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April 19th, 2017

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, April 19th, 2017 at 7:00 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 led by Student Mayor for the Day, Elizabeth Hennessy, from St. Bernadette's School.

Councilman Bonnett also announced the presence of Congressman Pat Meehan and State Representative Jamie Santora in the audience.

Roll Call

Donald P. Bonnett, Thomas P. Wagner, Edward E. Monaghan, Jacob A. Bierling Jr., Sekela Coles, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman

Robert Gwin, excused

Present at the Meeting

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

Mr. Bonnett: Ladies and gentlemen, Members of Council, before we get into the Agenda this evening, I would like to turn the meeting over to our Mayor, the Honorable Thomas N. Micozzie who has several special Proclamations and recognitions to deliver this evening.

Mayor Micozzie

Mayor Micozzie recognized the Fire Fighters and Police Officers who assisted with an incident where a female pedestrian was struck by a vehicle on State Road. The following personnel assisted:

Fire Fighters:

Peter Huf, Deputy Fire Chief, Sam Caroluzzi, Fire Fighter

Police Officers:

Michael Dehoratius, Riocard Russel, Brian Gieder, Matthew Lynch & William Redheffer

Audience applause

Mayor Micozzie presented Elizabeth Hennessy of St. Bernadette's School an award for Honorary Student Mayor for the Day

Mayor Micozzie presented Lisa Carney with a Proclamation as a recipient of the Federal Bar Association Excellence in Civics Education Award 2017;

PROCLAMATION

Upper Darby Township is extremely proud to honor Lisa Carney as a recipient of the Federal Bar Association Excellence in Civics Education Award 2017. Mrs. Carney was nominated for this prestigious award by a parent, Frank McGovern.

WHEREAS Mrs. Carney is a fourth grade teacher at Saint Bernadette School of Lourdes located in the Drexel Hill section of Upper Darby Township.

WHEREAS, Mrs. Carney has been a dedicated teacher for over 20 years and has taught at Saint Bernadette School for the past six years.

WHEREAS, Mrs. Carney teaches her students about civics, different levels of government, voting process and the Constitution.

WHEREAS, Mrs. Carney's innovative, unique and creative approach engages students to learn the values, skills and knowledge necessary to become active participants in their community and our democracy.

Upper Darby Township commends Mrs. Carney on her dedication to her colleagues, principal, pastor and, most importantly, all her students.

Therefore I, Thomas N. Micozzie, Mayor of the Upper Darby Township, along with Township Council proclaim April 19th, 2017 as

LISA CARNEY DAY

In Upper Darby Township. I extend our sincere congratulations to Mrs. Carney on receiving this distinguished award.

Thomas N. Micozzie, Mayor

Thomas N. Micozzie, Mayor
Upper Darby Township

Appointments

The appointment of Barbara DiLossi on the Upper Darby Township Historic Commission for a three-year term expiring 12/31/19; and

The appointment of Joseph DiLossi to serve on the Upper Darby Township Environmental Advisory Commission for a three-year term expiring 12/31/19

These appointments were approved by Council.

Congressman Pat Meehan made a presentation of the flag that was flown over the United States Capitol on January 30, 2017 to honor the memory of Upper Darby Township Police Officer Dennis McNamara, who lost his life in the line of duty on January 30, 2002.

Audience applause

His comments are filed on tape

State Representative Jamie Santora gave his comments regarding the re-naming of the portion of Lansdowne Avenue to the Dennis McNamara Memorial Highway

Audience applause

His comments are filed on tape

Five minute break

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of March 15th, 2017.

Mr. Wagner: So moved.

Ms. Coles: 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.

M. Louis van de Beek, M.D., 2020 E. Allegheny Avenue, Philadelphia, PA
Medical Cannabis

----- Hossan, 512 Larchwood Avenue
Invite Mayor Micozzie

Their comments are filed on tape.

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

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

Committee Reports

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

**Resolution No. 16-17, the tax appeal of Steve Fitzgerald, LLC.,
2203 Marshall Road, Upper Darby Township. Tax Folio No: 16-09-00946-99**

Mr. Wagner: Will the Solicitor please give us a collective brief on Resolution No. 16-17 through 19-17?

Solicitor: Certainly. Resolution No. 16-17 is the tax appeal of Steve Fitzgerald, LLC., 2203 Marshall Road, Upper Darby Township. Tax Folio No: 16-09-00946-99. We are requesting that Council approve a Resolution this evening to reduce the assessment from \$37,190.00 to \$21,775.00.

**Resolution No. 17-17, the tax appeal of Sunny Realty, LLC.,
839 Eaton Road, Upper Darby Township. Tax Folio No: 16-08-01045-00**

Resolution No. 17-17, is the tax appeal of Sunny Realty, LLC., 839 Eaton Road, Upper Darby Township. Tax Folio No: 16-08-01045-00. We are requesting that Council approve a Resolution this evening to reduce the assessment from \$71,500.00 to \$52,000.00.

**Resolution No. 18-17, the tax appeal of Nizam Hamid, 4030 Ellendale Road,
Upper Darby Township. Tax Folio No: 16-13-01768-00**

Resolution No. 18-17, is the tax appeal of Nizam Hamid, 4030 Ellendale Road, Upper Darby Township. Tax Folio No: 16-13-01768-00. We are requesting that Council approve a Resolution this evening to reduce the assessment from \$65,000.00 to \$29,250.00.

**Resolution No. 19-17, the tax appeal of Sophia Saritsoglou, 22 Madison Avenue,
Upper Darby Township. Tax Folio No: 16-07-00567-00**

Lastly, Resolution No. 19-17, is the tax appeal of Sophia Saritsoglou, 22 Madison Avenue, Upper Darby Township. Tax Folio No: 16-07-00567-00. We are requesting that Council approve a Resolution this evening to reduce the assessment from \$78,000.00 to \$71,500.00.

These Resolutions have already been reviewed and approved by the Upper Darby School District and are being recommended by the Solicitor's office.

Mr. Wagner: Thank you, Mr. Solicitor. The Finance Committee has reviewed this and recommends it as well. With that, I move for the adoption of Resolution No. 16-17 through Resolution No. 19-17.

Mr. Bierling: Second.

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

**Motion for Council to authorize the Mayor to sign the Collective Bargaining
Agreement (CBA) between the International Association of Fire Fighters Local 2493
(IAFF) and Upper Darby Township**

Mr. Wagner: Thank you, Mr. President. I hereby make a motion for Council to authorize the Mayor to sign the Collective Bargaining Agreement (CBA) between the International Association of Fire Fighters Local 2493 (IAFF) and Upper Darby Township.

