

Minutes  
Council Meeting  
September 9, 2008

- I. A regular scheduled meeting of the Borough Council was called to order at 7:03 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. Also attending were Superintendent Gregory Thornton of the Chester Upland School District, Principal Janet Russello of the Main Street Elementary School and staff of the Main Street Elementary School.
- 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
- IV. President Edward Mitchell asked to suspend the normal order of business.

President Mitchell announced that it gives him great pleasure to pay tribute to a special, special person from Main Street Elementary School, Mrs. Janet Russello, the Principal.

President Mitchell also acknowledges the Superintendent of Schools of the Chester Upland School District, Dr. Gregory Thornton and Dr. Gubernick.

President Mitchell would like to commend the Principal and staff of the Main Street Elementary School for meeting AYP Federal requirements because as you look around the room at all of the memorabilia, it's all about kids and a lot of us were kids growing up here.

President Mitchell asks Principal, Janet Russello to please step up along with other members of the Chester Upland School District.

Vice President, Christine Peterson presents the award of recognition and says, "On behalf of the Upland Borough Council, we respect all of your efforts in working with your students. Upland has always had a very strong community spirit."

“Janet, your track record and your love for our kids has earned a special place in the Upland Borough’s history and we would like to thank you with this special award.”

The audience applauds as Principal Janet Russello accepts the award of recognition.

Principal, Janet Russello thanks the Upland Borough Council and offers an invitation to visit the school and states that all are welcome to the Main Street Elementary School.

President Mitchell extends an invitation to all attending for refreshments.

The meeting resumes at 7:15 p.m.

V. Roll Call

President Mitchell states that part of the festivities with Main Street School, for those who remember, for years tried to get a playground. If you go over there at the end of the driveway, just take a look at it. There’s a playground there now that is beautiful. We are very proud of that. That playground came out of a grant from the state to the school district. All of the schools had new playgrounds put in.

VI. President Mitchell asks for a motion to accept the Minutes of the Council Meeting of August 12, 2008.

Mr. Walls offered a motion to accept the Minutes of Council Meeting of August 12, 2008, which is seconded by Mrs. Hicks.

Council unanimously voted aye on the motion.

VII. Treasurer/Manager’s Report - Mrs. Shirley Purcival

Mrs. Hicks made a motion to accept the Treasurer/Manager’s Report, Items A-1. Mrs. Miazza seconded the motion.

Council unanimously voted aye on the motion.

VII. A-1 a) Income Statements:

Mr. Hunter offered a motion to accept the Income Statements, which is seconded by Mrs. Hicks.

Council unanimously voted aye on the motion.

VII. 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. A-3 Trash Tax 2009 - Mrs. Purcival states that Delaware County Council is no longer going to fund the Delaware County Solid Waste Authority.

Mrs. Purcival states that every municipality in the county, borough or city is going to be charged a specific amount according to the calculation that was done with an estimate of 2006-2007 trash to each municipality hauled to their Solid Waste Authority.

Mrs. Purcival states that Upland Borough will be receiving in January, which we are trying to fight maybe not receiving an invoice in January, but getting it later in the fiscal year, maybe April or be billed quarterly. Upland Borough's invoice from the Delaware County Solid Waste Authority is going to be \$50,000.00. Because we are smaller, our invoice will be smaller compared to some of the other municipalities such as Collingdale Borough, Darby Township, Darby Borough.

Mrs. Purcival recommends to Council according to this invoice that the Council authorize her to notify the Tax Collector to print invoices for our trash tax to go from \$85.00 a resident to \$135.00 per resident. That's going to indicate a \$50.00 increase.

President Mitchell asks Mrs. Purcival that if Council doesn't authorize her to notify the Tax Collector, then it won't happen?

Mrs. Purcival responds that we will still get the \$50,000.00 invoice from the County, but it will be Council's pleasure to authorize me to notify the Tax Collector.

Vice President, Christine Peterson offered a motion, which is seconded by Mr. Hunter to increase the Trash Tax Fee to \$135.00 per resident.

Council unanimously voted aye on the motion.

VIII. Auburn Village Report - Mr. Dennis Walls

Mr. Walls offered a motion to appoint Doug Miles as the Auburn Village Maintenance Mechanic at a pay rate of \$20.00 per hour.

Mrs. Miazza seconded the motion.

Council unanimously voted aye on the motion.

IX. Public Safety - Mr. Leland Hunter

A. 1 Mr. Hunter states the Fire Marshall, Dave Favinger has made quite a few inspections, including a couple of businesses.

Mr. Hunter offered a motion to hire Jay Wills, Esquire as the Upland Borough's Civil Service Council, which is seconded by Vice President, Christine Peterson.

