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Upper Darby Township Council Meeting

February 18th, 2015

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, February 18th, 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.

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 going to be taking things a little bit out of order this evening beginning with the presentation by our Mayor, the Honorable Thomas N. Micozzie.

Mayor Thomas N. Micozzie

Mayor Micozzie presented Lieutenant James Reif with the 2014 Dennis McNamara Memorial Award.

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of January 21st, 2015.

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.

Sophie Gray, 647 Aronimink Place
Lot at Edmonds and Garrett

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 Planning, Zoning & Building Code Committee, Mr. Bierling please.

Committee Reports

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

Resolution No. 03-15, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Westport Holdings Corporation to incorporate 6 lots totaling 2.9 acres into 1 lot and develop 2.9 acres with two buildings totaling 15,900 square feet including a drive-thru CVS store on the Northwest corner of Township Line and Burmont Road and being subject to certain conditions of approval

Mr. Bierling: I would like to ask the Solicitor to give us a brief on Resolution No. 03-15.

Solicitor: Certainly. Resolution No. 03-15 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Westport Holdings Corporation to incorporate 6 lots totaling 2.9 acres into 1 lot and develop 2.9 acres with two buildings totaling 15,900 square feet including a drive-thru CVS store on the Northwest corner of Township Line and Burmont Road and being subject to certain conditions of approval

Mr. Bierling: Thank you. At this time, I move for the adoption of Resolution No. 03-15.

Mr. Wagner: Seconded.

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

Resolution No. 04-15, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Accurate Trash Removal, Inc. to further develop .25 acres with a 1,932 square foot one story addition on the West side of Second Street, North side of the SEPTA right-of-way and being subject to certain conditions of approval

Mr. Bierling: I would like to ask the Solicitor to give us a brief on Resolution No. 04-15.

Solicitor: Certainly. Resolution No. 04-15 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Accurate Trash Removal, Inc. to further develop .25 acres with a 1,932 square foot one story addition on the West side of Second Street, North side of the SEPTA right-of-way and being subject to certain conditions of approval

Mr. Bierling: Thank you. At this time, I move for the adoption of Resolution No. 04-15.

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 the Public Safety Committee, Mr. Rankin please.

Public Safety Committee
John Rankin, Chairman

Introduction of Ordinance No. 3023, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending and supplementing the Upper Darby Township Civil Service Code as previously amended.

Solicitor: Yes. Ordinance No. 3023 is an Ordinance of Upper Darby Township, Delaware County Pennsylvania amending and supplementing the Upper Darby Township Civil Service Code as previously amended.

Mr. Rankin: Thank you, Madam Solicitor. At this time I would like to make a motion that the proposed Ordinance No. 3023 be duly advertised and placed on the agenda for the March 19th, 2015 regular Council Meeting.

Mrs. Crawford: Seconded.

Mr. Bonnett: It's been moved and seconded for the introduction of Ordinance No. 3023. All those in favor signify by saying aye. Opposed? The ayes have it.

Resolution No. 05-15, a Resolution to establish fire safety zones on the South side of the 3400 block of Verner Street

Solicitor: Yes. Resolution No. 05-15 is a Resolution to establish fire safety zones on the South side of the 3400 block of Verner Street

Mr. Rankin: Thank you, Madam Solicitor. At this time I would like to make a motion for the adoption of Resolution No. 05-15.

Mr. Gwin: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Law and Government & Rules and Procedures Committee, Councilman Wagner please.

Law and Government & Rules and Procedures Committee
Thomas P. Wagner, Chairman

Resolution No. 06-15, a Resolution of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 3017, the Realignment Plan of the Seven Councilmanic Districts in the Township to reflect the minor renumbering correction to the plan adopted by the Delaware County Board of Elections and the Commonwealth of Pennsylvania Department of State.

Solicitor: Yes. Resolution No. 06-15 a Resolution of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 3017, the Realignment Plan of the Seven Councilmanic Districts in the Township to reflect the minor renumbering correction to the plan adopted by the Delaware County Board of Elections and the Commonwealth of Pennsylvania Department of State.

Mr. Wagner: Thank you, Madam Solicitor. At this time I would like to make a motion for the adoption of Resolution No. 06-15.

Mrs. Crawford: Seconded.

Mr. Bonnett: It's been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: That concludes our report Mr. President.

Mr. Bonnett: Thank you Tom. Madam Solicitor, do you have anything for the body?

Solicitor: I do not.

