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Upper Darby Township Council Meeting

June 18th, 2014

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, June 18, 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, Mary Ann Crawford, Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

Jacob A. Bierling Jr., excused

Present at the Meeting

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

Mr. Bonnett: Ladies and gentlemen, before we proceed with this evening's Agenda, I am going to turn the meeting over to our Mayor, the Honorable Thomas N. Micozzie to make a presentation.

Mayor Thomas N. Micozzie

Presentation of the Historic Preservation Award to Mary Hawkins for the restoration of the building at 220 S. State Road which was built in 1910. The home was restored as a teahouse known as The Painted Tea Cup.

John Devine, President of the Upper Darby Historical Society, thanked the Society for considering Mary Hawkins for the Award.

Announcement of details regarding the annual fireworks display at UDHS Memorial Field Stadium on July 3, 2014.

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Meeting of May 21, 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.

Michael Bente, 255 N. Linden Avenue
Future of education

Mary Hawkins, 220 S. State Road
Parking

Robert J. Boyden Sr., 371 Windermere Avenue
Questions

Robert Cassidy, 3854 Garrett Road
Pro Life

Alima Reardon, 406 N. Springfield Road
Planned Parenthood

Paula Klimiuk, 1217 Ormond Avenue
Bamboo

Their comments are filed on tape.

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

Mr. Wagner: Mr. President, before we close this portion of the meeting, I think it would be remiss if we didn't say a response to the suggestions made by one of the speakers at the podium which were disparaging about the school district and our teachers. In fact, in abundant respects, our school district serves this Community extremely well and our teachers employed there are second to none to my knowledge in the entire Commonwealth.

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

Committee Reports**Finance and Appropriations Committee**

Thomas P. Wagner, Chairman

**Resolution No. 36-14, the tax appeal of Nema Holdings, LLC,
33 Harwood Avenue, Upper Darby Township. Tax Folio No: 16-08-01578-00**

Mr. Wagner: Thank you, Mr. President. I am going to ask the Solicitor to give us a brief on three Resolutions simultaneously. Those are Resolutions 36-14, 37-14 and 38-14.

Mr. Gittel: Thank you, Mr. Wagner. Resolution No. 36-14 is the tax assessment appeal of Nema Holdings, LLC., 33 Harwood Avenue, Upper Darby Township. Tax Folio No: 16-08-01578-00. The current assessment is for \$74,000.00. The recommended Resolution is for a new assessment of \$34,462.00.

**Resolution No. 37-14, the tax appeal of Morgan Acquisitions, LLC,
2231 Dermond Avenue, Upper Darby Township. Tax Folio No: 16-08-00921-00**

Mr. Gittel. Resolution No. 37-14 is the tax assessment appeal of Morgan Acquisitions, LLC, 2231 Dermond Avenue, Upper Darby Township. Tax Folio No: 16-08-00921-00. The current assessment is for \$74,000.00. The recommended Resolution is for a new assessment of \$51,800.00.

**Resolution No. 38-14, the tax appeal of Shu Deng, 333 Westpark Lane,
Upper Darby Township. Tax Folio No: 16-13-03704-00**

Mr. Gittel: Resolution No. 38-14 is the tax assessment appeal of Shu Deng, 333 Westpark Lane, Upper Darby Township. Tax Folio No: 16-13-03704-00. The current assessment is for \$80,660.00. The recommended Resolution is for a new assessment of \$55,500.00.

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

Mr. Wagner: Thank you very much Mr. Solicitor. The Finance Committee has also reviewed this and we recommend it as well. With that, I hereby move for the adoption of Resolution No. 36-14, 37-14 and 38-14.

Mr. Gwin: Seconded

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

Mr. Wagner: Thank you, Mr. President. Mr. Solicitor, would you give us a brief on the Introduction of Ordinance No. 3116?

Introduction of Ordinance No. 3016 “An Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the annual budget for Upper Darby Township for the Year 2014 be transferred from the fund balance to other departments within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.”

Mr. Gottel: Certainly. Ordinance No. 3016 is “An Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the annual budget for Upper Darby Township for the Year 2014 be transferred from the fund balance to other departments within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.”

Mr. Wagner: Thank you. I move for the introduction of Ordinance No. 3016.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it. Oh, I'm sorry. You said no? John, take a roll call vote please.

In favor of Ordinance No. 3016	Opposed to Ordinance No. 3016	Excused	Abstained
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Bonnett
Wagner
Rankin
Monaghan

Bierling

Crawford
Manners
Santora

Coles
Gwin
Keffer

7	3	1	
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Mr. Rankin: That gives seven in favor, three opposed and one excused.

