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Upper Darby Township Council Meeting

April 16th, 2014

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, April 16, 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

Mr. Bonnett: I would ask at this time for the Honorable Thomas N. Micozzie, Mayor of Upper Darby Township to come forward to make a presentation to Michael Chitwood.

Mayor Thomas N. Micozzie

Presentation of Proclamation to Michael J. Chitwood, Superintendent of Police for fifty years of public safety service

PROCLAMATION

Whereas Michael Chitwood is a dedicated family man and Upper Darby Township Superintendent of Police Officer sworn to protect the residents of Upper Darby Township;

Whereas Superintendent Chitwood is a highly decorated Public Servant whose career has spanned service in the city of Philadelphia, Middletown Bucks County, Portland Maine and Upper Darby Township Police Department for over 50 years;

Whereas, as Mike Chitwood carries with him a distinctive South Philadelphia character blended with Irish and Italian American heritage, born in Saint Agnes Hospital and married his teenage sweetheart Elizabeth (Liz) Pino, with two wonderful children, five grandchildren and one great grandchild whereas his son Michael Jr. has followed in his father's footsteps as a public servant,, currently servicing as the city of Daytona Beach Police Chief;

Whereas, Mike Chitwood acquired many honors and nicknames throughout his career, but none more interesting than "Batman and Robin" with his first partner Anthony Kane. The dynamic duo as they were known received many awards for protecting the rights of Vietnam Veterans to retail drug thefts.

Whereas Mike Chitwood has befriended and protected many individuals in his career;

Whereas as the Upper Darby community is proud and thankful that Superintendent Mike Chitwood continues to serve and protect the Upper Darby Community.

Let it be known that like all the brave men and women that put on their police uniform every day to serve and protect our communities, Superintendent Chitwood's (Mike) service to his community is appreciated.

Therefore I, Thomas N. Micozzie, Mayor of Upper Darby Township along with Township Council and the entire Upper Darby community congratulate

MICHAEL CHITWOOD FOR FIFTY YEARS (50) OF PUBLIC SAFETY SERVICE.

Thomas N. Micozzie

Thomas N. Micozzie
Upper Darby Township

Audience applause.

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Meeting of March 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.

Judy Gokalp, 7197 Radbourne Road
Stonehurst

Robert J. Boyden Sr., 371 Windermere Avenue
Nat'l Prescription Drug Take-Back Day

John J. Pucino, 4128 Sommers Avenue
Bamboo Ordinance

Paula Klimiuk
Bamboo Ordinance

Robert Choate, Coverly Road
Trash and animals

Alima D. J. Reardon
Removing Planned Parenthood

Their comments are filed on tape.

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

Mr. Bonnett: Thank you, John. We will now proceed to the Committee Reports. We'll start with the Finance and Appropriations Committee, Mr. Wagner please.

Mr. Wagner: Thank you, Mr. President. Tonight we have eleven Resolutions on the agenda to resolve tax appeals. Will the Solicitor please give a brief on these Resolutions and then we will vote on them all together.

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

**Resolution No. 08-14, the tax appeal of Joan D. Lasensky and David
Trust, Baltimore Avenue, Upper Darby Township. Tax Folio No: 16-02-00169-00**

Mr. Gottel: Thank you, Mr. Wagner. Resolution No. 08-14 is the tax assessment appeal of Joan D. Lasensky and David Trust, Baltimore Avenue, Upper Darby Township. Tax Folio No: 16-02-00169-00. This is for a resolution of the assessment to be \$206,903.90.

Resolution No. 09-14, the tax appeal of Joan D. Lasensky and David Trust, South Fourth Street, Upper Darby Township. Tax Folio No: 16-02-00814-00

Mr. Gottel. Resolution No. 09-14 is the tax assessment appeal of Joan D. Lasensky and David Trust, South Fourth Street, Upper Darby Township. Tax Folio No: 16-02-00814-00. This is for a resolution of the assessment to be \$119,162.66.

Resolution No. 10-14, the tax appeal of Joan D. Lasensky and David Trust, 28 South Fifth Street, Upper Darby Township. Tax Folio No: 16-02-00791-01

Mr. Gottel: Resolution No. 10-14 is the tax assessment appeal of Joan D. Lasensky and David Trust, 28 South Fifth Street, Upper Darby Township. Tax Folio No: 16-02-00791-01. This is for a resolution of the assessment to be \$66,864.68.

Resolution No. 11-14, the tax appeal of Joan D. Lasensky and David Trust, Baltimore Avenue, Upper Darby Township. Tax Folio No: 16-02-00170-00

Mr. Gottel: Resolution No. 11-14 is the tax assessment appeal of Joan D. Lasensky and David Trust, Baltimore Avenue, Upper Darby Township. Tax Folio No: 16-02-00170-00. This is for a resolution of the assessment to be \$470,468.70.

Resolution No. 12-14, the tax appeal of Eastwick Paper Stock Company, Inc., Upper Darby Township. Tax Folio No: 16-02-00791-00

Mr. Gottel: Resolution No. 12-14 is the tax assessment appeal of Eastwick Paper Stock Company, Inc., Upper Darby Township. Tax Folio No: 16-02-00791-00. This is for a resolution of the assessment to be \$136,600.06.

Resolution No. 13-14, the tax appeal of Richard R. Hereen, 7102 Greenwood Avenue, Upper Darby Township. Tax Folio No: 16-02-00949-00

Mr. Gottel: Resolution No. 13-14 is the tax assessment appeal of Richard R. Hereen, 7102 Greenwood Avenue, Upper Darby Township. Tax Folio No: 16-02-00949-00. This is for a resolution of the assessment to be \$24,420.00.

**Resolution No. 14-14, the tax appeal of Richard R. Hereen, 7285
Guilford Road, Upper Darby Township. Tax Folio No: 16-04-00833-00**

Mr. Gottel: Resolution No. 14-14 is the tax assessment appeal of Richard R. Hereen, 7285 Guilford Road, Upper Darby Township. Tax Folio No: 16-04-00833-00. This is for a resolution of the assessment for \$24,420.00.

**Resolution No. 15-14, the tax appeal of Richard R. Hereen, 7123
Emerson Avenue, Upper Darby Township. Tax Folio No: 16-02-00711-00**

Mr. Gottel: Resolution No. 15-14 is the tax assessment appeal of Richard R. Hereen, 7123 Emerson Avenue, Upper Darby Township. Tax Folio No: 16-02-00711-00. This is for a resolution of the assessment to be \$24,420.00.

**Resolution No. 16-14, the tax appeal of Richard R. Hereen, 270
Kent Road, Upper Darby Township. Tax Folio No: 16-01-00729-00**

Mr. Gottel: Resolution No. 16-14 is the tax assessment appeal of Richard R. Hereen, 270 Kent Road, Upper Darby Township. Tax Folio No: 16-01-00729-00. This is for a resolution of the assessment to be \$26,640.00.

**Resolution No. 17-14, the tax appeal of Richard R. Hereen, 7058
Veronica Road, Upper Darby Township. Tax Folio No: 16-03-01808-00**

Mr. Gottel: Resolution No. 17-14 is the tax assessment appeal of Richard R. Hereen, 7058 Veronica Road, Upper Darby Township. Tax Folio No: 16-03-01808-00. This is for a resolution of the assessment to be \$24,420.00.

**Resolution No. 18-14, the tax appeal of Daniel T. Wehner, 2285
Harwood Avenue, Upper Darby Township. Tax Folio No: 16-08-01634-00**

Mr. Gottel: Resolution No. 18-14 is the tax assessment appeal of Richard R. Hereen, 2285 Harwood Avenue, Upper Darby Township. Tax Folio No: 16-08-01634-00. This is for a resolution of the assessment for \$48,100.00.

Each of these Resolutions has been approved by the Upper Darby School District and each is recommended by the Solicitor's office.

Mr. Wagner: Thank you very much Ms. Solicitor and Council members. The Finance Committee has also reviewed this and we recommend it as well. With that, I hereby move for the adoption of Resolution No. 08-14 through 18-14.

Ms. Coles: 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. 19-14 would declare April Fair Housing Month and urges all Township residents to continue the observance of all Fair Housing Laws where all Americans can benefit from non-discriminatory housing practices.

Mr. Bierling: Thank you Mr. Bonnett. Would the Solicitor give us a brief on Resolution No.19-14.

Ms. Sullivan: Certainly. Resolution No. 19-14 would declare April Fair Housing Month and urges all Township residents to continue the observance of all Fair Housing Laws where all Americans can benefit from non-discriminatory housing practices.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 19-14.

Mr. Gwin: Seconded.

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

Mr. Bierling: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 20-14.

Resolution No. 20-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final land development for redevelopment of .95 acres with ground improvements of the existing west terminal, located near the northeast corner of West Chester Pike and Victory Avenue and being subject to certain conditions of approval

Ms. Sullivan: Resolution No. 20-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final land development for redevelopment of .95 acres with ground improvements of the existing west terminal, located near the northeast corner of West Chester Pike and Victory Avenue and being subject to certain conditions of approval

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 20-14.

Mrs. 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. President.

Mr. Bonnett: Thank you, Jack. We'll go to the Public Health & Environmental Affairs Committee, Mrs. Crawford please.

Public Health & Environmental Affairs Committee

Mary Ann Crawford, Chairwoman

Public Hearing for 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: I would like to ask the Solicitor to give a brief on Ordinance No. 3015.

Ms. Sullivan: Certainly. Ordinance No. 3015 is an Ordinance that will prohibit property owners from planting running Bamboo, new plantings of running Bamboo, on their property. People that already have running Bamboo on their property may maintain it but it will not be permitted to encroach on neighboring property.

Mrs. Crawford: President Bonnett, can I please get you to conduct a Public Hearing?

Mr. Bonnett: Certainly. At this time, Council will conduct a Public Hearing for Ordinance No. 3015. If anyone wishes to speak in favor or against this Ordinance, please come forward to the podium at this time.

Public Forum for Bamboo Ordinance

Mr. Hanford: Thank you, Mr. Mayor, President and members of Council. My name is Mike Hanford. I am an attorney representing Susan Rothrock who lives at 1228 Edmonds Avenue. She has Bamboo on her property. I am here to oppose the adoption of this Ordinance. Primarily, at a very minimum, I am asking that the proposed Ordinance be remanded to Committee for rewording. I have an expert witness here, Mr. John Kohler, who is the President of Chester County Bamboo and I'd like to call him as a witness. Before I do that, I'll briefly state that I have been an attorney for 43 years and I've known Mike Chitwood for most of that period. I have had many an opportunity to cross examine him when I was with the Public Defender's office and Mike Chitwood was with the Narcotics squad. I considered him a formidable witness and a genuinely fine police officer so I do commend him. There are certain defects that I would like to point out regarding this Ordinance but before I do I would like to call Mr. John Kohler and ask him questions here at the stand because he has a family engagement and he has to leave the meeting a little early. So, John, would you please step forward? I have a hand-out which I would like to present to Council if I may.

Ms. Sullivan: Mr. Hanford, can I just get the spelling of Mr. Kohler's last name?

Mr. Kohler: Yes, it is K-O-H-L-E-R.

Ms. Sullivan: Thank you.

Mr. Hanford: We don't have copies for every member here but if we could share them I would appreciate it. John, please step forward and state your name and position.

Mr. Kohler: My name is John Kohler, President and Founder of Chester County Bamboo.

Mr. Hanford: And, how long have you been in that position?

Mr. Kohler: The business was started in 2009.

Mr. Hanford: So, you've been doing this for five years?

Mr. Kohler: I planted it on my property in 2005.

Mr. Hanford: I understand that you have various forms of Bamboo growing on your property.

