for the General Fund Expenses is \$2,387,133.00.

Ms. Crawford offered a motion, which is seconded by Mr. Hunter.

Council unanimously voted aye on the motion.

## XII. Ordinances and Resolutions - Mrs. Georgianna Hicks

A-1 Holiday Tree Purchase - Mrs. Hicks stated that she took a verbal poll of Council on September 17, 2008 to request the purchase of a new fourteen foot Christmas tree.

Mrs. Hicks offered a motion to accept the poll taken for the purchase in \$4,279.00, which includes shipping and handling, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

Mrs. Hicks offered a motion to approve A-2 through A-4; Resolution No. 32 of 2009 - Flood Plain Coordinator, Resolution No. 33 of 2009 - Updated Emergency Operations Plan, Resolution No. 34 of 2009 - Elimination of Member's Contribution to the Police Pension, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

President Edward Mitchell stated that before we move on, I'd like to say that Georgie Hicks's son is back in the United States and tomorrow will be in North Carolina. He is back from Kuwait and has returned safely and hopefully will not have to go back.

President Mitchell wishes Mrs. Hicks all of love and luck and prayers to her family.

#### XIII. Research and Development Report - Ms. Moira Crawford

Ms. Crawford stated the website is finally up. The web address is [www.uplandboro.org](http://www.uplandboro.org)  
Ms. Crawford stated there are a couple of things that we are waiting on some information on, especially for the War Memorial.

Ms. Crawford asks if anyone has any information or photos or any type of actual information for the website, please drop them off to the Borough Manager or the secretary and we can scan the photos and put them on the website.

Ms. Crawford stated the website is a work in progress. We have a lot of different sections like the Caleb Pusey House. We have all Council and staff and contact information and e-mail addresses for any contact that you need. We have the Police Department Section and an Events Calendar which we will let everyone know whatever types are going on in the Borough.

Vice President, Christine Peterson stated that Ms. Crawford worked very hard on the website and did a very good job.

President, Edward Mitchell stated if you go on the website you can look at all of the ordinances.

Ms. Crawford stated all of the ordinances are on there by going into the "search engine", so for example, if you put alcohol in there, it will bring up any ordinance that has alcohol listed in there.

Ms. Crawford stated the website also has all of the Council Meeting Minutes from the beginning of the year, so you'll be able to click on, open a pdf document and you'll see them.

President, Edward Mitchell encourages everyone to use this resource and if they have suggestions or comments, please feel free to e-mail the messages to Ms. Crawford.

#### XIV. Streets and Equipment Report - Mrs. Christine Peterson

Vice President, Christine Peterson offered a motion to approve the purchase of the "Welcome to Upland Borough" street sign in the amount of \$1000.00 or a little over with shipping, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

XV. Community Affairs Report - Mrs. Sandra Miazza

Mrs. Miazza stated on September 20<sup>th</sup>, there was a spaghetti dinner a MacQueen Hall, and is happy to report they made a profit of \$956.00.

Mrs. Miazza stated the money will be used for the upcoming Halloween Party on October 25th for the kids and senior citizens. There will be food and prizes for costumes.

Mrs. Miazza stated on November 28<sup>th</sup>, there will be a tree lighting holiday celebration. MacQueen Hall will be open to everyone with refreshments and Santa Claus and they must complete a paper in order to receive a gift from Santa.

XVI. Use and Occupancy Report - Mrs. Shirley Purcival

Borough Manager, Mrs. Purcival stated in the month of September 2008 there were fourteen inspections that received Use and Occupancy Certificates. Four units failed the inspections and two units received a Temporary Use and Occupancy Certificates. Mrs. Purcival stated a total of \$1,650.00 was deposited into the General Fund.

Mr. Walls asks Mrs. Purcival how the Temporary Use and Occupancy work?

Borough Manager, Mrs. Purcival explained that several years ago the Senate passed a bill which was lobbied by real estate lobbyists making municipalities grant Temporary Certificates, which allows the new buyer eighteen months in which they have to make all repairs and be reinspected. However, Mrs. Purcival explains we do stick to the part of the Senate Bill which requires us to mandate that all "life threatening" repairs be completed before anyone moves into the property.

XVII. Mayor's Report - Michael Ciach

Mayor Ciach stated the following: 394 Total Citations were issued of which 378 were traffic and 16 Non-Traffic. Total Citation fines were \$32,264.00, one half of which \$16,132.00 is the Borough's share. Parking Tickets issued were 20. Amount of tickets paid was \$165.00 with -0- going to DJ. There were 8 motor vehicle accidents, 3 accident reports. The total amount received from the DJ Court last month was \$997.95. There were a total of 159 calls answered and 5 assists. There were (5) assaults, (17) thefts and (6) disorderly conducts.

