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Upper Darby Township Council Meeting

December 3rd, 2014

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, December 3rd, 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, Ed Monaghan, Jacob A. Bierling Jr., Mary Ann Crawford, Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

John B. Rankin Jr., excused

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., Chief Administrative Officer
James A. Halligan, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

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.

Chuck Nguyen, 437 Lombardy Road
Resolution No. 67-14

Greg Degrosiers, 440 Windermere Avenue
Resolution No. 67-14

Jerry Amadio, 501 Kenwood Road
Resolution No. 67-14

Jim Kirk, 2804 Huey Avenue
Resolution No. 67-14

Matt Moosbrugger, 527 Irvington Road
Resolution No. 67-14

James Wuebkenberg, 2810 Huey Avenue
Resolution No. 67-14

John Dabagian, 35 N. Linden Avenue
Township Website, cars parked on lot

Their comments are filed on tape.

Mr. Bonnett: That concludes the speakers for this evening. At this time, I would like to make a statement on behalf of our Council. Ladies and gentlemen, members of Council, this past Monday evening, members of Upper Darby Township Council and Administration among hundreds of others paid tribute to the Honorable Nicholas A. Micozzie as he retired as State Representative of the 163rd District of the Pennsylvania House of Representatives. Representative Micozzie has served the people of Upper Darby Township with distinction and honor first as a Township Commissioner in the days before the adoption of the Home Rule Charter and thereafter as a member of this Township Council. He served for 36 years in the Pennsylvania General Assembly as a State Representative serving on committees for liquor control, local government, professional licensure and health and has chaired the Insurance and Transportation Committees. To express our appreciation to Nick Micozzie for his many years of service and leadership to our community, I have requested our Mayor, Thomas N. Micozzie, on behalf of our Township Council to declare December 10th, 2014 as Nicholas Micozzie Day in Upper Darby Township. I am pleased to say that Mayor Micozzie has agreed and will be presenting that proclamation this evening.

Applause.

Mayor Micozzie: You did announce that and I was humbled by that. I will read the proclamation.

Mayor Thomas N. Micozzie

Mayor Micozzie presented a Proclamation for NICHOLAS MICOZZIE

PROCLAMATION

Whereas, Nicholas Micozzie is a dedicated family man and served the Upper Darby Township community first as a Township Commissioner, Council Member

and for 36 years as the Pennsylvania State House Representative for 163rd legislative district;

Whereas, Representative Micozzie is a dedicated elected official and has served his community for over forty-four years;

Whereas, as Nicholas Micozzie carries with him a distinctive West Philadelphia Italian American character; raised in Saint Donato's Roman Catholic Parish, a graduate of Saint Thomas Moore High School and Saint Joseph's University. Nick met his wife June on the dance floor in Waco Texas and they've been dancing together ever since. Together they have three children, seven grandchildren and eleven great grandchildren;

Whereas, Nick Micozzie has served on the state legislature committees for Liquor, Local Government, Professional Licensing, Health and has chaired the Insurance and Transportation Committee;

Whereas, Nicholas Micozzie obtained his real estate license and opened the Micozzie Real Estate Company;

Whereas, Nicholas Micozzie has served the residents of the 163rd Legislative District and the Upper Darby community in countless fashion and helped these communities obtain grant funds for many community projects;

Whereas, Nicholas Micozzie's election record for public office is forty-two wins and zero defeats;

Let it be known that his leadership skills, devotion to his family and service to the community are greatly appreciated;

Therefore, Township Council along with Thomas N. Micozzie, Mayor of Upper Darby Township proclaim December 10, 2014:

Nicholas Micozzie Day

Donald P. Bonnett

Donald P. Bonnett
Council President

Thomas N. Micozzie

Thomas N. Micozzie, Mayor
Upper Darby Township

Mayor Micozzie announced the details of the Upper Darby Tree Lighting Concert on Monday, December 8, 2014 at 6:30PM inside the Tower Theater on 69th Street in Upper Darby.

