

## UPLAND BOROUGH COUNCIL

## MEETING MINUTES

October 11, 2011

The regular meeting of the Upland 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.

Present were President Edward M. Mitchell and Vice President Christine Peterson. Present were Council members Mr. Leland Hunter, Mr. Harold Peden, Mrs. Georgianna Hicks, Ms. Moira Crawford, Mrs. Sandy Miazza, Mayor Michael Ciach, Mr. Robert O'Connor, Esq., Mr. Charles Catania, Sr., P.E. and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary was also present.

Mr. Ken Stark from the Delaware County Daily Times was also present along with approximately fourteen residents.

President Mitchell led the Pledge of Allegiance to the Flag and a moment of silence followed by a roll call.

## 5. Approval of Previous Meeting Minutes

## A-1 Council Meeting Minutes - September 13, 2011

Mr. Peden made a motion to pass the September 13, 2011 meeting minutes be passed as presented and amended. Mrs. Miazza seconded the motion. Council unanimously approved the motion.

## A-2 Special Town Meeting Minutes - October 1, 2011

President Mitchell announced that these minutes have been tabled.

## 6. Treasurer's Report

## A-1 Treasurer's Report

Mr. Peden made a motion to accept the Treasurer's Report as presented and Mrs. Hicks seconded the motion. Council unanimously voted Aye on the motion.

## A-2 Income Statement

Mrs. Peterson made a motion to accept the Income Statement as presented and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

7. Auburn Village Report – Christine Peterson

Mrs. Peterson reported that all the Auburn Village roofs have been completed now. Mr. Mitchell said it was a long time coming and was very pleased with this news.

8. Code Official Report/Public Safety Report - Leland Hunter

Mr. Hunter stated that he has had to lien another property. Mr. Hunter further said that there was a small hole on Upland Avenue and it was patched. Now the hole is larger and it is sinking. Mr. Hunter stated that this keeps on going with this problem.

A-1 Fire Chief's Report – Dan Smith

Chief Smith reported for the month of September there were zero fire incidents, 13 non fire incidents, 11 mutual aid calls, for a total incidents of 24. There were two drills for a total activity of 26. There were 10 assist for fire, 1 cover assignment, 2 motor vehicle accidents, 1 stove fire, 3 fire alarms, 5 good intent, 1 assist police and 1 assist citizen. There were 19.2 hours in service for the month, 16 daytime and 10 night time and the average runners were six.

Mr. Mitchell asked how was the membership? Chief Smith said still the same. Mr. Mitchell asked if there was anything Borough Council could do for them. Chief Smith said that the concrete work with the steel and the doors has been completed this week. Jackson and Sons did that work. They are working with Wiciak Doors, with the doors. The doors are in for the fire company but they are awaiting the concrete to set up.

Mr. Mitchell asked the Borough Manager, on Mr. Hunter's report, could she please send PennDot a letter as to what the problem is on the problem on the new road on Upland Avenue. Every time we shut it down it creates an additional traffic hazard. That is an emergency route between I-95 off ramp and Crozer Hospital; we can't afford to have that tied up like it has been. Mrs. Purcival said that she would do that.

9. Building and Grounds Report - Sandra Miazza

Mrs. Miazza reported progress.

10. Finance and 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 September, 2011, in the amount of \$170,263.42 and Mrs. Miazza seconded the motion.

Council voted Aye on the motion. Mrs. Peterson abstained from check number 27063 and check number 27129. Mr. Mitchell abstained from check number 27030 and check number 4906.

Ms. Crawford made a motion to approve the Auburn Village bills, for September 2011 in the amount of \$18,518.14 and Mr. Peden seconded the motion. Council unanimously voted Aye on the motion.

11. Ordinances and Resolution Report - Harold Peden

A-1

Mr. Peden stated that Ordinance Number 4 has been tabled by unanimous agreement by Council.

A-2 Ordinance Number 6 – Animal Control

Mr. Peden read the proposed Ordinance and then made a motion to pass and adopt Ordinance Number 6 of 2011 and Mrs. Miazza seconded the motion. During questions on the motion, Mrs. Peterson asked that we are grandfathering any animal that is currently here, such as the farm animal, the pig that is here. Mr. Peden said yes, they are considered to be a pet and there is an exception to this if it is a pet. Council unanimously voted Aye on the motion.