Mr. Wagner: Thank you, Mr. President. That concludes our report.

Mr. Bonnett: Thank you, Tom. The next Committee is the Public Safety Committee, Mr. Rankin, please.

Public Safety Committee
John B. Rankin, Chairman

Resolution No. 39-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal cooperative agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice's 2014 Edward Byrne Memorial Justice Grant Program

Mr. Rankin: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 39-14.

Mr. Gottel: Yes. Resolution No. 39-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal cooperative agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice's 2014 Edward Byrne Memorial Justice Grant Program

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 39-14.

Mrs. Crawford: Seconded.

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

Resolution No. 40-14, to remove parking meter #0600 that is situated at 916 E. Baltimore Avenue

Mr. Rankin: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 40-14.

Mr. Gottel: Resolution No. 40-14 is a Resolution to remove parking meter #0600 that is situated at 916 E. Baltimore Avenue

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 40-14.

Ms. Coles: Seconded.

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

Resolution No. 41-14, to change the existing time limit operation of metered parking from two (2) hours to forty-five (45) minutes, between the hours of 9am to 9pm at the following locations: Meter #514 on the Unit block of Garrett Road and Meter # 1 on the 7000 block of Ludlow Street

Mr. Rankin: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 41-14.

Mr. Gottel: Thank you. Resolution No. 41-14 is a Resolution to change the existing time limit operation of metered parking from two (2) hours to forty-five (45) minutes, between the hours of 9am to 9pm at the following locations: Meter #514 on the Unit block of Garrett Road and Meter # 1 on the 7000 block of Ludlow Street

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 41-14.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it. The next Committee is Planning, Zoning & Building Code Committee. In the absence of Councilman Bierling, I would ask Councilwoman Crawford to take this Committee.

Planning, Zoning & Building Code Committee

Jacob A. Bierling Jr., Chairman

Motion for a Land Development for St. Dorothy School to further develop 6.77 acres with a 1,372 sq. ft. addition to an existing school; situate 4910 Township Line Road. Folio No: 16-10-01625-01

Mrs. Crawford: Of course. I make a Motion for a Land Development for St. Dorothy School to further develop 6.77 acres with a 1,372 sq. ft. addition to an existing school; situate 4910 Township Line Road. Folio No: 16-10-01625-01

Mr. Santora: Seconded.

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

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

Solicitor: No further business.

Adjournment

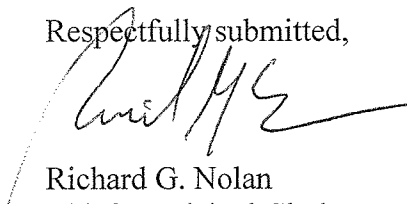
Mr. Bonnett: A motion would be in order for adjournment.

Mr. Wagner: So moved.

Mrs. Crawford: Seconded.

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

Respectfully submitted,



Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 36 -14**

In Re: Appeal Of: Nema Holdings, LLC

Owner: Nema Holdings, LLC

**Property Address: 33 Harwood Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-08-01578-00**

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.13-12200;

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	\$34,462.00

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

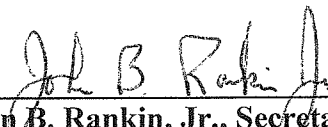
WHEREAS, the Solicitor recommends this settlement.

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.

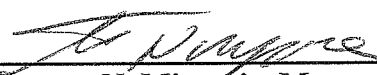
RESOLVED, this 18th day of June, 2014.

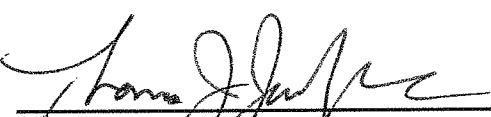
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 36-14 above is hereby approved this 18th day of June, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 37 -14**

In Re: Appeal Of: Morgan Acquisitions, LLC
Owner: Morgan Acquisitions, LLC
Property Address: 2231 Dermond Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-08-00921-00

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.13-11969;

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	\$51,800.00

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

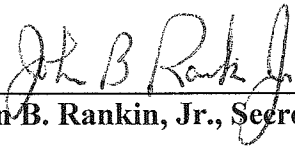
WHEREAS, the Solicitor recommends this settlement.

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.

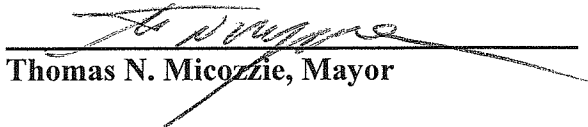
RESOLVED, this 18th day of June, 2014.