Mr. Bonnett: I have one more announcement to make. With a great deal of sadness, I would like to announce that our past public servant and previous Commissioner and Council person in Upper Darby Township and former Mayor of our town, F. Raymond Shay, has passed away. I would like to ask everyone if they would to stand for a moment of silence in his honor. At this time, we will go into the Committee Reports starting with the Finance and Appropriations Committee, Councilman Wagner please. Excuse me Tom, before you get into that, for the record Councilwoman Coles has arrived. We had declared that Councilwoman Coles was excused but she is present. Please proceed Tom.

Committee Reports

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Resolution No. 66-14, a Resolution to adopt the 2015 Budget

Mr. Wagner: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 66-14.

Solicitor: Certainly. Resolution No. 66-14 is a Resolution to adopt the 2015 Budget

Mr. Wagner: Thank you. Council members, as you are already aware and the public should be aware, this is the culmination of the budget process for next year 2015. We've already had the Mayor's Budget Address. The Finance Committee met with every Department Head in this Township Administration and went over their budgets with them one by one. That was a lengthy and very educational process. We have had 2 Public Hearings on the budget which were conducted here in this room and with that I hereby move for the adoption of Resolution No. 66-14.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? Let the record show that there are 2 recorded "no's." There are 7 ayes, therefore the Resolution passes.

Mr. Wagner: Thank you, Mr. President. Mr. Solicitor, would you give us a brief on the introduction of Ordinance 3019?

Introduction of Ordinance No. 3019, an Ordinance of Upper Darby Township, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2015 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government.

Solicitor: Yes. Ordinance No. 3019 is an Ordinance of Upper Darby Township, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2015 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government.

Mr. Wagner: Thank you, Mr. Solicitor. At this time I would like to make a motion that the proposed Ordinance No. 3019 be duly advertised and placed on the agenda for the December 17th, 2014 regular Council Meeting.

Mrs. Crawford: Seconded.

Mr. Bonnett: It's been moved and seconded for the introduction of Ordinance No. 3019. All those in favor signify by saying aye. Opposed? The ayes have it.

Public Hearing for Ordinance 3018, "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 various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed."

Mr. Wagner: Mr. President, I would now ask the Solicitor for a brief on Ordinance No. 3018 after which the Chair will be asked to conduct a Public Hearing.

Solicitor: Ordinance 3018 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 various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed."

Mr. Bonnett: Thank you. At this time, we will open a Public Hearing on proposed Ordinance No. 3018. Anyone wishing to speak on this Ordinance, please come to the podium and state your name and address for the record. Seeing no one, I will turn this back over to you for a motion.

Mr. Wagner: Thank you, Mr. Solicitor. I hereby move for the adoption of Ordinance No. 3018.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. Will the Secretary take a roll call please?

In favor of Ordinance No. 3018	Opposed to Ordinance No. 3018	Excused	Abstained
Bonnett			
Wagner		Rankin	
Monaghan			
Bierling			
Crawford			
Manners			
Coles			
Gwin			
Keffer		Santora	
<hr/>			
9	0	2	

Mr. Monaghan: That gives nine in favor, zero opposed and two excused.

Mr. Bonnett: Thank you, Mr. Monaghan. The Ordinance is duly adopted.

Mr. Wagner: That concludes the report of the Finance and Appropriations Committee.

Mr. Bonnett: Thank you Tom. At this time Council will address Resolution No. 67-14, Mr. Gwin please.

Public Safety Committee
John B. Rankin Jr., Chairman

Resolution No. 67-14, a Resolution to REMOVE the 2 stop signs on Huey Avenue at the intersection of Kenwood Road

Mr. Gwin: I will ask the Solicitor for a brief on Resolution No. 67-14.

Solicitor: Resolution No. 67-14 is a Resolution to REMOVE the 2 stop signs on Huey Avenue at the intersection of Kenwood Road

Mr. Gwin: I would like to make a motion that this Resolution be rejected and that the stop signs be allowed to stand as they are.

Mr. Bonnett: So, that's a motion to reject?

Mr. Gwin: Yes.

Mr. Bonnett: Is there a second?

Ms. Keffer: Seconded.