A-3 Resolution Number 16 – Elimination of the Member's Contribution

Mr. Peden read proposed Resolution and then made a motion to pass and adopt Resolution Number 16 of 2011 and Mrs. Peterson seconded the motion. Council unanimously voted Aye on the motion.

12. Research and Development - Moira Crawford

Ms. Crawford reported progress.

13. Streets and Equipment - Christine Peterson

Mrs. Peterson reported that she has no report as Mr. Hunter reported on the problem on Upland Avenue and the sinking areas.

14. Community Affairs - Sandra Miazza

Mrs. Miazza reported that October 29, 2011 there will be a children's Halloween Party, at 4:00 p.m., in MacQueen Hall. Halloween is October 31, 2011, from 6:00 p.m. to 8:00 p.m. On November 12, 2011, we will be hosting, for the first time, a Thanksgiving Dinner for all Senior Citizens in the Borough of Upland, age 62 years old, and it is free. Mrs. Miazza further reported that on November 25, 2011 there will be a

tree lighting and the children's Christmas party. Mr. Mitchell asked who was lighting the Christmas tree this year. Mrs. Miazza said it probably would be Mrs. Peterson's Grandfather, as he is the oldest resident of the Borough. Mrs. Peterson said he is 98 years old. The cut off for the sign up for the Thanksgiving Dinner is October 28, 2011. We will need a rough count.

15. Use and Occupancy Report - Shirley Purcival

Mrs. Purcival read the Use and Occupancy Report into the record, at this time.

16. Mayor's Report - Michael Ciach

Mayor Ciach reported that for the month of September, a total of 165 citations issued, with a total of fines were \$25,422.50, with \$1,452.03 received from the District Justice Court. The total year to date citations was 1,157.

17. Solicitor's Report - Robert O'Connor, Esquire

Mr. O'Connor reminded Council to look at the confidential section of his report and if there are any questions, to please let him know. Mr. O'Connor said that he confirmed that the Delcora Ordinance was passed last month and the Auburn Village Contract was drafted and sent out on the parking lot expansion. Mr. O'Connor said that he has spent some time looking at Act 90 of 2011, which is the neighborhood Blight and Revitalization Act. It may be useful in the future to continue to make the Borough a nicer neighborhood.

Mr. Hunter asked Mr. O'Connor if number 19 on his confidential report was pulled. Mr. O'Connor said it was something that he would discuss privately with Mr. Hunter, as he had to double check on this item.

18. Engineer's Report - Charles Catania, Sr., P.E.

Mr. Catania said he has two items this evening, as soon as the contractor, JMC Contractors, who are doing the parking areas, as soon as they return the Contracts, they can get started on the parking lots and be finished before the weather gets too cold.

Mr. Catania also stated that he has heard from Orb Industries about the easement that we need to proceed with the CDBG Project, to correct the flooding down on Race Street. We should have that project ready to go in about a month.

19. School Board Representative - Richard B. McClintock

Mr. Mitchell stated that the School Board Representative was not in attendance this evening.

20. Old Business

## A-1 Charter School Report

Mrs. Hicks stated that she spoke to Mr. Lee, who is the gentleman from the school district that was helping with the Charter School, possibly at 1150 Main Street. Mrs. Hicks said that they set a date of November 10, 2011, at 6:30 p.m. for a public meeting for any questions or concerns. Mr. Lee will explain how a Charter School runs and if anyone has any questions, please attend the meeting.

Mr. Mitchell said that when the Committee was established, he thought it was clear that what they need to do is get the information to the community so that they do not have another display of people not knowing what is going on in their neighborhood. It is safe to say that they did buy the property, the school is going in, they have asked for a Zoning Hearing on November 7<sup>th</sup> and he had a letter from George Cordes and he cannot make that meeting on the 10<sup>th</sup>. He would encourage Mrs. Hicks, as some neighbors and the Mayor, in that area would like to know what is going on. There is enough information available to satisfy them that it is going to be a public school that has met all AYP requirements under the Federal Guidelines of the educational process.