Mayor Ciach stated Halloween will be observed on Friday, October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m. This will allow people time to get home from work before they start receiving the Trick or Treaters and also an hour before curfew it will end to give children time to get home.

Mayor Ciach stated as of the end of September, Chief Easton has been here a full three months and there has already been a dramatic change in the Police Department.

Mayor Ciach: "I truly feel that John has a strong idea of our expectations" and starting next month I am planning to work on a couple of projects, one of which is going to be Town Watch. Mr. De Prince has been quite patient in waiting to start that initiative. I wanted John to get in a few months before we burdened him with any of that, which I would like the department to get involved in the training with some of our block captains."

Mayor Ciach stated there are some public relations issues, the Officer Trading Card Program, I would like to look into getting that started, Youth ID badges are going to be continued.

Mayor Ciach stated he would like to get the officers also through the communities a couple of more times through the weekends.

Mayor Ciach stated he is going to investigate some of our businesses as to whether or not they would like to get into possibly meeting with our department to discuss avoiding retail theft and safe workplace environments, etc.

Mayor Ciach in closing, "Although you may be seeing a definite increase in crime, it's been there all along. The difference is, that we're catching it now."

XVIII. Solicitor's Report - Mr. Robert O'Connor

Mr. O'Connor stated we are still waiting to hear from Mr. Mace's attorney to finalize this matter.

Mr. O'Connor thanked Mr. Catania on the CDBG Municipal Park Improvement.

Mr. O'Connor stated he is working on the Our Lady of Charity Deed.

Mr. O'Connor stated he reviewed the meeting attended by the residents of Auburn Village.

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

Mr. Catania stated we have the Flood Protection Project that we talked about last month regarding the communities of Chester Township upstream and City of Chester downstream.

Mr. Catania stated it still appears that this is going to be a number one priority project for the county and this area for revitalization so that would give us some local money to match any money that we may get when we submit the applications.

Mr. Catania stated the other communities still believe that is the most important priority in this area.

Mr. Catanis stated they will meet once a month and the final voting on the projects will take place in a couple of months.

President Edward Mitchell asks after the 2009 deadline is met, where do we go from there? We don't do any accepting until the County gets done with their acceptance?

Mr. Catania responds that at that point we will have already submitted the 1253 Act 2 applications for the grant and the matching funds. The bottom line appears that we will be able to do the projects with the County's support.

## XX. Old Business

None

## XXI. New Business

A-1 Mr. Hunter requests a motion to rescind the motion to terminate an employee that Council approved on August 12, 2008 on officer Matthew Rustark, which is seconded by Ms. Crawford.

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

A-2 Mr. Hunter requests a motion to terminate officer Matthew Rustark from his position as a police officer, effective immediately, which is seconded by Mr. Walls.

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

## A-3 New Telephone System -

Vice President, Christine Peterson offered a motion to purchase the new telephone system with ABC for a total of approximately \$9,000.00 when the new Police Department Building is operational, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

## XXII. Floor Open to the Public:

Denise Crawford - 514 Willow Way

Ms. Crawford inquires as to how many signs are going to be purchased for the Borough of Upland?

Vice President, Christine Peterson responds: 8

Margaret Flanagan - 1201 Main Street

Mrs. Flanagan requests information on the fences at her property.

President, Edward Mitchell responds there are a number of things we came up with on the fence.

President, Edward Mitchell stated that since we spoke at the last Council meeting, we were under the understanding that you were going to put things on hold until we had an independent set of eyes go up there and take a look at the fence.

President, Edward Mitchell stated the Borough Engineer, Mr. Catania did go up there and since then you've added an additional fence on the boundary line between your property and Our Lady of Charity, without a plot plan.

President, Edward Mitchell stated that it kind of looks from the Building Inspector and the Borough Engineer that you may have encroached and went around the tree onto Our Lady of Charity's property.

Mrs. Flanagan responds that she already checked that with the Monsignor.

President, Edward Mitchell responds that checking with the Monsignor doesn't make it right.

President, Edward Mitchell is going to ask Council that we send this through the zoning board and let the zoning board decide because it is a variance question, and send this issue to the Borough Manager.

Mrs. Purcival, Borough Manager states the fee for the zoning is \$500.00 and asks Mrs. Flanagan. come to the Borough Office and pick up the necessary forms.