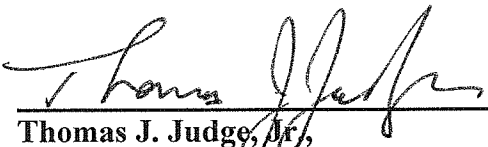
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

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

Resolution No. 37-14 above is hereby approved this 18th day of June, 2014..

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 38 -14**

In Re: Appeal Of: Shu Deng

Owner: Shu Deng

**Property Address: 333 Westpark Lane
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-03704-00**

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.13-12191;

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	\$55,500.00

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 18th day of June, 2014.

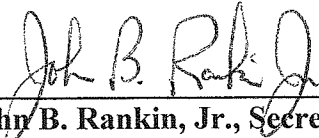
UPPER DARBY TOWNSHIP

BY:



Donald P. Bonnett, President of Council

ATTEST:



John B. Rankin, Jr., Secretary of Council


Resolution No. 38-14 above is hereby approved this 18th day of June, 2014..

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

UPPER DARBY TOWNSHIP**Resolution No. 39-14**

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY PENNSYLVANIA
AUTHORIZING THE MAYOR TO SIGN AN
INTERMUNICIPAL COOPERATIVE
AGREEMENT WITH THE COUNTY OF
DELAWARE WHICH WILL ALLOW THE UPPER
DARBY TOWNSHIP POLICE DEPARTMENT TO
PARTICIPATE AND RECEIVE FUNDS FROM
THE UNITED STATES DEPARTMENT OF
JUSTICE'S 2014 EDWARD BYRNE MEMORIAL
JUSTICE GRANT PROGRAM.**

Whereas the township along with the City of Chester and the Borough of Darby, have been invited by the County of Delaware to participate in the 2014 Edward Byrne Memorial Justice assistance Grant program;

Whereas, by participating in this program, the Township would receive an award presently estimated to be in the amount of \$ 46,184.


Whereas, the Council deems it in the Township's best interest to participate in this program, and to enter into an intermunicipal cooperation agreement in a form substantially similar to the attaché hereto as Exhibit A, in order to effectuate its participation.

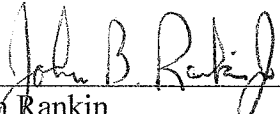
Now, therefore, **BE IT RESOLVED**, that:

1. The Township shall participate in the 2014 Edward Byrne Memorial Justice Grant Program, as outlined above.
2. The Mayor is hereby authorized to execute any agreements he deems necessary or appropriate incident to the Township's participation in the 2014 Edward Byrne Memorial Justice Assistance Grant program, including, but not limited to, an intermunicipal cooperation agreement a form substantially similar to the attached hereto as Exhibit A.
3. All Resolutions or parts of Resolutions inconsistent herewith are repealed to the extent of such inconsistency.

Resolved this 18th day of June, 2014

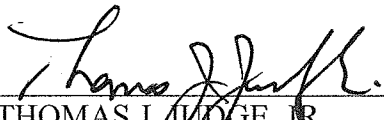
UPPER DARBY TOWNSHIP

By: 
Donald P. Bonnett
President of Council

Attest: 
John Rankin
Secretary of Council

Resolution No. 39-14 is hereby approved this 18th day of June , 2014


THOMAS N. MICOZZIE
Mayor

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

**INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF DELAWARE AND THE CITY OF CHESTER, BOROUGH OF
DARBY, AND THE TOWNSHIP OF UPPER DARBY**

2014 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into as the date stated below by and between the County of Delaware, acting by and through its governing body, the Delaware County Council, hereinafter referred to as "County", and the City of Chester, Borough of Darby, and Township of Upper Darby, acting by and through their respective governing bodies. Witnesseth:

WHEREAS, this Agreement is made under the authority of the Home Rule Charter of Delaware County, the Home Rule Charter of Upper Darby Township, the Pennsylvania Third Class City Code, the Pennsylvania First Class Township Code and the Pennsylvania Borough Code, as applicable to each municipality; and,

WHEREAS, each governing body in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each governing body finds that the performance of this agreement is in the best interest of each party, that the undertaking will benefit the public, and, that the division of costs fairly compensates the performing party for the services or functions under this agreement, and,

WHEREAS, the County agrees to be the recipient of funding in the amount of \$181,112 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2014; and,

WHEREAS, the County and each municipality believe it to be in their best interests to reallocate the JAG funds as follows:

Chester City	\$ 91,194
Darby Borough	\$ 43,734
Upper Darby Township	\$ 46,184
County of Delaware	*

*While ineligible for direct JAG funding in FY 2014, for JAG purposes this County remains a partner with the city/cities receiving JAG funding, and must be a signatory on the MOU required of disparate jurisdictions.

