

Index

Upper Darby Township Council Meeting

January 21st, 2015

Call of the meeting	23
Roll call	23
Mayor Thomas N. Micozzie	
Marine Corps League Annual Award Presentation	23-24
<u>Appointments</u>	
The re-appointment of Robert J. White to serve on the Upper Darby Township Zoning Hearing Board	24-25
Approval of December Minutes	25
Public Forum	25
Committee Reports	
Municipal Services, Licensing & Public Works Committee James Santora, Chairman	
Resolution No. 02-15 , a Resolution to apply to the County Council For an allocation of the County Liquid Fuel Tax Funds in the Amount of \$100,000.00	26 42-43
Adoption of Resolution No. 02-15	26
Planning, Zoning & Building Code Committee Jacob A. Bierling Jr., Chairman	
Public Hearing for Ordinance No. 3020 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Article IX of the Township Zoning Code amending the duration Sale of Premises signs may be displayed	26-36 44

Ordinance No. 3020 was TABLED	36
Public Hearing for Ordinance No. 3021 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania providing for the regulation and licensing of dumpsters, open-top containers, Portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.	36-38 45-47
Adoption of Ordinance No. 3021	38
Public Hearing for Ordinance No. 3022 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 2937 to adjust certain fees charged by the Department of Licenses and Inspections and repealing all Ordinances, Resolutions and parts of Ordinances and Resolutions inconsistent herewith	38-40 48-50
Adoption of Ordinance No. 3022	40
Solicitor	40
Adjournment	40

A regular meeting of Upper Darby Township Council was held on Wednesday evening, January 21st, 2015 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 led by the Marine Corps League Upper Darby Detachment #884 Color guard.

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., CAO
Kelly Sullivan, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

Mr. Bonnett: Ladies and Gentlemen, we are very fortunate at this time to be able to have the presentation of awards by our Marine Corps League. At this point, I will turn the meeting over to our Mayor, the Honorable Thomas N. Micozzie.

Mayor Thomas N. Micozzie

Mayor Micozzie: Thank you, Mr. Bonnett. I'd like to bring the Marine Corps League up for some presentations.

Marine Corps League Annual Award Presentation

Mayor Micozzie introduced Commandant Tom Weaver for the presentation of the awards.

Commandant Tom Weaver: Thank you Mayor and Township Council for allowing us this privilege to honor our Policeman, Fireman, Citizen and Marine of the Year. Our first award goes to the Fireman of the Year.

Commandant Tom Weaver: Our next award is the Al Darmiento Firefighter of the Year Award.

John B. Rankin Jr. was presented with the 2014 Fireman of the Year Award.

Audience applause.

Sergeant Louie Panagoplos was presented with the 2014 Marine Corps League Police Officer of the Year Award.

Commandant Tom Weaver: Our next presentation is for Citizen of the Year for 2014.

Dave Maslo was presented with the 2014 Citizen of the Year Award.

Audience applause.

Commandant Tom Weaver: Our final award is the 2014 Upper Darby Marine Corps League Marine of the Year Award.

Patrick Hughes was the recipient of the 2014 Marine of the Year Award but was not present for this presentation. He was attending a previous speaking engagement at Temple University

Audience applause.

Commandant Tom Weaver: That concludes the Marine Corps League portion of this program. I want to thank the community for all of their support. Also, thank you Mayor Micozzie and Council.

Mayor Micozzie congratulated all of the award recipients.

Audience applause.

Appointments

Re-Appointment of Robert J. White to the Zoning Hearing Board

Mayor Micozzie: Next, I would like to submit to Council for their approval the re-appointment of Robert J. White to serve on the Upper Darby Township Zoning Hearing Board. This appointment is a three (3) year term.

Mr. Bonnett: Is there a motion?

Mr. Wagner: I move for the approval of this appointment.

Mrs. Crawford: Seconded.

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

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of December 3, 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. The next order of business is the approval of the minutes for the Regular Meeting of December 17, 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.

John M. Bergin Sr., 911 Hawthorne Ave
Firefighter of the Year Award

Robert Cassidy, 3854 Garrett Road
Planned Parenthood

Alfred Achtert Jr., 7228 Radbourne Road
Agenda

Their comments are filed on tape.

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

Mr. Bonnett: At this time we will go into the Committee Reports starting with the Municipal Services, Licensing & Public Works Committee, Mr. Santora please.

Committee Reports

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

Resolution No. 02-15, a Resolution to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount of \$100,000.00

Mr. Santora: I would like to ask the Solicitor to give us a brief on Resolution No. 02-15.

Solicitor: Certainly. Resolution No. 02-15, a Resolution to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount of \$100,000.00

Mr. Santora: Thank you. At this time, I move for the adoption of Resolution No. 02-15.

Ms. Keffer: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it. The next committee is the Planning, Zoning & Building Code Committee, Mr. Bierling please.

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

Mr. Bierling: I would like to ask the Solicitor to give us a brief for proposed Ordinance No. 3020.

Public Hearing for Ordinance No. 3020, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Article IX of the Township Zoning Code

amending the duration Sale of Premises signs may be displayed after a property is under an agreement of sale

Solicitor: Ordinance No. 3020 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Article IX of the Township Zoning Code amending the duration Sale of Premises signs may be displayed after a property is under an agreement of sale.

Mr. Bonnett: Thank you. At this time, we will open a Public Hearing on proposed Ordinance No. 3020. Anyone wishing to speak on this Ordinance, please come to the podium and state your name and address for the record.

Ms. Fenning: My name is Annette Fenning and I am with Berkshire-Hathaway-Fox & Roach Realtors. I found out about this today and I apologize that I wasn't on board. I would like Council to consider to not go ahead with changing this Ordinance at this time. I feel that, if I read this correctly, that Township inspections would not be held until the house has a sold sign. Is that correct?

Solicitor: This is only amending the Zoning Code in regard to signs that are permitted to be displayed. This does not have to do with inspecting the home.

Ms. Fenning: OK, does this have to do with "for sale" signs?

Solicitor: Yes.

Ms. Fenning: Can you explain it to me again?

Solicitor: Yes. Currently under the Zoning Code "for sale" signs of the required size that you have are permitted and this requires that all signs be removed within 7 days of an agreement of sale being reached. That's the change. It used to read that all signs should be removed on or before the date of settlement.

Ms. Fenning: So, do you realize that a house is really not sold within 7 days?

Solicitor: Yes. So within 7 days of an agreement of sale being reached the requirement would be that the sign comes down or a "sold" sign or "under contract" sign be put on the "for sale" sign until the settlement date.

Ms. Fenning: I have been selling real estate for 30 years. A house is not sold until all contingencies are complete. Now, when you are representing sellers of properties you're really doing the seller an injustice by putting a sold sign on the property before it's actually completely sold. This is a very very complicated issue. I'm asking Council to either table it and do some

more research with the real estate community and to talk to the real estate community before you pass this Ordinance. It does not seem right to me. It is too soon to put a "sold" sign.

Mayor Micozzie: Wait...so if you're calling in for an inspection on a property and we're sending someone out there to inspect the property then that usually means we're going.....

Ms. Fenning: I do not order an inspection until the property is sold. I know there are agents who don't put sold signs on properties. I know what this is about.

Mayor Micozzie: We talking about home sales and we've talked about an inordinate amount of properties being sold in the community and I ride around a lot and when I come in on Sunday night and bring it up there is an agreement of sale or pending sale. Tell me the last time you went through Drexel Hill and saw "sold" signs when 25 of the homes are sold.

Ms. Fenning: Listen Tom, I'm going to tell you. There are a lot of times when I can tell you that I don't know that I'm going to settle on a property until the day before settlement. It's very difficult to put "sold" signs on properties when you can still show those properties and bring another agreement of sale in. You're penalizing the seller. Number 2, if we have to wait to order inspections then time goes by and it's going to be a burden on License and Inspections Department because we're going to get closer and closer to settlement before we can order inspections. If we can't order an inspection before we put a "sold" sign up and we can't put the "sold" sign up.....

Mayor Micozzie: That's not what that says.

Ms. Fenning: Oh, I thought I read that somewhere. Maybe not.

Mr. Bonnett: May I ask you a question? When was the last time you showed a property between the date of signing an agreement of sale and the settlement date?

Ms. Fenning: Last month.

Mr. Bonnett: You did? How often do you do it?

Ms. Fenning: Because I know a lot of these agreements do not go through.

Mr. Bonnett: How often do you do it?

Ms. Fenning: It doesn't happen often. It really doesn't. But, it's possible and as I said, all I'm asking you to do is to do a little research on the issue. Seven days is not going to work.

Mr. Santora: Can I ask a question? Is reaching an agreement of sale after contingencies are removed, do you consider that or the signing of an actual agreement of sale?

Ms. Fenning: You know the real estate community is really working very hard to try to get properties sold. It is not easy in this Township.

Mr. Bonnett: Let's address the Councilman's question. Madam Solicitor?

Solicitor: The way I read it Councilman Santora is when the agreement of sale is signed by the potential buyer and the seller there is an offer and an acceptance. I wouldn't necessarily say that you get to waive the contingency period for those 7 days to kick in. The way I'm reading this as worded. Does that answer your question?

Mr. Santora: Yes.

Ms. Keffer: I have a question as well. How is this going to be enforced? How is someone from the Township going to know that an agreement of sale has been signed?

Mr. Judge: When they request a U&O inspection and they request the inspector to come out.

Mayor Micozzie: You can't go to settlement without a U&O.

Ms. Fenning: The agreement of sale is signed well before an inspection is ordered in most cases.

Mr. Judge: When a U&O is ordered and an inspector goes out, a "sold" sign should be put on the property at that time.

Ms. Fenning: What is the issue?

Mayor Micozzie: The issue is the large amount of houses that are listed as-----not particularly our Upper Darby realtors but there are a lot of realtors out there some as far as West Chester who will sell your house for you and they're sitting in West Chester. Then, you're-----4 months later when they can't sell it and the house has sat there. That's one issue we can never resolve. Then, when they sell it, they're not coming back here until settlement so when they sit there I hear as well as Council that all of these houses aren't selling in Upper Darby Township. So, we looked it up after hearing at town meetings that there are all these properties for sale so I rode around and noticed that there were no "sold" signs. So, I go with Jamie and we started looking at things and saw that they are sold or under agreement. But, I rode through Drexel Hill for 4 weeks and I just didn't see "sold" signs. So, I called L&I and asked for the U&O's for the last week and they weren't there. So I asked for the last month and they weren't there so I don't think it's a burden if you're local then you put one up and put one down. The guy from West Chester who doesn't live here but is making money here isn't coming back here. But, now he needs to come back to put the "sold" sign or leave it here with someone to say that it's sold. That's the only purpose. We're not out to hurt the real estate people. You're asking us to do a service by going out to do a U &O and when we get there and if it's 5 days before settlement and the "sold" sign is up then we're OK.

Ms. Fenning: It costs the seller another \$15.

Mayor Micozzie: What costs the seller another \$15?

Ms. Fenning: You can't order a U&O within 15 days of settlement without the price going up to \$90. My point is this. I'm with you Tom. I want to see those "sold" signs go up too. I put mine up every time. It's because of what you said. There are brokers who don't live near the property or their offices are not from the property. But, I think changing the Ordinance enforcement may be an issue. Also, I think it ties into the U&O certificate which can make things difficult because....

Mayor Micozzie: A "sold" sign will make things difficult?

Ms. Fenning: You have to remember that a seller is a little shy about putting a "sold" sign up until their house is sold. Your idea of sold and my idea of sold are 2 different things. Eighteen days is built into an agreement of sale right now for inspection time. I won't put a "sold" sign up for 18 days so if I have a 45 day settlement, I'm not ordering my U&O until after the 18th day. Then, I'll put my "sold" sign up. You can't make it 7 days. It's too short. The buyer isn't even required to take a mortgage application in that period of time. I just ask that maybe somebody from Council could table it for a month and sit down and talk to the real estate community for a better solution than this one. I am just asking for that. I'm not trying to be combative. I'm really not.

Mr. Santora: I would prefer if we could, I don't know if there is a motion on the table or not....

Mr. Bonnett: This is just a public hearing.

Mr. Santora: When it comes time, I would prefer to table it and the reason why is I think more language needs to go into this because I believe what the intention was is that when you ordered a U&O, you could not be given a U&O unless the "sold" sign was up. It's a condition of the U&O.

Mr. Gwin: What's the penalty?

Solicitor: It's a violation of the Zoning Ordinance so what has to happen is that a notice of abatement has to be sent to someone that says to stop violating our Zoning Ordinance and you get 30 days to stop violating it or go before the Zoning Hearing Board and if you think we're wrong and you're not really violating it. So, the enforcement is a bit slow, the process has that 30 days built into it and if you don't appeal to the Zoning Hearing Board the Zoning Officer's information that you violated the Zoning Ordinance....

Mr. Gwin: Is there any retroactive impact on it?

Solicitor: There's a 30 days run and if you don't appeal to the Zoning Board with the Zoning officer's determination then a citation can be issued for you violating the Zoning Ordinance and then you would be cited and go to District Court and there would be penalties there.

Mr. Bonnett: So, you are suggesting that we re-consider this? You're not suggesting that we not do it but that we should do it at a different point.

Ms. Fenning: I would like to see a little cooperation from the real estate community with Council to discuss the issue and come up with a viable solution that isn't so harmful.

Mr. Bonnett: For now you are the real estate community. Tell us what you would think.

Ms. Fenning: I just found out about it a couple of hours ago so I really need to think about it but I will say this. The way it is written now is going to be burdensome on the Township and is going to prevent me from getting my properties to settlement in a timely fashion and it's probably going to hurt the seller more than anyone. So, I think there is a better solution. This is an old problem. This has been going on forever. Our problem goes deeper than "sold" signs. Houses aren't sold. That's the problem and I don't want to get into that. But, I understand your concern and I just want to in a cooperative effort find a better solution. That's all.

Mr. Bonnett: We're talking about within 7 days of an agreement of sale. Let's say within 7 days of what event?

Ms. Fenning: Don, I have to think about this. You've had time to think about it, I haven't. I don't know. I put a "sold" sign up when all of my inspections are complete including the U&O inspection which could call for \$3000 worth of curbs and that could turn a transaction from a sold property into an un-sold property. The dollars are really tight in these properties and the sellers are suffering so it may not be the right time to do this. There has got to be another way to encourage real estate agents to put "sold" signs on properties which is really what you're after. This is turning a small issue into a big issue.

Mayor Micozzie: I don't think it's a small issue. It's a big issue.

Ms. Fenning: Well, there's a bigger issue. There are more properties that are unsold without "sold" signs than there are "sold" without sold signs. That's our issue. The sold signs that are not up can be addressed better.

Mayor Micozzie: I'm not disagreeing. Here's the problem. I only get an opportunity to look at it one time as a Township, possibly 2 if the \$3000 curbs need to be re-done. But, I'm not sending people out every time. They're out there 1 time to get the U&O.

Ms. Fenning: So Tom, this is the same real estate community that when your inspector is going to go out to the property and the "sold" sign wasn't put up. So, now your inspector goes out to

the property and there is no "sold" sign on the property. Oh well, I can't now inspect this property. So, now we're wasting that person's time.

Mayor Micozzie: So, whose fault is that?

Ms. Fenning: I'm just saying let's be practical. So, the agent from West Chester didn't put up a "sold" sign. He didn't even know about this new Ordinance.

Mayor Micozzie: He'll know about it when he requests the U&O. He'll find out.

Ms. Fenning: So the inspector goes out there and lo and behold there's no "sold" sign.

Mayor Micozzie: OK, whose fault is that?

Ms. Fenning: It's not about fault. It's the agent's fault. I'm just talking about the practicality of the issue. So now the inspector goes back to L&I and says that he couldn't inspect the property so there are paperwork issues and issues of enforcing then. Time is just ticking away and it's a nightmare.

Mayor Micozzie: It's their responsibility. They are considered a professional in a business with a license who has a requirement to meet the regulations that are there. If they don't meet them, how is that the burden of the Township?