Council unanimously voted aye on the motion.

Mr. Hunter offered a motion to accept the Fire Marshall's Report, which was seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

- A. 2 Fire Chief Dan Smith stated there were 1 Fire Incidents, 11 Non-Fire Incidents, 20 Mutual Aid for a total incidents of 32. There were 3 drills for a total activity of 35. We had 19 assists for fire, 1 rapid intervention call, 1 motor vehicle accident, 1 ambulance assist, 1 gas leak, 2 wires, 1 co in structure, 3 fire alarms, 2 good intent and 1 brush fire. We had 16 day time calls, 19 night time calls. Total hours of service for the month was 24 with an average runner of 8.

President Edward Mitchell asks Dan Smith how the membership is going?

Dan Smith responds that last month they got one guy in and this month we have another one who put their application in and we haven't lost anyone.

X. Building and Grounds Report - Mrs. Sandra Miazza

Mrs. Miazza offers a motion to pay an invoice from Ellis Construction in the amount of \$5,000.00, which is seconded by Mr. Walls and Ms. Crawford.

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 \$159,824.18. Ms. Crawford offered a motion for approval of payment of these invoices, which is seconded by Mrs. Miazza and Mr. Walls.

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 \$3,930.22. 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.

XII. Ordinances and Resolutions - Mrs. Georgianna Hicks

Mrs. Hicks offered a motion to accept Resolution's #31 of 2008- Civil Service Commission Appointees which are: Edward Mitchell - 6 years, Denise Crawford - 4 years and Dorothy Patrick - 2 years

The motion is seconded by Mrs. Miazza.

On roll call vote: Mr. Hunter, Aye. Mrs. Hicks, Aye. Mr. Walls, Aye. Ms. Crawford, Abstains. Mrs. Miazza, Aye. Mrs. Peterson, Aye. Mr. Mitchell, Aye.

XIII. Research and Development Report - Ms. Moira Crawford

Ms. Crawford stated all information was sent since the last meeting. We are able to get a banner. Ms. Crawford shows the members the banner for the new website.

Ms. Crawford stated that with speaking with the contact at PSAB it will take about 8 to 16 hours to get the website up and running, so we will need additional funds to approve any overage of the initial amount.

Ms. Crawford offered a motion for additional funds under \$1,000.00, which is seconded by Mr. Walls and Mrs. Miazza.

Council unanimously voted aye on the motion.

XIV. Streets and Equipment Report - Mrs. Christine Peterson

Vice President, Christine Peterson stated "We did purchase 75 sandbags for our pallet at the garage. We had 25 from our last flood fiasco and I also purchased burlap bags to add to those."

Vice President, Christine Peterson stated there is a 5 year warranty on the 75 sandbags just purchased and they are the woven kind, so all total we have 100 sandbags.

Vice President, Christine Peterson offers thanks to Chuck Boyd, Highway Foreman for doing such a wonderful job with that.

Vice President, Christine Peterson offers a motion for authorization to advertise for a public meeting with Visionary tentatively for September 22<sup>nd</sup>, which is seconded by Mrs. Miazza.

Council unanimously voted aye on the motion.

Vice President, Christine Peterson stated on Tuesday, September 16<sup>th</sup>, there will be an Auburn Village meeting at 6:00 p.m. Flyers will go out to the residents.

XV. Community Affairs Report - Mrs. Sandra Miazza

Mrs. Miazza stated the Wilmington Blue Rocks game on August the 20<sup>th</sup> was great and the kids had a ball. We had 41 children who attended.

Mrs. Miazza stated on September 27<sup>th</sup>, there will be a spaghetti dinner at MacQueen Hall. Adults will be \$8.00. Children under ten will be \$4.00. Senior citizens will be charged \$6.00.

Mrs. Miazza stated on October 11<sup>th</sup>, there will be another Flea Market in Bristol Lord Field and the proceeds of those two events will be used for the Halloween Party on October 25<sup>th</sup>.

President, Edward Mitchell stated that both he and the Police Department who attended the Wilmington Blue Rocks game had a ball and the fireworks were exceptional.

President, Edward Mitchell asks the public to support these community outings financially because the kids benefit and it is a great opportunity for the children to go instead of just hanging around. We had a good time. President Mitchell thanked Mrs. Miazza and the committee.

XVI. Use and Occupancy Report - Mrs. Shirley Purcival

Borough Manager, Mrs. Purcival stated in the month of August 2008 there were four inspections that received Use and Occupancy Certificates. Twelve units failed the inspections and two units received a Temporary. Mrs. Purcival stated a total of \$1,325.00 was deposited into the General Fund.