Mr. Bierling: 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.

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

Planning, Zoning & Building Code Committee

Jacob A. Bierling Jr., Chairman

Public Hearing for Ordinance No. 3037, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2926, by amending the hours peddling, soliciting and off-street sales are limited to

Mr. Bierling: Will the Solicitor please give us a brief on proposed Ordinance No. 3037?

Solicitor: Yes. Ordinance No. 3037 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2926, by amending the hours peddling, soliciting and off-street sales are limited to.

Mr. Bierling: Thank you. Will the Chair please conduct a Public Hearing?

Mr. Bonnett: Thank you, Mr. Bierling. We will now convene a Public Hearing on Ordinance No. 3037. If you wish to speak on this proposed Ordinance, please come to the podium and state your name and address for the record.

Mr. Bonnett: Seeing no one this Public Hearing is closed. A motion would be in order and I will turn this back to you Councilman Bierling for action.

Mr. Bierling: Very good. At this time I would like to make a motion for the adoption of Ordinance No. 3037.

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Mr. Secretary, please take a roll call vote.

In favor of Ord No. 3037	Opposed to Ord No. 3037	Excused	Abstained
Bonnett			
Wagner			
Monaghan			
Bierling			
Coles			
		Gwin	
Keffer			
Manfre			
Faraglia			
Siddique			
Spellman			
10	0	1	0

Mr. Monaghan: That gives us 10 in favor and 1 excused.

Mr. Bonnett: Thank you. Ordinance No. 3037 is adopted.

Public Hearing for Ordinance No. 3038, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania,, pursuant to Article VI of the Pennsylvania Municipalities Planning Code, amending the Upper Darby Township Zoning Ordinance by establishing certain new use definitions in Section 1301 of the Upper Darby Township Zoning Ordinance and further establishing and regulating smoke shops/smoking parlors and medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further establishing and regulating smoke shops/smoking parlors as special exceptions in the C-4 Zoning District and further regulating and establishing medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District

Mr. Bierling: At this time, I would like to ask the Solicitor please give us a brief on proposed Ordinance No. 3038?

Solicitor: Yes. Ordinance No. 3038 is an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania,, pursuant to Article VI of the Pennsylvania Municipalities Planning Code, amending the Upper Darby Township Zoning Ordinance by establishing certain new use definitions in Section 1301 of the Upper Darby Township Zoning Ordinance and further establishing and regulating smoke shops/smoking parlors and medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further establishing and regulating smoke shops/smoking parlors as special exceptions in the C-4 Zoning District and further regulating and establishing medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District.

Mr. Bierling: Thank you. Will the Chair please conduct a Public Hearing?

Mr. Bonnett: Thank you, Mr. Bierling. We will now convene a Public Hearing on Ordinance No. 3038. If you wish to speak on this proposed Ordinance, please come to the podium and state your name and address for the record.

Mr. Joseph: Hello. My name is Michael Joseph, 238 Chamounix Road, Radnor Township, Pennsylvania. Good evening members of Council. I am a Delaware County resident and I am working with Dr. van de Beek, another Delaware County resident in relation to the proposed dispensary location at 622 Industrial Park Drive. I believe this is in Ms. Coles' Council District. Dr. van de Beek already discussed the important issues why medically 29 states in our nation have legalized medical marijuana. The statistics have proven that medical marijuana will prevent a significant percentage of opioid related deaths in the United States. Also, the dispensary will function exactly like a pharmacy as he mentioned previously. There will be no smoking joints or congregating in the dispensary. People will pick up their medication and go home. I'll briefly address the proposed Ordinance and respectfully ask that it must be amended before being passed and if I may, I'd like to hand out some documents that I have here to every member of Council.

Page one of the document is a map of Upper Darby Township that shows the C-4 districts and also the C-3 districts. The proposed Ordinance allocates only the C-4 district as a permitted principle use and it also allocates the C-3 district as dispensaries as a special exception. If you look at the first page, represented by the "star" on the bottom right is our proposed dispensary location. It is clearly within a C-4 district. Does everyone see that? The proposed Ordinance restricts any medical marijuana dispensaries to areas more than 1000 feet from any institutional zoning use. Institutional zoning uses include schools, churches, daycare centers, cemeteries, fire houses, hospitals, police stations and any Township building amongst some other institutional uses. Now, if you look at the 2nd map on the 2nd page, I have taken the liberty of mapping out every institutional use that I could find in Upper Darby. There could be more but as you can see, there are zero locations within the C-4 districts which are less than 1000 feet from an institutional use. In the C-3 district, the only available location for a medical marijuana dispensary is currently occupied by Astra Foods which is a currently operating food manufacturing factory. There is one location in the northern C-4 district that is currently also occupied by the SEPTA rail yard obviously making it unable to be used for a medical marijuana dispensary. Under the proposed Ordinance, there are zero available locations for a medical marijuana dispensary and if you turn the page to page 3, which I'm sure you're very familiar with, it is the Exclusionary Zoning and Fair Share Doctrine of Pennsylvania which states that.....and we don't believe that you intentionally wanted to zone this out of existence. We think you wanted to rightfully regulate these dispensaries to certain areas of your Township and we believe that you acted in good faith. However, we do believe that the Exclusionary Zoning and Fair Share Doctrine does apply here and that only a token allocation of land is available which would be the SEPTA rail

yard which is unable to be used for a medical marijuana dispensary. If you turn the page again, here is our proposed curative amendment to the Ordinance. We are proposing that you create an overlay district for the C-4 district located where we are excluding the institutional use provision for every other C-4 use. If you have any questions about the maps or distances or anything like that, I am more than happy to answer any questions and there is also a link on the second page that is very long but if you type it in there is an interactive online map that anyone including your zoning officers can go view and check out for themselves.

Mr. Bonnett: Thank you Mr. Joseph.

Mr. Joseph: Are there any questions that I can answer?

Mr. Bonnett: Apparently not.

Mr. Joseph: Thank you.

Mr. Bonnett: Does anyone else wish to address Council on this Ordinance?

Ms. Taylor: Good evening Council. Olivia Taylor, 204 Kent. I listened to everything the doctor said but I'm kind of focusing on the training of doctors that are going to be dispensing it. If in fact if this is to go forward, would there be trained doctors there now or do we have to wait because if it's not trained doctors that's going to be there when it opens, how is it going to be regulated?