Ms. Fenning: It's your Ordinance and you're going to enforce it, aren't you?

Mayor Micozzie: Of course we're going to enforce it.

Ms. Manners: Can I just ask a question here? After the agreement of sale is done and all of the inspections are completed, what do think is a reasonable time to install the "sold" sign?

Ms. Fenning: I would say 21 days.

Mayor Micozzie: From what point?

Ms. Fenning: From the date the agreement of sale is signed.

Mr. Bonnett: All right.....

Ms. Fenning: Because I have 18 days to deal with inspections and I have a Township inspection.

Mr. Bonnett: But your property is still not sold.

Ms. Fenning: It's not sold until my inspections are complete.

Mayor Micozzie: It's not sold until you go to the settlement table.

Ms. Fenning: Well, it's not sold until I go to the settlement table so if you want me to keep the "sold" sign off, I'll keep it off. I 'm trying to help you.

Mr. Santora: Mr. President, may I speak? I'm speaking as a real estate professional and I'm going to abstain from this vote because it impacts my direct life. I am a professional licensed real estate broker so I'm not going to participate in that sense. My comfort level would be on the application for a U&O that it states that a "sold" sign has to be on there and it will be part of the inspection process. If it is not on there, then there should be a re-inspection fee of "something". I'd even be comfortable with that. However, until I hand-deliver that check for the U&O inspection, what I would do, and I have "for sale" signs in Drexel Hill right now, I would bring that application in and I would go over and put my "sold" sign up. I personally would be comfortable with that and I would hope that all of the realtors who work for me would be comfortable; 18 days, 21 days, 7 days, it's all over the place but at the time of U&O, I 'm pretty confident that it's going to close and that my mortgage has been approved. There are going to be times that it doesn't. There are people who don't show up at the settlement table these days and it's still happening. It's happening less but that's where I'd be comfortable. Have it right on the application and as you hand it in, you're committing that there is a "sold" sign and you're also committing to the fact that you're going to pay a \$25 or whatever it is re-inspection fee if it's not there.

Mr. Bonnett: And, therefore when our inspector goes to the premises to do a U&O inspection they see the "sold" sign.

Mr. Santora: Correct. And that is how I would word it as well.

Mr. Wagner: We're going to need some time to re-word this.

Mr. Bonnett: Madam Solicitor, can we amend the Ordinance on the floor this evening?

Solicitor: No, I would send it back to Committee and have it re-advertised.

Ms. Fenning: Thank you.

Mr. Bonnett: Thank you, Annette. Does anyone else wish to address Council on proposed Ordinance 3020?

Mr. Judge: There is one more person from the public.

Mr. Bergin: My name is John Bergin, 911 Hawthorne Ave, Secane. I don't understand the intricacies of this whole situation with the "sold" signs so I am also asking you to table the motion. I would also like to say that I think it is unjust government regulating...

LOST AUDIO DUE TO TAPE BEING CHANGED.

Ms. Keffer: I spoke to you briefly before the meeting and I didn't even see this Ordinance until I came into the meeting and opened the folder. In the future I would like a copy and maybe other people on Council would like copies of the Ordinances before we vote on them.

Mr. Bonnett: I'll give you my response as I told you before the meeting and I will state it publicly. I am in favor of reducing paper as much as we can. Everyone on this Council gets a copy of the Preliminary Agenda well in advance. Any question you have, you are entitled to an answer. If you have a question on an Ordinance and request a copy of it, you have a right to that and it will be given to you post haste. Mr. Nolan, you could respond to that, correct? And a copy could even be delivered to your house.

Ms. Keffer: But, they could just be scanned and sent through the computer like the minutes are before we read them.

Mr. Bonnett: We'll ask the Council office to take that under advisement.

Ms. Coles: Mr. President, I second Councilwoman Keffer's comments I think if we are expected to make a decision and vote on an Ordinance then we should be given the courtesy of having the information being e-mailed out to us just so we can make a proper decision before we actually sit down and open up our folders. And, I think we did talk about that a little bit in February of last year. But, the other comment is just that it seems as if you and Mayor Micozzie were asking for more feedback from the real estate community and we had a woman from the real estate community that was giving her opinion. But yet it seemed a little bit of back and forth as you all were trying to flush out some sort of agreement. I'm thinking that if we really earnestly want to get feedback from the real estate community then we have to be a little more welcoming to their feedback and understand that we're not going to agree 100% with what they're saying and also maybe make sure that other members of the real estate community clearly know what is happening with this Ordinance so in February or whenever it is tabled to we won't have an issue with maybe them not being in agreement with this.

Mayor Micozzie: I know Annette and Annette knows me. We were battling the issue, not personally.

Ms. Coles: I didn't say anything was personal. I was just saying just as a Councilperson my observation and I'm sorry if there was any misinterpretation just seeing the Ordinance tonight and us being required to vote on it unless it's tabled it just seemed as if I heard someone ask for feedback from the real estate community. There was a realtor that spoke on it at the Public Hearing and some of things that she shared I thought were, you know, very important points. But, I wasn't clear what was being agreed upon. She recommended 21 days and that seemed to not be completely agreed upon.

Mr. Bonnett: I think the message was heard and considered and I think there is probably going to be a motion to table the Resolution this evening.

