

Index

Upper Darby Township Council Meeting

June 17<sup>th</sup>, 2015

Call of the meeting	123
Roll call	123
<b>Mayor Micozzie</b>	
<i>Mayor Micozzie recognized Upper Darby Township Fire and Police Departments along with Medical Units from Delaware County Memorial Hospital and Fitzgerald Mercy Hospital for their efforts at a dwelling fire at 546 Millbank Road on Thursday, April 2<sup>nd</sup>, 2015 at 05:48 hrs.</i>	123
<i>The Mayor presented the Mayor's Award of Excellence to Fire Captain Dennis Gallagher, fire fighter Brian Ganley and fire fighter James Conlin for an outstanding performance in the line of duty.</i>	123
<i>On behalf of Senator McGarrigle, certificates of recognition were presented to Fire Captain Dennis Gallagher, fire fighter Brian Ganley and fire fighter James Conlin.</i>	123
<i>Fire Chief Ed Cubler commended the Upper Darby Fire Dept and fire Fighter Brian Ganley for their efforts at a working apartment complex fire in Lansdowne</i>	123
Approval of the May 2015 Minutes	124
<b>Committee Reports</b>	
<b>Finance and Appropriations Committee</b> Thomas P. Wagner, Chairman	
Resolution No. 13-15, the tax appeal of Militia Hill Investors, LLC, 405 Gilpin Rd, Upper Darby Township. Tax Folio No: 16-04-00659-00	124 128-129
Adoption of Resolution No. 13-15	126

Resolution No. 14-15, the tax appeal of Upper Darby Properties, LLC, 258 Sanford Rd, Upper Darby Township. Tax Folio No: 16-04-01742-00	124 130-131
Adoption of Resolution No. 14-15	126
Resolution No. 15-15, the tax appeal of Aidan Smith & Rezarta Budo, 814 Eaton Rd, Upper Darby Township. Tax Folio No: 16-08-01004-00	125 132-133
Adoption of Resolution No. 15-15	126
Resolution No. 16-15, the tax appeal of Ebasco Properties, LLC, 262 Westpark Ln.,Upper Darby Township. Tax Folio No: 16-13-03737-00	125 134-135
Adoption of Resolution No. 16-15	126
Resolution No. 17-15, the tax appeal of Rostant Farfan, 114 N. Cedar Ln, Upper Darby Township. Tax Folio No: 16-06-00192-00	125 136-137
Adoption of Resolution No. 17-15	126
Resolution No. 18-15, the tax appeal of Militia Hill Investors, LLC, 332 Margate Rd, Upper Darby Township. Tax Folio No: 16-04-01390-00	125 138-139
Adoption of Resolution No. 18-15	126
<b>Public Safety Committee</b> John B. Rankin Jr., Chairman	
Resolution No. 19-15, a Resolution to remove the “No Parking Between Signs” restriction on the 200 block of Fairfield Avenue	126 140
Adoption of Resolution No. 19-15	126
Resolution No. 20-15, a Resolution to install a stop sign on the 400 block of Glendale Road at Midway Avenue	126 141

Adoption of Resolution No. 20-15 126

**Mayor's Announcements** 127

*Mayor Micozzie read the PRESS RELEASE regarding trash and recycling schedules for the week including the 4<sup>th</sup> of July Holiday.*

*Mayor Micozzie announced the details of the 4<sup>th</sup> of July Fireworks festivities to be held at Upper Darby High School on Friday, July 3<sup>rd</sup>, 2015.*

*Mayor Micozzie commented on the road paving projects taking place throughout the Township.*

*Mayor Micozzie stated that there will be a Police and Fire test given in the Fall of 2015. The times and dates will be announced after they are confirmed.*

*Mayor Micozzie and Tom Judge Jr. gave comments/details on the upcoming visit of the Pope and the many various details associated with that event including transportation, traffic control and people control. Upper Darby Township will be working in conjunction with the Police and Fire Departments, SEPTA and the 911 Center on developing a plan on safety control, fire control and police control.*

