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Upper Darby Township Council Meeting

July 20th, 2016

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, July 20th, 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, Jacob A. Bierling Jr.,
Sekela Coles, Robert Gwin, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman

Barbarann Keffer, excused

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Scott C. Gottel, Esquire
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 15th, 2016.

Mr. Wagner: So moved.

Mr. Bierling: Second.

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.

William R. Miles, 222 Kent Road
Parking and school

Olivia Taylor, 204 Kent Road
Parking

Alfred Achtert Jr., 7228 Radbourne Road
Black Lives Matter

Their comments are filed on tape.

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

Mr. Bonnett: Thank you, Ed. This is the time of the meeting set aside for our Mayor, the Honorable Thomas N. Micozzie.

Mayor Micozzie

Mayor Micozzie announced that "National Night Out" will take place on August 2nd, 2016 at Upper Darby High School.

Mr. Bonnett: Thank you, Mayor. At this time we will move to the Committee Reports beginning with the Finance & Appropriations Committee, Councilman Wagner, please.

Committee Reports

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

**Resolution No. 27-16, the tax appeal of Capital Group Investments, LLC,
628 Ashland Avenue, Upper Darby Township. Tax Folio No: 16-13-00287-01**

Mr. Wagner: Will the Solicitor please give us a brief on Resolution No. 27-16?

Solicitor: Certainly. Resolution No. 27-16 is the tax appeal of Capital Group Investments, LLC, 628 Ashland Avenue, Upper Darby Township. Tax Folio No: 16-13-00287-01. The requested assessment is \$67,800.00 for tax year 2016. The current assessment is \$137,000.00 under Delaware County Docket No. 2015-010792. This has been approved by the Upper Darby School District and is recommended by the Solicitor's office.

Mr. Wagner: The Finance Committee has reviewed this and also recommends it as well. With that, I move for the adoption of Resolution No. 27-16.

Mr. Bierling: Second.

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

Resolution No. 28-16, the tax appeal of Stuart and Nancy Glatsky, 1005 Woodside Avenue, Upper Darby Township. Tax Folio No: 16-13-03958-01

Mr. Wagner: Will the Solicitor please give us a brief on Resolution No. 28-16?

Solicitor: Certainly. Resolution No. 28-16 is the tax appeal of Stuart and Nancy Glatsky, 1005 Woodside Avenue, Upper Darby Township. Tax Folio No: 16-13-03958-01 under Delaware County Docket No. 2015-010206. The current assessment is \$128,820.00. The recommended tax assessment for the year 2016 is \$118,650.00. This has been also been approved by the Upper Darby School District and is being recommended by the Solicitor's office.

Mr. Wagner: Thank you. The Finance Committee has reviewed this and also recommends it as well. With that, I move for the adoption of Resolution No. 28-16.

Mr. Spellman: Second.

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

Mr. Wagner: That completes our report, Sir.

Mr. Bonnett: Thank you, Tom. Planning, Zoning & Building Code Committee, Mr. Bierling please.

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

Motion for a Land Development for MC Investments, LLC to adjust lot lines of two parcels and consolidate a third parcel totaling 2.61986 acres, situate; 8645 & 8649 West Chester Pike, Upper Darby, Pennsylvania. Folio No: 16-08-27670-02

Mr. Bierling: I move to make a Motion for a Land Development for MC Investments, LLC to adjust lot lines of two parcels and consolidate a third parcel totaling 2.61986 acres, situate; 8645 & 8649 West Chester Pike, Upper Darby, Pennsylvania. Folio No: 16-08-27670-02

Mr. Bonnett: Is there a second?

Mr. Wagner: Second.

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

Mr. Bierling: I will now ask the Solicitor to give us a brief on Resolution No. 29-16.

Resolution No. 29-16, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of St. George Orthodox Church for land development to develop 0.17 acres with a church parking lot on the south side of West Chester Pike at Park Avenue and being subject to certain conditions of approval

Solicitor: Resolution No. 29-16 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of St. George Orthodox Church for land development to develop 0.17 acres with a church parking lot on the south side of West Chester Pike at Park Avenue and being subject to certain conditions of approval.

