

Index

Upper Darby Township Council Meeting

February 19<sup>th</sup>, 2014

Call of the meeting	45
Roll call	45
Approval of the minutes for January 2014	45
Public Forum	46
<b>Mayor Micozzie</b>	47, 48
 <b>Committee Reports</b>	
 <b>Finance &amp; Appropriations Committee</b>	
Thomas P. Wagner, Chairman	
Resolution No. 03-14, the tax appeal of Baljinder Kaur and Amandeep Kaur, 1 South Church Lane, Upper Darby Township. Folio No: 16-02-00250-00	49 52, 53
Adoption of Resolution No. 03-14	49
 <b>Municipal Services, Licensing &amp; Public Works Committee</b>	
James Santora, Chairman	
Resolution No. 04-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania adopting the Delaware County Sewage Facilities Plan Update-Eastern Service Area	49 54, 55
Adoption of Resolution No. 04-14	50
 <b>Planning, Zoning &amp; Building Code Committee</b>	
Jacob A. Bierling Jr., Chairman	
Motion for a land development to further develop .112 acre with parking lot improvements; situate 8418 West Chester Pike. Folio No: 16-07-00847-00	50
Adjournment	51

A regular meeting of Upper Darby Township Council was held on Wednesday evening, February 19, 2014 at 7:30 p.m. in the Council Meeting Room #202 of the Municipal Building, 100 Garrett Road, Upper Darby, Pennsylvania.

The meeting was called to order by Council President Donald P. Bonnett with the Pledge of Allegiance to the flag of the United States of America.

### **Roll Call**

Donald P. Bonnett, Thomas P. Wagner, John Rankin, Ed Monaghan, Jacob A. Bierling Jr., Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

Mary Ann Crawford, excused

### **Present at the Meeting**

Thomas N. Micozzie, Mayor  
Thomas J. Judge Jr., Chief Administrative Officer  
Kelly Sullivan, Esq., Solicitor  
Scott Gottell, Esq., Solicitor  
Richard G. Nolan, Chief Municipal Clerk

### **Approval of the Minutes**

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Re-Organization Meeting of January 6, 2014.

Mr. Wagner: So moved.

Mr. Bierling: Seconded.

Mr. Bonnett: It has been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. The next order of business is a motion for the approval of the minutes for the Special Meeting of January 8, 2014.

Mr. Wagner: So moved.

Mr. Rankin: Seconded.

Mr. Bonnett: It has been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. And finally a motion would be in order for the approval of the minutes for the Regular Meeting of January 22, 2014.

Mr. Bierling: So moved.

Mr. Wagner: Seconded.

Mr. Bonnett: It has been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

### **Public Forum**

Mr. Bonnett: This is the time set aside for the public to speak. When you hear your names come forward to the podium, and state your name and address for the records. Comments are limited to five minutes.

Beth Vanderveere, 51-3 Revere Road  
Abortion Clinic

Barbara Murray, 8 Oakley Road  
Planned Parenthood in Upper Darby

Joan Mazur, 2500 W. Township Line Road  
Planned Parenthood in Upper Darby

Peg Mascaro, 712 Wildell Road  
Taxes and website

Bob Kern Cassidy, 3854 Garrett Road  
Planned Parenthood

Their comments are filed on tape.

Mr. Rankin: That concludes the speakers for this evening.

Mr. Bonnett: Thank you John. Ladies and gentlemen, I would like to ask for everyone to stand and observe a moment of silence in memory of a person who served Upper Darby Township for many years as a Council person, as a Commissioner prior to that before the Home Rule Charter, and for the many years that I've been on Council, he served as President of Council. This is our good friend, John Clark, who passed away a little over a week ago.

Moment of silence observed.

Mr. Bonnett: This is the time set aside for the Honorable Thomas N. Micozzie, Mayor of Upper Darby Township.

**Mayor Thomas N. Micozzie**

Mayor Micozzie: Thank you, Mr. Chairman. If I may, I would like to digress a little bit. From our last meeting, there seems to be a little confusion over the role of Council and the Mayor's role in the re-districting. So, rather than do press releases or do Facebook postings or whatever it is, I thought I would give a little clarification so that we don't have any misunderstandings in the future. Under the Spirit of the Charter, the Mayor is elected by the voters of the Township at Large. He is responsible for the following things.