Mr. Bonnett: It's been moved and seconded. I would just like to make a comment on this before we take a vote. The statements were made by the people that spoke to the issue tonight, at least one person, about the fact that the petitions did not meet the criteria of Council. When an issue of this type is presented to Council, the Council as a whole is generally not aware of the number of signatures on a petition. They are only aware that a petition has been taken. In fact, in this case, the action was made by this Council and taken by this Council to install those stop signs. Those stop signs are there legally. Therefore the only way they can be removed is by a legal action of this Council. The action in front of Council right now is to reject the removal by rejecting Resolution No. 67-14. So, with that, all those in favor of rejecting Resolution No. 67-14 signify by saying aye. Opposed? The ayes have it. Mr. Solicitor, do you have any business for council?

Solicitor: No, nothing further.

Mr. Bonnett: Mr. Mayor?

Mayor Micozzie: If I may, on the "no" votes for the budget, Bob you are on the Finance Committee and you sat through all of it, is there anything in the \$72 million budget that you did not come up with one reduction to be able to offer? It was just a "no?"

Mr. Gwin: My position on it is that I want the budget balanced and matched so that there isn't a tax increase.

Mayor Micozzie: OK, what did we offer to get there?

Mr. Gwin: That's your responsibility....

Mayor Micozzie: No, my responsibility is to put a budget up. Your responsibility is to pass a budget and in between that, there are 2 public hearings. We sat through an entire litany of 9 Department Heads for 3 hours. When you're out there, it's easy to debate the budget. When you're here and responsible I looked for, well I'm presenting a budget so I know what it takes to run the Township. I know what public safety costs and there's 11 of you. I had calls from Jamie and from Don. We switched some things around. I reduced some budgets in categories but I still come up where I'm at. It started out a lot higher. My Administration and the Finance Committee working with Tom and Tommy, we came up with it. The question is, to say "no" is one thing but to offer resolutions. I looked for them. That's what the Finance Committee is

supposed to do but I didn't get anything. My question is, we're looking for help. Everybody looks for help. I pay taxes just like you pay taxes. I get the phone calls just like you get the phone calls. I'm just curious though...2 Budget Hearings and the people say "no, we don't have any ----. Now this year I'm going to go into a Budget again and this is the Budget Message. When I put the budget through this year if I'm going to get a "no" without participation, when those requests come in, we have to look at them more because next year I'll give you a zero budget. OK, I try to accommodate everybody here. You need your street, you need something on Long Lane, you need a park done, Tommy has to deal with it every day. We're on the phone every day. OK, transfer \$5000, you need extra police officers out there? I've never said no. I can deliver a zero budget. In fact, I can deliver a budget to reduce taxes. But, there are 11 of you and you all have districts. You're districts are bigger than every community in Delaware County and it's a tremendous responsibility. I was hoping with the dialogue we had that somewhere along the line we had good solutions or that we'd come up with good solutions. But, if it's going to be "no", then I understand when we go forward. We can't have "no" and then turn around and have an argument over the Budget. So, I'm just waiting for some solutions.

Ms. Keffer: Mr. Bonnett, I'd like to make a comment because I also voted "no." In August I brought up that I believe that our Bids Resolution should be updated. It hasn't been updated since 1990. I mentioned it at a Committee Meeting. I sent an email to everyone on Council and I believe you were probably CC'd on it as well. I haven't heard anything and I think.....can I finish my thought?

Mr. Judge: I can answer that. That did go to our Solicitor and at the next Committee Meeting a proposal will be put together.

Ms. Keffer: OK, but up until now, I've heard nothing so I think that it needs to be updated and that different things have to go out for bid that don't go out right now.

Mayor Micozzie: Well, let me ask you a question Barbarann. What does not go out for bid? Tell me.

Ms. Keffer: The insurance broker doesn't go out for bid.

Mayor Micozzie: That's not correct.

Ms. Keffer: That's not what I was told when I brought it up before. Another thing is.....

Mr. Bonnett: Wait a minute Barbarann. I actually commented publicly at a meeting when you brought it up that our insurance is publicly bid, excuse me, quotations, numerous quotations are sought by our agent and we get the benefit of their purchasing power and the availability of multiple bids to them on our behalf. And we know what they are because they give that information to us. It's a matter of public record so you can see that.

Ms. Keffer: But that brings me to another point about the bids just as the gentleman made a comment in the Public Forum and I asked that the bids be published on our website and I'm told I have to look at the Delco Times. I shouldn't have to do that if the information is available. Everybody on Council, all of the residents and the public should be able to see what we are putting out for bid.