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

Ms. Coles: Just a second. I just have one quick thing. Regarding the Food Drive, I did hear back from Dr. Dunlap and Dana Spino from Upper Darby School District and they did a survey of the Building Principals and they all agreed and approved for us to place the food collection bins in each of the 10 elementary schools. They also approved for a flier to go home in the Wednesday folders even though I didn't ask for that because that would be a cost to place a flier in each Wednesday folder for each child in all 10 elementary schools. Instead I had just made some color fliers for maybe 3 to go to each of the elementary schools. I was just going to ask if possible if any of the Council people that live closer to the elementary schools have the time or if a representative of them could drop them off to the building principal or their secretary for posting in the office or someplace visible and that the bins would be coming closer to March 2nd. I only brought it up now because the next time we meet will be after March 2nd. Obviously I can do Bywood but I can do more schools than that. I was just asking if possible that people who are closer to Westbrook Park or Primos or Aronimink if your schedules allows you to drop it off one day this week or early next week.

Mayor Micozzie: Dr. Dunlap did call me back and ask me to give you a call. That was approved because it was part of Upper Darby and I put my signature on it. The School District has a new rule with stuff going in the Wednesday folders that they adopted a policy on but because it was an official document from Upper Darby Township Council they waived that rule. Well, I was thinking that the whole thing with the Wednesday folders was the cost so I didn't know if I could come here and ask Rick Nolan or Alexis to make a bunch of copies.

Mr. Judge: We'll send them out and have them printed.

Ms. Coles: We'll pay for it? Will it go to the print shop at the school district?

Mr. Judge: No, it will go.....

Mayor Micozzie: We'll do it from Council as a body so it goes out and doesn't get jammed up on the Wednesday folder issue.

Mr. Bonnett: So we're going to give them to the schools?

Mr. Judge: Let's do it. Councilwoman Coles, give us the flier that you have prepared and we'll look at it and make sure that it has the proper Township seal on it. We will then go forward and

have it printed and delivered to the school district and they will deliver it to the individual schools. That's the process for going in the envelopes.

Ms. Coles: She just said that if it's there by Monday, February 23rd so they could stuff the folders for Wednesday. If it's there.....

Mr. Judge: I think we can probably try and do that. I will make every attempt to have it done by then.

Ms. Coles: OK, I will give you the hard copy and if you want the Word document I can get that to you.

Mayor Micozzie: Something that I failed to mention is on Saturday night is "Mother Language Day" at Beverly Hills Middle School beginning at 5:30 and there is another program beginning with the Bangladeshis at 6:30. It's all at Beverly Hills and they changed the time so it is nighttime instead of daytime.

Mr. Judge: Don't forget "Imagine Upper Darby" on February 28th, the Comprehensive Plan at the High School.

Ms. Coles: While we're plugging events I am going to plug my event, the celebration of Black History Discussion Panel next Wednesday, February 25th at 7PM at the Municipal Library.

Mr. Bierling: Mr. Bonnett, I was going to bring up the Comprehensive Plan and don't forget the same day we also have the Fireman's "Pour For the Cure."

Mayor Micozzie: Yes, it's a busy weekend. And also in your folders is the "Imagine Upper Darby" information.

Mr. Judge: And it will go to the post office tomorrow for first class mail.

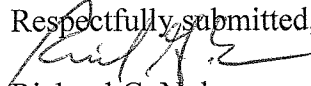
Mr. Bonnett: A motion is in order for adjournment.

Adjournment

Mr. Rankin: So moved.

Mrs. Crawford: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

UPPER DARBY TOWNSHIP**Resolution No. 03-15****A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF WESTPORT
HOLDINGS CORPORATION TO INCORPORATE 6
LOTS TOTALING 2.9 ACRES INTO 1 LOT &
DEVELOP 2.9 ACRES WITH TWO BUILDING
TOTALING 15,900 SQUARE FEET INCLUDING A
DRIVE-THRU CVS STORE ON THE NORTHWEST
CORNER OF TOWNSHIP LINE AND BURMONT
ROAD AND BEING SUBJECT TO CERTAIN
CONDITIONS OF APPROVAL.**

WHEREAS, Westport Holdings Corporation (“Applicant”) has submitted for approval its Final Land Development Plan to incorporate 6 lots totaling 2.9 acres into 1 lot & develop 2.9 acres with two building totaling 15,900 square feet including a drive-thru CVS store, prepared by Bohler Engineering, said plans submitted to the Township dated November 11, 2014 (collectively “Final Plans”); and

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

1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by Westport Holdings Corporation, and where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement, Improvement Security Agreement and Stormwater Controls and Best Management Practices Operations and Maintenance Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;

3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

4. Formal recording of the Land Development Plan (the "Record Plans") following Township execution of the Record Plans;

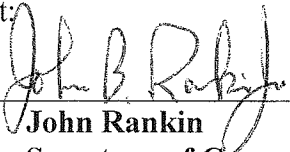
5. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision dated December 19, 2014, which decision is incorporated herein by reference hereto.”

6. The applicant shall commission a traffic impact study to study and document traffic on Treaty and Warrior Roads both before and six months after development to ascertain the effects of the development on local roadways. The study shall suggest solutions and implement all measures to mitigate any deleterious impacts.