Mr. Mitchell stated that he felt that the other thing is that the people need to know that it is not just for the Upland children in that area, there is Brookhaven and Parkside children, attend free of charge. It is based on a lottery and he hates to say this, but the Main Street School is failing our children. There is a tremendous amount of interest going on, behind the scene, and there is a lot of support for this, as people want that as this property is an eyesore. The one house is ready to be condemned; it is a blight on the neighborhood. Mr. Mitchell requested the meeting sooner than later.

Mrs. Hicks said she did try for something in October but unfortunately, Mr. Cordes wants to be a part of this but because he has to have some surgery, could Mrs. Hicks schedule this the first or second week of November. She scheduled the date but received a letter saying he couldn't make it. Mr. Lee is still saying that he will be available to answer any questions that the public might have on Charter Schools. Mr. Mitchell said he understood that but Mrs. Hicks has to know that our children here are starving for education, they need a quality education. Mr. Cordes doesn't live here, his needs a bit different than what we need for our children. Mr. Mitchell did not care if Mr. Lee or Mr. Cordes are here, they already demonstrated by buying the property, that they have a vested interest here, so let's get this thing rolling. Mr. Mitchell could not stress enough upon Mrs. Hicks that we need a meeting with the public as soon as possible. If nothing else, just let them know what is going on up there, in their neighborhood.

Mrs. Hicks said that when Mr. Lee spoke with us, Mr. Mitchell asked him to come, he is very knowledgeable and Mrs. Hicks wants him to be here to answer any question that she may not have the answers to. That is why he needs to be here. Mrs. Hicks will call him and see if he can be here sooner than that. Mr. Mitchell said once again, he felt that the residents of Upland will talk to you and your Committee here, better than having the man that is here to do the answering. Field the questions, see what

is really making it tick up here, see where the support is, see what needs to be done, see what the people need to have. And then you take all that to Mr. Lee and say that this is what the residents' expectations of the community are, don't let him come in here and sell you something. Mrs. Hicks said she is not asking him to sell anything, but because he is the person who has all the answers, she thought that they would want to hear the answers from him, not from her, or that she didn't have the answers on it and would have to get back to them.

Mr. Mitchell said that Mr. Lee lives in the Dupont School District, in Wilmington Delaware and you don't think for one minute that he cares about us at night time, he goes down I-95 but doesn't come here. Mr. Mitchell loves the man, he is an educator but he deals with the people that he represents, he represents those people and Mrs. Hicks represents the Borough residents. Mrs. Hicks said Mr. Mitchell brought him in here because that is the person that will do the job and she is trying to do the same thing.

Mr. Mitchell said no, he brought him in here to explain what the needs are; wants and desires are, on their end. Now Mrs. Hicks has to go to the neighborhood and find out what the needs are for the community. Mrs. Hicks said that is what will happen at the meeting. Mr. Mitchell said that, again, it would be better sooner than later. He further said it did not look like the 10<sup>th</sup> was going to happen and he wouldn't wait for anyone in this day and age, for a hip replacement or knee replacement or anything else.

Mrs. Hick asked why Mr. Mitchell thought the 10<sup>th</sup> wasn't going to happen. Mr. Mitchell said that is what the letter said. Mrs. Hicks said that was Mr. Cordes, he can't make it sooner than that or can't make it then. Mr. Mitchell asked that Mr. Lee couldn't meet without Mr. Cordes? Mrs. Hicks said no, Mr. Cordes said he wanted to meet with Mr. Lee. Mr. Lee said he could still come. Mrs. Hicks said from her email last week he said that the 10<sup>th</sup> was good for him and Mr. Lee would be there. Mr. Mitchell said it was a long way off and people have to make plans for tuition and all that. Mrs. Hicks said she got the cancellation letter in the mail today, from Mr. Cordes and can't move any faster than that. Mr. Mitchell said once again, if Mrs. Hicks needs anything; please get to the Borough Manager or himself or anyone on Council. Mrs. Hicks said she was in contact with the Borough Manager, every step of the way.

