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Upper Darby Township Council Meeting

March 19th, 2014

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, March 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., Mary Ann Crawford, Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

Present at the Meeting

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

Presentation of the 2013 Dennis McNamara Memorial Award

Superintendent of Police, Michael Chitwood, presented the 2013 Dennis McNamara Memorial Award to Sergeant Harold Parsons

Audience applause

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Meeting of February 19, 2014.

Mr. Wagner: So moved.

Mrs. Crawford: 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 name come forward to the podium, and state your name and address for the records. Comments are limited to five minutes.

Paula Kliniuk, 1217 Ormond Avenue
Bamboo

Alfred Achtert Jr., 7228 Radbourne Road
Redistricting

Bob Cassidy, 3854 Garrett Road
Planned Parenthood

Their comments are filed on tape.

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

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: I am pleased to provide a Proclamation to the Greek Community.

Presentation of Proclamation for Greek Independence Day

PROCLAMATION

The Greek people unveiled their national flag and declared their independence on March 25, 1829 from almost four hundred years of domination by the Ottoman Empire. Although well equipped and supplied the spark of liberty and zest for life and freedom made the Greeks victorious after many years of anguish.

The Greek struggle for independence has been a light of inspiration for all oppressed nations seeking self-determination and liberty. The nation of Greece and all Americans of Greek ancestry will be marking this historic occasion by celebrating their 193rd anniversary of Greek Independence Day with commemorative ceremonies to be held on Saturday and Sunday, March 22nd and 23rd 2014. During this historic occasion the nation of Greece should be recognized for the achievements by Greeks in arts, literature, science, mathematics, architecture, music and sculpture. All our residents of Greek ancestry should take special pride in their inspiring and long standing heritage.

Therefore, I Thomas Micozzie, Mayor of Upper Darby Township, along with our council proclaim March 22 and March 23, 2014, as

Greek Independence Day

in Upper Darby Township. I urge the citizens of this township to join in honoring the nation of Greece and our Greek friends and neighbors for the observance of this historic day.

Mayor Micozzie: I will be presenting this to the Greek community on Sunday. I've been invited to walk with them at the Parkway and then for festivities afterwards. I will make sure the Greek community is read this proclamation from council.

2014 State of Affairs Report

I am pleased to report the 2014 State of Affairs report for Upper Darby Township is positive and today, snow free. The positive growth of our commercial corridor along 69th Street and in other key areas in the Township confirm that good things are happening in the Upper Darby community. However, as the sixth largest municipality in the Commonwealth, there remain many challenges facing the Township.

Many urban municipalities struggle with revenue sources to fund the vast array of municipal services provided. Upper Darby Township's revenue stream relies primarily on the collection of real estate taxes as well as the collection of permitting and licensure fees to fund the many Township provided services. As a former chairman of the Council's Public Safety Committee and a volunteer fire chief, I certainly understand and appreciate the need for a strong Public Safety presence in our community. Understandably, the largest annual Township expense is attributed to our Police and Fire Departments in order to maintain our strong and safe Upper Darby community. In fact, in 2013 the Police and Fire Department budget accounted for 53% of the entire Township expenses.

My administration continues to vigorously monitor and streamline the Township's fiscal affairs by setting new goals and carefully reviewing each and every budget line item and exploring each and every available cost saving technique. The administration is continually refining and strengthening our financial policies. This winter has been challenging to the Township in several ways. First, I want to thank the Township staff for their repeated hard work in snow removal. Secondly, my administration will continue to evaluate the 2014 winter storm costs and work to reduce the financial impact of the storm costs on the year end budget.

Similar to many municipal governments, the Township faces the constant challenge of rising labor, pension and health care costs. The administration continues to explore cost containment measures for these rising expenses with our providers.

As Mayor, I was tremendously pleased to learn that the Township's Moody & Poor's bond rating was upgraded to AAA+. The bond rating upgrade represents a significant recognition of the administration's strengthened fiscal policies and spending practices. I am also greatly encouraged by the increased investment in our community by many large retailers, investors and small business owners who believe in the strength and vitality of the Upper Darby community.

I am pleased to say that Upper Darby Township was recently recognized by the Delaware County Chamber of Commerce as a 2013 municipal leader in business development – a clear acknowledgement of the township's business friendly approach to development and job creation. My administration will continue to work diligently to encourage additional retail and business development in Upper Darby Township.