Mr. Bierling: I move for the adoption of Resolution No. 29-16.

Mr. Spellman: Second.

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

Resolution No. 34-16, a Resolution of Upper Darby Township regarding the 42nd Year Community Development Program, 5 Year Consolidated Plan and Citizen Participation Plan

Mr. Bierling: I will now ask the Solicitor to give us a brief on Resolution No. 34-16.

Solicitor: Resolution No. 34-16 is a Resolution of Upper Darby Township regarding the 42nd Year Community Development Program, 5 Year Consolidated Plan and Citizen Participation Plan

Mr. Bierling: I move for the adoption of Resolution No. 34-16.

Mr. Spellman: Second.

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

Mr. Bierling: That concludes our report, Mr. President.

Mr. Bonnett: Thank you, Jack. Public Safety Committee, Mr. Monaghan please.

Public Safety Committee

Edward E. Monaghan, Chairman

Resolution No. 30-16, a Resolution to establish "No Parking of Trucks or Commercial Vehicles" on the 400 block of Grace Road

Mr. Monaghan: Thank you, Mr. Bonnett. I will ask the Solicitor to give us a brief on Resolution No. 30-16.

Solicitor: Certainly. Resolution No. 30-16 is a Resolution to establish "No Parking of Trucks or Commercial Vehicles" on the 400 block of Grace Road.

Mr. Monaghan: I move for the adoption of Resolution No. 30-16.

Mr. Bierling: Second.

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

Resolution No. 31-16, a Resolution to REMOVE the 2 Hour Parking restriction on the Unit block of Wellington Road (1 thru 34)

Mr. Monaghan: Mr. Solicitor, can you give us a brief on Resolution No. 31-16?

Solicitor: Certainly. Resolution No. 31-16 is a Resolution to REMOVE the 2 Hour Parking restriction on the Unit block of Wellington Road (1 thru 34)

Mr. Monaghan: I move for the adoption of Resolution No. 31-16.

Mr. Wagner: Second.

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

Resolution No. 32-16, a Resolution to establish “No Parking from 7am until 9am, Monday through Friday” on the 300 block of Boro Road

Mr. Monaghan: Mr. Solicitor, can you give us a brief on Resolution No. 32-16?

Solicitor: Certainly. Resolution No. 32-16 is a Resolution to establish “No Parking from 7am until 9am, Monday through Friday” on the 300 block of Boro Road.

Mr. Monaghan: I move for the adoption of Resolution No. 32-16.

Mr. Bierling: Second.

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

Resolution No. 33-16, a Resolution to change the existing time limit operation of metered parking from two (2) hours to twelve (12) hours on certain designated meters in the Township

Mr. Monaghan: Mr. Solicitor, can you give us a brief on Resolution No. 33-16?

Solicitor: Certainly. Resolution No. 33-16 is a Resolution to change the existing time limit operation of metered parking from two (2) hours to twelve (12) hours on certain designated meters in the Township.

Mr. Monaghan: I move for the adoption of Resolution No. 33-16.

Mr. Spellman: Second.

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

Mr. Monaghan: That concludes our report.

Mr. Bonnett: Thank you, Ed. Does the Solicitor 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. Bierling: So moved.

Mr. Spellman: Second.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Nolan", with a long horizontal flourish extending to the right.

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 27-16**

In Re: Appeal Of: Capital Group Investments, LLC

Owner: Capital Group Investments, LLC

**Property Address: 628 Ashland Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-00287-01**

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. 2015-010792;

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>
2016	\$67,800.00

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

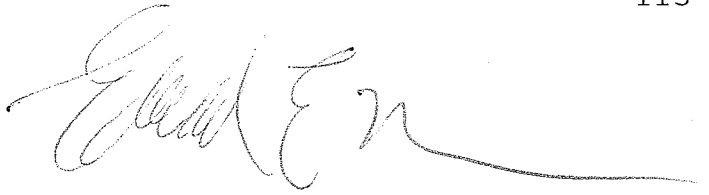
WHEREAS, the Solicitor recommends this settlement.