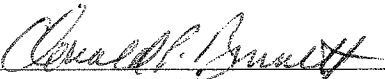
7. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

Attest:



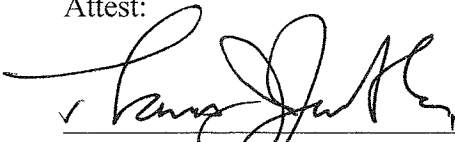
John Rankin
Secretary of Council

By: 

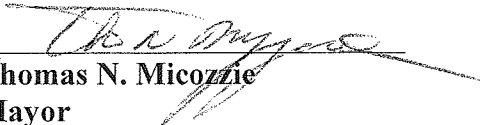
Donald P. Bonnett
President of Council

Resolution No. 03-15 above is hereby approved this 18th day of February, A.D., 2015.

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved: 

Thomas N. Micozzie
Mayor

UPPER DARBY TOWNSHIP

Resolution No. 04-15

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF ACCURATE
TRASH REMOVAL, INC. TO FURTHER DEVELOP
.25 ACRES WITH A 1,932 SQUARE FOOT ONE
STORY ADDITION ON THE WEST SIDE OF
SECOND STREET, NORT SIDE OF THE SEPTA
RIGHT-OF-WAY AND BEING SUBJECT TO
CERTAIN CONDITIONS OF APPROVAL.**

WHEREAS, Accurate Trash Removal (“Applicant”) has submitted for approval its Final Land Development Plan to further develop .25 acres with a 1,932 square foot one story addition, prepared by H. Gilroy Damon Associates, Inc., said plans submitted to the Township dated September 18, 2014 (collectively “Final Plans”); and

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

1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by Accurate Trash Removal, Inc., and where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement, Improvement Security Agreement and Stormwater Controls and Best Management Practices Operations and Maintenance Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;

3. Applicant obtaining, where applicable, Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

4. Formal recording of the Land Development Plan (the "Record Plans") following Township execution of the Record Plans;


5. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision dated January 22, 2015, which decision is incorporated herein by reference hereto."

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


7. Waiver from formal requirements of Section 207 of the Land Development and Subdivision Ordinance is hereby approved.

TOWNSHIP OF UPPER DARBY

Attest:



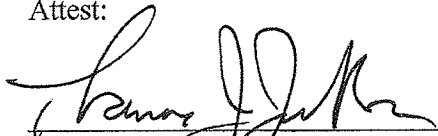
John Rankin
Secretary of Council

By: 

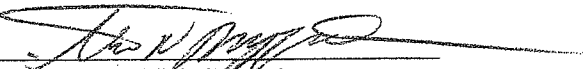
Donald P. Bonnett
President of Council

Resolution No. 04-15 above is hereby approved this 18th day of February, A.D., 2015.

Attest:



Thomas A. Judge, Jr.
Chief Administrative
Officer

Approved: 

Thomas N. Micozzie
Mayor

RESOLUTION NO. 05-15

WHEREAS, ORDINANCE NO. 2419 OF THE TOWNSHIP OF UPPER DARBY ESTABLISHES FIRE SAFETY ZONES IN THE AREAS OFFICIALLY SET ASIDE AS SUCH WITHIN THE STREETS AND HIGHWAYS OF THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

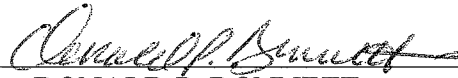
NOW, THEREFORE, BE IT RESOLVED:

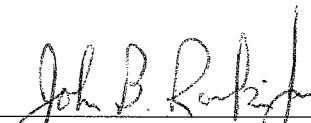
THAT ORDINANCE NO. 2419 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 6 THE FOLLOWING:

ESTABLISH FIRE SAFETY ZONES ON THE SOUTH SIDE OF THE 3400 BLOCK OF VERNER STREET

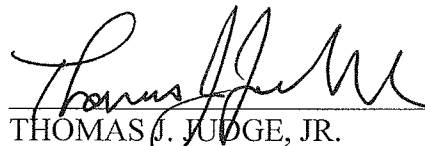
RESOLVED, THIS 18TH DAY OF FEBRUARY, A.D., 2015.