Mr. Judge: That's a motion of Council and if Council votes "yes" then the Administration will do it. It's as simple as that. The Administration just doesn't step up and do that because that is a Council action.

Mr. Bonnett: Let me remind the members of Council that we have 2 branches of government. We have a Legislative branch and we have an Executive branch. We are the Legislative branch, we as voting members of this Council. There are 11 of us. The responsibility for adopting a Budget is solely ours. It is not the Mayor's. It's is not the Administration's. It is the Administration's responsibility through the Mayor to administer the Budget and manage the Budget and you see one effect of managing it on the agenda tonight by re-distributing funds. We re-distribute those funds within the Budget and that takes an action of our Council to support that. So, there is a task to be performed by our Administrators through the guidance of our Mayor and our CAO on a daily basis. There are a great many aspects to a Budget. We have a paid fire department, a career police department. Those 2 alone make up about 57-58% of our Budget. That is a major expense to Upper Darby Township. So at this point, we had a process and we should have vetted all of these issues through that process and hopefully have agreed to what this Budget is and we could have all voted in favor at that point. I thought we were all there frankly. Evidently, we are not.

Mayor Micozzie: One more question Tom. Our bidding requirements are above the state, are they not in the category of bids for 25?

Mr. Judge: No, our bidding requirements are below the state. Right now our bidding requirements are anything over \$10,000 and when we re-do this Ordinance, it will be the recommendation that we go to the next highest level which will be \$19,000.

Mr. Wagner: May I make a comment, Mr. Bonnett? As Chairman of the Finance Committee, I think it's appropriate for me to point out that we did go through the very process that you mentioned. We, as a Committee that consists of me, Mr. Bierling and Mr. Gwin, met with Mr. Judge and 9 of his Department heads in this Administration going over each of their budgets one by one by one by one. Then, we held 2 Public Hearings as we are required to do by law and no one on the Committee, no one on Council and no one from the public offered us one single objection or suggestion for change in the budget as it was prepared. I know how to read a budget. I ran a business for 10 years in addition to being an attorney. I was very satisfied that the budget was lean and was appropriate. Without any suggestion or objection from anyone else there was no reason for us to seek any changes in that budget. To vote that budget down would mean to stop paying our police officers and fire fighters and I for one am sure not going to do that.

Mr. Bonnett: Good point. Any further discussion?

Adjournment

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

Mr. Wagner: So moved.

Mr. Santora: May I please.....

Mr. Bonnett: Excuse me. May I also make a statement for the record? Councilman Santora has arrived in time to vote on Resolution No. 67-14.

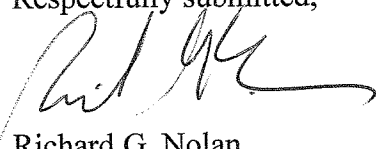
Mr. Santora: I apologize for being late. Traffic was really bad from Harrisburg. I got called up there by the Leader today and could not get out any earlier. What I'd like to say is in the near future, I will be resigning from this board. I have not set a date yet. There are a couple of issues that I would like to move forward before I do. I will not drag it out. Effective December 1st, I made arrangements and did try to just turn down my salary but unfortunately because of certain laws and different things I could not do that so instead I will be donating my salary to the Autism playground that is slated right now to go to the Primos School. So, I will be donating that through the Arts and Education Foundation. I will not accept 2 salaries, one from the State and one from the Township. I just won't do it. If there was a way that I could not take the salary at all and keep it in the Township, I would but because of liability insurance, I think, it just couldn't be done. Probably in late December, I will announce the date that I will be resigning. I do have a couple of things that I want to work on in the month of December, maybe into January but it won't go much longer than that. So, thank you very much.

Mr. Bonnett: Good luck Jamie and thank you for that choice.

Applause.

Mrs. Crawford: Seconded.

Mr. Bonnett: Ladies and gentlemen. This meeting stands adjourned.

