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Upper Darby Township Council Meeting

March 16<sup>th</sup>, 2016

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, March 16th, 2016, 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, Edward E. Monaghan, Sekela Coles, Robert Gwin, Barbarann Keffer, Marc Manfre, Sheikh M. Siddique, Patrick Spellman

Jacob A. Bierling Jr., excused  
Lisa Faraglia, excused

### **Present at the Meeting**

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

### **The Dennis McNamara Memorial Award**

**Mayor Micozzie and Superintendent Michael Chitwood presented Criminal Investigator Philip Lydon with the 2015 Dennis McNamara Memorial Award**

Audience applause

### **Black History Month Poetry Contest**

Councilwoman Sekela Coles announced the winners.

Anisa Wallace- 1st place from Stonehurst Hills Elementary School  
Reham Bouzid- 2nd place from Garrettford Elementary School  
Diamond Ross- 3rd place from Hillcrest Elementary School  
Nia Coleman- 4th place from Charles Kelly Elementary School

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 February 17th, 2016.

Mr. Wagner: So moved.

Mr. Spellman: 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.

Alfred Achtert Jr., 7228 Radbourne Road  
Drug addiction

Pat Adams, 3812 Berkley Avenue  
Thanked Council for addressing problems regarding rental properties

Their comments are filed on tape.

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

Mr. Bonnett: I am advised by Mayor Micozzie that he has nothing further for the meeting this evening. We will move to 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. 04-16, the tax appeal of RIZQ Investments, LLC.,  
6926 West Chester Pike, Upper Darby Township.  
Tax Folio No: 16-03-01833-00**

Mr. Wagner: I would like to ask the Solicitor to give us a brief on Resolution No. 04-16.

Solicitor: Certainly. Resolution No. 04-16 is the tax appeal of RIZQ Investments, LLC., 6926 West Chester Pike, Upper Darby Township. Tax Folio No: 16-03-01833-00. This is an interim assessment appeal presently assessed at \$252,610.00. The recommended Resolution this evening is for a reduction to \$176,280.00. This has been reviewed and approved at this point by the Upper Darby School District and is being recommended by the Solicitor's office this evening.

Mr. Wagner: Thank you. At this time, I move for the adoption of Resolution No. 04-16.

Mr. Gwin: Seconded.

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

**Public Hearing for Ordinance No. 3028, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2008 E be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith.**

Mr. Wagner: Mr. President, I would now ask the Solicitor for a brief on Ordinance No. 3028 after which the Chair will be asked to conduct a Public Hearing.

Solicitor: Ordinance No. 3028 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2008 E be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith.

Mr. Wagner: Thank you. At this time, I would request that the Chair conduct a Public Hearing for proposed Ordinance No. 3028.

Mr. Bonnett: I shall. Anyone wishing to speak on this Ordinance, please come to the podium and state your name and address for the record. Seeing no one, I will turn this back over to you for a motion.

Mr. Wagner: That concludes the Public Hearing. Thank you very much Sir. With that, I hereby move for a roll call vote for Ordinance No. 3028.

Mr. Gwin: Seconded.

Mr. Bonnett: Moved and seconded. Members of Council, we will take a roll call vote at this time.

In favor of Ordinance No. 3028	Opposed to Ordinance No. 3028	Excused	Abstained
Bonnett			
Wagner			
Monaghan			
Coles			
Gwin			
Keffer			
Manfre			
Siddique			
Spellman			
		Bierling Faraglia	
9	0	2	0

Mr. Monaghan: That gives us 9 in favor and 2 excused.

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

Mr. Wagner: Thank you, Mr. President. I will now ask the Solicitor for a brief on proposed Ordinance No. 3029.

**Public Hearing for Ordinance No. 3029, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the annual Budget for Upper Darby Township for the Year 2016 be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.**

Mr. Wagner: Mr. President, I would now ask the Solicitor for a brief on Ordinance No. 3029 after which the Chair will be asked to conduct a Public Hearing.

Solicitor: Ordinance No. 3029, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the annual Budget for Upper Darby Township for the Year 2016 be transferred from various

departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Mr. Wagner: Thank you. At this time, I would request that the Chair conduct a Public Hearing for proposed Ordinance No. 3029.

Mr. Bonnett: I shall. Anyone wishing to speak on this Ordinance, please come to the podium and state your name and address for the record.

Ms. Keffer: I just want to ask you where this is being transferred from.

Mr. Judge: It is coming from the Fund Balance.

Ms. Keffer: OK.

Mr. Wagner: That concludes the Public Hearing. Thank you very much Sir. With that, I hereby move for a roll call vote for Ordinance No. 3029.

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. Mr. Secretary, please take a roll call.

In favor of Ordinance No. 3029	Opposed to Ordinance No. 3029	Excused	Abstained
Bonnett			
Wagner			
Monaghan			
Coles			
Gwin			
Keffer			
Manfre			
Siddique			
Spellman			
		Bierling	
		Faraglia	
9	0	2	0

Mr. Monaghan: That gives us 9 in favor and two excused.

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

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

Mr. Bonnett: Thank you, Tom. The next Committee is Municipal Services, Licensing and Public Works Committee. Mr. Wagner, will you take that Committee please?

**Municipal Services, Licensing and Public Works Committee**  
Jacob A. Bierling Jr., Chairman

**Resolution No. 05-16, a Resolution to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount \$100,000.00.**

Mr. Wagner: Certainly. I will ask the Solicitor to give us a brief on Resolution No. 05-16.

Solicitor: Certainly. Resolution No. 05-16, a Resolution to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount \$100,000.00.

Mr. Wagner: Thank you. At this time, I move for the adoption of Resolution No. 05-16.

Mr. Spellman: Seconded.

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

Mr. Wagner: That concludes the report from the Municipal Services, Licensing and Public Works Committee.

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

Solicitor: No sir, I do not.

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


**Adjournment**

Mr. Wagner: So moved.

Mr. Gwin: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

  
Richard G. Nolan  
Chief Municipal Clerk



**UPPER DARBY TOWNSHIP  
RESOLUTION NO. 04-16**

**In Re: Appeal Of: RIZQ Investments, LLC**

**Owner: RIZQ Investments, LLC**

**Property Address: 6926 West Chester Pike  
Upper Darby Township, PA 19082  
Tax Folio No.: 16-03-01833-00**

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. 2015-006239;

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>
Interim appeal, effective April 1, 2015	\$176,280.00

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.

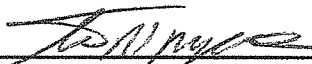
RESOLVED, this 16<sup>th</sup> day of March, 2016.

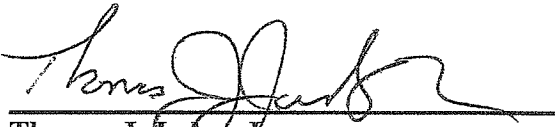
**UPPER DARBY TOWNSHIP**

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

**ATTEST:**   
Edward E. Monaghan, Secretary of  
Council

Resolution No. 04-16 above is hereby approved this 16<sup>th</sup> day of March, 2016.

**BY:**   
Thomas N. Micozzie, Mayor

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

UPPER DARBY TOWNSHIP  
ORDINANCE NO. 3028

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORIZING THAT PART OF CERTAIN UNENCUMBERED APPROPRIATIONS ALLOCATED BY THE CAPITAL BUDGET SERIES 2008 E TRANSFERRED FROM VARIOUS DEPARTMENTS AND AGENCIES TO OTHER DEPARTMENTS AND AGENCIES WITHIN THE TOWNSHIP AND REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, there exists a certain unencumbered appropriation allocated by the capital budget series 2008; and

WHEREAS, pursuant to Section 909D1 of the Home Rule Charter of Upper Darby Township, the Mayor has requested that parts of that certain unencumbered appropriation be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township.

NOW, THEREFORE, Upper Darby Township hereby ordains:

SECTION 1. A certain portion of the unencumbered appropriation allocated by the capital budget series 2008 shall be transferred from various departments, officers and agencies to other departments, offices and agencies within the Township as follows:

<u>Department</u>	<u>Appropriation Transferred From</u>
Chief Administrative Officer	\$ 4,337.05
Administrative Services	\$ 175,000.00
License & Inspection	\$ 14,237.06
Electrical	\$ 1,204.54
Public Works	\$ 35,443.78
Parking Meters	\$ 1,012.28
Leisure Services	\$ 56.69
<b>Total</b>	<b>\$ 231,291.40</b>


<u>Department</u>	<u>Appropriation Transferred To</u>
Police	\$ 195,000.00
Public Works	\$ 36,291.40
<b>Total</b>	<b>\$ 231,291.40</b>

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

ENACTED and ORDAINED this 16<sup>th</sup> day of March, 2016


UPPER DARBY TOWNSHIP

  
\_\_\_\_\_  
DONALD P. BONNETT  
PRESIDENT OF COUNCIL

ATTEST:   
\_\_\_\_\_  
EDWARD MONAGHAN  
SECRETARY TO COUNCIL

Ordinance No. 3028 above is hereby approved this 16<sup>th</sup> of March 2016.