Mr. Bonnett: First of all, the State has not authorized anyone to grow or distribute cannabis in medical form at this point in time. That action is still pending so even though we may enact this Ordinance this evening, no one can practice by growing or dispensing at this point in time.

Ms. Taylor: And the smoke parlors, I mean, I didn't see the map of the C-3 and C-4 areas from what he was talking about but as a resident, they are going to find ways to get around it. I hear what he was saying that his purpose is for sick people but as a resident here, I know my area and I know the people in this area. If they are not trained professionally they're going find ways around it. I just don't want this to turn into something negative. Thank you.

Dr. van de Beek: Louis van de Beek, my residence is 4 Paul Road in Wayne, PA. I wanted to give a brief comment. First of all, in terms of regulating a product, I can think of no product that is regulated as medical marijuana would be under Act 16. In terms of your specific concern, which I think is very merited, no facility can operate, be open or have any access, in other words, the door can't be open without there being a trained medical professional, specifically a physician or a physician's assistant working with that doctor on the premises and must in fact consult with each and every person coming in. Just so you know, our projected volume ...

LOST SOME AUDIO DUE TO CHANGING OF TAPE

In fact, if I may say I think our greatest hope of putting any dent in street sales where people don't know what they're getting, street sales where this stuff is being laced with angel dust, where people are overdosing and believe me, I worked in an emergency room and have seen what people have ingested thinking that they're taking marijuana where they are in fact taking things that have been highly adulterated. Our greatest hope for impacting upon that problem is in fact the regulation which this Act very much provides. Thank you.

Ms. Taylor: Olivia Taylor, 204 Kent. If I may reiterate what I was saying as far as legalizing the medical marijuana, one of the main problems we have with opioid abuse is that there are some doctors who just think about money and prescribe these opioids. So, it's not like they can't get it on the street but the majority of them are getting it from doctors. That's the point I'm trying to make. Thank you.

Mr. Bonnett: Thank you. State Representative Santora.

Mr. Santora: James Santora, 5228 Apache Lane, Drexel Hill. I just want to caution the Council when thinking about this amendment that the folks are posing. The drug-free school zones. We have had numerous debates and take it from somebody who voted for the medical marijuana bill and supports the bill overall, you've got to be very cautious that there are no schools within 1000 feet, no playgrounds within 250 feet, no school bus stops within 250 feet, no pre-K centers, no churches that have nurseries attached to them. All of that has to be taken into consideration because until the drug-free school zone laws change, it will still be illegal to sell them within those areas. So, I caution you on any amendments that you are looking at. I think the C-4 idea is a good idea because it is industrial or commercial and it is away from the residents as much as possible but you still have to take those criterias into consideration. So, thank you.

Mayor Micozzie: In our dialogue going back and forth when you were doing this legislation, it's a state law for those percentages, isn't it?

Mr. Santora: Correct. There were just some mandatory minimum discussions that were done and a couple of the proposals would reduce the feet to a school and they were shot down and the discussion of medical marijuana came up and again, it was brought up that unless there was an exception carved out for medical marijuana, it still falls within the law of drug-free zones.

Mayor Micozzie: And the Zoning Board can't waive that?

Mr. Santora: Not that I'm aware of.

Mr. Bonnett: So any provision in the state law is not waivable by a local....

Mr. Santora: You can only follow what is in the limits of the state law.

Mr. Bonnett: Thank you. Does anyone else wish to address Council?

Mr. Joseph: Hello. Michael Joseph, 238 Chamounix Road, Radnor, PA. I just want to let you guys know that we have already applied for zoning and we were denied zoning based on your pending Ordinance doctrine. There are two churches within 1000 feet of our dispensary which is the Careview Community Church and the Sword of the Spirit Church. I have contacted both of them personally and neither of the churches offers daycare or nursery as you had mentioned. We are also more than 250 feet away from any of those uses and state law Act 16 specifically states that a dispensary shall not be within 1000 feet of a public, private or parochial school. It does not mention churches. I'm not sure about the drug-free zones that our State Representative mentioned. However, I can assure you that we are over 250 feet from any church or school bus stop. Although we are 700 feet from the 2 churches that we were knocked out for in zoning, we have a zoning appeal going on that will be heard at the April 27th Zoning Hearing.....although we are 700 feet as the crow flies, if you were to actually go to our site and try to walk that 700 feet, you would not be able to. There are many obstructions and you would actually have to drive almost ¾ of a mile down the street, down Industrial Park Drive and then up Union Avenue. Thank you, Council members.

Mr. Bierling: Question. Are the 2 churches that you were talking about on Union Avenue?

Mr. Joseph: Yes.

Mr. Bierling: Was it taken into consideration that, I believe there is a Temple right across the street from there that would actually be in Lansdowne, not necessarily in Upper Darby, but would be adjacent to us, contiguous to us if you will. Was that taken into consideration? I believe it is a Buddhist Temple.

Mr. Joseph: Yes. There are a couple of Temples right there. Those institutional uses were not cited in our zoning application so we did not know if they were included.

Mr. Bierling: Well, we couldn't cite something that is in Lansdowne. We would cite what is in Upper Darby. I would think that our Zoning Officer would point that out. If it is in Lansdowne, that's up to you to find that out, not necessarily us to say that you guys have to go check that. But, on the one side of the street, I know the 2 churches that you are talking about. I was just by there the other day. But on the other side of that there are a couple of other Temples that are over there that would be construed as houses of worship I would believe.

Mr. Joseph: Yes. They would certainly be construed as houses of worship. However, state law does not restrict houses of worship and if you were to consider every house of worship as an institutional use in Upper Darby, every single C-4 commercial district would be zoned out of possibility. Any other questions?

Mr. Manfre: Are they the only applications that have been presented to our Zoning Board?

Mr. Joseph: To answer that question, we filed a Right To Know request and it appears that we are the only dispensary applicant in Upper Darby at the time. We filed that Right To Know request about 15 days ago.

Mr. Bonnett: I do believe that to be correct.

Solicitor: If I may, what do you have pending before the Zoning Hearing Board? Variance requests or an appeal from the Zoning Officer's decision?

Mr. Joseph: We have a variance relief request.

Solicitor: You're seeking a variance from the Ordinance that is proposed here tonight?

Mr. Joseph: Yes.

Solicitor: Which would be perfectly appropriate when you deal with the zoning that they brought up as an issue. Also, are there day care centers in the churches on Union Avenue?

Mr. Bierling: I didn't look into that. That's not something that I would look into.

Mr. Spellman: Would that eliminate their opportunity if they wanted to at a later date to open up a day care?

Solicitor: That's a very good question.

Mr. Bierling: That's what I'm saying. I understand your application is in but in doing due diligence, the 2 churches in question, do they have daycares and no they don't but do the ones across the street have it?

Mr. Manfre: There's a daycare on every other block on West Chester Pike.

Mr. Bonnett: I think this will all be addressed by the Solicitor at the Zoning Hearing Board that evening and he will advise the members of the Board as to how it may be appropriate to act.

Mr. Joseph: One other quick comment is that the state law actually provides a provision where the state can approve of a dispensary within 1000 feet of a school or daycare if the need for medical marijuana in that particular area can be shown and proven. So, the state is allowed to amend that.

Solicitor: And Council was certainly aware of that when they enacted this. We spoke about that in Committee when they proposed the Zoning Ordinance. Similarly you can seek a variance from the Zoning Ordinance to have that 1000 feet excepted if you can show that there is undue hardship from what is before you here.

Mr. Bierling: Right, but what would be the hardship that you would approach the state about getting it.....

Mr. Joseph: Well, at this time I do not believe that we would have to approach the state about a daycare center because I was not able to locate one...when I do see that Temple in Lansdowne, I will absolutely....

Mr. Bierling: And the only reason I'm saying that is we've had the people from Lansdowne in here to pack this room because of problems we've had on that street with other development that went on so the people of Lansdowne will very likely if they are seeing a zoning notice of what it's about which I doubt that they are because of the location to it but you actually have 3 different Townships there; Upper Darby, Yeadon and Lansdowne too.

Mr. Joseph: And East Lansdowne.

Mr. Bierling: Well East Lansdowne would be a little bit over the other side. You do hit that on Baltimore Pike. I've been down that road once or twice. Thank you.

Mr. Joseph: Thank you, Council.

Mr. Judge: Mr. President, I just want to make sure that everyone understands. We're not prohibiting anything here. With this Ordinance, we would permit it and the option to get that relief from this Ordinance is to go before the Zoning Hearing Board which we have done for many other instances in this town. So, while earlier in this Hearing, and I don't remember at what point, I had heard that we are prohibiting the location. We are not prohibiting it; we are just saying that you have to go through a different process to get that exception.

Ms. Coles: I just want to also make Council aware that this Ordinance is not just addressing medical marijuana. It is also addressing the hookah bars and hookah lounges that Ms. Taylor and some of her neighbors from the 200 block of Kent Road have come to Council publicly complaining about some of the issues that have occurred with that Hookah bar that is at the intersection of Kent and Marshall Road and some of the policing issues that we have had with that Hookah bar. I'm not sure if that one is closed down now or what the status is but just keep in mind that this does not just apply to the medical marijuana dispensaries or the medical marijuana growers but also to our Hookah bars and smoke shops. And I'm not sure if now is the time or if we are done with the public speakers.....

Mr. Bonnett: No, we are not. Thank you for pointing that out, Sekela.

Ms. Coles: OK. I will have something else to say.

Mr. Jordan: Michael Jordan, 90 Pilgrim Lane, Drexel Hill. Two things, I would ask that Council and by extension if the Zoning Board is considering this, to not be any more lenient with this than any other Township in the area would be. If these are consistent rules across other

Townships, I don't think we want to put ourselves in a position where we can become a place that would attract this type of business. I agree with Representative Santora. Medical marijuana is probably a pretty good thing but it needs to be monitored and regulated very carefully. So, we don't want to put ourselves in a position to be any more lenient than any other Township in the area. I wanted to ask the two gentlemen who spoke in favor of this if they have approached Radnor or Wayne Township? Why here? Why now?

Mr. Manfre: Good question. I agree with you on that.

Mr. Jordan: Thank you.

Mr. Bonnett: Does anyone else wish to address Council? Doctor?

Mr. van de Beek: Louis van de Beek, 4 Paul Road, Wayne, PA 19087. We have approached Easttown Township actually which borders Radnor Township and because of the issue of...the application actually only allows one application per County and because Easttown was in Chester County and Easttown is clearly on the border of Radnor Township, we didn't specifically go to Radnor because then we couldn't come to your Township because obviously we are in the same County, Delaware County. But in terms of other Townships, yes, we are at Easttown Township which is right on the border of Radnor Township. Again, the rationale being that since we require to only have one site in any County that we would not go to a second site within Delaware County which would, of course, exclude Radnor Township. But, we do include Easttown. Thank you.

Mr. Bonnett: Thank you. Anyone else wish to address Council?

Ms. Coles: No, I would just like to request if Councilman Bierling, the Chair of the Planning & Zoning Committee would consider tabling this Ordinance until the May 17th Council meeting.

Mr. Bonnett: I think before you ask that question, I want to instruct Council on the procedure at this point given the testimony and comments that were made and respective points of view. Madam Solicitor, if you will just check me on this and correct me if you feel that I am mistaken; given the testimony and the one proposal being a curative amendment to a...actually we haven't adopted it yet so we can act to approve this Ordinance this evening and we can act to deny this Ordinance this evening and we can act to table the Ordinance this evening.

Mr. Manfre: Mr. President, I have a question. If we....

Mr. Bonnett: Marc, please. Just a minute.

Solicitor: Yes, that is a fair representation and if you were to amend or alter it as suggested, we would have to start the process over again because that would be a substantial change. Before we get to what Council would like to do tonight for consideration, Delaware County Planning

Department is reviewing this Ordinance tomorrow and we do not yet have their comments on this Ordinance so they will be available after tomorrow.

Mr. Bonnett: I would say that from my perspective that I would like to see this Ordinance approved this evening but Councilman Bierling, with you as Chairman of this Committee I will ask you for a motion.

Mr. Bierling: At this time, I say let's put the motion forward for approval.

Mr. Wagner: I think it should be noted though that the Council person from the District where this facility would go has asked us to table it to discuss it a little further and I think we should take that into account quite frankly.

Mr. Manfre: I have a question. What does it mean if we approve this? Can someone explain it to me?