Mr. Kohler: Yes I do. And first, thank you Mr. Mayor, Mr. President and Council for letting me speak tonight. I have several species. I think I have 27 species at this point on my property in Malvern. We maintain them in a variety of ways and that is what we would like to talk about tonight.

Mr. Hanford: How many firms are there in the state of Pennsylvania that specialize in the control and removal of Bamboo?

Mr. Kohler: We are the only one.

Mr. Hanford. You are the only one. There are other contractors that will occasionally tell owners of properties that they are capable and can adequately deal with that problem. What is your opinion with respect to that?

Mr. Kohler: I wish I had "dot-org" next to my name at points because I feel bad for people.

Mr. Hanford: Do you believe that the type of business that you are in should require some kind of specialized license?

Mr. Kohler: Frankly, yes.

Mr. Hanford: And, what are the detriments of having unqualified persons or firms work on the removal or control of Bamboo?

Mr. Kohler: If it's not done correctly, it's just money thrown out the window plain and simple. The Bamboo is just going to come back, the problem can be made worse, and more often than not what we see are contractors that attempt something, they grossly underestimate what they're getting involved in, they don't do the work correctly and that results in the customer essentially wasting money. Unfortunately, it's not that the contractors in my opinion are trying to do a wrong or an injustice to the person. They simply don't know what they're getting involved in and in an economy like this, let's be honest, when somebody is offered a job and if they think they can make money at it, many people are going to try to do it. Many of these Ordinances that have been passed locally have caused a lot of issues that I personally have seen firsthand where people have very limited budgets and have spent thousands of dollars and it is money thrown out the window. That's why I said at times that I wished I had "dot-org" next to my name because unfortunately if somebody finds me after the fact they many times don't have the money to fix the problem correctly.

Mr. Hanford: Now, you have clients that you deal with not only in Pennsylvania but other states as well, is that right?

Mr. Kohler: Yes, I've done expert opinions as far as California and Texas. I was an on-site consultant for the Dallas Arboretum a few years ago. We currently and frequently service Maryland, Delaware, New Jersey and Pennsylvania. Every now and then we'll do something in New York and occasionally we'll do something in Virginia but there is enough to do around here that we keep pretty busy.

Mr. Hanford: And you have provided expert opinion with respect to the control and removal of Bamboo?

Mr. Kohler: Yes sir, in several states.

Mr. Bonnett: Mr. Hanford, may I ask a question here? Excuse me for interrupting. I'm not sure you're on point here with the Ordinance. You're talking about how to maintain it.

Mr. Hanford: We're here not only with respect to the issue of maintaining but with the right of the property owner to actually grow the Bamboo. But, what I am suggesting is that Mr. Kohler has a number of comments to make with respect to this Ordinance if I could get into that.

Mr. Bonnett: Just so we're real clear on this and I would ask for our Solicitor to correct me if I am mis-stating anything here but this proposed Ordinance would prohibit people from growing new Bamboo but it does not prohibit people from maintaining Bamboo.

Mr. Hanford: I understand that and Mr. Kohler will make a specific comment.

Mr. Bonnett: Just so we're on the same page.....

Mr. Hanford: I understand. You've had an opportunity, Mr. Kohler, to review the proposed Ordinance, is that correct?

Mr. Kohler: Yes.

Mr. Hanford: I'd like to go to a few sections if I may. Glancing over the Purpose and Intent section, you've read that as well and you pointed out that they want to prohibit Bamboo spouts which I believe should read sprouts with an r.

Mr. Kohler: Can I just say a few things? When I look at this Ordinance I think that this is worded with great intentions. I think, ultimately, that there are some things grammatically and quite frankly probably unintentionally stated incorrectly. There is the last sentence in one paragraph that said it is not the intent to prohibit Bamboo spouts. I'm sure they meant to say sprouts. They are used as a houseplant in a self-contained container. I think that means lucky Bamboo that would be in a vase and would have water in it. That, in fact, is not a Bamboo at all. It's a Tricana Lilly and is not even in the Bamboo family.

Mr. Bonnett: That is not our intention.

Mr. Kohler: Right. This is why I think it could be good for Council.....

Mr. Bonnett: No, it is my understanding that as proposed, this Ordinance allows one to grow Bamboo within any kind of container as long as it is confined to the container.

Mr. Kohler: Not to plant any new Bamboo though and this is where the one point I would bring up is if we're looking to pass the Ordinance because things were not taken care of mostly from a maintenance perspective in the past, if they are taken care of correctly now, why should we prohibit something from being planted. Frankly, I'm wearing a Bamboo shirt and I have Bamboo socks on right now. There is so much you can do with the Bamboo plant. I had a Bamboo sprout in my salad for dinner. I say sprout but it's really a shoot. Realistically Bamboo has caused some issues. In this situation, from what I had seen on Ms. Rothrock's property, I didn't see much of an issue and that's from my professional opinion. I have seen some horrible scenarios where we've removed acres of Bamboo. With the wording in here, several of these things refer to Japanese Knotweed. Again, that is not Bamboo and I don't even know where you would buy Japanese Knotweed in today's world.

Mr. Hanford: Pseudosasa, what is that?

Mr. Kohler: Pseudosasa is...these are the families of Bamboo. So, Phyllostachys, family of Bamboos, are the thicker Bamboos that we see locally. Pseudosasa is another family of Bamboo referred to as "arrow Bamboo" and that is a smaller species of Bamboo that is qualified as a "running Bamboo" but is much less invasive than some of the others. Common Bamboo on here is actually Bambusa Vulgaris, which is nicknamed "Guadua Bamboo" and that is a tropical ----- where the Bamboo that we have here is in no way tropical or semi-tropical. They are in fact "cold-hardy", some of which to -15 to -20 degrees.

Mr. Hanford: This is a very important point because the wording of this statute does not prohibit "cold-hardy" Bamboo that is growing in Pennsylvania. The wording of the statute says, and they define Bamboo as "any monopodial running tropical or semi-tropical grasses from the genera Bambusa including, but not limited to...and then they throw in the kitchen sink. A requirement of being a prohibited Bamboo is that it be either tropical or semi-tropical. The Bamboo that is in Ms. Rothrock's property, is that tropical or semi-tropical?

Mr. Kohler: It's cold-hardy and is referred to as Phyllostachys aurea. The nickname is yellow--- Bamboo because it has a bit of a yellowish---- to the cane and it about the most common type Bamboo that we see locally and it grows better here than in most of the country. I've actually measured it 54 feet tall in Paoli last year.

Mr. Hanford: This is a very important point because even if you passed this proposed Ordinance, because of the definition of Bamboo in Section II, A,1, it would not preclude the common Bamboo that grows in Pennsylvania, such as the Bamboo on Ms. Rothrock's property. You have worded it entirely incorrectly. It should have included tropical, semi-tropical or

temperate, but it doesn't. So, it does not prohibit the Bamboo that is commonly grown in Pennsylvania and I think that is a very important point.

Mr. Bonnett: Is that your opinion that this Ordinance does not affect your client?

Mr. Hanford: It would not affect the common Bamboo in Pennsylvania. It is worded incorrectly if you view it in the strictest terms. But, what I'm afraid is that some Administrator will overlook that if you pass it and try to enforce it against my client and if they try to do that it would not be applicable to my client. However, the Administrator might not see that because they might not know about the testimony here that Mr. Kohler is presenting. So, even though they tried to throw in the kitchen sink and name all sorts of Bamboo related plants and things that are similar to Bamboo, such as Pseudosasa, it does not include cold-hardy Bamboo. Is that correct John?

Mr. Kohler: Technically speaking, correct.

Mr. Hanford: OK, one other important point I want to go to is if we could go to Section D where it talks about regulation. I'm going to read to Council and I would like to have Mr. Kohler comment on this. "Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but are not limited to, installation of sheathing comprised of metal or other material impenetrable by Bamboo." So, even though it was the intention of Council, my recollection from a year ago, that sheathing just be one of the remedies that should be considered by a property owner to regulate or control the Bamboo, the way this proposed Ordinance is written, it required sheathing. And, there is no way around that. Mr. Kohler, would you comment on the effects that sheathing would have in terms of its applicability and the drawbacks of actually using sheathing?

Mr. Kohler: Sheathing can be defined as something in sheets. What we use is a product that comes in rolls. Anytime you have a seam, Bamboo is going to go through the seam. That's guaranteed. Realistically, it should be a high-density polyethylene plastic barrier and they are available in different millage which is the thickness and different heights. Depending upon the species, they should be a minimum of 24 inches for very small species and at least 30 inches for bigger species. I have seen several towns put Ordinances in that have included wording like this and we just finished a job in Doylestown where we ripped out 375 feet of barrier because it was too small and done incorrectly and had no seams secured. The biggest thing with Bamboo is that anytime you have a seam the Bamboo is going to go through. If you tell people to put in sheathing in sheets of material and many tree root barriers are sold that way, they are effective for trees but Bamboo is going to go through that. So, it will be something that will need to be fixed and redone later. It might be effective for a year or two but after that point the Bamboo is going to breach it and it's going to be the whole story all over again. What we do is we have a special way that we secure the seams of that and that is something that is a technical process that requires knowledge to do and that's part of the reason why I think that people who deal in this business should have to have some sort of qualification to show that they know what they're

doing because I have seen firsthand so many things that have been done incorrectly. The sheathing and metal barrier.....to define metal, well metal has an inherent tendency to rust in the ground and it's also going to leak chemicals and things so I personally would not use metal. I've never used metal. The HDP is designed specifically as a Bamboo barrier. That's what the product is designed for and that's what we use.....

Mr. Bonnett: I think your definition is a very narrow one. I think this is a very broad one in our proposed Ordinance. And, although we use the term "sheathing", our intent here is to put in a barrier that stops, ok? And I do agree and it's a matter of personal practice that you always hire a professional to do anything you need to have done whatever it might be. But, the point here is that I think that you are over-emphasizing a specific type, in lieu of sheathing rather, a fabric type material. But, in this case, I think the spirit of this statement is "stop the Bamboo and put a barrier in there." Any barrier that is effective would meet the terms of this Ordinance and I would suggest that is the way that we would interpret that.

Mr. Hanford: But the problem is that the wording of this proposed Ordinance is contrary to what you say the spirit of the proposed Ordinance is and when it comes time to enforcement and if there are any legal suits involved the wording will control over the spirit. You're trying to say that whoever enforces this will be reasonable and say "ok, you can use A-B or C." The problem is the proposed Ordinance requires "A", requires "sheathing" and there is no way around that. It has to be re-written and that's one of the reasons that I am urging the Council here to have this proposed Ordinance remanded back to Committee.

Mr. Bonnett: I disagree with your opinion. I think, again, you have a very narrow definition of sheathing in your proposed explanation.

Mr. Hanford: Well, sheathing comes in strips. It doesn't come in big rolls that are forty feet long and the Ordinance doesn't say what the spirit intends and it requires sheathing or another proposed way of doing it. But, it does require sheathing the way it is written. I just think that is a poor way to have the proposed Ordinance written.

Mr. Kohler: If I could just interject for one minute.

Mr. Hanford: Go ahead.

Mr. Kohler: The key point is that with the sheathing vs. the HDP, the HDP is considered the industry standard at this point. All the other Ordinances that I've read, and I've read 7 or 8 of them without counting them up are defining the specific Bamboo root barrier along with a millage and a height to them and that -----is telling a homeowner that that is what they need to use. The issue that I have seen firsthand is that when a homeowner gets the violation and they call a contractor and hand this to a contractor, the contractor's initial thing is to run to Home Depot and find sheathing and we're not defining height, millage or anything like that. In the past, people have used 20 inch tall barriers that are 30 mills thick. I've seen Bamboo go straight through those. The ones that we use are 60 mills thick. There is a dramatic difference in the ---

strength and the puncture resistance of those materials. Other materials if they are of a certain plastic nature will over time crack in the ground. Again, this product is designed to be installed in the ground.