  
\_\_\_\_\_  
THOMAS N. MICOZZIE, MAYOR

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

UPPER DARBY TOWNSHIP  
ORDINANCE NO. 3029

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORIZING THAT PART OF CERTAIN UNENCUMBERED APPROPRIATIONS ALLOCATED BY THE ANNUAL BUDGET FOR UPPER DARBY TOWNSHIP FOR THE YEAR 2016 BE TRANSFERRED FROM VARIOUS DEPARTMENTS, OFFICES AND AGENCIES TO OTHER DEPARTMENTS, OFFICES AND AGENCIES WITHIN THE TOWNSHIP. ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED.

WHEREAS, Section 909D of the Upper Darby Township Home Rule Charter provides that Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

WHEREAS, pursuant to Section 909D of the Upper Darby Township Home Rule Charter the Mayor has requested that parts of certain unencumbered appropriations allocated in the Annual Budget of Upper Darby Township for the year 2016 be transferred from the unencumbered fund balance to other departments, offices or agencies within the Township.

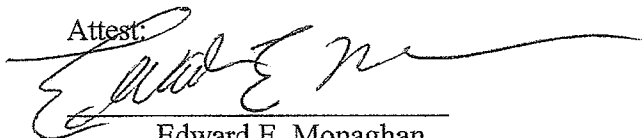
NOW THEREFORE, Upper Darby Township hereby ordains:

SECTION 1. Pursuant to the provisions of Section 909D of the Home Rule Charter of Upper Darby Township, Delaware County, Pennsylvania, Three Hundred thousand (\$300,000) of the unencumbered fund balance of the Annual Budget of Upper Darby Township for the year 2016 should be transferred as follows:

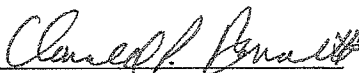
<u>Department</u>	<u>Appropriations Transferred To</u>
Public Works – Highway	\$ 300,000.00
Total	\$ 300,000.00

ENACTED and ORDAINED this 16<sup>th</sup> day of March, A.D. 2016.

Attest:



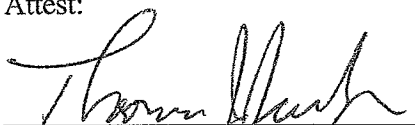
Edward E. Monaghan  
Secretary of Council

By: 

Donald P. Bonnett  
President of Council


Ordinance No.3029 above is hereby approved this 16<sup>th</sup> day of March A.D., 2016

Attest:



Thomas J. Judge, Jr.  
Chief Administrative  
Officer

Approved:



Thomas N. Micozzie  
Mayor

**RESOLUTION NO. 05-16**

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

THEREFORE, BE IT RESOLVED:

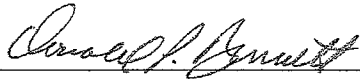
THAT WE, THE OFFICIALS OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA IN A REGULAR SESSION ASSEMBLED ON THIS 16<sup>th</sup> DAY OF MARCH 2016, DO HEREBY MAKE APPLICATION TO THE COUNTY COUNCIL OF DELAWARE COUNTY FOR AN ALLOCATION OF COUNTY LIQUID FUEL TAX FUNDS IN THE AMOUNT OF \$100,000.00 TO BE USED IN THE IMPROVEMENT OF:

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

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

RESOLVED, THIS 16<sup>TH</sup> DAY OF MARCH A.D., 2016


UPPER DARBY TOWNSHIP

  
\_\_\_\_\_  
DONALD P. BONNETT  
PRESIDENT OF COUNCIL


**RESOLUTION NO. 05-16**

MARCH 16<sup>TH</sup>, 2016

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ATTEST:   
EDWARD E. MONAGHAN  
SECRETARY OF COUNCIL

  
THOMAS N. MICOZZIE  
MAYOR

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