- 1) The supervision and control and all Administrative departments and divisions of the Township.
- 2) The execution and enforcement of all Laws, Ordinances and Resolutions.
- 3) The appointment and or/dismissal of the Chief Administrative Officer (with approval of Council)
- 4) The appointment and dismissal of Township employees
- 5) The preparation of the Budget
- 6) The power to veto over all Ordinances enacted by Council, subject to the power of the veto.

The perfect form of Government has yet to be discovered; however it is the firm belief of the Home Rule Study Commission that a Mayor-Council form of Government with a Chief Administrative Officer is the best solution for Upper Darby Township. It encompasses:

- 1) One elected official responsible for the administration of Government
- 2) A separate group of officials elected solely for law making, and
- 3) Professional management, with the approval of Council, directly responsible to and under the supervision of an elected official, the Mayor.

That, Ladies and Gentlemen, in short defines our purpose. There are some on this Council that seem to challenge the defined roles we as elected officials have to administer our duties. Yes, the way Upper Darby is structured may somewhat confuse you, when you see other municipalities similar to us, although with different forms of government structure, direct control or manage by their position and the charter or Ordinances of governance. Many here have tried to assist you in your new roles and will continue to offer that assistance. However, this Administration, under my control, presented to you a committee solely charged to review census data which is factual against previous census data which is factual as measured against the charter section 313 as follows:

*Councilmatic Districts shall be formed of compact, contiguous territory with boundary lines following the center line of the streets, or natural or manmade barriers or dividing lines which shall contain as nearly as possible the same number of residents as determined by the 1970 official census with no more than 10% deviation from the mean in any district.*

It is then submitted to you as a Council the data sets for review, determine the plan you decide on and hold a public hearing and vote. The Township Administration's role is simply to provide the data.

I am somewhat surprised that with the charter spelling out the criteria and that the data is taken from the Census and compared to the current district Census data, how one could somehow infer that this Mayor selected Caucasian males over the age of 60, which was reported in the paper, and did not consider diversity, race, political view and whatever other declamatory suggestion one might have to alter the intent to the document. You may be entitled to your opinion but you are not aware of the facts. Clearly, you are not learned in the principals of our government and this charter and with that in mind, allege a misguided approach toward this process. The fact of the matter is that you may not have to align the districts by numbers and thus no vote is needed. You may have to select from several options and that, ladies and gentlemen, is where you, the assigned persons by charter, get to carry out your sole responsibility. I would venture to say that this is as diverse as any and meets the spirit of the charter.

*At least once in each decade, in conjunction with the census of the Federal Government, Council shall review Council Districts to see that they meet the criteria set forth in the Charter and in law. If Districts do not meet this criteria, Council shall adopt, by Ordinance, new boundary lines for Council Districts.*

What does not meet the spirit or the intent of the Charter is to criticize the Mayor for acting on his assigned duties and that is simply to provide you with the data. I have with my instructions made it perfectly clear that no District Council person is to be removed from their Districts and the process is to be open and voted on fully as the Charter spells out, and I would expect nothing different. This process has been performed previously, three times, with Democrats sitting on this Council. Never has the submission of numbers or alternatives been challenged and never has a District Council person been un-seated by re-districting. Contrary to recent historic reports, this Council has had Democrats, African Americans and if one wishes to go back far enough, Scottish, English, Irish, Italians and Greeks. The point being is to make inferences that there are political, racial or ethnic overtures of a biased intent is simply not the case.

Had any of the writers of that press release taken the time to meet and discuss this with me, you may have still had an opinion, but the facts as to my decision would have been known. Hopefully, in the future, we can, as a Government, avoid upsetting the residents mentioned in the article (Press Release). Thank you.

Mr. Bonnett: Thank you, Mayor. We will proceed with the Committee Reports, Finance and Appropriations Committee, Mr. Wagner, please.

## **Committee Reports**

### **Finance and Appropriations Committee**

Thomas P. Wagner, Chairman

**Resolution No. 03-14, the tax appeal of Baljinder Kaur and Amandeep Kaur, 1 South Church Lane, Upper Darby Township. Tax Folio No: 16-02-00250-00**

Mr. Wagner: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 03-14?