Mayor Micozzie: We didn't do this in a vacuum. Everybody knows I do have a family that's not real excited about this right now, the Micozzie Real Estate Firm, which I am not a member of. But, I had some serious debate about that. Also, Jamie is a real estate person and Jack Bierling is a real estate person and on Monday night at the Comprehensive Plan meeting we had a discussion about this with Joe McGettigan who is also on the Real Estate Commission Board so it was not done in a vacuum. I believe that there is a compromise that we can come to. This really was driven by Jeff and his inspectors who go out and see it, what is the most applicable way that doesn't put a big burden on the real estate and us and I think they throw the conversation toward the U&O at the time of, well who else would do that? How would you know if it was up or if it wasn't up and those things that we've been looking at reviewing of properties that are sitting with sales that quite frankly, it hurts our local guys also.

Ms. Coles: Thanks. One more thing, just because the point was made about it ultimately being a burden on the seller I would just ask that when it goes back to Councilman Bierling's committee that they can also give us more feedback if this is true and how would this negatively impact the sellers. I think that is cause for concern.

Mr. Bierling: Just for the record, I am a licensed real estate agent. I usually don't sell full time. I am a part time sales person which Annette probably doesn't like too much. But, this time being the Chairman of the Committee, I would like to table this motion.

Mr. Bonnett: We're not there yet. Let me close the Public Hearing. But, on the point of the copies of the Ordinances, Mr. Nolan, if everyone is in agreement we can do this by email. We will make sure they are distributed in advance. Does anyone else wish to address Council on Ordinance No. 3020? Seeing no one at this time, Councilman Bierling, a motion would be in order.

Mr. Bierling: I move to table Ordinance No. 3020.

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. Madam Solicitor, do we have a set amount of time to bring this back to Council?

Solicitor: If you table it, you do need to table it to a date certain or you can table it indefinitely and then it would have to be approved.

Mr. Bonnett: Jack, are you comfortable with a month?

Mr. Bierling: Yes. A month and I will reach out to Annette so if you would leave your contact information with Rick and we'll get together and have a meeting.

Mr. Judge: Could we say the month and make it the next Council meeting because we may be more than 31 days? We can discuss it at the next work session and then you would bring it back to this body at a meeting date certain. I don't want to say 30 days or 45 days because we only meet on a certain day.

Mr. Bonnett: That's what I'm about to do. Are you suggesting that we do it in March?

Mr. Judge: No. I'm suggesting that you pick February or March whatever you want but just pick a date.

Mr. Bonnett: Please re-state your motion and include the date of March 18, 2015.

Mr. Bierling: I move to table the Resolution until the meeting of March 18, 2015.

Ms. Keffer: Seconded.

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

Mr. Santora: I abstain.

Mr. Bonnett: Councilman Santora has abstained. Please make a note of that for the record. The motion to table is approved.

Public Hearing for Ordinance No. 3021, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania providing for the regulation and licensing of dumpsters, open-top containers, Portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.

Mr. Bierling: I would now like to ask the Solicitor to give us a brief for proposed Ordinance No. 3021.

Solicitor: Ordinance No. 3021 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania providing for the regulation and licensing of dumpsters, open-top containers, portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.

Mr. Bonnett: Thank you. At this time, we will open a Public Hearing on proposed Ordinance No. 3021. 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. Gwin: Excuse me, may I ask a question? Could you clarify something? I know that in Section 5 of this Ordinance they removed the \$25 fee that was talked about and they refer to a Township Ordinance Fee. What is that and where is that located? Should it be a part of this Ordinance?

Solicitor: That is the next Ordinance that we are going to address, Ordinance No. 3022, which is the Township Fee Ordinance.

Mr. Gwin: So, it is kept as a separate piece?

Solicitor: Yes.

Mr. Gwin: Thank you.

Solicitor: Councilman Gwin, when the fees change, the Dumpster Ordinance doesn't change, only the Fee Ordinance does.

Mr. Bonnett: We update the Fee Ordinance periodically. Does any other member of Council wish to address Ordinance No. 3021? Seeing none, I will turn this back over to you for a motion.

Mr. Bierling: I make a motion for the approval of Ordinance No. 3021.

Mr. Wagner: Seconded.

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

In favor of Ordinance No. 3021	Opposed to Ordinance No. 3021	Excused	Abstained
Bonnett			
Wagner			
Rankin			
Monaghan			
Bierling			
Crawford			
Manners			
Santora			
Coles			
Gwin			
Keffer			1
10	0	0	1

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

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

Mr. Bierling: Mr. Bonnett, I'd just like to step back a second for everybody's edification. On Public Ordinance No. 3021, I received a number of calls about portable storage units being streets for a number of days. That's the reason we needed this Ordinance. It wasn't necessarily for the dumpsters although it does take care of the dumpsters but the storage pods have generated a number of calls. I know Mrs. Crawford has also had a number of calls and that's the reason that both of us reached out to Mr. Gentile and asked him to put something together. I would now like to ask the Solicitor to give us a brief for proposed Ordinance No. 3022.

Public Hearing for Ordinance No. 3022, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 2937 to adjust certain fees charged by the Department of Licenses and Inspections and repealing all Ordinances, Resolutions and parts of Ordinances and Resolutions inconsistent herewith

Solicitor: Ordinance No. 3022 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 2937 to adjust certain fees charged by the Department of Licenses and Inspections and repealing all Ordinances, Resolutions and parts of Ordinances and Resolutions inconsistent herewith.

Mr. Bonnett: Thank you. At this time, we will open a Public Hearing on proposed Ordinance No. 3022. Anyone wishing to speak on this Ordinance, please come to the podium and state your name and address for the record.

Ms. Fenning: So, is this the re-sale cert that we were just talking about before that we're increasing the fees from \$70 to \$100?