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

Mr. O'Connor stated we did receive a letter late this afternoon from Mr. Mace's attorney, Kyle Burch who indicated that a letter will be waiting for me so it can be forwarded to Mrs. Purcival, Borough Manager.

Mr. O'Connor stated the second item will be working on establishing a Civil Service Commission with the change in size of the Police Department.

XVIII. Mayor's Report - Michael Ciach

Mayor Michael Ciach stated the following: Total citations issued were 81 There were \$5723.00 in fines written. \$2,861.50 comes to the Borough. There were 11 parking tickets issued, 9 motor vehicle accidents. Amount of tickets paid : \$140.00 and 6 tickets were sent to DJ. The amount received from the DJ court was \$1,295.72 There were a total of 231 calls and 7 assists.

Mayor Michael Ciach asks everyone to refer to page #2. The total Citations to date, including tickets is up to 1,011. The guys are out and about.

Mayor Michael Ciach stated there were 6 assaults in the month of August, 24 thefts and 4 disorderly conducts.

Mayor Michael Ciach read the following message from the Chief of Police, John Easton:

"As promised, the Police Department is committed to making a better living environment for the borough citizens. Areas of the borough where trouble exists will be continually concentrated on. I am certain by now most of you have seen the bike officers on their assignment. You also experienced several additional foot patrol assignments which are being implemented to curb what the Police Department believes to be a congregation of people who have displayed undesirable behavior. Our Department is finally settling in and our new patrolmen are doing a great job learning our jurisdiction, our citizens, our procedures and the overall things that the Borough needs to successfully function. Of course, if any of you have any need for police assistance, always feel free to contact us."

Mayor Michael Ciach stated that is all he has.

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

Mr. Catania stated we have the specifications ready for bid on the Municipal Park under the CDBG Grant which will be opened on September 19<sup>th</sup>.

Mr. Catania stated he has a final invoice from Ellis Construction and a Maintenance Bond for a one year period. He has some touch-up work to do in the amount of \$9,000.00, and this will be paid by the County.

Mr. Catania stated he has found through our connections with the Pennsylvania Municipal's Authority, the Municipal Authority Association that the state budget under Act 2 and Act 1341 is providing funds that total \$1.2 billion dollars in infrastructure funding for sanitary sewer work, storm sewer work, flood control or water and also for dam sites. This money is going to be available after the 1<sup>st</sup> of the year. It will be going through application with the Commonwealth Finance Authority and they will handle the distribution of funds.

Mr. Catania stated the applications will be ready sometime the first week in December.

Mr. Catania stated that we have been monitoring this very closely. We have been in touch with a man by the name of Joe Picasso from the C.F.A. and he will, hopefully, get the applications to us and with the regulations when it's ready.

Mr. Catania stated the Upland Borough needs approximately two and three quarter million dollars. This is a 50% grant funding. Obviously, the Borough and other facility grants will have to come up with the balance if we are funded by the CFA. We should get our application in probably sometime after December's meeting and I would imagine it would take about ninety days to hear exactly how we make out. At the Council caucus meeting we discussed the possibility of getting the adjoining communities of Chester Township upstream and City of Chester downstream to cooperate and hopefully work with the Borough of Upland on applications because it is probably going to favor a joint municipal application and we hope that we can work with both those communities to make sure that we have every chance in the world to get this kind of funding. Two point seven five million sounds like quite a lot of money, and it is, but I've been working in this business for fifty-two years and in all of my time, this is the most funding I have ever come across for local government participation. \$1.2 billion dollars is an awful lot of money. It is for everyone across the state obviously and I think we discussed earlier, the only way we could get left out of this thing is if we don't file an application and I don't think that would be what Council had in mind, because if the money is available, we want to take a crack at it and we're going to meet with the officials from both Chester Township and the City of Chester to see if we can make sure we get their help and support.

XX. Old Business

None

XXI. New Business

None

XXII. Floor Open to the Public:

Margaret Flanagan - 1201 Main Street, Upland, PA.

Mrs. Flanagan stated that she had a verbal conversation with Mr. Ferguson, the Borough Building Inspector a few years ago. "Since I bought my house a few years ago, I wanted to put up a new fence, but I was never able to do it and I had a lot of problems with Our Lady of Charity's side, so I decided to give up and put my fence up," Mrs. Flanagan insists she had a conversation with Mr. Ferguson and was never told where she could or couldn't put up a six foot fence. "If he had said that to me at the time, I wouldn't be in the position I am in now. I finally decided to put the fence up. I usually always ask if a contractor has a permit. I did not ask and they never said anything, so after the first day of work I asked if they had a permit. They told me that I was supposed to get it. I went to the Borough Office and explained that I did not know I had to get a permit for the fence. I paid for the permit and Mr. Ferguson came out and looked at it and left word for me to come back down to the Borough Office. I was then told by Mr. Ferguson that I had to take the fence down". He did not indicate what part of the fence had to come down. Again, Mrs. Flanagan repeats if she had been told that six years ago, she would have never put the wrong size fence up on Our Lady of Charity side.