Jessie Richardson -1104 Mulberry Street

Mr. Richardson asks about the Emergency Phone System. He received a phone call about stolen cars, which is excellent, but he is concerned about private numbers and cell phones to be put into the system manually, only at the residents request.

Vice President, Christine Peterson responded that is already being worked on.

Mr. Richardson stated he read the rules and regulations for the Civil Service Commission and compared it with the Borough Code and his concern is you are getting rid of people, but what is the policy on hiring people.

President, Edward Mitchell responded that is being adopted.

Mr. Richardson stated in the borough manual, it says age 18, but he noticed in other communities it is advertised 21 years of age for a police position. Mr. Richardson asks if this is legal?

President, Edward Mitchell responded his feeling is and has always been, if you can pick up a rifle and go fight in a foreign country at the age 18, you can't discriminate.

Mr. Richardson stated the leaf collection last year was horrible and he knows that was another Council.

Mr. Richardson asks if the Borough can use the emergency phone system for the purpose of notifying residents the actual date the leaves will be collected and therefore move their cars.

President, Edward Mitchell responded the necessary equipment has been worked on and this year should be a 100% improvement. Next year with Minsec coming on board we will have forty hours of community service and will have plenty of people taking care of those kinds of nuisances.

Mr. Richardson asks if anyone received a report about 8<sup>th</sup> and Mulberry, about the growth there?

Mrs. Purcival, Borough Manager responded is Mr. Richardson talking about the shrubs that are overhanging.

Mr. Richardson responded the shrubs that are overhanging on the sidewalk. Is there any way the Borough can cut them because the sidewalk is completely blocked. They built a storage shed on the right hand side, which obstructs seeing going out. It is a danger for people walking.

Vice President, Christine Mitchell asks Mr. Richardson if that is private property?

Mr. Richardson responded, yes, but isn't it a borough emergency when you endanger the public? Mr. Richardson stated the Borough must have some rights and then bill the owner for the use of Borough labor.

Mr. Richardson stated that behind the homes on Mulberry Street; the homes on Church Street run all the way up to the fences on Mulberry Street. Years ago when Mr. Walls was with County Services and they came up and cleared the area, but now its back the way it was. It is the right a way for the Borough. It's supposed to be a storm sewer that runs and there are a couple of drains there. You'll notice the way the lane is shaped, it is shaped so the water can run down.

Mr. Richardson stated that man that was up at the meeting from Brookhaven gave the new term, "mutual agreement". I mean Brookhaven doesn't want to come into Upland unless they are guaranteed their safety? How many times do we assist Brookhaven compared to how many times they assist us?

President, Edward Mitchell stated the Upland Borough Council did get a letter from Brookhaven Council President saying that the specific councilman only represented himself and also in the news in Delaware County, it was reported in there it is contrary to what the Brookhaven President said. The Council President said that we have a mutual aid agreement with the Borough of Upland and doesn't want to see anything to happen to rock that. It was stated that he said they have a wonderful relationship with Upland Borough and that is the way he wants to keep it. The Brookhaven Councilman was actually acting out on his own.

Mr. Richardson's last question was in regard to the Mayor's Report. There were 378 traffic citations. Mr. Richardson continues that at last month's meeting it was reported there were 1,011 traffic citations, but how many were issued on certain streets.

Mr. Richardson stated on certain days and times he saw the Chief of Police going down his street, but that is the only time he sees any police.

Mr. Richardson continues regarding an vehicle that was parked in the wrong direction on his street over the course of a day and a half that was not ticketed.

Vice President, Christine Peterson stated that vehicle was ticketed. Mrs. Peterson did not recall the actual time, but did recall that vehicle being ticketed.

Mr. Richardson thanked the Borough Council and the Police. He gives them a score of 90.

Mayor Michael Ciach stated that a lot of those tickets issued were written through the Safe Driver Program through the state.

Vice President, Christine Peterson stated under Smooth Operator they have to issue a certain number of citations, so what they basically do, if they don't, on this specific item, they won't get grant funding for the next year.

Vice President, Christine Peterson stated the Police Department is now preparing to begin "Click It or Ticket"

Vice President, Christine Peterson stated the Police Department are hitting all of the Upland streets and she is sorry that Mr. Richardson is not seeing them, but we are making sure they are hitting all of the streets because of their reports.

Public comment is ended.

Vice President, Christine Peterson offered a motion, which is seconded by Mrs. Miazza to cancel the second Council meeting of the month.

### XXIII. Adjournment

There being no further business, Vice President, Christine Peterson offered a motion to adjourn the meeting, which is seconded by Mrs. Miazza. The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Secretary/Treasurer

Virginia M. Sentyz  
Recording Secretary