Solicitor: From \$70 to \$100.

Ms. Fenning: OK, and the \$90 fee if it is 15 days prior to settlement is how much?

Solicitor: That is not taken out. It's removed and in its place is residential property 1 and 2 families less than 5 days prior to settlement is \$150.

Ms. Fenning: OK. What is the reason for increasing the re-sale certification fee?

Mr. Judge: Additional costs associated with doing the inspections.

Ms. Fenning: What is the cost?

Mr. Judge: Manpower, paperwork.

Ms. Fenning: Have we hired more people to do that?

Mr. Judge: No, but the individuals have received escalations in their salary during the year so these fees have gone up. We have to justify fees so we can. We don't think it's that outlandish. It hasn't been increased in several years and you probably know how many years better than I do.

Ms. Fenning: OK, the reason I stand here before you is because I talk to people every day who, well just the fees that they have to pay to get their houses sold is really tough especially in this time when values are coming down substantially I might add, I'm just surprised to see the fees being raised. It's \$30 more and I know that doesn't sound like a lot of money but I'm glad to see that you're removing the upper fee so that might help. Thanks.

Mr. Bonnett: Thank you. Does anyone else wish to address Council regarding Ordinance No. 3022? Seeing none I will turn this back over to you for a motion.

Mr. Bierling: I make a motion for the approval of Ordinance No. 3022.

Mrs. Crawford: Seconded.

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

In favor of Ordinance No. 3022	Opposed to Ordinance No. 3022	Excused	Abstained
Bonnett			
Wagner			
Rankin			
Monaghan			
Bierling			
Crawford			
			Manners
			Santora
			Coles
			Gwin
			Keffer

6	0	0	5
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Mr. Rankin: That gives six in favor, zero opposed and five abstentions.

Mr. Santora: Just to be clear, my abstention is based on my professional license and it directly impacts my business. I don't think I should be able to vote on this.

Mr. Bonnett: We did at the December Committee meeting I believe, our Director of L&I did present the fact that he was going to recommend increasing the fees. So thank you, Mr. Rankin. The Ordinance is duly adopted. Madam Solicitor, do you have anything for the body?

Solicitor: No sir, I do not.

Mr. Bonnett: At this time a motion would be in order for adjournment.

Ms. Coles: Mr. Chair, I just wanted to ask if all of our Council members are going to be present at our February 4th Committee meeting.

Mr. Bonnett: Why don't you give us a quick run-down on what you're proposing.

Ms. Coles: OK. I already communicated with you, Mr. Judge and Mr. Nolan regarding the Domestic Violence Awareness Workshop that I hosted in October. All of the 5 agencies involved in that workshop agreed to come back on February 4th to Upper Darby to present to Council as a body, the Mayor and any Department Heads that are available to stick around post Committee Meeting. It's open to the public. The agencies that did present at the workshop in October were the Domestic Abuse Project (DAP), the Delaware County Women Against Rape (DCWAR), the Philadelphia Black Woman's Health Alliance (BWHA), the Center for Family Safety as well as the Upper Darby Police Department. We know that in the interest of us having a meeting at 7:30 by the time we get to their presentation you'll be ready to leave so it's going to be kind of confined as far as time limit. But, just to give us some information, I'm sure we are all very aware of what is happening in the news and domestic violence sometimes referred to as family violence affects us on a very regular basis. It affects our constituents so they will just empower us with some timely information that I think would be really good for us to have as elected officials.

Mr. Bonnett: Members of Council, the way we will handle this is that we will conclude our Committee Meeting and we will move out into the audience and then the presenters can address us along with members of the public that wish to participate in that. Motion for adjournment?

Adjournment

Mr. Rankin: So moved.

Mrs. Crawford: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Nolan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

RESOLUTION NO. 02-15

WHEREAS, THE UNDERSIGNED MUNICIPALITY DESIRES TO TAKE ADVANTAGE OF THE ACT APPROVED JUNE 1, 1954, P.P. 1242 AND AS PROVIDED IN THE ACT APPROVED MAY 18, 1945, P.P. 803, PERMITTING COUNTIES OF THE COMMONWEALTH OF PENNSYLVANIA TO APPROPRIATE AND EXPEND MONEYS FOR THE IMPROVEMENT AND MAINTENANCE OF STATE HIGHWAYS AND STATE AID HIGHWAYS OR ANY PUBLIC HIGHWAY IN ANY COUNTY OF THE COMMONWEALTH.

THEREFORE, BE IT RESOLVED:

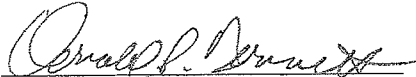
THAT WE, THE OFFICIALS OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA IN A REGULAR SESSION ASSEMBLED ON THIS 21ST DAY OF JANUARY 2015, DO HEREBY MAKE APPLICATION TO THE COUNTY COUNCIL OF DELAWARE COUNTY FOR AN ALLOCATION OF COUNTY LIQUID FUEL TAX FUNDS IN THE AMOUNT OF \$100,000.00 TO BE USED IN THE IMPROVEMENT OF:

**RESURFACING VARIOUS STREETS THROUGHOUT
THE TOWNSHIP, ESTIMATED TOTAL COST OF
PROJECT: \$100,000.00**

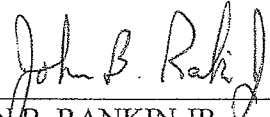
IT IS CERTIFIED BY THE MUNICIPALITY AND THE OFFICERS WHO EXECUTE THIS APPLICATION THAT ALL MATERIALS USED AND WORK DONE HEREUNDER SHALL CONFORM TO THE CURRENT PENNSYLVANIA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, OR SPECIFICATIONS APPROVED BY THE DEPARTMENT, AND THAT ALL WORK WILL BE DONE WITHIN THE LEGAL RIGHT OF WAY OR WITH PERMISSION OF THE ABUTTING PROPERTY OWNERS.

RESOLVED, THIS 21ST DAY OF JANUARY A.D., 2015

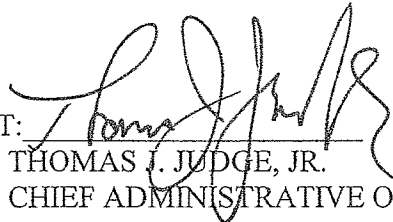
UPPER DARBY TOWNSHIP


 DONALD P. BONNETT
 PRESIDENT OF COUNCIL

RESOLUTION NO. 02-15
JANUARY 21st, 2015
PAGE 2

ATTEST: 
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE
MAYOR

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

**UPPER DARBY TOWNSHIP
ORDINANCE NO. 3020**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA
AMENDING ARTICLE IX OF THE TOWNSHIP ZONING CODE AMENDING THE DURATION
SALE OF PREMISES SIGNS MAY BE DISPLAYED**

Upper Darby Township hereby ordains that:


- 1. The following section of Article IX of the Township Zoning Code, Ordinance 2984, shall be amended as follows:

Section 902-F.6

Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that there is no more than one (1) such sign per lot frontage. Such sign shall be neither illuminated nor have a maximum area that exceeds six (6) square feet in residential districts and twenty (20) square feet in nonresidential districts. All such signs shall be removed on or before the date of settlement within seven (7) days of an agreement of sale being reached. If a sign is provided to indicate that the property has sold, then the signage is permitted to remain until the date of settlement.

ENACTED AND ORDAINED this 21st day of January, A.D., 2015

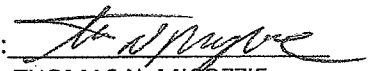
TOWNSHIP OF UPPER DARBY



 DONALD P. BONNETT
 PRESIDENT OF COUNCIL

ATTEST: _____
 JOHN RANKIN
 SECRETARY OF COUNCIL

ORDINANCE NO. 3020 ABOVE IS HEREBY APPROVED THIS
21st DAY OF JANUARY, A.D., 2015

APPROVED: 
 THOMAS N. MICOZZIE
 MAYOR

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

Tabled

UPPER DARBY TOWNSHIP

ORDINANCE NO. 3021

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION AND LICENSING OF DUMPSTERS, OPEN-TOP CONTAINERS, PORTABLE STORAGE CONTAINERS AND COMPACTION CONTAINERS MAINTAINED AND LOCATED ON A PUBLIC STREET WITHIN UPPER DARBY TOWNSHIP FOR THE COLLECTION AND/OR STORAGE OF TRASH, DEBRIS OR OTHER SOLID WASTE MATERIALS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

SECTION 1. Definitions.

As used in this Ordinance the following terms shall have the meanings given therein:

- a. Dumpsters: Any covered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, trash materials.
- b. Open-top Containers: Any uncovered receptacle utilized for the storage and/or collection of refuse, trash, debris or other solid waste materials.
- c. Compaction Container: Any receptacle designed or utilized for the purpose of crushing, compressing, storage and/or collection of refuse, trash, debris or other solid waste materials.
- d. Portable Storage Containers: Any movable container utilized for temporary storage.
- e. Container: The types of receptacles defined in Section 1(a), (b) ~~and~~ (c) and (d) of this Ordinance.

SECTION 2. Any person, firm or corporation who maintains or utilizes any dumpster, open-top container, portable storage container or compaction container must first obtain a permit from the Department of Licenses and Inspection for such use before allowing it to be located on a public street within Upper Darby Township.

SECTION 3 No dumpster, open-top container, portable storage container or compaction container may be placed on a public street within Upper Darby Township unless the container has reflectors or some other type of fluorescent materials attached to all four of its

sides and no permit shall be issued for the use of any such container which does not have such reflectors or fluorescent materials attached to all four of its sides. All such reflectors or fluorescent materials must be located on areas of the container which are readily visible to vehicular and pedestrian traffic.

SECTION 4. Every person, firm or corporation desiring to utilize any dumpster, open-top container or compaction container on a public street within the Township shall apply for the permit required by this Ordinance by submitting an application on a form prepared and furnished by the Department of Licenses and Inspection. The application shall set forth the name of the owner and operator, if not the same, the location and size of the container, the dates of use and such other information as the Department of Licenses and Inspection may require.

SECTION 5. The permit shall be issued only for the actual period of use not to exceed thirty (30) days from the date of issuance. In the event any permit expires while the container is still in use, the applicant on or before the expiration date must apply for and receive a new permit for another thirty (30) day period. At the time any application is filed a permit fee in the amount specified in the Township Fee Ordinance of Twenty-Five Dollars (\$25.00) shall be paid and if the container is to be placed in a metered parking area, the applicant must also pay the prevailing rate for rental of the parking meters which will be out of service as a result of the location of the container. ~~The rental payment shall be in the total amount due for the period of time equal to the length of the permit with any unused portion to be refunded as of the first day after the removal of the container from the metered parking area.~~

SECTION 6. ~~All containers within the terms of this Ordinance shall be emptied at least once every week.~~ All containers within the terms of this Ordinance shall be maintained so as not to create a public nuisance including but not limited to the timely and proper removal of any refuse, trash, debris or other solid waste materials. All containers can only be placed in areas where vehicles are permitted to be legally parked and in no way can they create a nuisance to vehicle or pedestrian safety.

