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Upper Darby Township Council Meeting

October 7th, 2015

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, October 7th, 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., Chief Administrative Officer
Kelly Sullivan, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

Public Forum

Mr. Bonnett: This is the time set aside for the public to speak. However, we have no registered speakers this evening so that dispenses with that part of the program. At this time, I would just like to take a moment to congratulate the Administration for the effort that was put forth over the many days, weeks, and months of preparation for the visit by Pope Francis to our area. There were so many people that have traveled through Upper Darby Township both on the rail lines in the Primos-Secane area but primarily through the 69th Street Terminal that at some point caused a high level of concern for the community and needed to be prepared for. I would like to ask the Mayor to give us a rundown of the events that transpired during the week of the visit and also on the weekend of the Pope's visit.

Mayor Micozzie gave a brief on the preparation for and the details of the visit of Pope Francis.

Mr. Bonnett: Ladies and gentlemen, this is time set aside for our Mayor, the Honorable Thomas N. Micozzie.

Mayor Thomas N. Micozzie

Mayor Micozzie read the 2016 Preliminary Budget Message.

2016 Preliminary Budget Message

I along with key members of my staff have labored very hard working on the 2016 Preliminary Budget. I do not have to tell anyone times are tough and money is tight.

As I walk around this community, I continue to hear from residents that they are concerned about our tax rate. Folks are pleased with the Township services and do not want to see any cuts in services; nor do they want to see taxes increased to maintain the level of services our residents have grown to expect. As we prepare the 2016 Preliminary Budget, we worked hard to meet the goal of protecting the Township's current level of services without increasing taxes.

I think we have met this goal.

The 2016 Preliminary Budget proposes no increase in the Township Real Estate Tax or the trash and sewer fees. I repeat the 2016 Preliminary Budget proposes no tax increase.

While a no tax increase is a pleasant message to deliver, we are still faced with many challenges in our community. I am pleased to report that the business community continues to reinvest in our community. SEPTA is just completing a major investment in the 69th Street Terminal and the Route 101 and 102 trolley line. While the newly renovated Primos train station is seeing increased ridership, the station improvement work at the Secane train station continues. The new parking lot has certainly enhanced the station ridership. The 69th Street business corridor continues to see investment and I was very pleased to welcome to our community the entertainment operation Studio Movie Grill. If you have not already visited this location, I highly recommend you stop in for a movie and outstanding food. Also on 69th Street we saw the opening of International House of Pancakes. The former Sears store at 69th and Walnut Streets continues to be a major topic of discussion with the developer. At this point I would like to report progress is being made, but that is all I can say. Right down the block at Walnut Street and Hampden Road at the St. Alice property, Nolen Properties LLC has started work on a new senior apartment complex. This complex is expected to house fifty-four apartments for seniors.

The intersection of Baltimore and Union Avenues continues to be developed. Supporting the Goodwill development at this location you will find Advanced Auto opened a store and the construction of the McDonald's store seems to be back on track. The Township, in cooperation with the Long Lane Business Association, has installed new trash cans along the Long Lane corridor. Keep an eye out for planters to grace this corridor shortly. Moving up West Chester Pike, I am happy to confirm that Wawa's plans for a super store at the corner of West Chester Pike and Park Avenue are moving to construction stage. Yes, the new building at the corner of Burmont and Township Line Roads is a CVS store. This new CVS store will relocate from the Drexline Shopping Center and has a target opening date in mid-November 2015. After the CVS opens look for the development on this site to continue with the construction of three strip stores.

Across the street at the corner and Township Line Road and Fairway Avenue these stores are starting to be occupied with tenants.