Respectfully submitted,

Richard G. Nolan
Chief Municipal Clerk

RESOLUTION NO. 66-14


WHEREAS, A GENERAL SUMMARY OF THE BUDGET FOR THE FISCAL YEAR OF 2015 WAS PUBLISHED IN ACCORDANCE WITH THE HOME RULE CHARTER ON OCTOBER 10, 2014, IN THE DELAWARE COUNTY DAILY TIMES; AND


WHEREAS, ON OCTOBER 10, 2014, IN THE SAME NEWSPAPER NOTICE WAS GIVEN THAT PUBLIC HEARINGS WOULD BE HELD TO REVIEW THE BUDGET ON WEDNESDAY EVENING, NOVEMBER 5, 2014, APPROXIMATELY FIVE MINUTES AFTER THE REGULARLY SCHEDULED 7:30 P.M. MEETING, AND ON WEDNESDAY EVENING, NOVEMBER 12, 2014, FIVE MINUTES AFTER THE REGULARLY SCHEDULED 7:30 P.M. MEETING, IN THE COUNCIL MEETING ROOM #202 OF THE MUNICIPAL BUILDING, 100 GARRETT ROAD, UPPER DARBY, PENNSYLVANIA;

NOW, THEREFORE, BE IT RESOLVED, THAT THE BUDGET FOR THE FISCAL YEAR OF 2015 BE APPROVED.

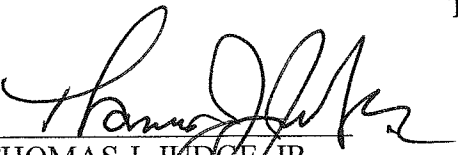
RESOLVED, THIS 3rd DAY OF DECEMBER, A.D., 2014.

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 
EDWARD E. MONAGHAN
ACTING SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR

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

UPPER DARBY TOWNSHIP
ORDINANCE NO. 3018

“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 VARIOUS DEPARTMENTS, OFFICES AND AGENCIES TO OTHE DEPARTMENTS, OFFICES AND AGENCIES WITHIN THE TOWNSHIP. ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED.”

Upper Darby Township hereby ordains:

SECTION 1. That, since pursuant to the provisions of Section 909D of the Home Rule Charter of Upper Darby Township, Delaware County, Pennsylvania, the Mayor has requested, a copy of which is attached hereto as Exhibit “A” and made part hereof, that parts of certain unencumbered appropriations allocated by the Annual Budget of Upper Darby Township for the year 2014 should be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township, the following amounts shall be transferred as follows:

<u>Department</u>	<u>Appropriations Transferred From</u>
Electrical	\$50,000.00
Administrative Services	\$50,000.00
Public Works – Sanitation Division	\$50,000.00
Licenses & Inspection	\$50,000.00

Total **\$200,000.00**

<u>Department</u>	<u>Appropriations Transferred to</u>
Police	\$200,000.00

Total **\$200,000.00**

<u>Capital</u>	<u>Appropriations Transferred From</u>
Chief Administrator’s Office	\$25,000.00

Total **\$25,000.00**

<u>Capital</u>	<u>Appropriations Transferred To</u>
Chief Municipal Clerk	\$25,000.00

Total **\$25,000.00**

All Ordinances, Resolutions and parts of Ordinances and Resolutions inconsistent herewith are hereby repealed.

ENACTED and ORDAINED this 3rd day of December. A.D. 2014

UPPER DARBY TOWNSHIP

Ed Monaghan BY: *Donald P. Bonnett*
DONALD P. BONNETT
President of Council

Attest: _____
EDWARD E. MONAGHAN
Acting Secretary of Council

Ordinance No. 3018 above is hereby approved this 3rd day of December. A.D. 2014

Thomas N. Micozzie
THOMAS N. MICOZZIE
Mayor

Attest: *Thomas J. Judge, Jr.*
THOMAS J. JUDGE, Jr.,
Chief Administrative Officer

RESOLUTION NO. 67-14

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

REMOVE 2 STOP SIGNS AT THE FOLLOWING LOCATION:

**ON HUEY AVENUE AT THE INTERSECTION OF KENWOOD ROAD
CREATING A FOUR WAY STOP**

RESOLVED, THIS 3RD DAY OF DECEMBER, 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

*Per Rick Nolan:
Council voted to leave the
stop signs installed!
They voted against this resolution*