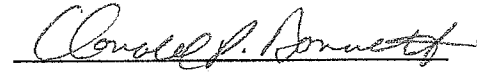
SECTION 7. ~~Any container not maintained in accordance with the provisions of this Ordinance is hereby declared a nuisance within the meaning of Ordinance No. 1906 and shall be subject to abatement procedures provided for therein.~~

SECTION 8. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to a fine of not more than One Thousand Dollars (\$1,000) ~~Three Hundred Dollars (\$300.00)~~ per container and upon default of the payment thereof, be sentenced to undergo imprisonment for a period not exceeding thirty (30) days. Each -3 -violation of the provisions of this Ordinance shall constitute a separate offense for each day a violation exists.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

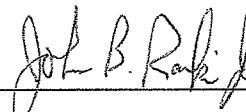
ENACTED and ORDAINED this 21ST day of JANUARY, A.D., 2015

TOWNSHIP OF UPPER DARBY



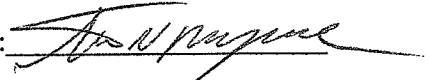
DONALD P. BONNETT

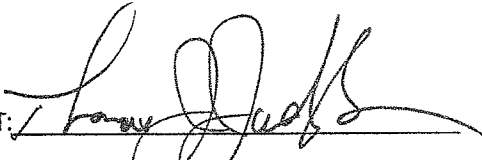
PRESIDENT OF COUNCIL

ATTEST: 
JOHN RANKIN
SECRETARY OF COUNCIL

ORDINANCE NO. 3021 ABOVE IS HEREBY APPROVED THIS

21st DAY OF JANUARY, A.D., 2015

APPROVED: 
THOMAS N. MICOZZIE
MAYOR

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

UPPER DARBY TOWNSHIP

ORDINANCE NO. 3022

**AN ORDINANCE OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
AMENDING ORDINANCE 2937 TO ADJUST
CERTAIN FEES CHARGED BY THE DEPARTMENT
OF LICENSES AND INSPECTIONS AND
REPEALING ALL ORDINANCES, RESOLUTIONS
AND PARTS OF ORDINANCES OR RESOLUTIONS
INCONSISTENT HEREWITH.**

WHEREAS, the Department of Licenses and Inspection of Upper Darby Township has, pursuant to the provisions of the Township Charter, Administrative Code and various Ordinances, been delegated with the duty for administering and supervising the operation of certain activities within Upper Darby Township; and

WHEREAS, to facilitate such supervision and administration it is necessary that the operators of and/or participants in these activities obtain certain licenses and permits from the Department of Licenses and Inspections; and

WHEREAS, it is recognized that a certain increased expenditure of time and money by the Department of Licenses and Inspections is necessitated in carrying out the above duties; and

WHEREAS, this Council deems it desirous that the Township recover such costs by charging license and permit fees to the applicants therefore; and

WHEREAS, the purpose of such fees shall be to recover administrative expenses only, and not to raise revenue.

NOW, THEREFORE, Upper Darby Township hereby ordains that the following sections of Ordinance 2937 be amended:

Section 1.i.5 is amended as follows:

Dumpsters and Portable Storage Containers: \$30.00 \$50.00 – permit good for 30 days. If parking meter(s) are involved - \$6.00 a day per meter. Must be obtained from the Parking Meter Department.

Section 1.n is amended as follows:

RESALE/REFINANCE CERTIFICATE FEES FOR SALE OF PROPERTY.

Resale/Refinance Certification:

Residential property (one & two family) - 15 days or more prior to settlement - \$70.00, \$100.00, plus \$10.00 \$25.00 to process any required escrow;

Residential property less than 15 days prior to settlement - \$90.00, plus \$10.00 to process any required escrow;

Residential property (one & two family) less than 5 days prior to settlement - \$150.00, plus \$25.00 to process any required escrow;

Commercial property or residential apartments (three units and up) - \$200.00, plus \$50.00 to process any required escrow;

Commercial property or triplex 15 days or more prior to settlement - \$110.00, plus \$10.00 to process any required escrow;

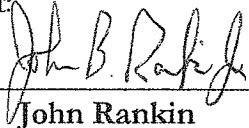
Commercial property or triplex less than 15 days prior to settlement - \$150.00, plus \$10.00 to process any required escrow;

Apartments 15 days or more prior to settlement - \$110.00 per folio number, plus \$10.00 to process any required escrow;

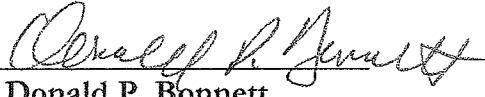
Apartments less than 15 days prior to settlement - \$150.00 per folio number, plus \$10.00 to process any required escrow.

ENACTED and ORDAINED this 21ST day of JANUARY, A.D. 2015.

Attest:




John Rankin
Secretary of Council

By: 

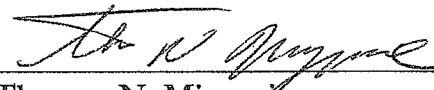
Donald P. Bonnett
President of Council

Ordinance No. 3022 above is hereby approved this 21st day of January, A.D., 2015

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved: 

Thomas N. Micozzie
Mayor