While we realized many good happenings and opportunities in our community this last year, it took a tragedy to help us recognize the good in our community. The evening of July 6, 2015 is not one I will soon forget. After a frantic phone call from the Township's Fire Chief, I headed to the 69th Street area. As I pulled down Garrett Road the smoke that filled the sky told me that the 69th Street business district was in trouble. As a former fire chief I thought that I had seen my share and was not easily moved when it came to fires; I was wrong. The amount of fire staff, equipment, cooperation from our fire department and surrounding communities was beyond comprehension. The men and women who fought and supported the firefighting effort deserve my heartfelt thank you for the way they fought this fire, protected the entire business district and investigated the origin of the fire. Yes, we lost an entire store to fire and several others realized heavy smoke and water damage. But pulling down 69th Street that evening my first visual of the fire scene suggested much more property damage could have been sustained had it not been for the training, skills and bravery of the fire and police staff in securing the scene and immediately going to action.

Today we are still seeing the recovery effort of some of the stores on the 69th Street corridor, but progress is being made. I thank everyone involved from the firefighters, police staff, store managers, property owners and insurance adjustors to the Township staff for their quick and professional action to fast track the recovery effort. This is what the Upper Darby community is about; team work.

The Township's Comprehensive Planning Committee has met several times this year and along with the consultant, Delta Development Group, held several open houses to gather community input as to the process. The work on this project is winding down and I hope the committee will meet and be prepared to publish their findings and recommendations for a future roadmap to guide Upper Darby Township in our development and redevelopment.

As I travel around the community and visit the athletic fields and watch the Little League baseball games, homecoming football games, and soccer tournaments, I am convinced that good things are happening in the Upper Darby community. I am proud our community partnered with the Multicultural Community Family Service (MCFS) to host the soccer tournament which celebrated the International Day of Peace. I am honored that the Township, through the Multicultural Committee, continues to recognize and support the United Nations Mother Language celebration on February 21.

The proposed 2016 budget calls for no cuts in municipal services and no tax increase. My administration will continue to make every effort to control expenses and increase revenues.

It is my honor to work on behalf of the 83,000 residents of Upper Darby Township. Upper Darby Township is a safe, vibrant community with many good attributes, different cultures and

wonderful experiences. Stealing a few words from the comprehensive planning process, we need to “embrace our past and imagine the future of this great community.”

Thomas N. Micozzie
Mayor
October 7, 2015

Mr. Bonnett: Thank you, Mayor. At this time, we will go into the Committee Reports. I have already heard from Councilman Rankin that the Public Safety Committee has no report this evening. Leisure Services Committee, Councilman Monaghan?

Mr. Monaghan: Any business for the Leisure Services Committee?

Ms. Manners: Yes. I received a letter from the residents of Andover, Clover and Walnut Lane. Everyone has a copy right? They were complaining about the trash rolling over from the 7000 and 7100 block of Radbourne and Clover and other blocks. They want to do something about it. They were also complaining about the Chick 'n Beer and these zones that have become a problem with the drugs and liquor. So, I advised them to contact and work with law enforcement so they know what is going on.

Mayor Micozzie: Can I ask you a question?

Ms. Manners: Yes.

Mayor Micozzie: Is that the same letter we all got?

Ms. Manners: Yes. Everybody got the same letter.

Mayor Micozzie: It was anonymous.

Ms. Manners: They live on Andover and I have talked to all of them.

Mayor Micozzie: If we're trying to solve this, it would be better to communicate with people we can talk to because right now we're only going down the street because of property maintenance problems.

Ms. Manners: Well this is a problem that I've been complaining about for years long before I came onto Council. Especially on Clover lane, this is outrageous; the trash there. I called Maloney. I worked with Buonodonna. I don't know what else to do.

Mr. Judge: Councilwoman, I understand your concern and I understand your problems. Well, the problem is that we do go down there and we do clean and we do pick up trash and we do cite people. But, the problem is that the residents continue to throw the trash in the area. The

problem is not that the trash is falling off of our trash cans. It's not that it is one property that is causing the problem. It is inherent in the way that people dispose of their trash right now.

Ms. Manners: We have to deal with slum landlords and make them responsible. It's a lot of work trying to deal with these landlords.

Mr. Judge: And, what happens when you're in court with our people and we go before a judge and present our case? What's the outcome?

Ms. Manners: Well, some get cited....

Mr. Judge: What's the outcome? Councilwoman, the point I'm trying to make is that we've done our job. We have gone to the property. We have issued citations. We get the landlords in front of the court. We get the tenants who are bad tenants in front of the court. The problem still continues to exist. So, it's a cycle. We go back and we continue to cite them and do what we can. We cannot make people move out. We don't have that authority unless a house is condemnable and we do that. But, not all of the properties in this area are condemnable. So, I welcome any ideas or comments or suggestions that you can give us that is beyond what we're doing. But, I can't sit here and allow someone to say that we're not doing something. Perhaps maybe it's not enough. Perhaps maybe it's not the right thing and I welcome suggestions.

Ms. Manners: Tom. I ordered sweeps on all of the streets that were mentioned and then some and I don't see any improvement.

Mr. Judge: OK, let me ask you a question. I get it. You see no improvement with the property but when you asked for those streets to have a property maintenance sweep, did we go out and did we do our job? Did we sweep the neighborhood and did we cite people? Did we cite landlords and did we cite properties that were causing a problem? You said you were in court with our people so obviously we must have done something.

Ms. Manners: Yes, I have the reports.

Mr. Judge: But I agree that what you're saying is that you don't see any change. How do we then, if we're using the tools that we have to enforce rules that are within our -----to enforce and they're not successful then what steps can we take to make them be more successful? I welcome some suggestions.

Ms. Manners: Just cite them.....

Mayor Micozzie: He is regulated by state law and he can't just haphazardly.....

Mr. Judge: We have to have proof of why we are issuing citations.

Ms. Manners: You have to have proof of what?

Mr. Judge: When we issue citations, we have to have documentation that we have given the homeowner notice that there is a problem and if they have ignored correcting the problem. Then, we can issue a citation.

Ms. Manners: Well, I think more should be done. I can say that Matt works with me and I see the effort that he has made with these landlords. But, as I said, the Township has to do more. L&I has to do more. Radbourne Road is just horrible.....

Mr. Bonnett: Marah, what I'm hearing is that the Township has done everything within its power to enforce our Ordinances and I think our Ordinances give us some very useful tools. What else can be done? What can they do differently? If there is something, I think I'm hearing the willingness to do it.

Ms. Manners: They need to continue to fight these landlords.

Mr. Bonnett: I'm hearing that they do that and they do that when there is justification to do it.

Mayor Micozzie: They don't have the power to.....

Mr. Judge: Unless it's a health hazard or a dangerous situation to a house.

Ms. Manners: All you have to do is walk behind Clover Lane. The trees are extended over the street. You have to walk in the street. You can't even walk on the sidewalk.

Mr. Judge: I'm not disputing that with you Councilwoman. I agree with you. I'm in that area several times a week.

Ms. Manners: Clover Lane is horrible. There is trash everywhere.

Mr. Bonnett: Councilwoman, I think your point was made and I think it was heard by the Township. If there is something else that can be done, it will be done but I think we're talking in circles at this point. I think your point was made very well so let's move on.

Mr. Judge: And, the one point that I want to make is that I'm not critical of the district justice system in any of my comments. It's just that they are at their limit as to what they and do and we are at our limit as to what we can do. Common sense needs to prevail and sometimes it's not prevailing in these areas and that's where we are.

Ms. Manners: I applaud you. You have made some effort.

Mr. Judge: It's not only the one court. We're in front of three or four district courts and I don't want my comments to be construed that I'm knocking district courts. Like our inspectors, their hands are tied at a certain point.

Ms. Manners: I think more should be done by the Township to these landlords. We have to have other solutions. You can't walk on the sidewalks. You have to walk in the street. It is just deplorable.

Mr. Judge: I am not disputing that. I agree that things have to be done. I'm just not sure what else we can do and that's something that we continue to look at.

Ms. Manners: So, Wawa, Pearle Vision, Sunoco, all of these businesses I talked to the managers. I talked to all of them. There is some improvement at Pearle Vision. But, then there are three light poles on Wiltshire, Patterson. You know, I sent emails about that zone there. The light poles are tilted toward the street right next to the produce store. The cable and electrical are onto the sidewalk adjacent to that fence by Pearle Vision. The electric power.....it is a massive fix...the electric power running from that pole onto the streets into that electric box on the sidewalk. I made a report. I called the police. I reported this two years ago. The cable and electric are so, I mean I can touch it, it's about.....