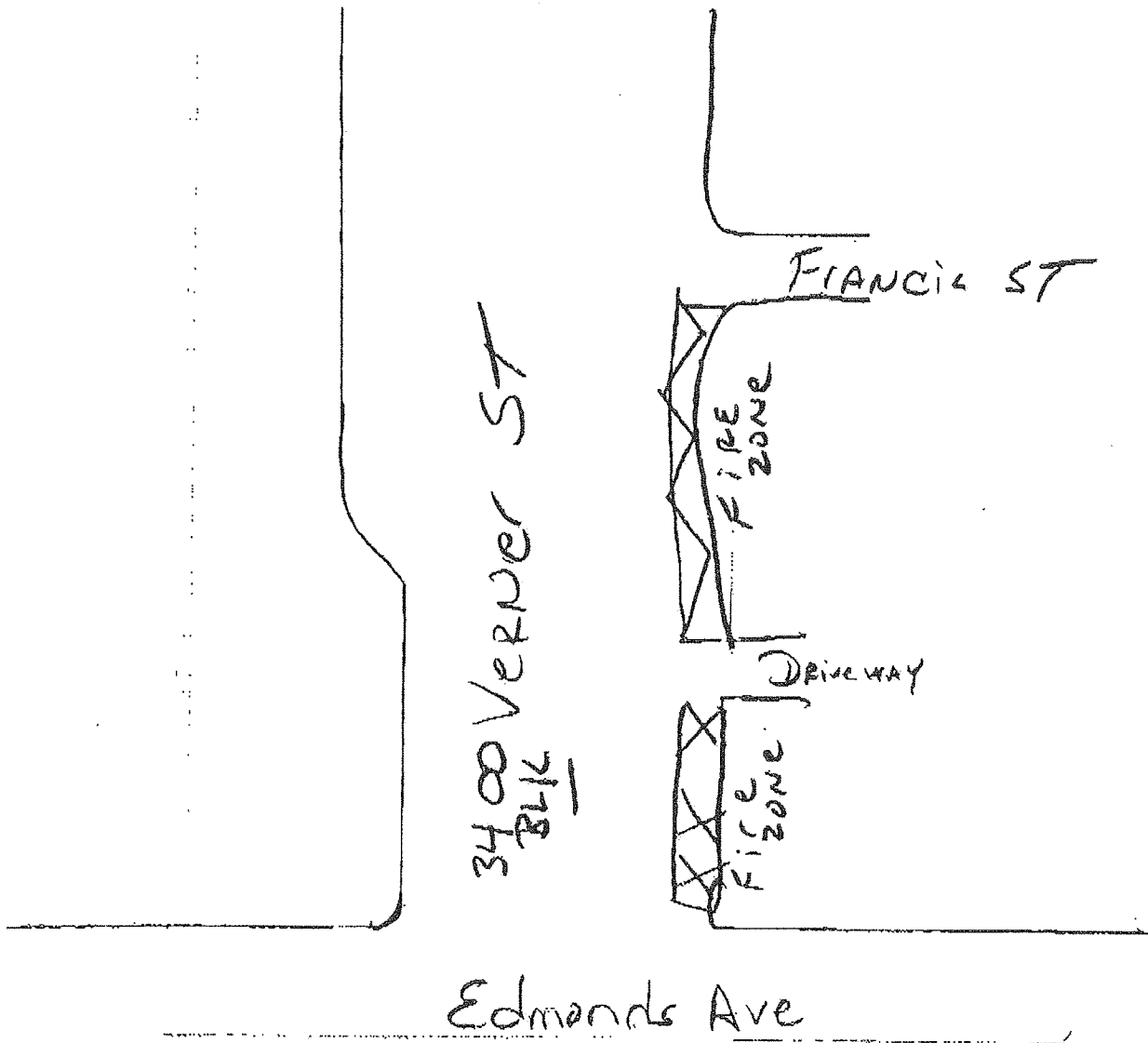
UPPER DARBY TOWNSHIP


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



Proposed Fire Zones for the 3400 BLK of VERNER

RESOLUTION NO. 06-15

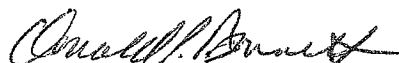
WHEREAS, ORDINANCE NO. 3017 OF THE TOWNSHIP OF UPPER DARBY ADOPTED THE REALIGNMENT PLAN OF THE SEVEN COUNCIL MANIC DISTRICT IN THE TOWNSHIP , WHEREAS THE DELAWARE COUNTY BOARD OF ELECTIONS AND THE COMMONWEALTH OF PENNSYLVAINA DEPARTMETN OF STATE APPROVED THE PLAN WITH ONE MINOR REVISION TO THE PRECINCT DESCRIPTION, THIS RESOLUTION WILL AMEND ORDINANCE 3017 TO REFLECT THE ADOPTED CHANGE IN PRECINCT DESCRIPTION.

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 3017 BE AMENDED AND SUPPLEMENTED BY RENAMING PRECINCT 7-12 TO 7-6 AND SHOWN IN THE ATTACHED DOCUMENT.


RESOLVED, THIS 18TH DAY OF FEBURARY, A.D., 2015.

UPPER DARBY TOWNSHIP



DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:



JOHN B. RANKIN JR.
SECRETARY OF COUNCIL

ATTEST:



THOMAS I. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER



THOMAS N. MICOZZIE, MAYOR