Solicitor: Right now you do not have any zoning regulations for medical marijuana dispensaries or medical marijuana grower/processors because the state law is so new. So, what we tried to do in this Zoning Ordinance amendment is provide zoning for them such as where they would be properly be placed in the Township; C-3 as special exception and C-4 as permitted principle use for dispensaries and grower/processors. So, it is just going to permit the uses under your Zoning Ordinance.

Mr. Manfre: Thank you.

Mr. Bonnett: Also, Madam Solicitor, if we tabled this Ordinance this evening, do we lose the effect of a pending Ordinance-----?

Solicitor: You do not because you've announced that you're considering this and you're taking it under advisement.

Mr. Bonnett: Very good.

Mr. Wagner: My point, unless I'm missing something, I don't think we lose a lot by tabling this for a month to defer to the Council person who is most affected by it.

Mr. Bonnett: That would be Councilwoman Sekela Coles. Do you call for any further consideration on why you would like that to be considered? You can offer the motion if you'd like but before you do.....

Ms. Coles: First I'm thinking of the April 27th Zoning Meeting where they have the variance before the Zoning Board. I would like to see what testimony is presented at that Hearing and the outcome of it. Also, I think that as a Council we need to just flush through this a little bit more and maybe get a little bit more discussion about this. Unfortunately, I am in a position where I

was not approached about this issue to be honest, until today which I am just attempting to hear all parties out and keep an open mind. With that being said, I am not committed one way or the other. I am saying that I would just like to have a little bit more time with this issue and be 100% comfortable with the way that I would vote on it.

Mr. Bonnett: If this Ordinance is tabled this evening, Madam Solicitor, is there any reason to have a Hearing? There would be nothing to appeal at that point, is there?

Solicitor: I believe that what they have done is to appeal the Zoning Officer's decision. I don't think that what they have applied for is a variance because there is not yet an Ordinance in effect. If Mr. Gentile denied their zoning application they have every right to appeal it to the Zoning Hearing Board and that's probably what is pending on April 27th.

Mr. Bonnett: What is the Zoning Hearing Board reviewing?

Mr. Judge: There's nothing for them to review because if this doesn't pass this evening then in a certain period of time, their application is approved because the Zoning Hearing Board doesn't have to hear anything because the Director of L&I would have to review this if he based his denial on the pending Ordinance application.

Ms. Coles: So you're saying that they put in their variance application assuming that Ordinance No. 3038 was going to be approved tonight? That's what I'm coming away with. Are you saying that they jumped the gun and that they made the assumption that this is going to be approved?

Mayor Micozzie: I don't think it was an assumption. Jeff didn't have anything to be able to approve so there was no permitted use, right?

Ms. Coles: My understanding is 1000 feet within any institution.

Mr. Judge: We had a pending Ordinance doctrine and I think he denied it based upon the pending Ordinance doctrine. So the question is, do you have to then hold a Zoning Hearing until after the pending Ordinance doctrine is decided because you can't review a decision that isn't yet in place.

Solicitor: Yes, the Zoning Board's Hearing may have to wait until Council takes action on this Ordinance.

Mr. Judge: Right. Then, they have to do it within so many days or it is deemed approved.

Solicitor: Deemed denied.

Mr. Judge: Deemed denied is it?

Solicitor: I believe so.

Ms. Coles: Another point. I believe that earlier during the Public Hearing a lot of the focus was on schools and how far away the location would be from any schools but my understanding is that the state law is within 1000 feet of any institutional zoning use and what's why we're looking at the churches or any other institutional use in the first place. So to Dr. van de Beek and Mr. Jordan, just to clarify, that is the understanding that I have from this Ordinance that was first presented to Council last month when it was introduced.

Mr. Bonnett: I think that Dr. van de Beek and Mr. Joseph's objection to what is being proposed has to do with the fact that they have already identified the property in the C-4 district so this doesn't work for their personal benefit because of that as a dispensary; whereas the Committee has amply considered the fact that all of the other Districts where we put or permit a dispensary is pretty broad and there are other opportunities and many of them in those districts that if this Ordinance were approved then those who wish to have a dispensary have plenty of places to.....

Mr. Bierling: I'd just like to point out too in a Public Notice that is sent out for the Zoning Hearing is that the applicant is requesting a variance for a medical marijuana dispensary within the required 1000 feet from institutional use. So, he is asking for a variance.

Solicitor: That is Mr. Judge's point when he said that we would need the Ordinance to be adopted in order for a variance to be appropriate.

Mr. Spellman: I'm on the Committee with Jack and we did deliberate a lot about this and the facts are that Upper Darby can't go any bigger than we are right now and we only based it on C-3 with exceptions and C-4 as a ----. We can't help the logistics of what was presented to us. So, moving forward, it makes sense that if we vote on this, -----then let them make a decision because they still have a right to a variance hearing at that point because there is something to judge it on. If we table this, it's going to delay a lot of the process and we did spend a lot of time in Committee on this.

Mr. Bonnett: And we are potentially at risk of one being able to place it elsewhere.

Ms. Coles: I appreciate your feedback.

Mayor Micozzie: Personally, I think everybody needs to understand. I understand the marijuana part but this is a business and believe me, the -----is a big business. So we have a business that picked a spot that -----and it doesn't work. I understand you have a map but he has the right to go to the Zoning Board. It's no different than opening a bar in a residential area that you have to plead in front of the Zoning Board. The Zoning Board is the -----place. That's where they ask you the questions and that's where they put restrictions or they can open up businesses and according to what I've seen-----and have to discuss with the Solicitor and Tom Judge and my L&I office. There is nothing in that Ordinance that was not given to us by the state. So, our municipality is no different than anywhere else. There is

nothing in that Ordinance that we can change that would make this any less restrictive. Am I correct?

Solicitor: I think the concern that the doctor has expressed in his public comment is that the language on the permitted principle use for dispensary facilities says 1000 feet from an institutionally zoned zoning use. Upper Darby Township as I recall does not have an institutional zoning district so it's going to depend on how the Director of L&I is going to determine institutional zoning use. The way it is written in this Ordinance is institutional zoning use including, but not limited to, public, private and parochial schools and day care centers. The public, private and parochial schools and day care centers mimic the state laws. The question becomes "how does institutional zoning use get interpreted and does Mr. Gentile interpret it to include a church?" That is the question.

Mr. Judge: To this point, he has because that is why he denied it. That could be drawn into question but to this point, he has interpreted it to be such.

Mayor Micozzie: Because of the future potential that they could have day care centers which most churches in Upper Darby seem to go with that.

Mr. Judge: And, one of the churches did at one time have day care but they do not currently have it.

Mr. Bonnett: Council, I just want to point out that even if we do adopt this Ordinance tonight, which may be the safest action to take, we can always amend it.

Ms. Keffer: I have a couple of questions. One, this 1000 feet, is that sort of a boiler plate distance?

Solicitor: It's a state law. And, the Department of Health can waive that for the permittees. The State Department of Health could waive it when they give these people the license to operate a dispensary. But, then the question would become that they would have to come here to get a variance from your zoning because it would be in your zoning too. So, it's kind of a double layer.

Ms. Coles: I have a question Kelly. He said deemed denied or deemed approved. That's a big difference so I just want verification if it would be deemed denied or deemed approved next week at the Zoning Hearing.

Solicitor: I'll get that for you.

Mr. Judge: No, it wouldn't be next week, it would be within 45 days.

Ms. Coles: The other thing that I'm thinking about is that the State law also covers school bus stops and also recreation and I think that would be within 200 feet of that. So, have we taken into consideration any school bus stops?

Mr. Judge: I don't know but I do not believe that there are any school bus stops in the Industrial Park and the one playground which is in another community is beyond the 250 feet.

Mr. Bonnett: I also want to remind Council as Councilwoman Coles has reminded us earlier that hookah bars are part of this Ordinance and I think a very important part of this Ordinance as well as far as regulating where they can be as they have been problematic where they have been located in Upper Darby Township.

Ms. Keffer: That's another consideration. These are two separate issues, I think. The hookah bars really need to be regulated and are causing trouble but why are they tied to medical marijuana. The hookah bars are sort of an social business and medical marijuana is a health business for health care.

Mr. Bonnett: It was determined by the Committee that this is where it belongs and it was evaluated legally by our Solicitor...

Mr. Judge: No, no. The question is they are not tied to one another. The only tie is the fact that we put both definitions in the one Ordinance that is pending before the vote. They are separate and they have separate rules that they have to apply in this Ordinance. The two are not tied together in any way, shape or form.

Ms. Keffer: They're tied together in that we can't move forward until.....

Mr. Judge: They are tied together because this document can't be voted on tonight if you're against moving forward with it. That is the only reason that they are tied together. The document put together, and it is common practice, every community does it, they blend different issues into one Ordinance. It is just common practice.

Mayor Micozzie: We're amending the zoning which is big ----.

Ms. Coles: Well, I'm satisfied with the additional commentary that we've had on it and with the clarification that Kelly is going to give to me as to whether or not the application that they put forth next week would be deemed approved just because of that -----

Solicitor: No, I don't think so because the first Zoning Hearing is going to be on April 27th and the Zoning Hearing Board must make a decision within 45 days of the Hearing so they could come back in the May Hearing. The Zoning Hearing Board does not have to make a decision on April 27th.

Mr. Bierling: That's when it would be done, at the May Hearing. It's never been changed as far as I can remember and I go back twenty years on the Zoning.

Ms. Coles: So, I want to go back about the comment of deemed denied or deemed approved just because at first you said one and then.....

Mr. Judge: Deemed approved.

Solicitor: That would be if they were going to render a decision on April 27th but they don't have to.

Mr. Bierling: What would happen if we don't come up with a decision on the Zoning Hearing Board within 45 days? It happened one time that I remember and it is a garage and I know exactly where it is. There was paperwork that got messed up and that became deemed approved so my whole time on the Zoning Board, there was one time that it was deemed approved because normally what happens is that within 45 days we have another meeting and if we ever went past that, it has always been on both sides that they would actually give us an extension. But, you'll have a decision within 45 days.

Solicitor: A lot of times, it is quicker than that.

Mr. Bierling: It's the next month. A lot of times, it is within 30-35 days. It's never been close to 45 days.

Mr. Judge: Mr. President, I want to remind the Board that we have a question on tabling which I think we've answered and you have a motion to approve which has been made. So, the motion is hanging out there.

Ms. Coles: We have a question from another Council person too.

Ms. Faraglia: I would just like to say that is there a law that you're only allowed to have so many in your area?

Mr. Judge: The state has a law on the distribution and locations of them.

Solicitor: I don't have the map with me but there is a limit per region in the state.

Mr. Bierling: There are 30 growers that are going to be issued licenses in June in the state. There are going to be 50 dispensary licenses issued in the state and if you have a dispensary license, you are allowed 3 dispensaries on that one license.

Ms. Coles: OK, I am glad that we can amend the Ordinance if it is passed tonight. And in just moving forward, I think I would like to second Councilman Bierling's motion to approve.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Mr. Secretary, please take a roll call vote.

In favor of Ord No. 3038	Opposed to Ord No. 3038	Excused	Abstained
Bonnett			
Wagner			
Monaghan			
Bierling			
Coles			
	Keffer	Gwin	
Manfre			
Faraglia			
Siddique			
Spellman			
9	1	1	0

Mr. Monaghan: That gives us 9 in favor, 1 opposed and 1 excused.

Mr. Bonnett: Ordinance No. 3038 is adopted.

Mr. Bierling: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 20-17?

Resolution No. 20-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania accepting the Certificate of Total Completion from Wawa, Inc., for the development to incorporate 9 lots of +/- 1.15 acres into one lot and to construct a 4,670 square foot Wawa Food Market with gasoline

Solicitor: Yes. Resolution No. 20-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania accepting the Certificate of Total Completion from Wawa, Inc., for the development to incorporate 9 lots of +/- 1.15 acres into one lot and to construct a 4,670 square foot Wawa Food Market with gasoline.

Mr. Bierling: With that, I move for the adoption of Resolution No. 20-17.

Mr. Wagner: Second.

Mr. Bonnett: Moved and seconded. Any comments?

Ms. Keffer: I was just wondering, there are no numbers in here that we are approving. You don't know what the numbers are?

Mr. Bonnett: What do you mean?

Solicitor: The release of the escrow, you're talking about?

Ms. Keffer: There is a space where there are dollar signs but there is nothing next to them.

Mayor Micozzie: I think it is 100% of the escrow, correct?

Solicitor: Because they completed the project.

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

Resolution No. 27-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, approving the leasing of 41 parking spaces and the adjacent drive aisles serving such parking spaces within the identified Parking Lot, adjacent to 500 Mildred Avenue in the Secane section of Upper Darby

Mr. Bierling: At this time, I would ask the Solicitor for a brief on Resolution No. 27-17.