Solicitor 127

Adjournment 127

A regular meeting of Upper Darby Township Council was held on Wednesday evening, June 17<sup>th</sup>, 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, Ed Monaghan, Jacob A. Bierling Jr.,  
Mary Ann Crawford, Marah Manners, Sekela Coles, Robert Gwin, Barbarann Keffer,  
Kate Sweeney Smith

John Rankin, excused

### **Present at the Meeting**

Thomas N. Micozzie, Mayor  
Thomas J. Judge Jr., CAO  
Scott C. Gottel, Esq., Solicitor  
Kelly Sullivan, Esq., Solicitor  
Richard G. Nolan, Chief Municipal Clerk

Mr. Bonnett: Members of Council, we are going to re-organize the order of tonight's agenda to bring the Mayor's part of the meeting forward to recognize our firefighters for actions on a recent fire scene.

### **Mayor Micozzie**

*Mayor Micozzie recognized Upper Darby Township Fire and Police Departments along with Medical Units from Delaware County Memorial Hospital and Fitzgerald Mercy Hospital for their efforts at a dwelling fire at 546 Millbank Road on Thursday, April 2<sup>nd</sup>, 2015 at 05:48 hrs.*

*The Mayor presented the Mayor's Award of Excellence to Fire Captain Dennis Gallagher, fire fighter Brian Ganley and fire fighter James Conlin for an outstanding performance in the line of duty.*

*On behalf of Senator McGarrigle, certificates of recognition were presented to Fire Captain Dennis Gallagher, fire fighter Brian Ganley and fire fighter James Conlin.*

*Fire Chief Ed Cubler commended the Upper Darby Fire Dept and fire fighter Brian Ganley for their efforts at a working apartment complex fire in Lansdowne*

Audience applause.

### Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of May 20<sup>th</sup>, 2015.

Mr. Monaghan: 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. At this time we will go into the Committee Reports starting with the Finance and Appropriations Committee, Mr. Wagner please.

### Public Forum

Mr. Bonnett: Excuse me. Also, for the record, there were no speakers tonight for the Public Forum. Now we'll go to Mr. Wagner.

### **Committee Reports**

#### **Finance and Appropriations Committee**

Thomas P. Wagner, Chairman

#### **Resolution No. 13-15, the tax appeal of Militia Hill Investors, LLC, 405 Gilpin Road, Upper Darby Township. Tax Folio No: 16-04-00659-00**

Mr. Wagner: Thank you, Mr. President. I would ask the Solicitor to give us a brief on Resolutions 13-15 through 18-15.

Solicitor: Certainly. Resolution No. 13-15, the tax appeal of Militia Hill Investors, LLC, 405 Gilpin Road, Upper Darby Township. Tax Folio No: 16-04-00659-00. The current assessment is \$27,120.00. The recommended Resolution is for an assessment for tax year 2015 of \$19,662.00.

#### **Resolution No. 14-15, the tax appeal of Upper Darby Properties, LLC, 258 Sanford Rd, Upper Darby Township. Tax Folio No: 16-04-01742-00**

The second Resolution is 14-15, the tax appeal of Upper Darby Properties, LLC, 258 Sanford Rd, Upper Darby Township. Tax Folio No: 16-04-01742-00. The current assessment is \$47,460.00. The recommended Resolution is for an assessment of \$30,849.00.

**Resolution No. 15-15, the tax appeal of Aidan Smith & Rezarta Budo, 814 Eaton Rd, Upper Darby Township. Tax Folio No: 16-08-01004-00**

Resolution No. 15-15, the tax appeal of Aidan Smith & Rezarta Budo, 814 Eaton Rd, Upper Darby Township. Tax Folio No: 16-08-01004-00. The current assessment is \$92,400.00. The recommended Resolution is for an assessment of \$50,138.00.

**Resolution No. 16-15, the tax appeal of Ebasco Properties, LLC, 262 Westpark Lane, Upper Darby Township. Tax Folio No: 16-13-03737-00**

Resolution No. 16-15, the tax appeal of Ebasco Properties, LLC, 262 Westpark Ln., Upper Darby Township. Tax Folio No: 16-13-03737-00. The current assessment is \$76,710.00. The recommended Resolution is for an assessment of \$61,020.00.

**Resolution No. 17-15, the tax appeal of Rostant Farfan, 114 N. Cedar Ln, Upper Darby Township. Tax Folio No: 16-06-00192-00**

Resolution No. 17-15, the tax appeal of Rostant Farfan, 114 N. Cedar Ln, Upper Darby Township. Tax Folio No: 16-06-00192-00. The current assessment is \$54,240.00. The recommended Resolution is for an assessment of \$41,697.00.

**Resolution No. 18-15, the tax appeal of Militia Hill Investors, LLC, 332 Margate Rd, Upper Darby Township. Tax Folio No: 16-04-01390-00**

Resolution No. 18-15, the tax appeal of Militia Hill Investors, LLC, 332 Margate Rd, Upper Darby Township. Tax Folio No: 16-04-01390-00. The current assessment is \$47,460.00. The recommended Resolution is for an assessment of \$25,764.00.

Each of these assessments has already been approved by the Upper Darby School District and each of these assessments is being recommended for approval by the Solicitor's office.

Mr. Wagner: Thank you, Mr. Solicitor. I hereby move for the adoption of Resolutions 13-15 through 18-15.

Mrs. Crawford: Second.

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

Mr. Wagner: Thank you, Mr. President. That concludes the report of the Finance and Appropriations Committee.

Mr. Bonnett: Thank you, Tom. Next is the Public Safety Committee. Councilman Wagner, would you handle that Committee please?

Mr. Wagner: Yes. Madam Solicitor, would you give us a brief on Resolution No. 19-15?

**Public Safety Committee**

John B. Rankin Jr., Chairman

**Resolution No. 19-15, a Resolution to remove the "No Parking Between Signs" restriction on the 200 block of Fairfield Avenue**

Solicitor: Yes. Resolution No. 19-15 is a Resolution to remove the "No Parking Between Signs" restriction on the 200 block of Fairfield Avenue

Mr. Wagner: Thank you, Madam Solicitor. I move for the adoption of Resolution No. 19-15.

Ms. Coles: Second.

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

**Resolution No. 20-15, a Resolution to install a stop sign on the 400 block of Glendale Road at Midway Avenue**

Mr. Wagner: Madam Solicitor, would you now give us a brief on Resolution No. 20-15?

Solicitor: Yes. Resolution No. 20-15 is a Resolution to install a stop sign on the 400 block of Glendale Road at Midway Avenue

Mr. Wagner: Thank you, Madam Solicitor. I move for the adoption of Resolution No. 20-15.

Ms. Manners: Second.

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

Mr. Wagner: That completes the report of the Public Safety Committee, Mr. President.

Mr. Bonnett: Thank you, Tom. Mr. Mayor, do you have anything else?

*Mayor Micozzie read the PRESS RELEASE regarding trash and recycling schedules for the week including the 4<sup>th</sup> of July Holiday.*

*Mayor Micozzie announced the details of the 4<sup>th</sup> of July Fireworks festivities to be held at Upper Darby High School on Friday, July 3<sup>rd</sup>, 2015.*

*Mayor Micozzie commented on the road paving projects taking place throughout the Township.*

*Mayor Micozzie stated that there will be a Police and Fire test given in the Fall of 2015. The times and dates will be announced after they are confirmed.*

*Mayor Micozzie and Tom Judge Jr. gave comments/details on the upcoming visit of the Pope and the many various details associated with that event including transportation, traffic control and people control. Upper Darby Township will be working in conjunction with the Police and Fire Departments, SEPTA and the 911 Center on developing a plan on safety control, fire control and police control.*

Mr. Bonnett: Does the Solicitor have any business for the Council this evening?

Solicitor: No, I do not.

Mr. Bonnett: OK, a motion would be in order for adjournment


Mr. Wagner: So moved.

**Adjournment**

Mrs. Crawford: Seconded.

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

Respectfully submitted,



Richard G. Nolan  
Chief Municipal Clerk



**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 13-15**

**In Re: Appeal Of: 405 Gilpin**

**Owner: Militia Hill Investors, LLC**

**Property Address: 405 Gilpin  
Upper Darby, PA 19082  
**Tax Folio No.: 16-04-00659-00****

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-011320;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2015	\$19,662.00

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

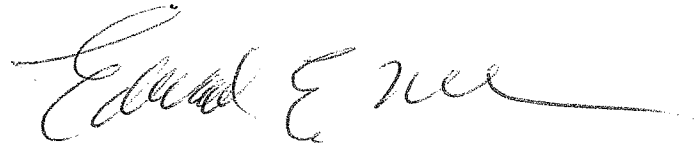
WHEREAS, the Solicitor recommends this settlement.

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

RESOLVED, this 17<sup>th</sup> day of June, 2015.

**UPPER DARBY TOWNSHIP**

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

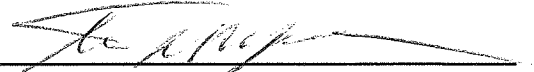


ATTEST:

EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

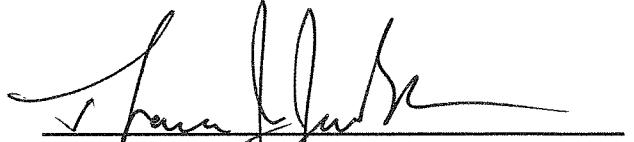
Resolution No. 13-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,  
Chief Administrative Officer

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

**In Re: Appeal Of: 258 Sanford Rd.**

**Owner: Upper Darby Properties, LLC**

**Property Address: 258 Sanford Rd.  
Upper Darby, PA 19082  
Tax Folio No.: 16-04-01742-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-11205;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2015	\$30,849.00

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

WHEREAS, the Solicitor recommends this settlement.

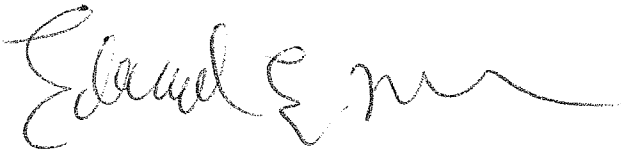
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 17<sup>th</sup> day of June, 2015.

**UPPER DARBY TOWNSHIP**

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

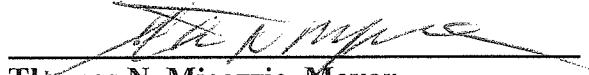
ATTEST:



EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

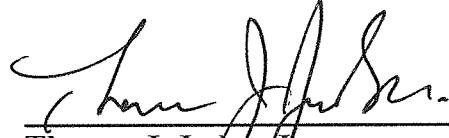
Resolution No. 14-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,  
Chief Administrative Officer

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

**In Re: Appeal Of: 814 Eaton Rd.**

**Owner: Aidan Smith and Rezarta Budo**

**Property Address: 814 Eaton Rd.  
Drexel Hill, PA 19026  
Tax Folio No.: 16-08-01004-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-10760;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
<b>2015</b>	<b>\$50,138.00</b>

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

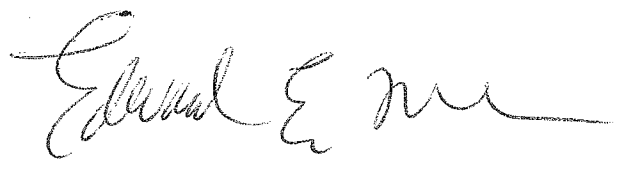
WHEREAS, the Solicitor recommends this settlement.

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

RESOLVED, this 17<sup>th</sup> day of June, 2015.

**UPPER DARBY TOWNSHIP**

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

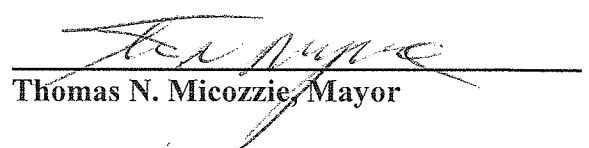


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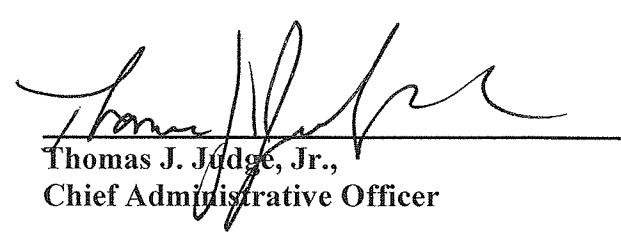
EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

Resolution No. 15-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

BY:

  
Thomas N. Micozzie, Mayor

ATTEST:

  
Thomas J. Judge, Jr.,  
Chief Administrative Officer

**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 16-15**

**In Re: Appeal Of: 262 Westpark**

**Owner: Ebasco Properties, LLC**

**Property Address: 262 Westpark  
Upper Darby, PA 19082  
**Tax Folio No.: 16-13-03737-00****

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-011327;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2015	\$61,020.00

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

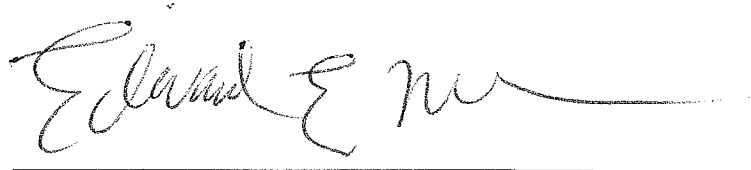
WHEREAS, the Solicitor recommends this settlement.

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

RESOLVED, this 17<sup>th</sup> day of June, 2015.

**UPPER DARBY TOWNSHIP**

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

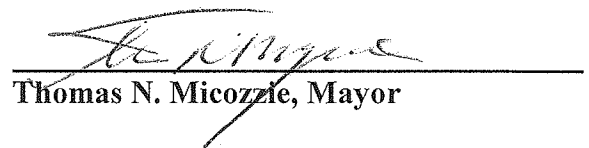


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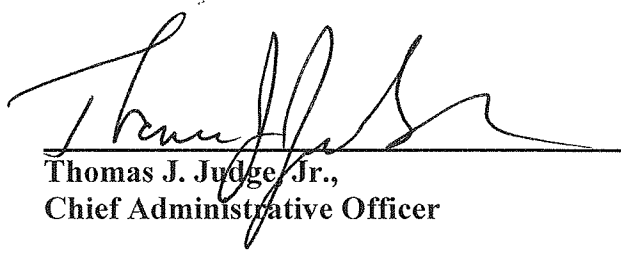
EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

Resolution No. 16-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

BY:

  
Thomas N. Micozzie, Mayor

ATTEST:

  
Thomas J. Judge Jr.,  
Chief Administrative Officer



**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 17-15**

**In Re: Appeal Of: 114 N. Cedar Ln.**

**Owner: Rostant Farfan**

**Property Address: 114 N. Cedar Ln.  
Upper Darby Township, PA 19082  
Tax Folio No.: 16-06-00192-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-11215;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2015	\$41,697.00

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

WHEREAS, the Solicitor recommends this settlement.

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

RESOLVED, this 17<sup>th</sup> day of June, 2015. .