Mr. Judge: I want to go and say that I'm not going to dispute that cable wires may be hanging down but I'll be there tomorrow first thing to look at it because I seriously doubt that there is an electrical wire hanging that low. But, I'll be there tomorrow to make sure. We have had our electrical staff go to that intersection numerous times based on complaints that you've put in.

Ms. Manners: That's right!

Mr. Judge: However, we have not seen electric wires. We have seen cable wires.....

Ms. Manners: On the sidewalk Tom.

Mr. Bonnett: Hold on. Can I ask Marah to give the Administration a detailed list and they'll react to that and follow up.

Mr. Judge: Mr. President, I want to go on record as saying that we have the detailed list. This is nothing new. This is nothing that hasn't been brought to the Administration's attention and it's nothing that we haven't tried to address.

Ms. Coles: Tom if I have a suggestion, maybe when they go out to visit and look at some of the concerns that the Councilwoman sends in, maybe you can schedule a time when she can be with them.

Mr. Judge: We've done that, Councilwoman. We tried to do that on several occasions and to Councilwoman Manner's credit, she does meet us out at the location.

Ms. Coles: I have another question. Maybe we can look at one of the Ordinances that the slum landlords are most commonly violating and see maybe if we should add some sort of Resolution

or maybe increase the fines or shorten the time frame in which you're allowed to respond or address it, especially with repeat offenders.

Mr. Judge: Sure. We'll bring that to Council. You guys can do that. We had a disorderly house Ordinance in front of Council and it was pulled back because it was ruled unconstitutional or there was a lawsuit applied against it as being unconstitutional.

Ms. Coles: I'm just thinking of maybe something that already exists on the books that maybe we can just increase the fines and decrease the time.....

Mr. Judge: I get it and please don't think that our inspectors are thrilled. They are as frustrated as Councilwoman Manners is because they spend a lot of time out there and it's not pleasant. Some of these landlords are not nice people when they get these notices and some citations. So, our guys want to do the job and they want to get it done. They want to see it corrected as best as they possibly can. But, we'll look at if we can increase penalty fees.

Mayor Micozzie: Tom, have we ever discussed on site citations that they could write right there.

Mr. Judge: We do not have on site citations. Like I've said, the process we have right now is on site notices and they are written up and posted right on their door. You have failed to do "X-Y-Z." That is their first notice. Then, we come back and give a second notice which is usually within forty-eight hours and if it isn't corrected, we follow up with a letter which is the second notice. If they ignore us, then we go into the citation mode.

Mayor Micozzie: Are we permitted after the first notice, the second time we go back to write a citation then?

Mr. Judge: I don't believe so but we can double check that.

Solicitor: COULD NOT HEAR. VOICE TOO LOW.

Mr. Judge: No, let me just mention. There are some tenants and landlords in some properties where we have sent numerous letters and they may correct the problem a tad; enough that we can't go after them but four or five days later and.....Matt Verdi is here. I just pointed to him. We don't go with the notice there. If this is a consistent landlord or tenant problem we'll go right to the citation. We've given them their notice plenty of times. This is not someone who wants to correct the problem. They are just ignoring it. We will go right there. But, normally we give them notice to try and correct the problem. And, forget a lot of the bad landlords and a lot of the bad property owners. They are all not landlords. There are some property owners who are horrible people. They are in the minority. Most people who are given a notice and get a letter that they have high grass and weeds or to pick up the trash correct it 100% and it's done within 72 hours and it is fine. So, we're talking about the exception and the problem is the exception is the most visible issue that is out there and that's what we see.

Ms. Keffer: Does the Township have any recourse for repeat offenders? After a certain amount of time of receiving citations, can we just revoke their rental license then?