Mr. Bonnett: OK, I think we're talking about semantics here. If you could go on with your presentation, please.

Mr. Hanford: Certainly. One thing that I'd like to point out is, well first of all, I would like to commend the Committee that re-worded the proposed fines from \$1000 which would cause foreclosures all throughout the Boro and District down to \$25. But, one of the vagaries here is \$25 per day for each day that the violation existed after the date set for removal as set forth in the, then it says "notice property", which makes no sense. I think what the Committee intended was property notice but it says notice property so as written, this Section involving the fine makes absolutely no sense whatsoever. That has to be re-written. It can't say "notice property." And, the Council can't amend it here because it has to be remanded to Committee to correct that defect. But, who sets the date and what standards when it says the date set for removal as set forth in the notice property, what arbitrary type of notice might be sent and who sets the standards and how much time is given to the property owner to correct the condition?

Mr. Bonnett: The answer to that question is that the Township has a recognized process that it uses for enforcement of all Ordinances of this type affecting property. We give due notice and we are pretty fair in the process that we use. That process that we use across the board for other purposes would be applied here by the enforcement by the Department of Health in this case. They would be given the responsibility for enforcement so this would be enforced no differently than any other Ordinance and that would establish a time frame. And, we are generally pretty compassionate when we establish a time frame. We are realistic so people have time to respond. And you'll note here in this Ordinance. unlike the earlier version, we are also saying that this Ordinance, when adopted, won't take effect for 45 days.

Mr. Hanford: Could I just point out with respect to it not taking effect for 45 days? That's what it says in the body of Clause V but the heading of Clause V says "effective immediately." So, how could that be more inconsistent when it says "effective immediately" at the heading and then in the body it says "45 days?" That has to be re-written and it can't be done here. It has to be done by Committee. And one of the problems here is by rushing to judgment by saying that we should have some type of situation where the property owner is put on some kind of reasonable notice, your backlog is at least 45 days at this point. If this Ordinance were to pass you would have probably a rush of potential clients to come to your aid and to have you work on their property but you would be flooded with a number of people that would be seeking your help, is that right?

Mr. Bonnett: Quite likely.

Mr. Hanford: So the problem with the time frame here is that if you don't give sufficient time to property owners here what will happen is that the property owners will go to the so-called "unqualified" people that hang out a shingle and say "we can solve this problem."

Mr. Bonnett: That is a fair comment and I think that can be taken under consideration at the time a notice would be given.

Mr. Hanford: Mr. Kohler, do you want to make any other comments with respect to this Ordinance?

Mr. Kohler: I would just like to make the comment that I do respect the intent to word this in as detailed a way as possible. I think that many of the grammatical changes that I would recommend are somewhat unintentional and it's just a simple lack of knowledge. Common Bamboo sounds like the easier thing to put in there. We just don't realize that it is actually a tropical species. You know, with Bamboo, to say that you cannot plant it if it's planted correctly or in pots, I have a question that I raise with that. In the Commonwealth of Pennsylvania you have an inherent right to farm as a property owner and there are different types of plants you can use and when I talked to the Pennsylvania Landscape and Nursery Association 2 years ago, they actually said that would be very useful to the ----- . The other fact is that Bamboo promotes 35% more oxygen than any other plant known to man. Bamboo absorbs 5 times the CO2 of an equivalent stand of trees. Bamboo can be sustainably harvested every 3 to 5 years. It's the number one plant for rodent control in the world and -----more chemicals out of the ground than anything else. That being said, it's also a habitat for birds and other small animals and it's actually an edible plant. You can actually eat it. So, it has a lot of great things about it. Locally throughout the 5 county areas, we have seen a recent run against Bamboo and there is Bamboo that has been in this area for 60 years. Some of the groves we maintain are more than 50 years old. So, if Bamboo were going to take over the area, it would have done so a long time ago. The simple reality is that most people who planted it had no idea what it was. They took it from a neighbor's garden or side of the road and put it somewhere as this cute little thing. They just didn't know that it was going to be 50 feet tall and then people don't understand how to maintain it. The canes live 3-5 years. At that point, they need to be thinned out as this becomes maintenance issue. If Bamboo is aesthetically not looking good or is leaning into people's properties, that's because it is not being taken care of. It's a grass that you trim. All other grasses in your Ordinances say that they need to be trimmed so why outlaw it if it is something that more needs to be maintained and contained rather than removed and pulled?

Mr. Hanford: At what point should Bamboo be trimmed down?

Mr. Kohler: Bamboo grows 50 feet in 6 to 12 weeks. I have a You Tube video up there under Mr. CC Bamboo Watch Bamboo Grow. If you type it in, I have a time lapse for my front yard. The shoots are going to come out of the ground, well some are starting right now. In the next 2 weeks----- . In that time frame the shoots will grow-----so if they are going to be 50 feet tall, they are going to grow 50 feet tall in 6 to 12 weeks. So, that is where this becomes a hot topic every Spring because all of a sudden the shoots come out of the ground and everybody says

“oh my God the Bamboo is taking over.” Realistically it’s a controlled rote period that we need to manage and maintain and people need to understand when to do that. On my property where I have 27 species, I have one barrier. I have stuff all over the property lines. We have open trenches in the back that we maintain-----.

Mr. Hanford: And a trench, in effect, is a way of controlling the Bamboo.

Mr. Bonnett: We understand all of that. We know there is a process and that there is a methodology. Why don’t we go on beyond that kind of discussion and talk to the substance of the Ordinance.

Mr. Hanford: We have been doing that but I think one other thing that the Committee in drawing up this proposed Ordinance did not consider is, what if the neighbor next to the person growing the Bamboo consents to having the Bamboo on their property? That is totally ignored in this proposed Ordinance. And even though that is not the situation obviously with respect to Ms. Rothrock’s property, it can be and I have Bamboo in my yard and the neighbor approves of its use. It creates a nice barrier between the two properties. But, this proposed Ordinance would have it either outlawed in terms of new planting or would require some kind of a barrier to make sure that it doesn’t go to the neighbor’s property. Well, what if the neighbor wants the Bamboo there? That is totally ignored.

Mr. Judge: Mr. President, may I just say consent only goes as far as the current owners. As soon as the property sells, then consent becomes a problem because now you have Bamboo that has grown and been maintained for a while. But, the new owner is now saying “I don’t consent to it.” So now we have enforcement. So that.....

LOST SOME AUDIO WHEN TAPE WAS CHANGED

Mr. Bonnett:-----sprout on another adjacent property and that neighbor agrees to allow that to happen, that neighbor now under this Ordinance has acknowledged by not advising the Township under the provision stated in this proposed Ordinance that they object. They now own that Bamboo.

Mr. Hanford: And they’d be required to control it as well.

Mr. Bonnett: And that is the intent of this.

Mr. Hanford: But the problem is that the way this is written, it’s almost as if there is a good guy and a bad guy. In fact, there are plenty of situations where they are both good guys and both individuals consent. But, that doesn’t seem to be taken into account by this Ordinance.

COULD NOT TRANSCRIBE DUE TO SEVERAL PEOPLE TALKING AT THE SAME TIME

Mr. Kohler:Realistically, a lot of these things stem from property transfers. When someone new moves in, Haverford is a perfect example. There were 3 people who had it and they all loved it. It was fine for 25 years and then a new person moved in and all of a sudden they hated it. Realistically, if that person had put in a 10 foot barrier.....

Mr. Bonnett: Let's do this. Let's continue with your testimony. We have other people who will want to testify. I'm sure there may be many other points of view to be expressed this evening. So, please proceed.

Mr. Hanford: Thank you very much. I'll try to wrap it up. Mr. Kohler, do you have any other comments that you wanted to make?

Mr. Kohler: I would just urge Council to look at the wording and think of everything before you pass it for the potential for back end issues that could be created.

Mr. Hanford: And, it's not just a question of thinking about it here. I think it has to be remanded.

Mr. Wagner: Before you dismiss your witness, I have a couple of questions that I would like to ask him because I am a little bit confused about something here and I hate to use this analogy but we may be missing the forest through the trees here. It does seem to me that the whole point of this is that Bamboo being grown on one property which then encroaches on to another ----- property. Isn't that the problem?

Mr. Kohler: It spreads underground via a rhizome system.

Mr. Wagner: It spreads a great deal, certainly much more aggressively than many other plants, correct?

Mr. Kohler: The root barrier would stop it. You are correct but the point I wanted to make is that it doesn't spread by seeds like a maple tree. It doesn't spread by branches falling on someone's property.

Mr. Wagner: You told us when you started your testimony that you went out to Mrs. Rothrock's property, correct?

Mr. Kohler: Yes, last year I did take a look at it.

Mr. Wagner: Have you been there since?

Mr. Kohler: I have not been there since.

Mr. Wagner: All right. You said that the one time you did go there you didn't think there was a problem. I believe that's what you said, right?

Mr. Kohler: That is correct.

Mr. Wagner: Was it encroaching on any neighboring property?

Mr. Kohler: There is a 2 foot wall behind the Bamboo and I had not seen any evidence of it having encroached under that wall and up onto the neighbor's property. Now realistically, when the Bamboo is going to shoot, I will go back out and take a look at that on both properties and give you a professional assessment because as it's shooting if anything is going to come up on the neighbor's property, you are going to see it in the next 2-3 weeks.

Mr. Wagner: The reason I'm asking is because the neighboring property owner has complained to this Council, and to this Councilman in particular, that it does encroach on her property. I'm just trying to find out whether you've seen any evidence of that.

Mr. Kohler: I have not seen any evidence of rhizomes under the ground onto the property.

Mr. Wagner: So, you didn't see any evidence of that happening?

Mr. Kohler: No, I did not.

Mr. Wagner: Would you agree that it should not be happening?

Mr. Kohler: I agree that if a neighbor does not want it then action should be taken to contain it in a proper fashion. The way in which that is done, there are a few options. Sheathing is what I highly recommend.

Mr. Wagner: That's where I'm going then. You would agree, therefore, that if it is encroaching on a neighbor's property then it is not being properly maintained.

Mr. Kohler: Correct. From what I had seen at Ms. Rothrock's, they were maintained to the extent that they were pushed back off of that wall. Now, if it had jumped to the other side and the neighbor doesn't like it, then maybe that is a situation where we need to look at putting a barrier in.

Mr. Wagner: And, you were out there a year ago?

Mr. Kohler: I think it was October for lack of looking at an exact date that I gave her a proposal to look at things. But, ultimately that was not the growing cycle so right now what I'm saying is that if the neighbor had seen anything it's going to show its face again. Those shoots are going to come up so if they are there we are going to see them in a couple of weeks.

Mr. Wagner: When is that growing cycle?

Mr. Kohler: I have shoots in my yard right now on the sunny side so Southern exposure, sunny side, you can see it between now and May 1st.

Mr. Wagner: It's pretty much now, right?

Mr. Kohler: Yes. Now, the cold weather the past couple of nights and tonight is going to slow it down but as soon as that soil warms up, it's going to start shooting.

Mr. Wagner: If the cycle is now and you knew you were coming here tonight to testify, why didn't you just stop by there and look?

Mr. Kohler: Because I was with my crew in Downingtown working on a large scale project where we cut down about a quarter acre of Bamboo today.

Ms. Keffer: Can I say something please?

Mr. Bonnett: Go ahead, Barbarann.