Mr. Gottle: Certainly. Resolution No. 03-14 is the tax assessment appeal of Baljinder Kaur and Amandeep Kaur, 1 South Church Lane, Upper Darby Township. Tax Folio No: 16-02-00250-00. The current assessment is \$330,000.00 and the recommended assessment for tax year 2014 is \$114,700.00. This has been approved by the Upper Darby School District and was also recommended by the Solicitor for approval.

Mr. Wagner: Thank you, Mr. Gottle. As you just heard, the School District has approved this and our Solicitor has recommended it to us. Our Finance & Appropriations Committee has reviewed it and we recommend it as well. So, I hereby move for the adoption of Resolution No. 03-14.

Mr. Gwin: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: That completes our report, Mr. President.

Mr. Bonnett: Thank you, Tom. Municipal Services, Licensing & Public Works Committee, Mr. Santora, please.

**Municipal Services, Licensing & Public Works Committee**  
James Santora, Chairman

**Resolution No. 04-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania adopting the Delaware County Sewage Facilities Plan Update- Eastern Service Area**

Mr. Santora: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 04-14?

Ms. Sullivan: Certainly. Resolution No. 04-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania adopting the Delaware County Sewage Facilities Plan Update- Eastern Service Area as prepared by the Delaware County Planning Department in April 2013.

Mr. Santora: Thank you. We met with the Township engineer as a committee and got a briefing on what this is all about. It's a necessary Resolution for our Township and I would make a motion for the approval of Resolution No. 04-14.

Mr. Wagner: Seconded

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Santora: That completes our report.

Mr. Bonnett: Thank you, Jamie. Planning, Zoning & Building Code Committee, Mr. Bierling please.

**Planning, Zoning & Building Code Committee**

Jacob A. Bierling Jr., Chairman

**Motion for a land development to further develop .112 acre with parking lot improvements; situate 8418 West Chester Pike. Folio No: 16-07-00847-00**

Mr. Bierling: Thank you, Mr. Bonnett. I would like to make a motion for a land development to further develop .112 acre with parking lot improvements; situate 8418 West Chester Pike. Folio No: 16-07-00847-00.

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: Mr. President, before we leave the subject of Planning & Zoning, may I make a comment on something that we talked about?

Mr. Bonnett: Absolutely Tom.

Mr. Wagner: Jack, I hope you don't mind my interfering with your committee report. But, it is on the subject of Planning & Zoning and I would like the public and the Council members to be aware that as the Councilman for the Third District, I am going to host a public meeting next week on Monday, February 24 at 6:45 pm at the Hillcrest School. This meeting will be on the subject of the housing development that has been proposed on the grounds of the Har Jehuda Cemetery which is in the Third District. Suffice it to say that you will recall that there was a public hearing in this room on the subject some time ago and it has since been contested in the courts and we have the results of that now. The purpose of the meeting is to inform the public about what has happened and what the status of it is. The Mayor will be there as well and so will

a representative of our Solicitor to discuss the legal ramifications of what the courts have done here. It is primarily intended for the people who live in the affected neighborhood which is the neighborhood immediately contiguous to the cemetery but any member of the public and obviously all Council members that wish to attend are welcome to. Thank you, Mr. President.

Mr. Bonnett: You're welcome, Tom. Madam Solicitor, do you have any business for the body?

Ms. Sullivan: No, I do not.

Mr. Bonnett: At this time, I will ask for a motion to adjourn.

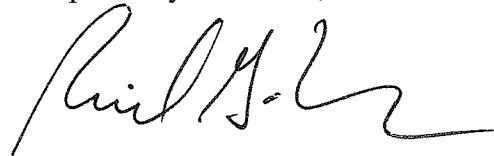
**Adjournment**

Mr. Wagner: So moved.

Mr. Bierling: Seconded.

Mr. Bonnett: Moved and duly seconded. All those in favor signify by saying aye. Opposed? The ayes have it. This meeting stands adjourned.

Respectfully submitted,



Richard G. Nolan  
Chief Municipal Clerk

RGN/akc



**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 03-14**

**In Re: Appeal Of: Baljinder Kaur and Amandeep Kaur**

**Owner: Baljinder Kaur and Amandeep Kaur**

**Property Address: 1 South Church Lane  
Upper Darby Township, PA 19082  
Tax Folio No.: 16-02-00250-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No.13-0011579;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2014	\$114,700.00

WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

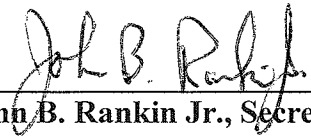
WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 19th day of February, 2014.

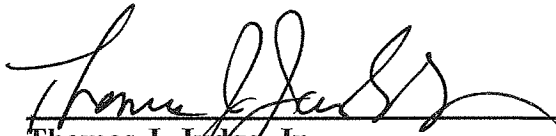
**UPPER DARBY TOWNSHIP**

**BY:**   
\_\_\_\_\_  
**Donald P. Bonnett, President of Council**

ATTEST:   
John B. Rankin Jr., Secretary of Council

Resolution No. 03-14 above is hereby approved this 19th day of February, 2014.

BY:   
Thomas N. Micozzie, Mayor

ATTEST:   
Thomas J. Judge, Jr.,  
Chief Administrative Officer

**UPPER DARBY TOWNSHIP****Resolution No. 04-14****A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA ADOPTING THE DELAWARE COUNTY SEWAGE FACILITIES PLAN UPDATE – EASTERN SERVICE AREA.**

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require Upper Darby Township to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of Upper Darby Township; and

WHEREAS the Delaware County Planning Department, acting upon authorization from the Department of Environmental Protection, did offer assistance to Upper Darby Township in meeting the Act 537 requirements on a sub-County basis; and

WHEREAS, Upper Darby Township did by formal resolution, dated August 17, 2011, authorize the County of Delaware to prepare the sewage facilities plan on its behalf; and

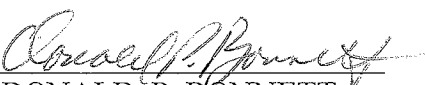
WHEREAS, the Delaware County Act 537 Sewage Facilities Plan Update: Eastern Service Area recommends implementation of the selected alternative to continue to send wastewater to SWWPCP for treatment and continue to pursue I&I removal from the collection systems in the Eastern Service Area. This includes either adopting and implementing a Lateral Inspection and Repair/Replacement Time of Sale ordinance or developing a written municipality-specific I&I reduction plan.

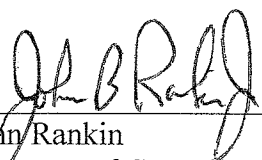
WHEREAS, the appropriate municipal officials, have reviewed the findings and recommendations of that plan and find it to conform to applicable zoning, subdivision, and other municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED THAT Upper Darby Township hereby accepts and adopts the "Delaware County Act 537 Sewage Facilities Plan Update: Eastern Service Area" prepared by the Delaware County Planning Department, April 2013, as an amendment to the official plan for sewage facilities in compliance with the Pennsylvania Sewage Facilities Act of 1966. Upper Darby Township hereby assures the Department that it will implement the said plan within the time limits established in the implementation schedule found on page 7-7 of the plan, as required by law. (Section 5, Pennsylvania Sewage Facilities Act, as amended.)

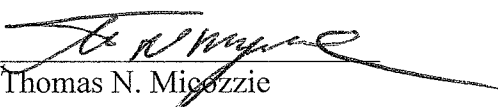
Resolved this 19<sup>th</sup> day of February 2014.

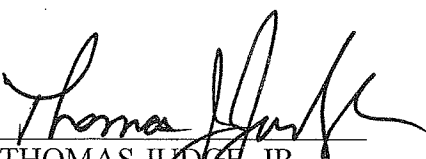
**TOWNSHIP OF UPPER DARBY**

By:   
DONALD P. BONNETT  
President of Council

Attest:   
John Rankin  
Secretary of Council

Resolution 04-14 above is hereby approved this 19<sup>th</sup> day of February, 2014

APPROVED:   
Thomas N. Micozzie  
Mayor

Attest:   
THOMAS JUDGE, JR.  
Chief Administrative Officer