## 21. New Business

### A-1 Cancel second meeting

Mrs. Peterson made a motion to cancel the second meeting of the month and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion.

### A-2 Motion to hire new highway personnel

Mrs. Peterson said that the applications and interviews are finished and the decision has been made to hire Mark Kirby, at \$14.25 an hour, \$15.25 an hour within 90

day, with a CDL driver's license and Mr. Peden seconded the motion. Council voted Aye on the motion, with Mrs. Miazza abstaining on the motion.

Mr. Mitchell asked the Borough Manager to notify the individual to come in to start her process to put him on the payroll. The starting date will be October 17, 2011. Mrs. Purcival stated that she will do that.

## 22. Floor open to public

Matt Steigerwalt of 1201 Oak Lane stated that he wasn't sure when he could speak but wanted to say that he wanted to talk about the new school. There is a lot of congestion and traffic now in that area. Mr. Steigerwalt is already at the bus stop on Eleventh Street and there are a lot of buses there now and then you have people coming from all over to the new school, which will be a problem. He didn't think there was a need to a new school, just fix the ones that the kids are in now. He said that there is also an issue with Oakway. That is the back road from Oak Lane. Mr. Steigerwalt said it was stated it is not a dedicated street, however, he said it is a street by prescription and is on the Zoning Plan as a street. It is also in the Ordinances as a one way street and has a stop sign there. It has been maintained by the Borough for over 40 years and been paved and cleaned of snow. Mr. Steigerwalt felt it would fall under dedication by prescription. It is not listed as a right of way on his deed but may be on other deeds.

Mr. Mitchell said that he thought another resident was getting an attorney, the attorney was going to get to us but no one has contacted us and it will probably be brought back up at the next meeting. Mr. Steigerwalt said it would be a public safety issue, as a fire engine or ambulance would have to turn around on Oak, in case of an emergency, and would not be able to do so quickly or safely. Mr. Mitchell thanked Mr. Steigerwalt.

Mrs. Jennifer Steigerwalt said that she lived on Oak Lane forever. She said everyone is against a Charter School, one being it is not the place for a Charter School there. Put the school on Hill Street, it is zoned for it. Mr. Mitchell said they didn't want it. Mrs. Steigerwalt said Upland doesn't need it. She heard that Main Street School was getting better, she is there for Upland kids, Parkside and Brookhaven already have better schools. As far as Charity closing, most kids went to St. Joe's or Notre Dame and there are numerous safety issues in this area, with the school buses.

Mrs. Steigerwalt said she would like to talk to the Police Chief, as the child's bus stop is 7:20 a.m. and there are cars zooming past her, so as far as having her daughter sitting there, it is a safety issue. If you add another school there it is insane, the buses can't get around now onto Eleventh Street. People on Eleventh Street and Oak Lane do not want this school. No one wants this school. Mrs. Steigerwalt would like to see Council against this, it is not the place, Hill Street is where it goes. Mrs. Steigerwalt said there is a November 7, 2011 Zoning Meeting, why are you waiting to November 10, 2011 to tell the residents, when the Zoning Meeting is the 7<sup>th</sup>. Mrs. Hick said she just got the

information on the Zoning Meeting and will call Mr. Lee tomorrow to see about moving up the public meeting.

Mrs. Steigerwalt said she didn't want the school there. Yes, the property is unsightly but they don't want it there. Mrs. Miazza asked why don't the people want it there, what is the reason? Mrs. Steigerwalt said Lady of Charity has been there a long time, now you are talking about taking down houses, putting up a school, actually two houses which she thought one was a historical house and it is not a good area there, it is a small area.

Mrs. Miazza said it is not as big as Our Lady of Charity School and it is not a high school. Mrs. Steigerwalt said no, there is not enough space there and then you have parking lot areas. Mrs. Steigerwalt said she would have issues with this, even if they were building up and that will drop the cost of the value of her house. The main issue is safety, if her daughter's bus has trouble going down Eleventh Street, which is a hazard as it is. Why would you put a school there? It is a waste of money for the Charter School people and she heard that a lot of people thought a Charter School would be better than Chester Upland, but while they saw a small improvement, that is all it was, a small improvement. Are their students on time, are they doing better than regular schools, there is no information about that.