Ms. Keffer: I was at Mrs. Rothrock's neighbor's this past Saturday and Mrs. Klimiuk showed me what is going on there and the Bamboo has grown to the very edge of the property. It is shooting up into the utility wires and I think, Paula Klimiuk, you said that you paid for the barrier that is in between your wall and the Bamboo?

Mr. Bonnett: Barbarann, I think we need to wait for her to come up.

Ms. Keffer: Oh, OK. I'm just saying. I also want to say that your client's house is for sale now.

Mr. Hanford: That is correct.

Ms. Keffer: Right. So, I guess we'll have to consider what will happen to the new owners of the property.

Mr. Hanford: Well, that remains to be seen but I know the next door neighbor has already written a letter of objection to Ms. Rothrock's realtor expressing her concern and stating that it is some sort of impediment to the sale which may well slow down the sale and may well slow down any kind of actions that Ms. Rothrock could take. Could you comment on the proposed costs to a property owner to have these barriers put it because I know it is not cheap.

Mr. Kohler: It is not a cheap process. It depends on the lay of the land and what equipment we can get it and if we have to trim stuff back to get the equipment in there.

Mr. Bonnett: Mr. Hanford, I don't consider that relevant at all.

Mr. Kohler: I think one point to make is that if there was a barrier installed previously that was paid for by the other homeowner and the Bamboo is on her property, then clearly that is an example of something being done incorrectly with either the wrong material or being ---too shallow or too deep. So, that is kind of what I was saying with the types of barriers. If she had already paid for something and it's crossed the barrier then it wasn't done correctly.

Mr. Santora: Mr. President, can I say something?

Mr. Bonnett: Certainly, Jamie.

Mr. Santora: This is not an Ordinance about 2 houses. This is across the Township and we're focused on 2 houses and I think what we need to do is get back to the fact that this has come to us from multiple people across the Township. We didn't just decide to do this willy-nilly.

Mr. Bonnett: That's a point well made. Mr. Hanford, are you directing the testimony, please?

Mr. Hanford: Yes, you had mentioned that you had heard about complaints from other property owners. I think a lot of those complaints did not pertain to the actual spreading of Bamboo but had to do with the unsightliness of it.

Mr. Kohler: Yes. Now what I had read and this was back in the Fall I think there were 15 of them or so. The vast majority of those were based upon maintenance issues or trash being in the Bamboo or mice being in the Bamboo. Bamboo does not attract mice or trash. That's just comes back to maintenance and as we've heard this evening with several comments on trash and people not taking care of things, it doesn't matter what kind of hedge it is. If someone is not taking care of a property, it's going to trash and junk in it. So, that's a key point. If it's an invasion issue, it's something that needs to be looked at. If it's a maintenance issue, I think that's something different to look at.

Mr. Hanford: But, it can be maintained in a neat and orderly way such as what Ms. Rothrock has, right?

Mr. Kohler: Absolutely.

Mr. Bonnett: And, that's what we are striving to accomplish here in addition to prohibiting it to being grown from new.

Mr. Hanford: The one reason why I wanted to bring up cost is because the cost of even having a barrier put up is very substantial. It comes to several thousand dollars and what that has a bearing on is the time limits. If some Administrator sends out a notice that says that you have 2 weeks to take some type of steps to either have the Bamboo removed or to put up some type of barrier, a typical homeowner such as Ms. Rothrock who is on Social Security cannot come up with those funds in any short order to have that done.

Mr. Bonnett: I hear your point but there is nothing we can put in this Ordinance specific enough to create a time frame because time frames vary. All you can do is be reasonable in the way that it is enforced. And, we are generally pretty reasonable.

Mr. Hanford: Well, for one thing, instead of 45 days under the so-called "effective immediately" heading, I would say that it should be 90 days. But, at a very minimum I'm asking that this Council either vote this proposed Ordinance down or have it remanded back to Committee for re-wording because a lot of the wording here is completely defective and the couple points that I made earlier I want to emphasize again. When you refer to Bamboo as being tropical or semi-tropical it does not preclude cold-hardy Bamboo that grows in Pennsylvania. So, from a legal standpoint if you adopt the Ordinance as written here, it does not prohibit the Bamboo that is growing in this County. And, what that will require down the road is perhaps a legal suit where we have to have a substantial amount of money put into both sides of the issue when you could very easily have this proposed Ordinance remanded to Committee to have it re-worded properly. And, once again, we need a greater time limit. When it says "effective immediately" as a heading and then it says "45 days", that is directly contrary. That can't be corrected here. It has to be sent back to Committee so I thank Council for your time. I appreciate Mr. Kohler coming in. Mr. Kohler who is in the business of Bamboo removal and control could very well take the position for you to adopt the toughest Ordinance you possibly could because that would generate more business for him. So, if he wanted just more business, that's what he would do. He would say to make this stricter. But, he is fair and he is knowledgeable and he is really the only qualified business in the 5 County area or even in the state of Pennsylvania that specializes in the control and removal of Bamboo. So, if you rush to judgment here, what it's going to do is it's going to require a lot of homeowners to get contractors that are unqualified to control or remove the Bamboo and you'll create more problems than you intended. I know the intent of the proposed Ordinance is a good one in many respects but there are a lot of defects here and I do urge the Council here to either vote it down or have it remanded back to the Committee for re-wording. Mr. Mayor, I know you're going to be at Arbor Day. I'm not asking you to plant Bamboo.

Mayor Micozzie: A real quick question if I could. What is common Bamboo?

Mr. Kohler: Bambusa Vulgaris is the species and it's referred to as Guadua Bamboo which is grown mostly in Colombia and Hawaii.

Mayor Micozzie: Golden Bamboo, you said something about that.

Mr. Kohler: Phyllostachys aurea is Golden Bamboo.

Mr. Hanford: And that is the type that is on Ms. Rothrock's property.

Mr. Kohler: Phyllostachys Aureosulcata is on Ms. Rothrock's property.

Mayor Micozzie: If I was developing an Ordinance to prohibit rose bushes, a rose bush is a rose bush, right? Do I have to say -----, all those Latin terms? I mean Bamboo is Bamboo.

Multiple people talking and laughing.

Mayor Micozzie: Wait. Let me finish. I got where you're going. You're saying about licenses. I know you are proud of what you do and you are certified and you testify but if a reasonable educated landscaper would read up on Bamboo and be called to the site and there is no licensing requirement, then he is permitted to do that in the Township. He is licensed in the Township as a landscaper, he cuts lawns, he does trees and everything he does. In the absence of a licensure, and I'm not downing your trade, what makes your particular business the only one that somebody can get to?

Mr. Kohler: Everybody on the Internet is an expert and that's the simple fact.

Multiple people talking at the same time.

Mayor Micozzie: I do not doubt that you have training but our Ordinance is no different than saying "cut your hedges down."

Mr. Kohler: As far as qualifications.....

Mayor Micozzie: I just think that we are making this way more complicated than I think we need to. As far as maintaining it, I can maintain it based on what you just said.

Mr. Kohler: As far as the barrier, it's the depth of the barrier, the height above ground of the barrier, the millage of the barrier and if you go online they'll tell you to install it sideways.

Mayor Micozzie: I got people who put in concrete sidewalks who never did concrete. I'm not trying to simplify it but.....

Mr. Kohler: I've seen people waste so much money and that's what I'm looking out for.

Mayor Micozzie: I understand.

Mr. Hanford: You see many instances of unqualified contractors.

Mr. Kohler: I'm not saying that I have to be the only person to do this.

Mr. Bierling: Who's qualified? Where are the qualifications?

Mr. Kohler: I'd be more than happy to share my complete resume with you. The qualifications are in the proof of the work that we've done.

Multiple people talking at the same time.

Mr. Bierling: My one question to you though is that you said that if it is maintained properly, then it's not a problem. Did you have a problem that you got so involved in it? Did it encroach on your neighbor's property?

Mr. Kohler: No. I needed a tall hedge that was deer resistant. My property has different elevations to it and that's why I chose Bamboo.

Mr. Bierling: If the property in question was installed right and maintained, would you and I be having this conversation tonight?

Mr. Kohler: No, and that's a fact.

Mr. Bierling: And, then you're saying that it has to be maintained. If the people who have it don't maintain it, how do you maintain it unless you regulate it? So, you have to regulate it through a Resolution and that's what it comes down to. It's like we talked about earlier...the trash on the streets. Everybody wants to find the guy who puts trash on the streets but where do we end it? So, if this particular property had the right barrier in, whatever that is, we wouldn't even be having this talk. I read up on Bamboo. I read one article that said you can put a metal horse trough in there and plant it right in there. There's other stuff that says to put it right in cast iron bath tubs. So, there are all kinds of ways to do it. But, had it been put in properly, we wouldn't even be having this talk.

Mr. Bonnett: If I may ask the Council.....

Ms. Coles: I have a question. I just want to understand. You're saying that under "definitions" where it says "any running tropical or semi-tropical grasses", that would not include the type of Bamboo that is currently on your client's property? So, if somebody went to plant that, technically this Ordinance would not apply to that?

Mr. Hanford: That's correct, isn't it?

Ms. Coles: He said it's called "cold-hardened" Bamboo?

Mr. Hanford: Mr. Kohler, you've said that the type of Bamboo that Ms. Rothrock has is Phyllostachys??

Mr. Kohler: It is Phyllostachys Aureosulcata.

Mr. Hanford: All right. So, that is not tropical or semi-tropical?

Mr. Kohler: No, it grows in the mountains of China.

Ms. Coles: OK. It's cold-hardy. So, if that was included in here, then it would apply to your client and anybody else who tried to plant that type of Bamboo.

Mr. Hanford: Right. If it was worded properly, it would apply to my client. It is not worded properly. So, if you go ahead and just willy-nilly pass this Ordinance today, technically it wouldn't apply. But, then we have an argument with some Administrator who sends out a notice and then I say "well, the expert says it doesn't apply" and then you got a legal suit.

Mr. Bonnett: Well, that's our appeal to deal with, I guess, but you're then saying that it's neither tropical nor semi-tropical.

Mr. Kohler: It is cold-hardy, not semi-tropical or tropical.

Mr. Bonnett: No, your client's Bamboo, is it either.....

Mr. Kohler: It is not semi-tropical or tropical.

Mr. Bonnett: OK, that answers my question. So, that means then that this Ordinance doesn't apply to your client.

Mr. Hanford: It doesn't apply to anyone in this County, basically. If you go ahead and pass this, it won't apply to anyone.....

Mr. Bierling: I think it's a little facetious. You're going across the whole County and you're saying that it doesn't apply to anybody. Have you gone out and checked all the Bamboo that is in the County? How can you stand there and make a statement that it doesn't affect anybody? Is there any way that it could grow in this area? Any of the Bamboo mentioned?

Mr. Kohler: Well, -----Bamboo, no, Japanese Bamboo, no, Bambusa as the family of Bamboo, no, Pseudosasa, yes, Arrow Bamboo, yes.

Mr. Bierling: OK, so let's not just say the whole thing is wrong and that there are none of these in the County.

Mr. Hanford: My point is this....

Mr. Bonnett: What did you say she has?

Multiple people talking at once.

Mr. Hanford: I think the wording of this is important notwithstanding your intent. It says that a requirement is that it has to be tropical or semi-tropical to be included.

Multiple people talking at once.

President Bonnett banged the gavel to restore order.

Mr. Bonnett: Hold on, please. I think we're just backtracking here a little bit. I think we've covered this numerous times. Any other member of Council who wishes to comment, please feel free to do so. I don't want to cut anyone off here at the table but I do think that if you could wrap up your testimony, we will then move on to any other people who do want to comment.

Mr. Hanford: I do appreciate the opportunity to address Council. I thank Mr. Kohler for coming in. He's done this free of charge on his own time because he really is an expert in the area and he wants the right type of Ordinance to have effect and not something that is proposed here. So, once again, I do thank you all for your attention here today and I would urge Council to have the proposed Ordinance remanded back to Committee so it can be worded properly.

Mr. Bonnett: Thank you Mr. Hanford. Thank you Mr. Kohler.

Mr. Judge: Mr. President, may I address. I think one of the things that we seem to forget is that if we pass this Ordinance we can amend the Ordinance.

Mr. Bonnett: Absolutely.

Mr. Judge: If Council decides to pass this Ordinance, and clearly we need to amend it by adding additional definitions to this, the Administration would be more than happy to employ you to be our expert to tell us how to amend the next Ordinance to cover whatever we need to cover.

Mr. Kohler: I'd be more than happy to do that.

Mr. Bonnett: You are right on point with that. I'll give some instructions and suggestions to Council at the appropriate time at this meeting but if you can just wrap up your testimony Mr. Hanford.

Mr. Hanford: Thank you very much. I am not going to call Ms. Rothrock so we can have 2 neighbors feuding before Council because this applies to the whole Township and not 2 neighbors and that is an important point. But, to conclude, why not have it worded properly the first time and then pass it and not willy-nilly pass it and say "we'll amend it later?" It should be done correctly the first time. Thank you very much. Mr. Kohler has to go if there are any further questions.

Mr. Bonnett: Thank you. The next speaker to address this Ordinance can come up.

Ms. Klimiuk: My name is Paula Klimiuk, 1217 Ormond Avenue in Drexel Hill. I have some handouts. I have to change the order that I wanted to speak because there was so much mis-information in that little talk and I really don't know where to begin. But, I can say that any landscaper who gets a chance to come here and act like an expert, that's better than a 100 advertisements in any magazine. You'll see in the handout that I gave you, well, go to the

second handout. I contacted the Institute for Invasive Bamboo Research in Connecticut and they did an assessment on the Bamboo at the property at 1228 Edmonds Avenue which is my issue. It is encroaching on my property and it is *Phyllostachys*. One of the things that they really confused is that he said that when he looked at my property they didn't see rhizomes. Well, of course he didn't because they are under the ground and you can't see them. This *Phyllostachys* is native to China. It isn't a Bamboo that grows in the United States. It is invasive by definition and it doesn't belong here. It snows in China, it's hot in China. This Bamboo lives and thrives in either climate. It is the single most invasive species, totally unable to get rid of in the United States. Township and Boroughs all up and down the East coast of the United States have passed Ordinances against it because it is destructive. It gives off a herbicide from the roots. It kills everything in its wake. It's amazing. It's timber. And, you'll see in the assessment that the true expert does say that. This Bamboo is being tracked all over the East coast because people are in such a hurry to get rid of it. And to address more of his points, you cannot see rhizoids because they are under the ground. You can only see the 50 foot stalk. I never planted any kind of a barrier because it's hopeless. No barrier in the world will contain this. He's making a ton of money. He's absolutely brilliant for specializing in this because he's going to have a ton of clients over and over again because you cannot contain it. What I did do was to pay money to have a landscaper come in and do a DMZ zone against my retaining wall. So, all he did was clear off all the stalks from the retaining wall. But, what the Bamboo did was it traveled under the wall and it comes up on my property on the other side. There is no dirt left at the retaining wall to my home. If you brush it away, it's nothing but Bamboo shoots going under the wall. I had a landscaper come with a chainsaw and he could not cut the roots. That's how strong they are. It is one of the strongest plants on the planet. He couldn't cut it with a chainsaw! And, every year, what happens is that the rhizoids spread out in a radius but they layer one on top of the other so that you get a stack of rhizoids and that's how they build up over time and then they emanate out to shoot up more stalks. People call it "horticultural cement" because it takes over all the dirt that there is and it totally ruins everything in its wake. It has ruined my wall. My wall is buried by Bamboo under it, on top of it, around it. It's totally ruined and what's going to happen is that wall is a retaining wall and my property is 5 feet higher than the adjacent property. So, what's going to happen is that the wall is going to fall down and somebody is going to have to pay for that. No barrier can stop it. I think I said the first year I came here that in China and Japan, when they plant it they dig pits, they line them with concrete, they pitch the concrete and then they try to contain it that way and it still gets out. You cannot contain this stuff. There are hundreds of different species of Bamboo and they all have different characteristics just like people. *Phyllostachys* is the most violent and the most invasive one on the planet. That's why everybody wants to get rid of it. The common theme that I heard tonight was care and control. Everybody's begging you to help them to keep their houses nice, control the environment, keep down the bad parts of life and what goes on. That's what you are here for. You are here to maintain dignity in our Township. We don't want a seedy, dirty Township. How are you going to get business? I have Quarry Center envy. You look across the street and there's that Quarry Center in Havertown and I'm like "wow, I know I should go to Acme but that Giant is so nice." We want to keep the Township nice and bring business into it. But you've got 45 feet high Bamboo on the corner and it looks like a slum and you can't get rid of it. That's just another step down. That's not a step up. I'm looking for a couple of menches. I'm looking for a mench or

two or three or ten, male or female. Come on! I'm glad that you did the Ordinance. I'm really happy about it. I'm grateful that you can amend it if it's not perfect. Drafts are good. You can pass the Ordinance and make it better. That's how business works and it's so apropos that this is Community Clean-up Month. Let's clean it up! How many have walked past my house? How many have seen my issue? Raise your hands.

Mr. Judge: I'll solve it for you. I'm not sure it's as bad as you say it is but it's a concern.

Ms. Klimiuk: A lot of the worst part of it, you can't see because it's underground and it spreads like crazy. Even the owner, now I have to say this is personal because it's my house, but even the owner has an issue. It is 10 feet away from that property and it's spreading underground and it's not going to stop. So, part of the issue is that you really can't see the worst damage that it does. You just see the ugly damage above ground. It's time to get rid of it. I don't want to see us go downhill. I'm not selling my house. I'm here and you raised my taxes again. I'm not ready to do 1-2-3-skidoo out the door and hope that you just bring it 'round and 'round into a fancy dance until my house sells. You know the facts. Oh my God, I hope you know the facts. I've really tried to present them as they are. The Bamboo Ordinance should protect the private space and the public space, which Havertown's doesn't. I read Havertown's and it just takes care of the public space and forgets the residents. That was a minor thing that they maybe should think about amending. You have to do it now. It's been going on forever. Everybody has an Ordinance because they are aware of the true facts about the dangers of the plant except us. Our time is now, not just for me but for the whole Township. I don't want it to be seedy. I want it to turn around. I want it to stop and become robust again. I've been here a long time. I gave you a copy of the best Ordinance in Delaware County. It's simple, it's clean and it's to the point. It protects the public. It protects the private homes. Maybe you can use it as a reference document. It's from Rose Valley. I'm just hoping that you do understand how invasive this is and how uncontainable it is. Maybe in the beginning, if someone has a clean property and there's nothing on it, maybe you can get a landscaper to come in and say "oh, I specialize in Bamboo." He might do a pretty good job but as he said, it's going to go through everything. If you look in that assessment document, it goes through blacktop. It goes through concrete. It goes through water lines. It goes up siding and out through the roofs of houses. You think 3, 6 or 10 millimeter plastic is going to stop that? Well, come to my house and I'll show you the roots. Bring your own chainsaw. It's not going to do a thing. So, I don't want to labor this, I mean, I know that the Ordinance isn't perfect. Nothing is. But, have an Ordinance. Make it better. C'mon, be a mench. Get the job done. Don't let it linger another year. I'm here. My house isn't up for sale.

Mr. Wagner: Mr. President, may I ask a question?

Mr. Bonnett: Go ahead.

Mr. Wagner: Thank you. By the way, I have been to your property and I've seen what you're talking about as well as the neighbor's property next door. I'm curious to know this though. We

heard the previous witness say that he had been out there to look at this a year ago. Were you aware of this at the time? Did you speak with him?

Ms. Klimiuk: No.

Mr. Wagner: And, this assessment that you gave to us tonight, is this something that you paid for to have done?

Ms. Klimiuk: Yes.

Mr. Wagner: Would you mind giving us an idea of what that cost you?

Ms. Klimiuk: It was \$50.

Mr. Wagner: OK, thank you very much for coming in. We do appreciate it.

Ms. Klimiuk: The woman who did the assessment has been very active in having all of the Ordinances passed in Connecticut and she was an active subject matter expert for the statewide law that they passed in New York City. I think that she clearly presented just the facts of the actual plant that we're talking about and why it doesn't belong in neighborhoods such as the ones that we have in Upper Darby Township. And, that's all I really have to say. Thank you.

Mr. Bonnett: A show of hands if anyone else wants to testify. I just want to know if we should take a break here. John Pucino, I know you want to testify. Anyone else?

Mr. Hanford: We would like a brief rebuttal.

Mr. Bonnett: Come on up, John.

Mr. Pucino: My name is John Pucino, 4128 Sommers Avenue, Drexel Hill. I thank all of you for the opportunity to speak here tonight. I won't keep you long. I think that this lady has said everything that I could possibly say and even more, she has done a lot more research than I have. I do know one thing. Bamboo is very invasive. It is a very high maintenance item. I think it would cost more money to maintain it than it would be to remove it and put something more reasonable there. I know that squirrels, mosquitos and spiders, they feed on it. The squirrels in our back yards, you can't imagine how many there are there. They feed on it. They absolutely love it. And, not to mention, the mosquitos. I can't let my grandchildren go out into the back yard. Do you know why? It's because of the mosquitos. It's all the time, not just part time. It's an infestation.

Mr. Bonnett: John, may I ask you to explain? I've been to your house and I've personally seen the circumstances in your back yard. This is not your Bamboo as I understand, correct?

Mr. Pucino: That is correct.

Mr. Bonnett: It's your neighbor's Bamboo. It covers the property line across the back of your property and the sprouts are appearing on your property, correct?

Mr. Pucino: That is correct. Sprouts, which are roots, and as it was said before, the roots are very thick and very hard to break and cut. I've dug trenches in our back yard from the fence to the house, which is 40 feet from the fence, to get the roots out. And, I haven't gotten them all out yet. I'm sure, as it was explained, that they'll be starting to pop up again in sprouts off of the roots that are there. I know that some of the surrounding communities have already passed Ordinances in regards to Bamboo. I think that is something that should be taken into consideration too. Leaves fall from this Bamboo all year round. You can have fun if you like raking leaves. It's a nasty grass which is what it really is. In our back yard, and I have some pictures which I'd like to present to Council, it's up to 50 feet in the air. Inclement weather brings it down and it comes back over the wires, bent over the wires, behind our house which I think is a hazard. I've already talked to the Electric Company and Verizon in regards to that. They will not do anything unless the wires actually break and come down. That's what they told me. The roots spread extremely fast and you get all of the sprouts and as it was said before, it comes through everything. It comes through the blacktop. It's a very nasty grass. And I emphasize, it's a grass. That's what it really is. Anybody is welcome to come look at my back yard. I don't think I have as big a problem as the lady before me but I can say this...it is a problem. And, what it does in effect is bring other problems with it such as the squirrels and the mosquitos and all the other bugs that you can imagine like spiders. I don't want our grandchildren out there. I make them stay out front and the reason why is that I don't want to see them with 4 or 5 mosquito bites on their legs like I've already had. So anyway, I have the pictures if you'd be interested in looking at them.

Mr. Bonnett: Do you want to leave them with us?

Mr. Pucino: Yes, I will.

Mr. Bonnett: You can hand them over to Mr. Nolan.

Mr. Pucino: I will also attach a letter which I had written to the homeowner behind me whose property it is actually on. It's impeding onto our property from theirs.