One of the most positive attributes of our community remains our Township residents whose dedication to and pride of our community continues to make Upper Darby a recognized vibrant place to live, work and raise a family. As Mayor, I will continue our focus on property maintenance responsibilities for both property owners and tenants.

I am declaring April to be Community Clean-Up Month. I am asking Council to join me in encouraging our residents to give a little extra attention to cleaning up the neighborhoods where they live and work. I encourage all residents to lend a hand to this spring cleaning effort. I also want to make the community aware of the important upcoming community sponsored events offered to assist in our spring cleaning:

- The Township Recycling and Shred-It Day on April 12, 2014 from 9:00 a.m. to noon at Upper Darby High School;
- On April 26, 2014 from 10:00 a.m. to 2:00 p.m. at the Upper Darby High School the Upper Darby Police Department will participate in the "Eighth National Take-Back Initiative" where residents can drop off unused medication for safe disposal; and
- The Annual Darby Creek Stream cleaning day on April 26, 2014.

It has been a long and brutal winter and I know everyone is very much looking forward to glorious spring days to come.

In the months ahead, I will continue to provide community meetings throughout each neighborhood to get resident input. I very strongly believe in receiving your valuable community input as critical decisions are made and firmly believe these meetings provide a great forum to receive such input.

As always, I thank you for your continued support and I look forward to a successful upcoming year.

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. 05-14, the tax appeal of Brian Rebisz, 8420 West Chester Pike, Upper Darby Township. Tax Folio No: 16-07-00848-00

Mr. Wagner: Thank you Mr. Bonnett. Will the solicitor give us a brief on Resolution No. 05-14.

Mr. Gottle: Yes, Resolution No. 05-14 is a tax assessment appeal of Brian Rebisz, property is 8420 West Chester Pike, tax folio 16-07-00848-00, current assessment \$400,000.00. The proposed settlement agreement is for a resolution reduction for tax year 2013 to an assessment of \$262,800.00 and tax year 2014 an assessment of \$270,100.00. The Upper Darby School District has approved this resolution and the solicitor's office is recommending the resolution this evening.

Mr. Wagner: Thank you very much Mr. Solicitor and council members. In addition, the school district has approved it and the solicitor recommends it. The finance committee has also reviewed this and we recommend. With that, I hereby move for the adoption of Resolution No. 05-14.

Mr. Bierling: 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. Planning, Zoning and Building Code Committee, Councilman Bierling.

Planning, Zoning & Building Code Committee
Jacob A. Bierling, Jr., Chairman

Resolution No. 06-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of ARD Baltimore Avenue, LLC., to subdivide 4.484 acres into two (2) lots. The subdivision will create separate lots for the existing Goodwill store and recently proposed drive-thru McDonald's Restaurant totaling 4,388 square feet; located on the North side of Baltimore Avenue, approximately 200 feet East of Union Avenue and being subject to certain conditions of approval.

Mr. Bierling: Thank you Mr. Bonnett. Would the solicitor give us a brief on Resolution No. 06-14.

Ms. Sullivan: This I believe is the resolution Mr. Achtert had a question about and just looking at the resolution itself it is worded correctly. I believe the agenda had a typo.

Resolution No. 06-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of ARD Baltimore venue, LLC, to subdivide 4.484 acres into two (2) lots. The subdivision will create separate lots for the existing Goodwill store and recently proposed drive-thru McDonald's restaurant totaling 4,388 square feet; located on the North side of Baltimore Avenue, approximately 200 feet East of Union Avenue and being subject to certain conditions of approval. The conditions of approval are outlined in the resolution.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 06-14.

Mr. Wagner: Seconded.

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

Resolution No. 07-14. A Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Nolen Properties, LLC, to further develop 3,966 acres with renovation of a former school (St. Alice School) into 54 age-restricted dwelling units. The proposed renovations include additions to an existing building to create a five (5) story, 54 unit multi-family apartment building for elderly residents on the North side of Walnut Street, between Copley Road and Hampden Road.

Mr. Bierling: Can we get a brief on Resolution No. 07-14.

Ms Sullivan: Yes, this a resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Nolen Properties, LLC, to further develop 3966 acres with renovation of a former school (St. Alice School) into an existing building to create a five (5) story, 54 unit multi-family apartment building for elderly residents on the North side of Walnut Street, between Copley Road and Hampden Road.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 07-14.

Ms Crawford: Seconded.

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

Mr. Bierling: That concludes our report.

Mr. Bonnett: Thank you Jack. Public Health & Environmental Affairs Committee, Councilwoman Crawford.

Public Health & Environmental Affairs Committee

Mary Ann Crawford, Chairwoman

Introduction of Ordinance No. 3015, an Ordinance of Upper Darby Township, County of Delaware, Commonwealth of Pennsylvania, amending Ordinance No. 2498 by adopting regulations for the planting, cultivating and growing of running bamboo.

Mrs. Crawford: Thank you President Bonnett. Introduction of Ordinance No. 3015, an Ordinance of Upper Darby Township, County of Delaware, Commonwealth of Pennsylvania, amending Ordinance No. 2498 by adopting regulations for the planting, cultivating and growing of running bamboo.

Mr. Bonnett: At this time a motion would be in order that the proposed Ordinance No. 3015 be duly advertised and placed on the agenda for the April 16, 2014 regular Council Meeting.

Mrs. Crawford: So moved.

Mr. Wagner: Seconded.

Mr. Bonnett: Mr. Bonnett: It's moved and seconded for the introduction of Ordinance No. 3015. All those in favor signify by saying aye. Opposed?

Ms. Manners: No.

Mr. Bonnett: Take a roll call please, Mr. Secretary.

In favor of introducing and advertising Ordinance No. 3015	Opposed to introducing and advertising Ordinance No. 3015	Excused	Abstained
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- Bonnet
- Wagner
- Rankin
- Monaghan
- Bierling
- Crawford

Manners

- Santora
- Coles
- Gwin
- Keffer

Mr. Rankin: That gives ten in favor and one opposed.

Mr. Bonnett: Therefore, members of council, the introduction of Ordinance No. 3015 is duly approved and the Chief Municipal Clerk will see to it that it is duly advertised for a public hearing. Madam Solicitor, do you have any business for council?

Solicitor: No further business.

Adjournment

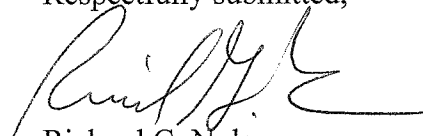
Mr. Bonnett: A motion would be in order for adjournment.

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. 05-14**

In Re: Appeal Of: Brian K. Rebisz

Owner: Brian K. Rebisz

**Property Address: 8420 West Chester Pike
Upper Darby Township, PA 19082
Tax Folio No.: 16-07-00848-00**

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.12-10015;

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>
2013	\$262,800.00
2014	\$270,100.00

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.

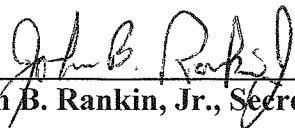
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 19th day of March, 2014.

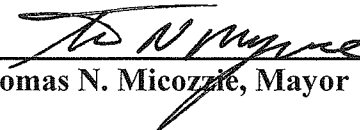
UPPER DARBY TOWNSHIP

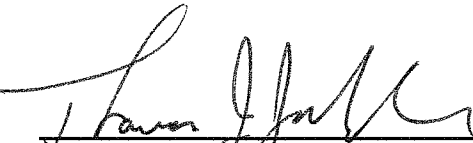
BY: 

Donald P. Bonnett, President of Council

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

Resolution No. 05-14 above is hereby approved this 19th day of March, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

UPPER DARBY TOWNSHIP

Resolution No. 06-14

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF ARD
BALTIMORE AVE LLD TO SUBDIVIDE 4.484 ACRES
INTO TWO (2) LOTS. THE SUBDIVISION WILL
CREATE SEPARATE LOTS FOR THE EXISTING
GOODWILL STORE AND RECENTLY PROPOSED
DRIVE-THRU MCDONALD'S RESTAURANT
TOTALING 4,388 SQUARE FEET LOCATED ON THE
NORTH SIDE OF BALTIMORE AVENUE,
APPROXIMATELY 200 FEET EAST OF UNION
AVENUE AND BEING SUBJECT TO CERTAIN
CONDITIONS OF APPROVAL.**

WHEREAS, ARD Baltimore Avenue, LLC (“Applicant”) has submitted for approval its Final Subdivision Plan to subdivide 4.484 acres into two (2) lots. The subdivision will create separate lots for the existing Goodwill Store and recently proposed drive-thru McDonald’s Restaurant totaling 4,388 square feet, prepared by LANDCORE Engineering Consultants, P.C., said plans consisting of one (1) sheet dated November 25, 2013 (collectively “Final Plan”); and

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved subject to certain Conditions of Approval including the following:

1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by ARD Baltimore Avenue, LLC and, where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement and Improvement Security Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation

concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;

3. Applicant has obtained approval by Delaware County Conservation District of all required submittals.

4. Applicant has entered into a Sanitary Sewer Agreement for public sewer service as shown on the Development Plan

5. Formal recording of the Minor Subdivision Plan (the "Record Plans") following Township execution of the Record Plans;


6. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board.

7. Subject to the approval of the Township Solicitor and Applicant's recording of appropriate cross-access and utility easements between the two (2) lots created by the Plan.

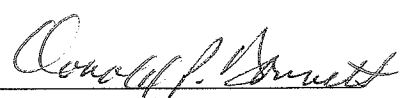
8. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

Attest:



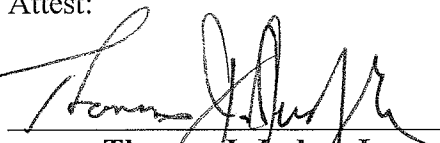
John Rankin
Secretary of Council

By: 


Donald P. Bonnett
President of Council

Resolution No. 06-14 above is hereby approved this 19TH day of March, A.D., 2014.

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved: 

Thomas N. Micozzie
Mayor

Resolution No. 07-14

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF NOLEN
PROPERTIES, LLC., TO FURTHER DEVELOP 3.966
ACRES WITH RENOVATIONS OF A FORMER
SCHOOL (ST. ALICE SCHOOL) INTO 54 AGE-
RESTRICTED DWELLING UNITS. THE PROPOSED
RENOVATIONS INCLUDE ADDITIONS TO AN
EXISTING BUILDING TO CREATE A FIVE STORY,
54-UNIT MULTI-FAMILY APARTMENT BUILDING
FOR ELDERLY RESIDENTS ON THE NORTH SIDE
OF WALNUT STREET, BETWEEN COPLEY ROAD
AND HAMPDEN ROAD.**

WHEREAS, Nolen Properties, LLC (“Applicant”) has submitted for approval its Final Land Development Plan to further develop 3.966 Acres with renovations of a former school (St. Alice School) into a five story, 54 unit age restricted multi-family apartment building, prepared by Ruggiero Plante Land Design, said plans consisting of eleven (11) sheets dated February 6, 2014 (collectively “Final Plan”); and

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved subject to certain Conditions of Approval including the following:

1. Applicant obtaining approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by Nolen Properties, LLC and, where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement and Improvement Security Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;

3. Applicant obtaining approval by Delaware County Conservation District of all required submittals.

4. Applicant entering into a Sanitary Sewer Agreement for public sewer service as shown on the Development Plan

5. Formal recording of the Site and Key Plan of the Final Plans (the "Record Plans") following Township execution of the Record Plans;

6. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision and order dated December 19th, 2013.

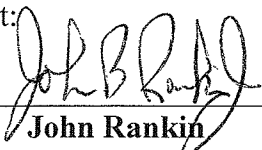
7. Subject to the approval of the Township Solicitor and Applicant's recording of Declaration of Covenants and Restrictions regarding age restrictions of residents and other appropriate matters.

8. Subject to the approval of the Township Solicitor and Applicant's recording of appropriate cross-access and utility easements created by the Plan.

9. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

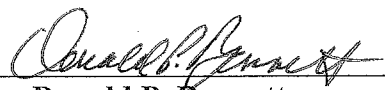
TOWNSHIP OF UPPER DARBY

Attest:



John Rankin
Secretary of Council

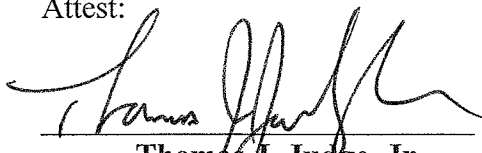
By:



Donald P. Bonnett
President of Council

Resolution No. 07-14 above is hereby approved this 19th day of March, A.D., 2014.

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved:



Thomas N. Micozzie
Mayor