Solicitor: Resolution No. 27-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania, approving the leasing of 41 parking spaces and the adjacent drive aisles serving such parking spaces within the identified Parking Lot, adjacent to 500 Mildred Avenue in the Secane section of Upper Darby.

Mr. Bierling: I move for the adoption of Resolution No. 27-17.

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 completes the report of the Planning, Zoning & Building Code Committee.

Mr. Bonnett: Thank you, Jack. Municipal Services, Licensing & Public Works Committee, Mr. Bierling, please.

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

Resolution No. 21-17, a Resolution of Upper Darby Township, Delaware

County, Pennsylvania authorizing the Mayor to sign Project Letter Agreements in accordance with the Master Casting Agreement between the Pennsylvania Department of Transportation and Upper Darby Township for the Years 2014-2017

Mr. Bierling: At this time, I will ask the Solicitor for a brief on Resolution No. 21-17.

Solicitor: Resolution No. 21-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign Project Letter Agreements in accordance with the Master Casting Agreement between the Pennsylvania Department of Transportation and Upper Darby Township for the Years 2014-2017

Mr. Bierling: I move for the adoption of Resolution No. 21-17.

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 completes our report.

Mr. Bonnett: Thank you, Jack. The next Committee is the Public Safety Committee, Mr. Monaghan, please.

Public Safety Committee
Edward E. Monaghan, Chairman

Resolution No. 22-17, a Resolution to install a three-way stop sign at the northwest intersection of Arlington Avenue (8000 block) and Cedar Lane

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 22-17?

Solicitor: Yes. Resolution No. 22-17 is a Resolution to install a three-way stop sign at the northwest intersection of Arlington Avenue (8000 block) and Cedar Lane

Mr. Monaghan: I move for the adoption of Resolution No. 22-17.

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. 23-17, a Resolution to install a three-way stop sign at the northwest intersection of Beverly Boulevard and Cedar Lane

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 23-17?

Solicitor: Yes. Resolution No. 23-17 is a Resolution to install a three-way stop sign at the northwest intersection of Beverly Boulevard and Cedar Lane

Mr. Monaghan: I move for the adoption of Resolution No. 23-17.

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. 24-17, a Resolution to install a four-way stop sign at the intersection of Merion Avenue and Cedar Lane

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 24-17?

Solicitor: Yes. Resolution No. 24-17 is a Resolution to install a four-way stop sign at the intersection of Merion Avenue and Cedar Lane

Mr. Monaghan: I move for the adoption of Resolution No. 23-17.

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. 25-17, a Resolution to install a four-way stop sign at the intersection of Park Avenue and Cedar Lane

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 25-17?

Solicitor: Yes. Resolution No. 25-17 is a Resolution to install a four-way stop sign at the intersection of Park Avenue and Cedar Lane

Mr. Monaghan: I move for the adoption of Resolution No. 25-17.

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. 26-17, to fix the maximum speed limit for vehicles at fifteen (15) miles per hour on Cedar Lane between Lansdowne Ave and West Chester Pike

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 26-17?

Solicitor: Yes. Resolution No. 26-17 is a Resolution to fix the maximum speed limit for vehicles at fifteen (15) miles per hour on Cedar Lane between Lansdowne Ave and West Chester Pike

Mr. Monaghan: I move for the adoption of Resolution No. 26-17.

Mr. Bierling: Second.

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

Introduction of Ordinance No. 3039, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2799 entitled "An Ordinance providing that school buses and school vehicles shall be prohibited from operating on certain Township highways except for the purposes of picking up and discharging passengers and to provide penalties for the violation thereof"

Mr. Monaghan: Next is the introduction of Ordinance No. 3039. I will ask the Solicitor to give us a brief.

Solicitor: Ordinance No. 3039, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2799 entitled "An Ordinance providing that school buses and school vehicles shall be prohibited from operating on certain Township highways except for the purposes of picking up and discharging passengers and to provide penalties for the violation thereof.

Mr. Monaghan: Thank you. I hereby move that the proposed Ordinance No. 3039 be duly advertised and placed on the agenda for the May 17th, 2017 regular Council Meeting.

Mr. Spellman: Seconded.

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

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

Mr. Bonnett: Does the Solicitor have any comments this evening?

Solicitor: No Sir.

Mr. Bonnett: I want to thank Lizzie for participating in our meeting this evening. And now, a motion would be in order for adjournment.

Adjournment

Mr. Wagner: So moved.

Mr. Spellman: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,



Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 16-17**

In Re: Appeal Of: 2203 Marshall Road

Owner: Steve Fitzgerald, LLC

**Property Address: 2203 Marshall Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-09-00946-99**

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. 16-10661;

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>
2017	\$21,775

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 19th day of April, 2017.

UPPER DARBY TOWNSHIP


BY: 
Donald P. Bonnett, President of Council




ATTEST:

Edward E. Monaghan, Secretary of
Council

Resolution No. 16-17 above is hereby approved this 19th day of April, 2017.

BY: 
Thomas N. Micozzie, Mayor

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

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

In Re: Appeal Of: 839 Eaton Road

Owner: Sunny Realty, LLC

**Property Address: 839 Eaton Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-08-01045-00**

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. 16-10662;

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>
2017	\$52,000

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.

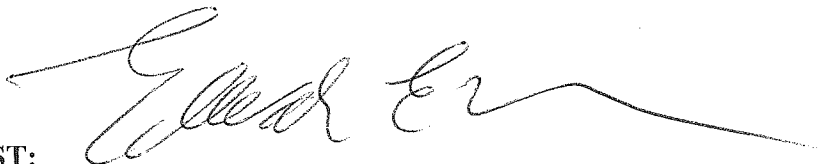
RESOLVED, this 19th day of April, 2017.