NOW THEREFORE, the County and each municipality agree as follows:

Section 1

The County agrees to pay to each municipality the amount of JAG funds, as stated above.

Section 2

Each municipality agrees to use the JAG funds allocated to it for the program in accordance with all federal, state and local laws and as described in the JAG application and will utilize those funds during the four year period following the award of the grant.

Section 3

Nothing in the performance of this agreement shall impose any liability for claims against the County or any municipality other than claims for which liability may be imposed by the Pennsylvania Political Subdivisions Tort Claims Act.

Section 4

Each party to this agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.

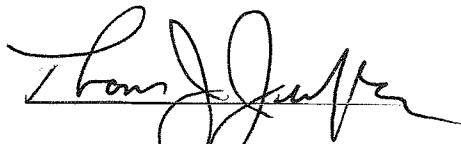
Section 5

The parties to this Agreement do not intend for any third party to obtain any right by virtue of this agreement.

Section 6

By entering into this Agreement, the parties do not intend any obligations, express or implied, other than those set out herein: further, this Agreement should not create any rights in any party not a signatory hereto.

Approved this 18TH day of JUNE, 2014, at the regularly scheduled and advertised meeting of the UPPER DANDY TOWNSHIP COUNCIL, Delaware County, Pennsylvania.



Thomas J. Judge Jr
Chief Administrative Officer



Thomas N. Micozzie
Mayor

RESOLUTION NO. 40-14

WHEREAS, ORDINANCE NO. 482 OF THE TOWNSHIP OF UPPER DARBY, COMMONLY KNOWN AS "THE PARKING METER ORDINANCE" PROVIDES FOR INSTALLATION, OPERATION, MAINTENANCE, REGULATION AND CONTROL OF THE USE OF PARKING METERS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

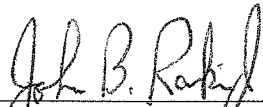
THAT ORDINANCE NO. 482 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY THE FOLLOWING:

**TO REMOVE PARKING METER NO. 0600 THAT IS SITUATED
AT 916 E. BALTIMORE AVENUE**

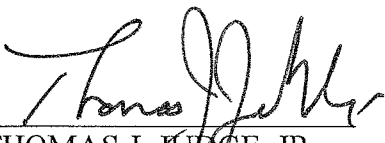
RESOLVED THIS 18TH DAY OF JUNE, A.D., 2014.

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. 41-14

WHEREAS, ORDINANCE NO. 482 OF UPPER DARBY TOWNSHIP COMMONLY KNOWN AS "THE PARKING METER ORDINANCE" PROVIDES FOR THE INSTALLATION, OPERATION, MAINTENANCE, REGULATION AND CONTROL OF THE USE OF PARKING METERS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

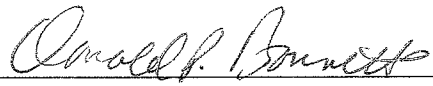
NOW, THEREFORE, BE IT RESOLVED:

CHANGE THE EXISTING TIME LIMIT OPERATION OF METERED PARKING FROM TWO HOURS TO FORTY FIVE (45) MINUTES, BETWEEN THE HOURS OF 9 A.M. TO 9 P.M. AT THE FOLLOWING LOCATION.

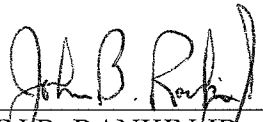
METER # 514 ON THE UNIT BLOCK OF GARRETT ROAD
METER # 1 ON LUDLOW STREET

RESOLVED, THIS 18TH DAY OF JUNE, A.D., 2014.

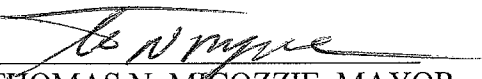
UPPER DARBY TOWNSHIP



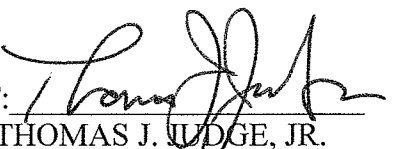
DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 

JOHN B. RANKIN, JR.
SECRETARY OF COUNCIL



THOMAS N. MICOZZIE, MAYOR

ATTEST: 

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER