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Upper Darby Township Council Meeting

July 15th, 2015

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, July 15th, 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

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of June 17th, 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. At this time we will go into the Committee Reports starting with the Finance and Appropriations Committee, Mr. Wagner please.

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.

Faith Gilliard, 236 Guilford Road
Car break-ins and graffiti

Robert Choate, 248 Coverly Road
Truck signs and dogs

Denise Ellis, 7025 Cleveland Avenue
Stop signs for Long Lane

Murozui Mada, 128 Oak Avenue, East Lansdowne
Stop signs

Olivia Taylor, 204 Kent Road
Parking problem due to Mosque

Their comments are filed on tape.

Mr. Bonnett: That concludes the speakers for this evening. Before we go into the Mayor's part of the meeting, I just wanted to remind Council and everyone to use their microphones as sometimes it is very difficult to hear people speaking. This is time of the meeting set aside for our Mayor, the Honorable Thomas N. Micozzie.

Mayor Micozzie

Mayor Micozzie: Thank you Don. On a serious note, on July 6th, 2015 at approximately 5:30 PM the Upper Darby Fire Department was dispatched to 72 S. 69th Street for a building fire. Upon arrival, the first ---- units reported smoke showing and within a minute fire was showing in the rear of the building. Arriving units were advised of a working building fire and a second alarm was sounded. The fire went to 4 alarms with over 250 fire fighters, police, emergency personnel and support services from many of our surrounding communities. Fire companies responded to this event and the fire was contained to one store location with smoke and water damage to 5 adjoining stores. The many hours of training and practice drill by our firefighters was paid off the evening of July 6th. Coordinated hard work and valiant efforts of responding fire fighters minimized the loss of businesses with no major injuries. Cooperative efforts from all parties have helped to restore much of the 69th Street business district over the last 10 days. While some stores have incurred lost merchandise and damage to the store fronts, I am confident that it will be only a very short time before the 69th Street corridor will be returned to the thriving business district that we are growing to know. As reported, a joint investigation team of fire and police inspectors have caused the arrest of one person for trespassing on the burned out property just before the fire had started. I wish to thank Tom Judge, my CAO, Police Superintendent Mike Chitwood, Fire Chief Ed Cubler, Jeff Gentile, L&I Director, Dan Lutz, Public Works

Director and Steve Van Osten for their support in working to restore the 69th Street area and store operations. As Mayor, I also wish to thank all involved personnel for their effort and let you know how thankful our community is for their assistance.

Appointment

I would like to submit to Council for their approval the appointment of John McMullan as Director of Leisure Services effective August 17, 2015.

This is a joint position supervised by the Business Manager of the Upper Darby School District and Chief Administrative Officer of Upper Darby Township. Upper Darby Township and Upper Darby School District will have an agreement outlining the shared operation and duties of this position.

Mr. Bonnett: A motion would be in order for the appointment of John McMullan as Director of Leisure Services effective August 17, 2015.

Mr. Wagner: So moved.

Mrs. Crawford: Second.

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

Mayor Micozzie: I believe that's all I have.

Mr. Bonnett: Thank you, Mr. Mayor. At this time we will go into the Committee Reports beginning with the Finance and Appropriations Committee, Mr. Wagner please.

Committee Reports

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Resolution No. 21-15, the tax appeal of Ebasco Properties LLC, 337 Westpark Lane, Upper Darby Township. Tax Folio No: 16-13-03706-00

Mr. Wagner: Thank you, Mr. President. I would ask the Solicitor to give us a brief on Resolution 21-15.

Solicitor: Certainly. Resolution No. 21-15 is the tax appeal of Ebasco Properties LLC, 337 Westpark Lane, Upper Darby Township. Tax Folio No: 16-13-03706-00. The current assessment is \$85,630.00. The recommended Resolution is for a reduction for an assessment of

\$59,325.00. This has been approved by the Upper Darby School District and is being recommended by the Solicitor's office.

Mr. Wagner: Thank you, Mr. Solicitor. With that, I move for the adoption of Resolution No. 21-15.

Mr. Bierling: Second.

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

Resolution No. 22-15, the tax appeal of 8600 WCP, L.P., 8600 West Chester Pike, Upper Darby Township. Tax Folio No: 16-08-02749-01

Mr. Wagner: Mr. Solicitor, would you please give us a brief on Resolution No. 22-15?

Solicitor: Certainly. Resolution No. 22-15 is the tax appeal of 8600 WCP, L.P., 8600 West Chester Pike, Upper Darby Township. Tax Folio No: 16-08-02749-01. This is a 2015 assessment appeal under Delaware County Docket No. 14-011155. The current assessment is \$794,300.00. The recommended Resolution is for an assessment of \$474,600.00. This has been approved by the Upper Darby School District and is being recommended by the Solicitor's office.

Mr. Wagner: Thank you, Mr. Solicitor. I hereby move for the adoption of Resolution 22-15.

Mrs. Crawford: Second.

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

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 in the absence of Councilman Rankin?

Mr. Wagner: Yes. Madam Solicitor, would you give us a brief on Resolution No. 23-15?

Public Safety Committee
John B. Rankin Jr., Chairman

Resolution No. 23-15, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal

cooperative agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice's 2015 Edward Byrne Memorial Justice Grant Program

Solicitor: Yes. Resolution No. 23-15 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal cooperative agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice's 2015 Edward Byrne Memorial Justice Grant Program

Mr. Wagner: Thank you, Madam Solicitor. I move for the adoption of Resolution No. 23-15.

Mrs. Crawford: Second.

Mr. Bonnett: Moved and seconded.

Ms. Keffer: Excuse me. I have a question. What does this grant money cover and what is it used for?

Mr. Bonnett: Tom, would you please explain?

Mr. Judge: Yes. In the grant, we have to put in an application and explain what it is used for. This money is used for police overtime. The last two years we have used it for the additional police that are put on for the PAL basketball program and that overtime. It's also used for the upgrade of communication cards in the police car's computer systems.

Ms. Keffer: OK.

Mr. Wagner: With that, I move for the adoption of Resolution No. 23-15.

Mrs. Crawford: 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. Planning, Zoning & Building Code Committee, Councilman Bierling please.

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

Resolution No. 24-15, a Resolution of Upper Darby Township regarding the 41st Year Community Development Program, 5 Year Consolidated Plan and Citizen Participation Plan

Mr. Bierling: Thank you, Mr. President. I would like to ask the Solicitor to give us a brief on Resolution No. 24-15.

Solicitor: Yes. Resolution No. 24-15 is a Resolution of Upper Darby Township regarding the 41st Year Community Development Program, 5 Year Consolidated Plan and Citizen Participation Plan.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 24-15.

Mrs. Crawford: Second.

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

Mr. Bierling: That completes our report.

Mr. Bonnett: Thank you Jack. 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

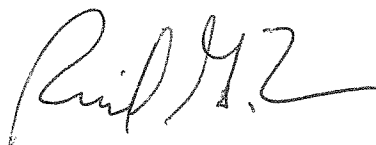
Mr. Wagner: So moved.

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. 23-15

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY PENNSYLVANIA
AUTHORIZING THE MAYOR TO SIGN AN
INTERMUNICIPAL COOPERATIVE
AGREEMENT WITH THE COUNTY OF
DELAWARE WHICH WILL ALLOW THE UPPER
DARBY TOWNSHIP POLICE DEPARTMENT TO
PARTICIPATE AND RECEIVE FUNDS FROM
THE UNITED STATES DEPARTMENT OF
JUSTICE'S 2015 EDWARD BYRNE MEMORIAL
JUSTICE GRANT PROGRAM.**

Whereas the township along with the City of Chester and the Borough of Darby, have been invited by the County of Delaware to participate in the 2015 Edward Byrne Memorial Justice assistance Grant program;

Whereas, by participating in this program, the Township would receive an award presently estimated to be in the amount of \$41,851.

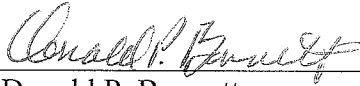
Whereas, the Council deems it in the Township's best interest to participate in this program, and to enter into an intermunicipal cooperation agreement in a form substantially similar to the attached hereto as Exhibit A, in order to effectuate its participation.


Now, therefore, BE IT RESOLVED, that:

1. The Township shall participate in the 2015 Edward Byrne Memorial Justice Grant Program, as outlined above.
2. The Mayor is hereby authorized to execute any agreements he deems necessary or appropriate incident to the Township's participation in the 2015 Edward Byrne Memorial Justice Assistance Grant program, including, but not limited to, an intermunicipal cooperation agreement a form substantially similar to the attached hereto as Exhibit A.
3. All Resolutions or parts of Resolutions inconsistent herewith are repealed to the extent of such inconsistency.

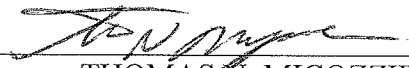
Resolved this 15th day of July, 2015.

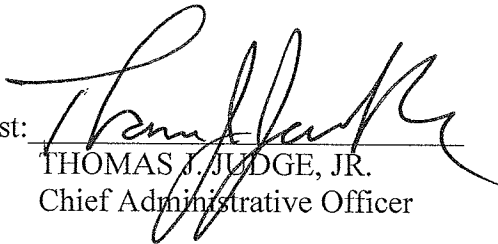
UPPER DARBY TOWNSHIP

By: 
Donald P. Bonnett
President of Council

Attest: 
Edward E. Monaghan
Acting Secretary of Council

Resolution No. 23-15 is hereby approved this 15th day of July, 2015.


THOMAS N. MICOZZIE
Mayor

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

UPPER DARBY TOWNSHIP

RESOLUTION NO. 24-15

A RESOLUTION OF UPPER DARBY TOWNSHIP REGARDING THE 41ST YEAR COMMUNITY DEVELOPMENT PROGRAM, 5 YEAR CONSOLIDATED PLAN AND CITIZEN PARTICIPATION PLAN

WHEREAS, all citizen and community requests for the 41st Year CD Program and the 5 Year Consolidated Plan and Citizen Participation Plan have been received and evaluated and public hearings have been held to receive citizen input and comment; and

WHEREAS, the Upper Darby Township Council has carefully reviewed and considered these various requests, recommendations and plans; and

WHEREAS, Exhibit "A" attached sets forth the Final Allocations to be included in the Action Plan for 2015.

NOW, THEREFORE BE IT RESOLVED by the Upper Darby Township Council:

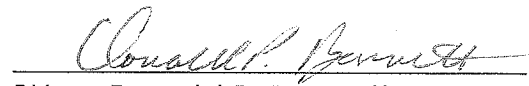
1. That the attached Exhibit "A" representing Final Allocations of funds for the 41st year Community Development Program and the 2015-2020 Consolidated Plan are hereby approved; and that no changes are made to the Citizen Participation Plan.
2. That the proper officers are hereby authorized to take such steps as may be necessary to implement the intent of this Resolution.

RESOLVED this 15th day of July, A.D., 2015.

TOWNSHIP OF UPPER DARBY



Attest: Edward E. Monaghan
Acting Secretary of Council



BY: Donald P. Bonnett
President of Council



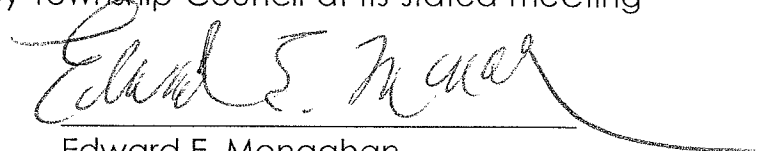
BY: Thomas N. Micozzie, Mayor



Attest: Thomas J. Judge Jr., CAO

CERTIFICATION

This is to certify that the foregoing Resolution is a true and correct copy of the Resolution adopted by the Upper Darby Township Council at its stated meeting held on July 15, 2015.



Edward E. Monaghan
Acting Secretary

EXHIBIT A

Funds will be spent generally as follows:

1.	<u>CDBG</u>		
a)	General Program Admin. Planning & Mgmt.	\$	115,000.
b)	Fair Housing Outreach	\$	5,000.
c)	Street Resurfacing	\$	150,000.
d)	Progressive Team Patrol	\$	213,618.
e)	Owner Occupied Home Rehabilitation Program	\$	150,000.
f)	Rehab. Services – Program Delivery	\$	100,000.
g)	Code Enforcement - Low/Mod Areas	\$	100,000.
h)	Owner Occupied Home Rehab. – Emergency	\$	70,000.
i)	Reconstruct Retaining Wall & Street @ Watkins Ave. Senior Center	\$	50,000.
j)	First Time Homebuyers	\$	70,000.
k)	Cobbs Creek Interceptor Sewer Cast in Place Pipe	\$	200,000.
l)	69 th St. Blvd Pedestrian Crosswalk & Bus Lane Reconstruction	\$	100,000.
m)	New LED Lights	\$	<u>100,000.</u>
		Total	<u>\$ 1,423,618.00</u>
	CONTIGENCY		506.00
	CDBG AMOUNT AWARDED	\$	1,424,124.00

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 21-15**

In Re: Appeal Of: Ebasco Properties LLC

Owner: Ebasco Properties, LLC

**Property Address: 337 Westpark Lane
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-03706-00**

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. 14-011329;

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	\$59,325.00

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 15th day of July, 2015.

UPPER DARBY TOWNSHIP

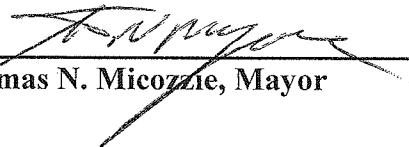
BY:

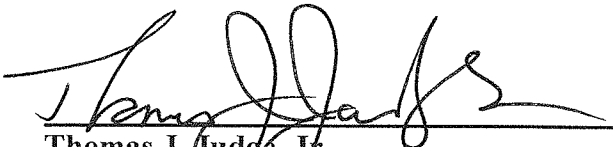


Donald P. Bonnett, President of Council

ATTEST: 
Edward E. Monaghan
Acting Secretary of Council

Resolution No. 21-15 above is hereby approved this 15th day of July, 2015.

BY: 
Thomas N. Micozzie, Mayor

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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 22-15**

In Re: Appeal Of: 8600 WCP, L.P.

Owner: 8600 WCP, L.P.

**Property Address: 8600 West Chester Pike
Upper Darby Township, PA 19082
Tax Folio No.: 16-08-02749-01**

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. 14-011155;

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	\$474,600.00

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

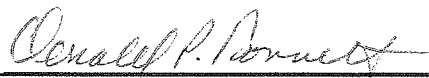
WHEREAS, the Solicitor recommends this settlement.

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 15th day of July, 2015.

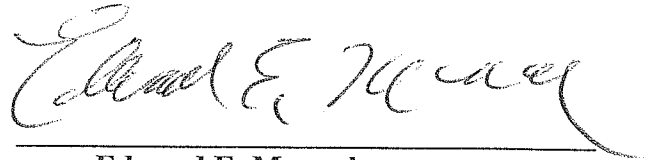
UPPER DARBY TOWNSHIP

BY:



Donald P. Bonnett, President of Council

ATTEST:



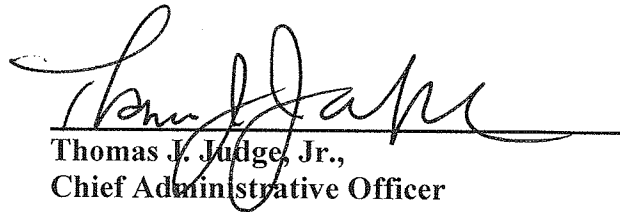
Edward E. Monaghan
Acting Secretary of Council

Resolution No. 22-15 above is hereby approved this 15th day of July, 2015.

BY:


Thomas N. Micozzie, Mayor

ATTEST:


Thomas J. Judge, Jr.,
Chief Administrative Officer