**UPPER DARBY TOWNSHIP**

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

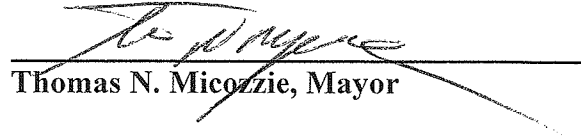


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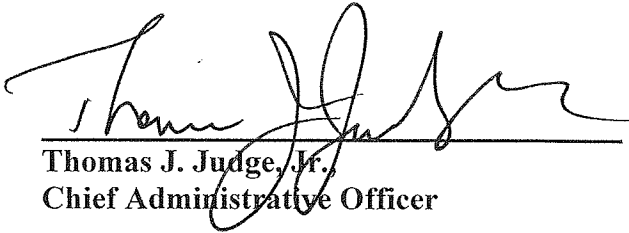
EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

Resolution No. 17-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

BY:

  
Thomas N. Micozzie, Mayor

ATTEST:

  
Thomas J. Judge, Jr.  
Chief Administrative Officer

**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 18-15**

**In Re: Appeal Of:** 332 Margate

**Owner:** Militia Hill Investors, LLC

**Property Address:** 332 Margate  
Upper Darby Township, PA 19082  
**Tax Folio No.:** 16-04-01390-00

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 14-011319;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2015	\$25,764.00

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

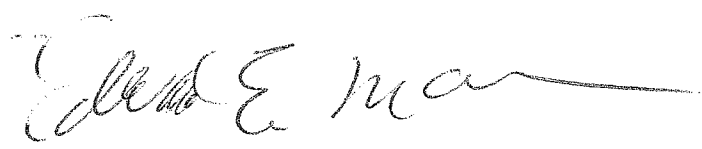
WHEREAS, the Solicitor recommends this settlement.

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

RESOLVED, this 17<sup>th</sup> day of June, 2015.

**UPPER DARBY TOWNSHIP**

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

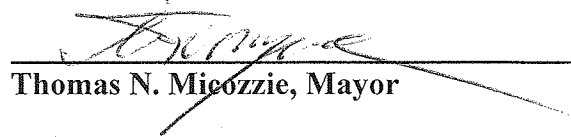


**ATTEST:**

EDWARD E. MONAGHAN  
ACTING SECRETARY OF COUNCIL

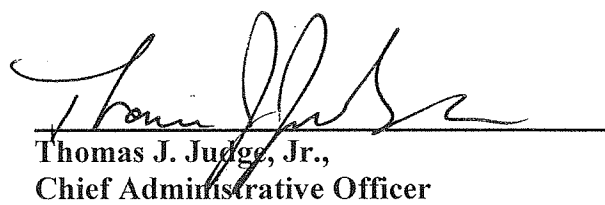
Resolution No. 18-15 above is hereby approved this 17<sup>th</sup> day of June, 2015.

**BY:**



**Thomas N. Micozzie, Mayor**

**ATTEST:**



Thomas J. Judge, Jr.,  
Chief Administrative Officer

**RESOLUTION NO. 19-15**

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

NOW, THEREFORE, BE IT RESOLVED:


THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY REMOVING THE BELOW RESTRICTION FROM RESOLUTION NO. 51-79.

**REMOVAL OF THE "NO PARKING BETWEEN SIGNS" RESTRICTION ON THE 200 BLOCK OF FAIRFIELD AVENUE**


RESOLVED, THIS 17<sup>TH</sup> DAY OF JUNE, A.D., 2015.

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

**RESOLUTION NO. 20-15**

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:

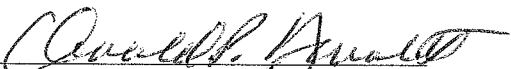
THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

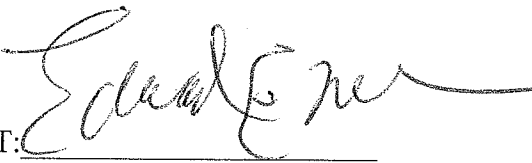
INSTALLING A STOP SIGN AT THE FOLLOWING LOCATION:


**ON THE 400 BLOCK OF GLENDALE ROAD AT MIDWAY AVENUE**

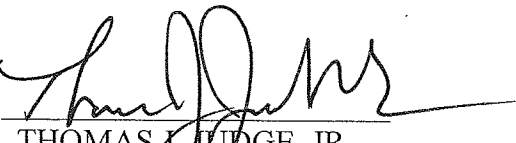
RESOLVED THIS 17<sup>TH</sup> DAY OF JUNE, A.D., 2015

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