Mr. Bonnett: Now, I am your Councilman as you know, and you had contacted me on several occasions about this problem but you've also explained to me that there are numerous people in your immediate neighborhood who also object to the existence of Bamboo and that they are having similar problems, is that correct?

Mr. Pucino: That is correct. I am here to represent not just myself but the other people in our Community too.

Mr. Bonnett: I believe one gentleman is with you this evening?

Mr. Pucino: Yes, he is. He came down to give me some support on this issue. I'd like to present these pictures. And, just to some up, it is a very bothersome thing for me because of the roots that penetrate under the fence. I can't get to my fence on the other side because it's right against the fence and leaning against the fence. It also is pulling down some of the wires which you'll notice in the pictures that I've taken of it. I just think it's a complete hazard and like I said, I can't say it any better than the lady before me said it. She did an excellent presentation and I hope it's all considered. Thank you.

Mr. Bonnett: Thank you, John. Before Mr. Hanson comes back up for a rebuttal, does anyone else wish to provide testimony? Seeing no one, Mr. Hanson.

Mr. Wagner: Excuse me, Mr. President. Before we do that, I'd like to make a comment. With all due respect I think rebuttal testimony in this circumstance is completely inappropriate. This is not a court hearing. We don't have one party with a burden of proof. That's a circumstance in which rebuttal testimony of the law is appropriate. We are a public body simply taking testimony from equally interested parties. There is no reason for rebuttal testimony here. If we allow one party to present rebuttal testimony then we have to allow it from everybody.

Mr. Bonnett: Let me ask this then. Other than rebuttal, is it something new to add?

Mr. Kohler: I would just like to make one statement.

Mr. Bonnett: I think it's Mr. Hanford.

Mr. Hanford. I think Mr. Kohler has something new to add but it does pertain to the witness previous to this that was inaccurate and I would ask that the Council briefly hear him. I know this isn't a court hearing but it is important that Council consider all the facts and Mr. Kohler would have.....

Mr. Bonnett: As long as it isn't a rebuttal as Councilman Wagner said. I think a rebuttal would be inappropriate. If it's purely new information and it's brief, we certainly will allow it. Please come to the podium. Mr. Hanford, do you want to direct this testimony?

Mr. Hanford: I think Mr. Kohler knows what he wants to say.

Mr. Kohler: The Institute for Invasive Bamboo Research is run by a lady named Karen Ripple. She has a personal vendetta out there. I've spoken to her several times and if you listen to the voice mails on my cellphone that are from her, it might make you re-consider.

Multiple people speaking at once.

Ms. Sullivan: Excuse me, Mr. Kohler. This is going far beyond of an appropriate comment for a public hearing to come here and say that a resident of this Township has a personal vendetta.

Mr. Kohler: No, no, no. Not the resident. Not at all. This lady is from Connecticut.

Ms. Sullivan: That's what you just said, Mr. Kohler and we can't allow that. I mean, this is something where we are trying to give you the opportunity if you want to make a counterpoint you can make it now but please don't.....

Mr. Kohler: I was referring to the Institute for Invasive Bamboo Research not any of the Community members whatsoever.

Mr. Wagner: Which would be completely inappropriate, Sir.

Mr. Kohler: Well, I apologize for that. It's something that is a -----issue. Just with regard to the issues that you folks are having. They can be remedied and they can be done efficiently and effectively with ----- . The mosquitos are a separate issue and I think this is getting very complex and I don't want to take your time. I appreciate the time that you've given me and given us. But, I think that this is something that has a lot of components to it and I am more than happy to talk to you and talk to anybody else or visit properties to give you a complete and fair assessment of the situation at a later date. But, I think that some of this is coming from both sides at different angles and it's complicating the whole thing. That's all, thank you.

Mr. Rankin: Can I make a comment? I am certainly not an attorney but is this the right venue, a public Township meeting? It sounds to me, and I've listened to this now for 6 months, that this is an issue where 2 homeowners are ----- . Don't courts normally take this up and make a decision? I don't know that we are qualified to make a decision like that.

Mr. Kohler: We have worked on several cases that went through the judicial system and a couple of them were even paid by their homeowner's insurance claims. So, yes, this is something that can be a neighbor issue.....

Mr. Rankin: It certainly is a neighbor issue.

Mr. Kohler: I simply said that I agree.

Mr. Rankin: I think the Common Pleas Court of Delaware County would be a much better venue for this than getting Council.....

Mr. Kohler: Other than voting on an Ordinance, I 100% agree.

Mr. Rankin: You know, people are very adamant about their feelings and their side.

Mr. Kohler: There is passion on both sides.

Mr. Rankin: But, it is a private matter technically.

Mr. Kohler: I do agree.

Mr. Hanford: Can I just make one quick comment? This should not be an issue between 2 neighbors. This is a situation where you are proposing an Ordinance that is going to apply to everyone in the Township.

Mr. Santora: I just have a quick question and it may not have anything to do with it. Is this the cover or is this the cover?

Mr. Kohler: That's the cover. The way they issue them is that they have 3 different covers for different reasons and they split the covers based upon the reasons for the main articles that are in there.

Mr. Hanford: I would ask that Council read the article before it takes any further action.

Mr. Bonnett: I think we're going to conclude the testimony unless any other member of Council has a comment to make. What I'd like to do at this point in time before the Council votes is to ask our Solicitor if there are any comments about the comments that were made by Mr. Hanford that may be incidental and those which may not be if we were to adopt this tonight?

Ms. Sullivan: Certainly. So under Section 1 of the Ordinance, we have pointed out in the last sentence that where it says Bamboo spouts, it should read Bamboo sprouts. I would say that if Council considered making a Motion to approve the Ordinance tonight, then that Motion should consider changing that word to "sprouts." The 2nd comment pertains to Section 2, "The General Provisions and Definitions of Bamboo". Just for Council's consideration, I would note that other local Ordinances define Bamboo similar to how you are proposing -----here tonight. And, Phyllostachys which is the genus of Bamboo that we've heard a lot about tonight is ----included in that definition section. I believe the recommendation that we are hearing from Mr. Hanford and Mr. Kohler tonight would be that Council would consider amending the definition to read tropical, semi-tropical or temperate if you feel it needs to be all-inclusive. Council would need to decide whether or not adding the word temperate would make a substantial change that would require an amendment to the Ordinance at a later date without advertisement but that's for Council to consider and what we have here tonight, Phyllostachys is included in the definition. As to the comments made regarding to Section B which is the Regulation section, what we heard tonight is that Mr. Kohler had some concerns about "the measures shall include but not be limited to" installation of sheathing, I would just note for Council's consideration when you're considering this Ordinance it also says "or other materials impenetrable" so although sheathing is -----it says "or other materials impenetrable." As to Section III, Violations and Penalties, it was pointed out that it says "as set forth in the notice properly" but I would suggest a Motion would be appropriate to make that "notice properly given".

Mr. Bonnett: Is that incidental?

Ms. Sullivan: Yes. You only need to re-advertise it if there is a substantial change and I don't believe that is a substantial change. As to Section V, I would suggest that it be titled "Effective

Date” rather than “Effective Immediately.” I also don’t believe that would be a substantial change.

Mr. Hanford: May I make a comment?

Mr. Bonnett: You may not, Sir. This hearing is closed. Members of Council, I would suggest as we often do, we find when we adopt Ordinances that there is a need to perfect and improve by amendment. That is not uncommon. I would suggest that we give serious and sincere consideration to adopting this Ordinance this evening. I would suggest that we subscribe to the suggested wording amendments suggested by our Solicitor this evening in considering any adoption resolution. I would ask the Solicitor if we would be best advised to leave the word to leave the word “temperate” out for this evening and not include that and consider that under amendment.

Ms. Sullivan: I think that would be the safer way to do it.

Mr. Bonnett: Having said that, if this Council is comfortable, I would ask that we consider the adoption of this Ordinance this evening and I would ask Councilwoman Crawford to offer an appropriate Motion to adopt.

Mrs. Crawford: Thank you, Mr. President. I move for the adoption of Ordinance No. 3015.
Mr. Bierling: Seconded.

Mr. Bonnett: Moved and seconded. Mr. Secretary, please call the roll.

In favor of	Opposed to		
<u>Ordinance No. 3015</u>	<u>Ordinance No. 3015</u>	<u>Excused</u>	<u>Abstained</u>

- Bonnett
- Wagner
- Rankin
- Monaghan
- Bierling
- Crawford
- Manners
- Santora
- Coles
- Gwin
- Keffer

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Mr. Rankin: That gives eleven in favor.

Mr. Bonnett: Thank you, Mr. Secretary. Ordinance No. 3015 is unanimously adopted. Having said that, we do recognize that there is a need to perfect it and we will work diligently to do that as expeditiously as possible.

Mrs. Crawford: That completes the report for the Public Health & Environmental Affairs Committee.

Mr. Bonnett: Thank you, Mary Ann. Our next committee is the Public Safety Committee, Mr. Rankin, please.

Public Safety Committee

John B. Rankin, Chairman

Resolution No. 21-14, a Resolution to install a 20 minute load/unload zone at 8503 West Chester Pike

Mr. Rankin: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 21-14.

Ms. Sullivan: Resolution No. 21-14 is a Resolution to install a 20 minute load/unload zone at 8503 West Chester Pike.

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 21-14.

Mrs. Crawford: Seconded.

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

Resolution No. 22-14, a Resolution to remove the restriction of “no parking of trucks or commercial vehicles” at 8503 West Chester Pike

Mr. Rankin: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 22-14.

Ms. Sullivan: Resolution No. 22-14 is a Resolution to remove the restriction of “no parking of trucks or commercial vehicles” at 8503 West Chester Pike

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 22-14.

Mrs. Crawford: Seconded.

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

Resolution No. 23-14, a Resolution to establish “two hour parking for 400 feet on the East side of Boro Road from the corner of Secane Avenue and Boro Road

Mr. Rankin: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 23-14.

Ms. Sullivan: Resolution No. 23-14 is a Resolution to establish “two hour parking for 400 feet on the East side of Boro Road from the corner of Secane Avenue and Boro Road

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 23-14.

Mr. Bierling: Seconded.

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

Resolution No. 24-14, a Resolution to install a 20 minute load/unload zone at 8813 West Chester Pike

Mr. Rankin: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 24-14.

Ms. Sullivan: Resolution No. 24-14, a Resolution to install a 20 minute load/unload zone at 8813 West Chester Pike

Mrs. Crawford: Seconded.

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

Resolution No. 25-14, a Resolution to add the restriction of “no parking on Secane Avenue from the intersection of Boro Road for 100 feet on the North side of the street”

Mr. Rankin: Thank you, Mr. President. At this time, I would like to ask the Solicitor to give a brief on Resolution No. 25-14.

Ms. Sullivan: Resolution No. 25-14 is a Resolution to add the restriction of “no parking on Secane Avenue from the intersection of Boro Road for 100 feet on the North side of the street”

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 25-14.

Mrs. Crawford: Seconded.

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

Mr. Rankin: That concludes the business of the Public Safety Committee.

Mr. Bonnett: Thank you, John.

Mr. Santora: Mr. President, may I say something? There were a lot of statements here tonight about the Township and what it looks like and some of them bothered me. I want to thank the Mayor and the Superintendent for going out last week and going on The News Room and promoting what is great about Upper Darby Township. I know you do that every week but I want to publicly thank you for doing that. I thought it was a great show and I think it brought a lot of highlights about what goes on in Upper Darby Township. We had Shred-It Day last week where members of Council, the Mayor and members of the Administration came through. There had to have been hundreds and hundreds of cars. I believe we filled 2 trucks. That's great stuff going on right here. Little League games were all over the Township where it opened up this weekend. We got a lot of good things going on in this Township and you say it all the time Mr. Mayor, we have to promote those. I know our Council people are out promoting those. I see it on their Facebook pages and everything else and I just want to thank everyone who promotes Upper Darby Township and the great things that happen here.