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 20th day of July, 2016.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

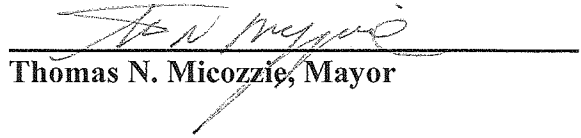


ATTEST:

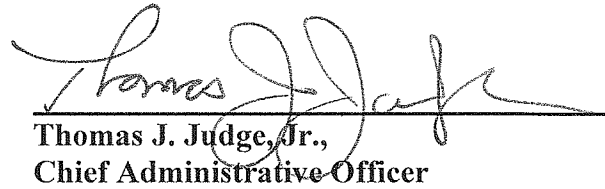
**Edward E. Monaghan, Secretary of
Council**

Resolution No. 27-16 above is hereby approved this 20th day of July, 2016.

BY:


Thomas N. Micozzie, Mayor

ATTEST:


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

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 28-16**

In Re: Appeal Of: Stuart and Nancy Glatsky

Owner: Stuart and Nancy Glatsky

**Property Address: 1005 Woodside Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-03958-01**

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. 2015-010206;

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>
2016	\$118,650.00

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.

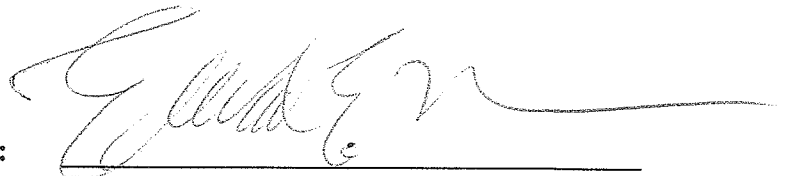
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 20th day of July, 2016.

UPPER DARBY TOWNSHIP

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

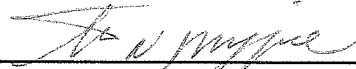
ATTEST:



Edward E. Monaghan, Secretary of
Council

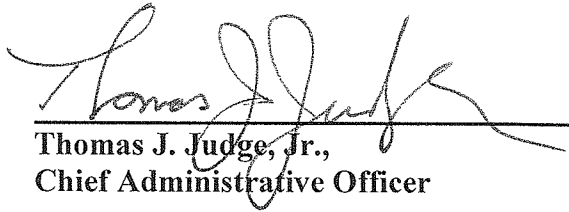
Resolution No. 28-16 above is hereby approved this 20th day of July, 2016.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

UPPER DARBY TOWNSHIP

Resolution No. 29-16

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF ST. GEORGE
ORTHODOX CHURCH FOR LAND DEVELOPMENT
TO DEVELOP 0.17 ACRES WITH A CHURCH
PARKING LOT ON THE SOUTH SIDE OF WEST
CHESTER PIKE AT PARK AVENUE AND BEING
SUBJECT TO CERTAIN CONDITIONS OF
APPROVAL.**

WHEREAS, ST. GEORGE ORTHODOX CHURCH (“Applicant”) has submitted for approval its Final Land Development Plan to develop 0.17 acres with a church parking lot, prepared by Peter Ayoub, said plans submitted to the Township dated May 27, 2016 (collectively “Final Plans”); and

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

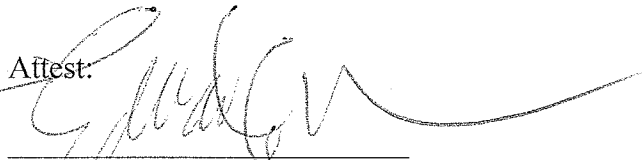
1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by St. George Orthodox Church, and where applicable, Applicant’s lender, of all necessary and appropriate documentation including Developer’s Agreement and Improvement Security Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;
3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

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

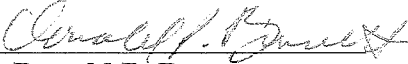
5. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision dated May 27, 2016, which decision is incorporated herein by reference hereto."

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

TOWNSHIP OF UPPER DARBY

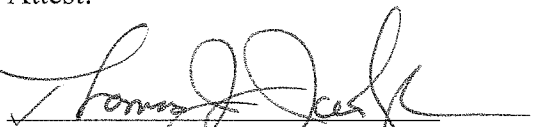
Attest: 

Edward E. Monaghan
Secretary of Council

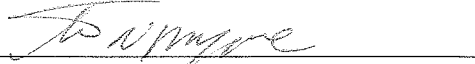
By: 

Donald P. Bonnett
President of Council

Resolution No. 29-16 above is hereby approved this 20th day of July, A.D., 2016.

Attest: 

Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved: 

Thomas N. Micozzie
Mayor

UPPER DARBY TOWNSHIP

RESOLUTION NO. 34-16

A RESOLUTION OF Upper Darby TOWNSHIP REGARDING THE 42ND YEAR COMMUNITY DEVELOPMENT PROGRAM, 5 YEAR CONSOLIDATED PLAN AND CITIZEN PARTICIPATION PLAN

WHEREAS, all citizen and community requests for the 42nd 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 Town 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 2016.

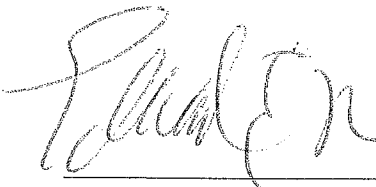
NOW, THEREFORE BE IT RESOLVED by the Town Council of the Township of Upper Darby:

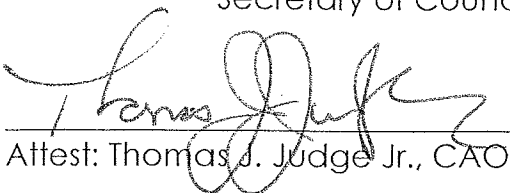
1. That the attached Exhibit "A" representing Final Allocations of funds for the 42nd year Community Development Program are hereby approved; and that no changes are made to the Citizen Participation Plan.
2. That the proper officers are hereby authorized to take such steps as may be necessary to implement the intent of this Resolution.

RESOLVED this 20th day of July, A.D., 2016.

TOWNSHIP OF UPPER DARBY


 BY: Donald P. Bonnett,
 President of Council


 Attest: Edward E. Monaghan
 Secretary of Council


 Attest: Thomas J. Judge Jr., CAO


 BY: Thomas N. Micozzie, Mayor

CERTIFICATION

This is to certify that the foregoing Resolution is a true and correct copy of the Resolution adopted by the Board of Commissioners at its stated meeting held on July 20, 2016

Edward E. Monaghan
Secretary of Council

EXHIBIT A

Funds will be spent generally as follows:

<i>Project No.</i>	<i>Activites -- CDBG</i>	<i>\$ Amount</i>
42-16-01	General Program Admin. Planning & Management	120,000.00
42-16-01A	Fair Housing Outreach	5,000.00
42-16-02	Street Paving	200,000.00
42-16-06	Owner Occupied Home Rehabilitation Program	400,000.00
42-16-06A	Rehabilitation Services: Program Delivery	100,000.00
42-16-06B	Code Enforcement - Low/Mod Areas	100,000.00
42-16-06C	Owner Occupied Home Rehab. Program -Priority Rehab	100,000.00
42-16-12	First Time Homebuyers	100,000.00
42-16-16	Capital Improvements - CAA Shelter	30,000.00
42-16-17	LED Energy Efficient Lighting Retrofit for Watkins Center	23,000.00
42-16-19	Shared Rides for UD Senior Citizens.	4,000.00
42-16-20	Reconstruction of Parking Lot - 6810 Montgomery Avenue	55,000.00
42-16-34	Long Lane Beautification	50,000.00
42-16-35	Reconstruction Soccer Fields	50,000.00
42-16-36	Purchase of Fire Truck	50,000.00
42-16-37	Public Services- CAADC	10,000.00
42-16-50	Contingency	72,229.00
		1,469,229.00
	CDBG AMOUNT AWARDED	1,419,229.00
	PROGRAM INCOME	50,000.00
	15% CAP FOR PUBLIC SERVICE =	212,884.35

RESOLUTION NO. 30-16

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

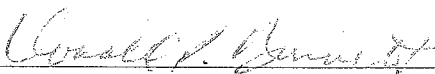
NOW, THEREFORE, BE IT RESOLVED;

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

ESTABLISH "NO PARKING OF TRUCKS OR COMMERCIAL VEHICLES" ON THE 400 BLOCK OF GRACE ROAD

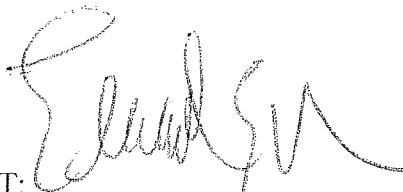
RESOLVED, THIS 20TH DAY OF JULY, A.D., 2015.

UPPER DARBY TOWNSHIP



 DONALD P. BONNETT
 PRESIDENT OF COUNCIL

ATTEST:



 EDWARD E. MONAGHAN
 SECRETARY OF COUNCIL



 THOMAS N. MICOZZIE, MAYOR

ATTEST:



 THOMAS J. JUDGE, JR.,
 CHIEF ADMINISTRATIVE OFFICER

RESOLUTION NO. 31-16

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS 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 ADDING TO SECTION 3 THEREOF THE FOLLOWING:

REMOVE "TWO HOUR PARKING" RESTRICTION ON THE UNIT BLOCK OF WELLINGTON ROAD (1 THRU 34)

RESOLVED, THIS 20TH DAY OF JULY, A.D., 2016

UPPER DARBY TOWNSHIP

Donald P. Bonnett
DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: Edward E. Monaghan
EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

Thomas N. Micozzie
THOMAS N. MICOZZIE, MAYOR

ATTEST: Thomas J. Judge, Jr.
THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER

RESOLUTION NO. 32-16

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

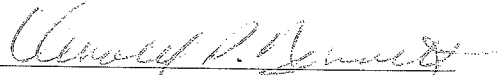
NOW, THEREFORE, BE IT RESOLVED:

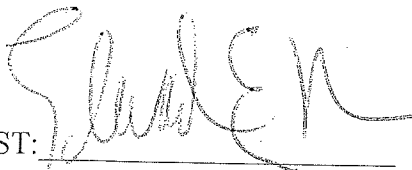
THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 3 THEREOF THE FOLLOWING:

ESTABLISH "NO PARKING, MONDAY TO FRIDAY, BETWEEN 7:00 AM AND 9:00 AM" ON THE 300 BLOCK OF BORO ROAD


RESOLVED, THIS 20TH DAY OF JULY, A.D., 2016

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL


ATTEST:
EDWARD E. MONAGHAN
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR


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

RESOLUTION NO. 33-16

WHEREAS, ORDINANCE NO. 482 OF UPPER DARBY TOWNSHIP COMMONLY KNOWN AS "THE PARKING METER ORDINANCE" PROVIDES FOR THE INSTALLATION, OPERATION, MAINTENANCE, REGULATION AND CONTROL OF THE USE OF PARKING METERS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

CHANGE THE EXISTING TIME LIMIT OPERATION OF METERED PARKING FROM TWO HOURS TO TWELVE HOURS AT THE FOLLOWING LOCATIONS:

100 BLOCK OF GARRETT ROAD (FROM COURT TO WALNUT) (20)

Meter numbers are 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454

400 BLOCK OF CHESTNUT STREET (9)

Meter numbers are 700, 701, 702, 703, 704, 705, 706, 707, 708

200 BLOCK OF FAIRFIELD AVENUE (11)


Meter numbers are 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719

7000 BLOCK OF WEST CHESTER PIKE (9)


Meter numbers are 804, 805, 806, 807, 808, 809, 810, 811, 812

RESOLVED, THIS 20TH DAY OF JULY, A.D., 2016.

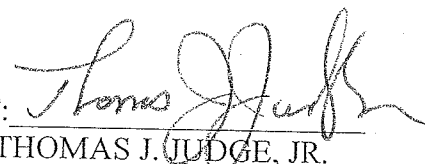
UPPER DARBY TOWNSHIP



 DONALD P. BONNETT
 PRESIDENT OF COUNCIL

ATTEST: 
EDWARD E. MONAGHAN
SECRETARY OF COUNCIL


THOMAS N. MICOZZIE, MAYOR

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