Mrs. Miazza said that Mr. Lee will have all that information. Mrs. Hicks said that the Charter Schools are making AYP which is something that Main Street School is not at this point. Mrs. Steigerwalt said the school district should look into that, there should be a park there; there is nothing up there for the kids. Mrs. Miazza said that Mrs. Steigerwalt's daughter goes to a parochial school, if there was a better school district here, would she send her to a public school or keep her in a parochial school? Mrs. Steigerwalt said she will stay where she is, there were a lot of problem when she switched her. Mrs. Miazza said if Upland had a better school district, would she send her to a public school? Mrs. Steigerwalt, said no, she is raised Catholic. Mrs. Miazza said a lot of people can't afford it and sent her own daughter to a private school as she didn't want her in the Chester Upland School. Mrs. Steigerwalt said she would keep her in parochial schools and doesn't want a Charter School there.

Mr. Mitchell said it wasn't a question of what we want, they have the right to put a school where they want, as long as they meet the requirements under the State and the Borough Code, you can't tell them where you want them to invest their money. Mrs. Steigerwalt said it is deemed residential and the tax payers have a right to say something. Mr. Mitchell said that the Main Street School is in a residential area and so is Our Lady of Charity. Neighborhood schools do not de-value your neighborhoods; they actually bring value to it. Mrs. Steigerwalt asked if that parcel was residential. Mr. Mitchell said it is not by individual parcels, it is collectively by whole areas, it is R-1.

Mr. Peden said that schools, educational facilities are allowed by right to be in there by Special Exception in the Borough of Upland. Mrs. Steigerwalt said there is a meeting to allow or disallow this school. She is asking as a resident and a tax payer to

ask Council to not allow this school there. Mrs. Steigerwalt said everyone is against this. Mr. Peden said there are two opportunities for the public to get involved on how the school is developed. One is the Zoning process, which will be to grant the Special Exception. We cannot not grant it because there are other schools in R-1. The Special Exception only gives the community an opportunity to air these kinds of concerns and set expectations for the person who is building the building, to take into consideration the traffic, et cetera. The other process is the planning process. Anytime you have any type of real estate development it has to go through the Planning Commission and it goes to the County for appropriateness on the plans and they make recommendations to us. Their recommendations do not carry the weight of law, that you don't have to pay attention to them but most of the time we do. That is another time for the public to come and raise these issues, of the safety of the streets, ingress and egress, that type of thing, so you make the community as safe as can be. Those places you want to be there, for the meetings, come with what you have done tonight, with your recommendations.

Mrs. Steigerwalt said she will be at the November 7, 2011 zoning meeting. Mr. Peden said it is November 7, 2011 and Mr. O'Connor said that the Zoning meeting is set in stone and will not change. Mrs. Peterson asked what time does her daughter get picked up in the morning? Mrs. Steigerwalt said 7:20 a.m. Mrs. Peterson said the police are out for school traffic zones from 7:30 a.m. to 9:30 a.m. and would let them know of a problem in that area, earlier, at the corner of Eleventh and Main. Mr. Mitchell asked if she notified the school district or the police. Mrs. Steigerwalt said no. Mr. Mitchell said we can't fix a problem if we don't know that there is a problem. Mrs. Peterson will make sure the police are aware of this situation.

Mayor Ciach said some buses start at 6:30 a.m. and come down Eleventh Street and it does get busy and tight. Mayor Ciach said is the biggest complaint the traffic or the turn? Mrs. Steigerwalt said it is both, the buses come both ways, from Main Street. And this is a highly traveled area, without the Charter School. Mayor Ciach said people do not follow the speed limit there. Mrs. Peterson said that she will again mention this to the police officers. Mr. Mitchell said we understand her concerns and thanked her for coming this evening.

### 23. Adjournment

Mr. Hunter made a motion to adjourn the meeting at approximately 7:48 p.m. and Mrs. Miazza seconded the motion. Council unanimously voted Aye on the motion and did adjourn the meeting.

Respectfully submitted,

Shirley Purcival,  
Borough Manager