Mr. Bonnett: Thank you.

Audience applause

Mr. Bonnett: Madam Solicitor, any further business this evening?

Solicitor: No further business.

Adjournment

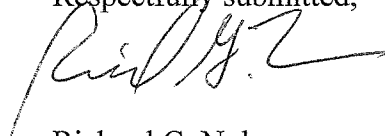
Mr. Bonnett: A motion would be in order for adjournment.

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,

A handwritten signature in black ink, appearing to read "Richard G. Nolan", written in a cursive style.

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 08 -14**

**In Re: Appeal Of: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Owner: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Property Address: Baltimore Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00169-00**

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.12-10118

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	\$206,903.90

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

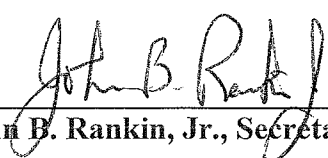
WHEREAS, the Solicitor recommends this settlement.

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 16th day of April, 2014.

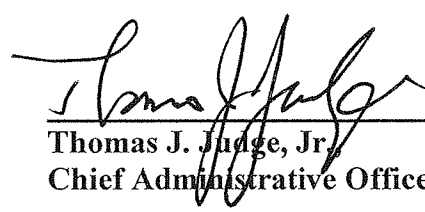
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 08-14 above is hereby approved this 16th day of April, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 09 -14**

**In Re: Appeal Of: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Owner: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Property Address: South Fourth Street
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00814-00**

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.12-10106;

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	\$119,162.66

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.

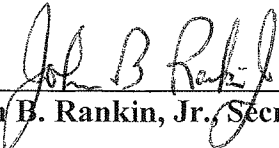
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of April, 2014.

UPPER DARBY TOWNSHIP

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

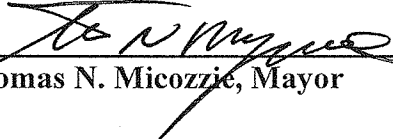
ATTEST:



John B. Rankin, Jr., Secretary of Council

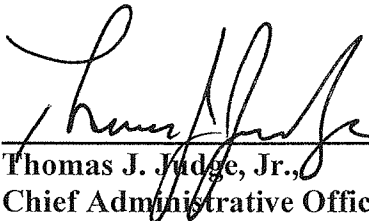
Resolution No. 09-14 above is hereby approved this 16th day of April, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 10-14**

**In Re: Appeal Of: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Owner: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Property Address: 28 South Fifth Street
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00791-01**

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.12-10118;

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	\$66,864.68

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

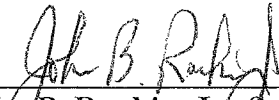
WHEREAS, the Solicitor recommends this settlement.

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.

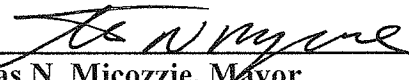
RESOLVED, this 16th day of April, 2014.

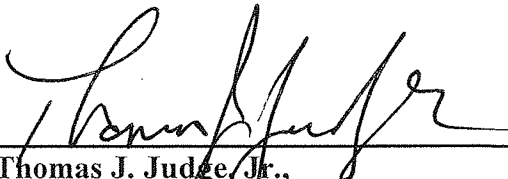
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 10-14 above is hereby approved this 16th day of April, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 11-14**

**In Re: Appeal Of: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Owner: Joan D. Lasensky and David Trust
Joseph and Joan D. Revocable Trust**

**Property Address: Baltimore Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00170-00**

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.12-10116;

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	\$470,468.70

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.

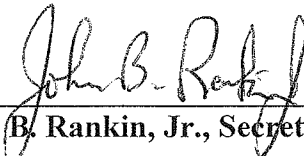
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of April, 2014.

UPPER DARBY TOWNSHIP

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

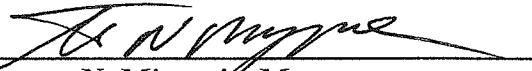
ATTEST:



John B. Rankin, Jr., Secretary of Council

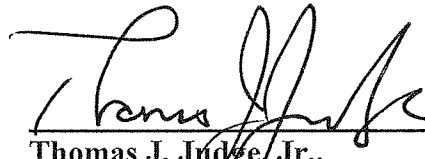
Resolution No. 11-14 above is hereby approved this 16th day of April, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 12-14**

In Re: Appeal Of: Eastwick Paper Stock Company, Inc.

Owner: Eastwick Paper Stock Company, Inc.

**Property Address: 25 South Fifth Street
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00791-00**

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.12-10107;

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	\$136,600.06

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 16th day of April, 2014.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 12-14 above is hereby approved this 16th day of April, 2014..

BY: Thomas N. Micozzie
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 13-14**

In Re: Appeal Of: Richard R. Heeren

Owner: Richard R. Heeren

**Property Address: 7102 Greenwood Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00949-00**

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.13-12150;

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	\$24,420.00

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.

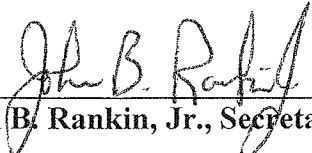
RESOLVED, this 16th day of April, 2014.

UPPER DARBY TOWNSHIP

BY: 

Donald P. Bonnett, President of Council

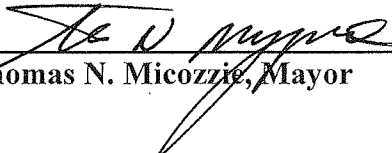
ATTEST:



John B. Rankin, Jr., Secretary of Council

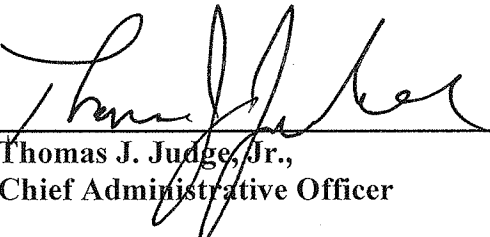
Resolution No. 13-14 above is hereby approved this 16th day of April, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

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

In Re: Appeal Of: Richard R. Heeren

Owner: Richard R. Heeren

**Property Address: 7285 Guilford Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-04-00833-00**

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.13-12152;

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	\$24,420.00

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.

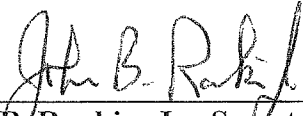
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of April, 2014.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

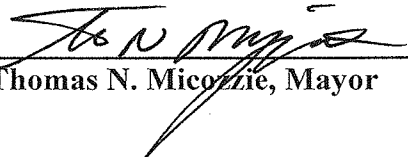
ATTEST:



John B. Rankin, Jr., Secretary of Council

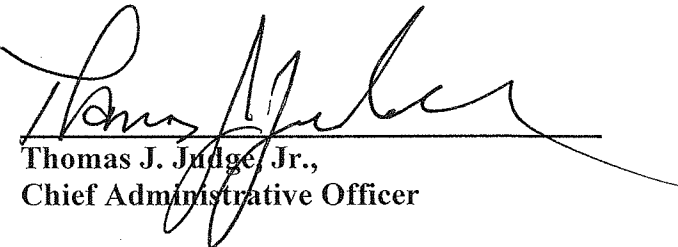
Resolution No. 14-14 above is hereby approved this 16th day of April, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 15-14**

In Re: Appeal Of: Richard R. Heeren

Owner: Richard R. Heeren

**Property Address: 7123 Emerson Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-02-00711-00**

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.13-12153;

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	\$24,420.00

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.

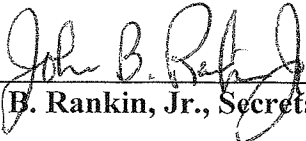
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of April, 2014.

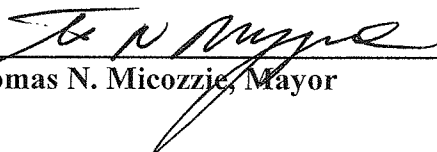
UPPER DARBY TOWNSHIP

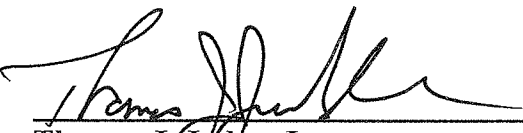
BY: 

Donald P. Bonnett, President of Council

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

Resolution No. 15-14 above is hereby approved this 16th day of April, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 16-14**

In Re: Appeal Of: Richard R. Heeren

Owner: Richard R. Heeren

**Property Address: 270 Kent Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-01-00729-00**

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.13-12155;

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	\$26,640.00

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

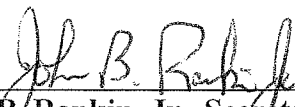
WHEREAS, the Solicitor recommends this settlement.

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 16th day of April, 2014.

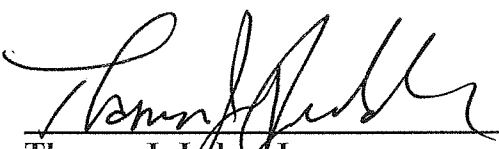
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 16-14 above is hereby approved this 16th day of April, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 17-14**

In Re: Appeal Of: Richard R. Heeren

Owner: Richard R. Heeren

**Property Address: 7058 Veronica Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-03-01808-00**

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.13-12156;

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	\$24,420.00

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.

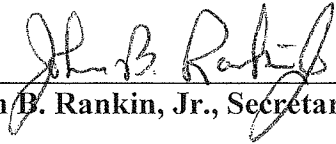
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of April, 2014.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council


ATTEST:



John B. Rankin, Jr., Secretary of Council

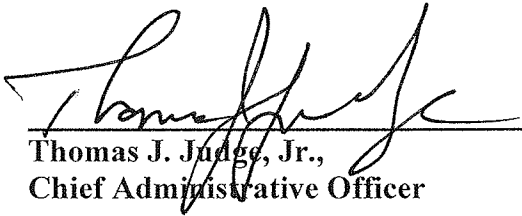
Resolution No. 17-14 above is hereby approved this 16th day of April, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 18-14**

In Re: Appeal Of: Daniel T. Wehner

Owner: Daniel T. Wehner

**Property Address: 2285 Harwood Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-08-01634-00**

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.13-12271;

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	\$48,100.00

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.

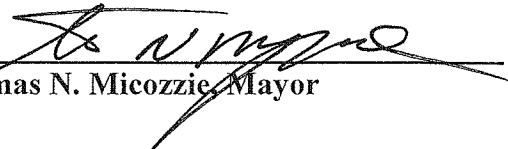
RESOLVED, this 16th day of April, 2014.

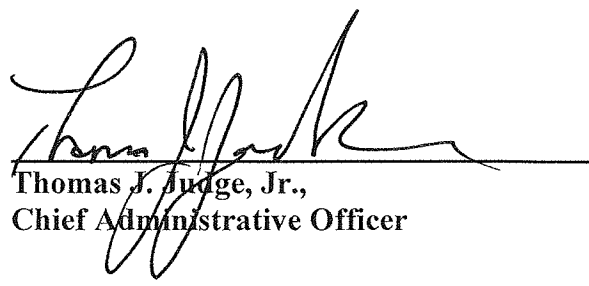
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 18-14 above is hereby approved this 16th day of April, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

RESOLUTION NO.19-14

WHEREAS, JUSTICE, FAIRNESS, IMPARTIALITY AND EQUITABLENESS LAY THE FOUNDATION OF THE AMERICAN WAY OF LIFE AND REFLECT THE MEANING OF FAIR HOUSING; AND

WHEREAS, THE UNITED STATES FAIR HOUSING ACT SETS NATIONAL POLICY FOR FAIR HOUSNG THROUGHTOUT THE UNITED STATES OF AMERICA PROHIBITING DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS, DISABILITY OR NATIONAL ORIGIN; AND

WHEREAS, A COMMITMENT TO FAIR HOUSING IN UPPER DARBY TOWNSHIP HAS BEEN MADE BY THE MAYOR AND COUNCIL TO PROMOTE FAIR HOUSING OPPORTUNITIES AND TO ADDRESS FAIR HOUSING ISSUES IN UPPER DARBY TOWNSHIP.