Mr. Judge: I don't know that we can revoke their license. If they have corrected the problems even they are habitual problems and they corrected them, I don't know that we can withhold their rental license. But, if they don't correct the problems, we can withhold their license. Because, then you would be penalizing someone who made the repairs. Even though the repairs and habitually high grass and weeds and even though we have to send them a notice every six weeks to cut high grass and weeds, the fact that they actually do it, I don't know that we have a checklist that says "you didn't do this nine times therefore we're not going to give your license." The landlord's argument then is "I did do it so why are you penalizing me for something I did?" If you go back to the Nuisance Ordinance that we put together for a disorderly house, that's what they wanted to do. They wanted to penalize somebody for three police calls to a property. ACLU has that municipality in court as that being unconstitutional so we don't want to step into that realm. I think, and maybe the Solicitor can tell us, if we go through and if you say "OK, you've had high grass and weeds nine times in the past eighteen months, therefore we're not going to renew your rental license. I think we may be violating that person's civil rights because they did correct the problem. But, I'm not a lawyer.

Solicitor: VOICE TOO LOW TO HEAR ON TAPE

Mr. Judge: No, but I just use high grass and weeds as a thing but if I issue a citation for no numbers in the front and a citation for no numbers in the back and having high grass and weeds or not having a front door and the landlord made all of the corrections in a reasonable amount of time but maybe the Township did have to issue a citation to get his attention. Now, he comes back and those corrections are all made and we say "we're not going to issue a rental license next year because you had four citations against you." I think that's a civil rights violation. That's my opinion and I'll leave the attorney to defend me on that.

Solicitor: -----violated a property agreement.

Mr. Gwin: Is it guaranteed that they have that right?

Solicitor: Our country was founded on that right.....

Mr. Gwin: I know but we also say that these -----are supposed to be in residential areas-----

Solicitor: I certainly would not want to be defending the Township with taking away property rights. -----

Mr. Bonnett: I do believe we covered about four Committees here.

Ms. Manners: I just want to make one more comment here. Regarding the Garden Apartments, what is the difference between, I put in a request for a sweep of the Garden Apartments because

the weeds were up to the second floor. Now, they did clear it. Matt stated that they did cut the grass and everything was done and up to date. There are privately owned apartment buildings there in that complex. Now, they complied with the request to clear the alleyways. What's the difference between the Garden Apartments and Clover Lane? There is no improvement and we're dealing with landlords here.

Mayor Micozzie: One has essential management that helps out and the others are individual owners. You know, we don't have bad Ordinances. Sometimes you just have a bad neighbor. I say it all the time. How do you go to one row of houses in Upper Darby and the place is clean, same house 16X30, driveway, rear alley with a ----, front yard, street cleaned, alley cleaned, everything is fine and then you go five blocks the other way and it looks like a war zone from Beirut. How does that happen?

Mr. Judge: Well, I'll be glad to discuss this with any Council person off to the side and we'd like to move forward.

Mr. Bonnett: Let's move on and by the way, we are still on Leisure Services.

Multiple people speaking at once.

Mr. Bonnett: Ed, you are also the chairperson for the Municipal Services, Licensing and Public Works Committee.

Mr. Judge: This is a public meeting, not a Committee meeting. We do not have to go through the Committees.

Mr. Bonnett: We need to have a Committee report. Is there anything to report?

Mr. Monaghan: No, I do not have anything to report.

Mr. Bonnett: It's on the Agenda, Committee Reports, OK?

Ms. Coles: While we are in Municipal Services, if we could look into having a vending machine where people can get quarters because a lot of people are complaining to me that when they park on Chestnut Street and on Long Lane they don't have quarters. And also when they go to pay their tickets, they're not allowed to pay with cash or credit cards.

Mr. Bonnett: You're talking about in the meters, right?

Ms. Coles: No, not in the meters. I mean a vending machine where you can put in a five or a one and get change

Mr. Judge: Councilwoman, I understand the credit card because we're having a problem with the credit card vendor and getting it on the web but you said that they're not allowed to pay in cash?