Mrs. Flanagan stated that she spoke to her neighbor who said there was no problem with the height of the fence.

Mrs. Flanagan asks Council to give her a variance on the fence.

President, Edward Mitchell asks Mrs. Flanagan if a drawing was furnished with the permit.

Mrs. Flanagan said, no.

President, Edward Mitchell asks the Borough Manager about the permit.

Mrs. Purcival stated Mrs. Flanagan put the fence in without a permit or a plot plan and unfortunately, the way the code reads it's a twenty foot setback so she took the six foot fence all the way to the end of her property and down.

Mrs. Purcival stated that Mr. Ferguson has asked Mrs. Flanagan on several occasions to come in for a meeting here at the Borough, but with no positive response. The problem with Mr. Ferguson going to her house then it becomes a he said, she said. If Mrs. Flanagan had met at the Borough Offices, I would have had the opportunity to sit in then we could come to some kind of resolution over this and we could all brainstorm to get a positive end result for everyone.

President, Edward Mitchell asks the Mr. Catania, the Borough Engineer for an independent recommendation for Council after he looks at the fence.

Chief John Easton asks if he can speak.

Chief Easton asks if Mr. Richardson and his son are present and recalls a meeting in Media, which he recently retired from and apologizes for misinformation as there is now a Civil Service Commission that this matter will be handled through.

President, Edward Mitchell addresses the Richardson family and stated that he authorized the Solicitor to get with the other party to see what the hearing is going to be.

President, Edward Mitchell stated that the Civil Service Commission is empowered. The officer in question has the right to either call for an open meeting before Council or closed. As it stands right now, he is still on suspension.

Rosie Richardson - 14 Third Street, Upland, PA.

Mrs. Richardson stated parking is a big problem in our area. We have a lot of Main Street people parking on 3<sup>rd</sup> Street as well as Upland Avenue if they do not have a driveway to pull into.

Mrs. Richardson asks if there is parking in Auburn Village on Main Street. There are 10 to 12 parking spots, therefore, everyone living there should be parking in a parking spot.

Mr. Mace - West 22<sup>nd</sup> Street

Mr. Mace complains about a loose dog running around the neighborhood and nothing is being done.

Mr. Mace also stated he called 911 and did not receive a response, therefore, he called Mrs. Purcival, the Borough Manager. Thereafter, the Chief of Police arrived when Mr. Mace was on the phone with his lawyer, Kyle Birch at the time. Mr. Mace stated the Chief of Police was banging on his window and when Mr. Mace opened the door and had trouble getting out of the door because the Chief of Police had his foot against the storm door. Mr. Mace stated the Chief of Police became upset and as he walked away he told him he was going to write him up for tow truck violation running over someone's lawn. Mr. Mace stated the Chief of Police never asked him about the trash truck going through the driveway. Mr. Mace stated it appears the police do not want to come to his assistance and are not doing their duty. When someone does come up there, they start screaming at him. Mr. Mace stated he does not own a tow truck and never drove a tow truck on anybody's property. Mr. Mace stated he did not do anything to be yelled at by the Chief of Police.

President, Edward Mitchell stated that while standing outside of the Upland Diner the night before, a tow truck came up with a pick up truck on the back of it and we could all hear you hollering.

President Mitchell stated that when Mr. Mace walked in front of the tow truck, the tow truck then had to drive up on your neighbor's lawn.

Mr. Mace responded that Mr. Mitchell didn't see what he was supposed to see.

President Mitchell stated there were enough people that saw you do it

Mr. Mace stated the bull crap is getting too deep here. Mr. Mace stated that his wife is a witness and was on the step. Mr. Mace stated Council was outside smoking and if they saw what they think they saw, then he wants some of whatever they were smoking!

President Mitchell stated there were three people watching him. President Mitchell also went to the alley to see if everything was alright and there was the pick-up truck in your driveway.

Mr. Mace stated he assisted the driver in finding the driveway all the way down to his house.

President Mitchell and Mr. Mace continued on until Mr. Mace stated he rests his case.

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

Council unanimously approved the motion.

There being no further business, Vice President, Christine Peterson offered a motion to adjourn the meeting, which was seconded by Mrs. Miazza. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Secretary/Treasurer

Virginia M. Sentyz  
Recording Secretary