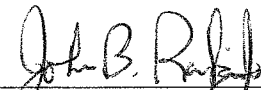
WHEREAS, THE PROPER TOWNSHIP OFFICIALS HAVE UNDERTAKEN AND WILL CONTINUE TO UNDERTAKE CERTAIN ACTIVITIES TO PROMOTE APRIL OF 2014 AS "FAIR HOUSING MONTH".

NOW, THEREFORE, BE IT RESOLVED, THAT UPPER DARBY TOWNSHIP HEREBY DECLARES APRIL OF 2014 TO BE "FAIR HOUSING MONTH" AND URGES ALL TOWNSHIP RESIDENTS TO CONTINUE THE OBSERVANCE OF ALL FAIR HOUSING LAWS, IN ORDER THAT ALL AMERICANS CAN BENEFIT FROM NON-DISCRIMINATORY HOUSING PRACTICES.

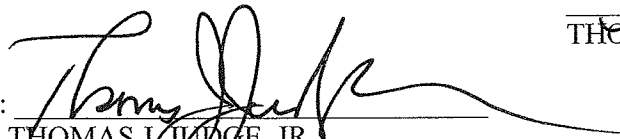
RESOLVE, THIS 16th DAY OF APRIL, A.D., 2014

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT

ATTEST: 
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR

ATTEST: 
THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER

UPPER DARBY TOWNSHIP

Resolution No. 20-14

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF THE
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY (SEPTA) FOR
FINAL LAND DEVELOPMENT FOR
REDEVELOPMENT OF .95 ACRES WITH GROUND
IMPROVEMENTS OF THE EXISTING WEST
TERMINAL, LOCATED NEAR THE NORTHEAST
CORNER OF WEST CHESTER PIKE AND VICTORY
AVENUE AND BEING SUBJECT TO CERTAIN
CONDITIONS OF APPROVAL.**

WHEREAS, The Southeastern Pennsylvania Transportation Authority (SEPTA) (“Applicant”) has submitted for approval its Preliminary / Final Land Development Plans to further redevelop .95 acres with ground improvements of the existing west terminal, prepared by Gannett Fleming, Inc., said plans consisting of twenty two (22) sheets each dated March 4, 2014(collectively “Final Plans”); 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 SEPTA and, where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement, Improvement Security Agreement and Stormwater Operations and Maintenance 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.

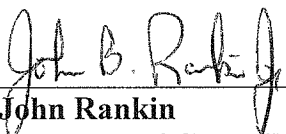
4. Formal recording of the Site and Key Plan of the Final Plans (the "Record Plans") following Township execution of the Record Plans;

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

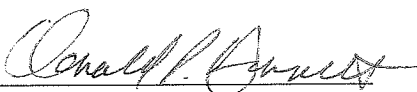
6. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

Attest:



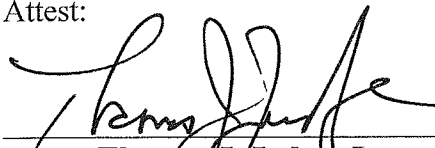
John Rankin
Secretary of Council

By: 

Donald P. Bonnett
President of Council

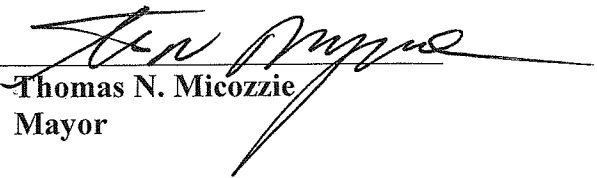
Resolution No. 20-14 above is hereby approved this 16th day of April, A.D., 2014.

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved:



Thomas N. Micozzie
Mayor

Upper Darby Township

ORDINANCE NO. 3015

AN ORDINANCE OF UPPER DARBY TOWNSHIP, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE 2498, BY ADOPTING REGULATIONS FOR THE PLANTING, CULTIVATING AND GROWING OF RUNNING BAMBOO.

BE IT ENACTED AND ORDAINED by the Upper Darby Township Council, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

I. PURPOSE AND INTENT

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo, and maintain the general welfare of the residents of Upper Darby Township. It is not the intent to prohibit Bamboo sprouts that are used as a House plant in a self-contained container.

II. GENERAL PROVISIONS

A. Definitions:

1. Bamboo – Any monopodial (running) tropical or semi-tropical grasses from the genera Bambusa including, but not limited to Bambusa, Phyllostachys, Fallopiia and Pseudosasa as well as Common Bamboo, Golden Bamboo, Arrow Bamboo and Japanese Bamboo and Japanese Knotweed.

2. Bamboo Owner – Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property. Any property owner or resident at which Bamboo is found on the property will be considered a Bamboo Owner, except any property owner or resident who:

- Did not plant or grow or cause Bamboo to be planted or grown on his property, and
- Has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, he advised the owner of such property of his objection to the encroachment of the Bamboo, and

- Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

3. Township – The Upper Darby Township, County of Delaware, Commonwealth of Pennsylvania.

B. Applicability. For purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

C. Prohibition. Upon the effective date of this provision the planting or growing of Bamboo shall be prohibited within the Township. Any person who thereafter plants or grows, or causes to be planted or grown, Bamboo within the Township shall be deemed to be in violation of this Section, and shall be subject to such penalties as are set forth hereunder.

D. Regulation. Any Bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this Section may remain on such property subject to compliance with this Section.

- Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on the property prior to the effective date of this Section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public right-of-ways, and
- Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo.

E. Replanting Prohibited. Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

III. VIOLATIONS AND PENALTIES

Any person, firm or corporation determined by any court of competent jurisdiction to have violated this ordinance shall be subject to pay a fine of \$25.00 per Day, for each day the violation existed after the date set for removal as set forth in the notice properly given to the violator. Each day of a continuing violation shall constitute a separate offense, for which a fine can be levied. (Edited 10.23.13 and 2-28-14)

IV. SEVERABILITY CLAUSE

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not

affect any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Upper Darby Township Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

V. EFFECTIVE DATE

This ordinance shall become effective forty-five (45) days after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of the Upper Darby Township. (Edited 10.23.13)

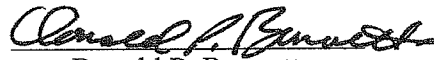
VI. REPEALER

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ENACTED AND ORDAINED this 16th day of April, A.D., 2014

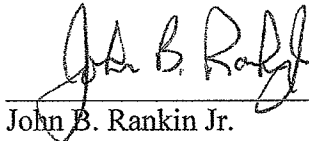
UPPER DARBY TOWNSHIP

BY:



Donald P. Bonnett
President of Council

Attest:



John B. Rankin Jr.
Secretary to Council

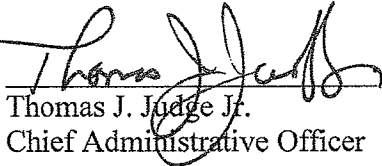
Ordinance No 3015 above is hereby approved this 16th day of April 2014.

BY:



Thomas N. Micozzie
Mayor

Attest:



Thomas J. Judge Jr.
Chief Administrative Officer

RESOLUTION NO. 21-14

WHEREAS, ORDINANCE NO. 449 OF THE UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

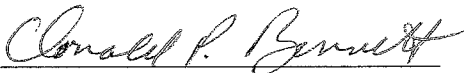
THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 15 THEREFORE THE FOLLOWING:

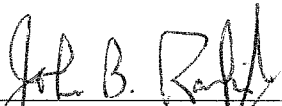
INSTALL A 20 MINUTE LOAD/UNLOAD ZONE AT THE FOLLOWING LOCATION:

8503 WEST CHESTER PIKE


RESOLVED, THIS 16th DAY OF APRIL A.D., 2014.

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR

ATTEST: 
THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER

RESOLUTION NO. 22-14

WHEREAS, ORDINANCE NO. 449 OF THE TOWNSHIP OF UPPER DARBY PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:


NOW, THEREFORE, BE IT RESOLVED;


THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

REMOVE THE RESTRICTION OF "NO PARKING OF TRUCKS OR COMMERCIAL VEHICLES" AT 8503 WEST CHESTER PIKE


RESOLVED, THIS 16TH DAY OF APRIL, A.D., 2014.

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR

ATTEST: 
THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER

RESOLUTION NO. 23-14

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:


NOW, THEREFORE, BE IT RESOLVED:


THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 3 THEREOF THE FOLLOWING:


ESTABLISH "TWO HOUR PARKING FOR 400 FEET ON THE EAST SIDE OF BORO ROAD FROM THE CORNER OF SECANE AVENUE AND BORO ROAD

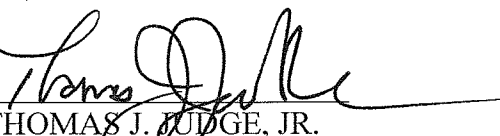
RESOLVED, THIS 16TH DAY OF APRIL, A.D., 2014.

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL


THOMAS N. MICOLZIE, MAYOR

ATTEST: 
THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER

RESOLUTION NO. 24-14

WHEREAS, ORDINANCE NO. 449 OF THE UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

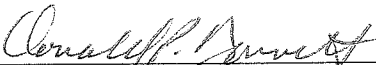
THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 15 THEREFORE THE FOLLOWING:

INSTALL A 20 MINUTE LOAD/UNLOAD ZONE AT THE FOLLOWING LOCATION:

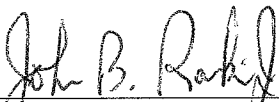
8813 WEST CHESTER PIKE

RESOLVED, THIS 16th DAY OF APRIL A.D., 2014.

UPPER DARBY TOWNSHIP




DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 

JOHN B. RANKIN JR.
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

ATTEST: 

THOMAS C. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER

Resolution No. 25-14

UPPER DARBY TOWNSHIP

WHEREAS, ORDINANCE NO. 449 OF THE TOWNSHIP OF UPPER DARBY PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

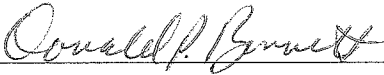
NOW THEREFORE, BE IT RESOLVED,

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING THE RESTRICTION OF NO PARKING AT THE FOLLOWING LOCATION:

ON SECANE AVENUE FROM THE INTERSECTION OF BORO ROAD FOR 100 FEET ON THE NORTH SIDE OF THE STREET

RESOLVED, THIS 16RD DAY OF APRIL, A.D. 2014


TOWNSHIP OF UPPER DARBY

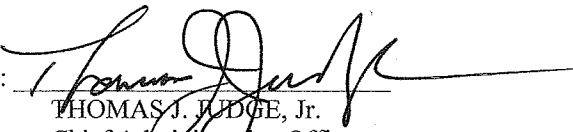
By: 

DONALD P. BONNETT
President of Council

Attest: 
JOHN B. RANKIN JR.
Secretary of Council

Resolution No.25-14 above is hereby approved this 16TH day of April 2014

Approved: 
THOMAS N. MCOZZIE
Mayor

Attest: 
THOMAS J. JUDGE, Jr.
Chief Administrative Officer