Ms. Coles: That's what I was told last week when they called to complain. Wait, I'm sorry. They weren't allowed to pay with a check or a credit card. They were only allowed to pay with cash and they were upset because they had to go to the MAC machine to pay their ticket. They were also asking if you had some sort of machine that they could have access to because they park here. Some of these people work in the 7200 building.

Mr. Judge: I get the vending machine for the quarters and I understand the credit card. We're working to resolve that problem. I'm puzzled by the check and I'll find out about that because that's not fair.

Mr. Bonnett: Let's move on.

Mr. Bierling: Can I just say something? I park at meters almost every day. I have a compartment in my car and it always has a few dollars' worth of quarters in it. I think it's a responsibility that some people are going to have to take and think that I might be parking at a meter so maybe I should carry a quarter. I mean, I don't have a problem with a machine but I think it's kind of ludicrous that somebody is going to say "I didn't have change and went to the Township and couldn't get it."

Ms. Coles: Well, no. These are several individuals and there are businesses and offices across the street along with 100 and Unit block of Long Lane. The issue is they say that when they go to get change they obviously have to buy something from the store so they were just asking if I could request if the Township could look into maybe a change machine.

Mr. Bierling: So, we put a change machine in here which is going to cost us electric then it should be OK to say to put a dollar in there and get 75 cents so we can put it toward our expenses.

Mr. Judge: We'll look into this and if we don't have a machine then some location where change can be made.

Mr. Bonnett: Law and Government & Rules and Procedures, Councilman Wagner please.

Mr. Wagner: Any business for the Law and Government Committee?

Mr. Bonnett: This is truly not a Committee Meeting.

Mr. Judge: No, it isn't but it turned into one.

Mr. Bonnett: Planning, Zoning and Building Code Committee, Mr. Bierling. Any report?

Mr. Bierling: No.

Mr. Bonnett: Public Health and Environmental Affairs, Mrs. Crawford?

Mrs. Crawford: I have absolutely nothing.

Mr. Bonnett: I know Councilman Wagner has something for the Finance Committee.

Mr. Wagner: I do and I will keep it short. I did receive the Budget that was submitted to us by the Administration and the Mayor along with the Mayor's Budget Message and as Chairman of the Finance Committee, Mr. Mayor and Mr. Judge, I want to acknowledge with great pleasure and -----you both on the fact that you submitted a budget that did not call for an increase in taxes this year. I'm sure our community is going to be very pleased by that. We as a committee will do our due diligence in building this budget and meeting with the various Department Heads. Also, so the public is aware, two Public Hearings will be held for this budget and they will be held here five minutes after the regularly scheduled meetings of this Council on November 4th and November 11th, 2015. And, we will seek thereafter with the goal of this Council acting on this budget at the regularly scheduled Council meeting on December 2nd, 2015. And, that concludes the report of the Finance and Appropriations Committee.

Mr. Bonnett: Before we adjourn, I would like to extend congratulations to the new grandfather, Thomas Wagner.

Ms. Coles: Excuse me, Mr. Bonnett. I would just like to make the Council members aware of the fact that I am having a meeting tomorrow evening for the residents in the St. Alice church community to hear the latest updates on building on the property the new senior apartments. The apartments have been approved by zoning and the groundbreaking ceremony will happen later on this year. There are some residents who feel for whatever reason that they did not have all of the information and weren't able to make it to any of the zoning hearings. So, someone from Nolen Properties extended the courtesy of coming out and giving them an update and answer any questions. It's not a meeting that really should include people from outside of the community, I'm thinking, because the decision has already been made for these apartments. It is just going to give general information and the status of the project. It will be from 6:30 to 7:30 in the conference room here in the Township building.

Adjournment

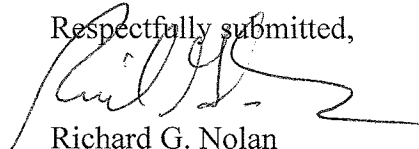
Mr. Bonnett: A motion would be in order for adjournment.

Mr. Bierling: So moved.

Mr. Monaghan: Seconded.

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

Respectfully submitted,



Richard G. Nolan
Chief Municipal Clerk

RGN/akc