UPPER DARBY TOWNSHIP

BY:



Donald P. Bonnett, President of Council

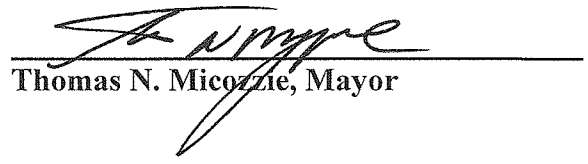


ATTEST:

Edward E. Monaghan, Secretary of
Council

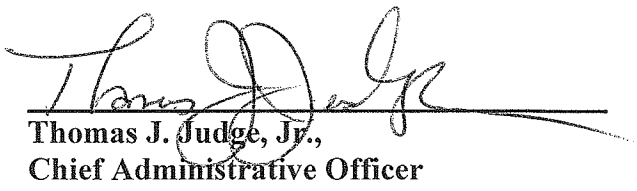
Resolution No. 17-17 above is hereby approved this 19th day of April, 2017.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 18-17**

In Re: Appeal Of: 4030 Ellendale Road

Owner: Nizam Hamid

**Property Address: 4030 Ellendale Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-01768-00**

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. 16-010916;

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>
2017	\$29,250

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 19th day of April, 2017.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

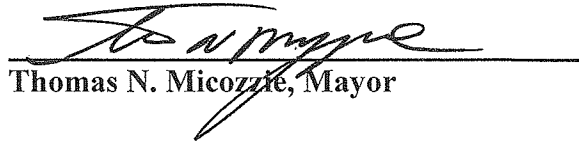


ATTEST:

Edward E. Monaghan, Secretary of Council

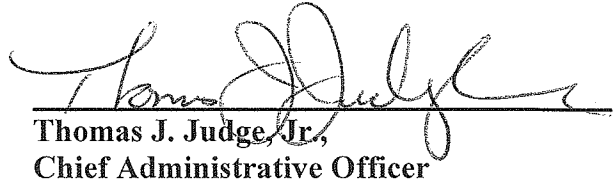
Resolution No. 18-17 above is hereby approved this 19th day of April, 2017.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 19-17**

In Re: Appeal Of: 22 Madison Avenue

Owner: Sophia Saritsoglou

**Property Address: 22 Madison Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-07-00567-00**

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. 16-10650;

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>
2017	\$71,500

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.

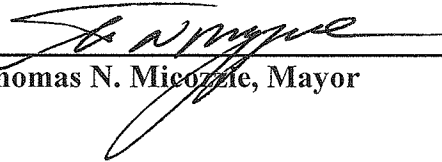
RESOLVED, this 19th day of April, 2017.

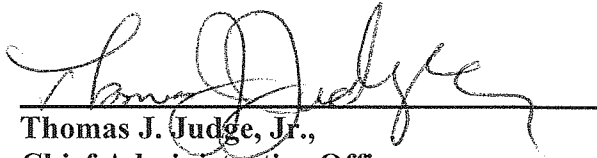
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST: 
Edward E. Monaghan, Secretary of
Council

Resolution No. 19-17 above is hereby approved this 19th day of April, 2017.

BY: 
Thomas N. Micozzie, Mayor

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

UPPER DARBY TOWNSHIPORDINANCE NO. 3037

**AN ORDINANCE OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA AMENDING
ORDINANCE NO. 2926, BY AMENDING THE HOURS
PEDDLING, SOLICITING AND OFF-STREET SALES ARE
LIMITED TO.**

WHEREAS, on September 18, 2002, Upper Darby Township Council adopted Ordinance No. 2926 which set forth regulations for peddling and soliciting in Upper Darby Township; and

WHEREAS, after study, review and public comment, Upper Darby Council has determined that the amendment to Ordinance 2926 is necessary in order protect the privacy of the citizens of the Township, to reduce and prevent crime within the Township and to reduce and prevent unlawful and unfair commercial practices.

NOW THEREFORE, Upper Darby Township hereby ordains:

SECTION 1. Section 10 of Ordinance 2926 is amended to read as follows:

SECTION 10. HOURS OR PEDDLING OR SOLICITING

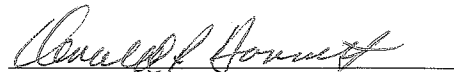
Peddling, soliciting and off-street sales shall be limited to the following hours:

8:00 a.m. to ~~9:00 p.m.~~ 7:00 p.m.

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

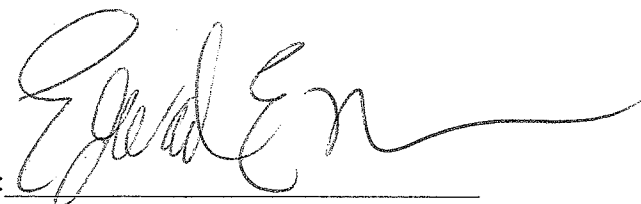
ENACTED and ORDAINED this 19TH day of April, A.D., 2017

TOWNSHIP OF UPPER DARBY



DONALD P. BONNETT
PRESIDENT OF COUNCIL


ATTEST:



EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

ORDINANCE NO. 3037 ABOVE IS HEREBY APPROVED THIS

19th DAY OF APRIL, A.D., 2017

APPROVED: 

THOMAS N. MICOZZIE
MAYOR

ATTEST: 

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER

**TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3038

AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE UPPER DARBY TOWNSHIP ZONING ORDINANCE BY ESTABLISHING CERTAIN NEW USE DEFINITIONS IN SECTION 1301 OF THE UPPER DARBY TOWNSHIP ZONING ORDINANCE AND FURTHER ESTABLISHING AND REGULATING SMOKE SHOPS/SMOKING PARLORS AND MEDICAL MARIJUANA DISPENSARY FACILITIES AS SPECIAL EXCEPTIONS IN THE C-3 ZONING DISTRICT AND FURTHER ESTABLISHING AND REGULATING SMOKE SHOPS/SMOKING PARLORS AS SPECIAL EXCEPTIONS IN THE C-4 ZONING DISTRICT AND FURTHER REGULATING AND ESTABLISHING MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWER/PROCESSOR FACILITIES AS A PERMITTED PRINCIPLE USE IN THE C-4 ZONING DISTRICT.

WHEREAS, in April 2016 the Pennsylvania General Assembly enacted the Medical Marijuana Act, Act No. 16 of 2016 which provides for access to medical marijuana for patients suffering from certain medical conditions; and

WHEREAS, Upper Darby Township Council believe it to be in the best interest of the Township and its residents to regulate the location and nature of licensed organizations, growing, acquiring, possessing, manufacturing, selling, delivering, transporting dispensing and/or distributing medical marijuana within the Township; and

WHEREAS, the Medical Marijuana Act provides for two distinct land uses: a Medical Marijuana Grower/Processor and a Medical Marijuana Dispensary; and

WHEREAS, the Medical Marijuana Act provides that a Medical Marijuana Grower/Processor “shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district;” and

WHEREAS, the Medical Marijuana Act provides that a Medical Marijuana Dispensary “shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district;” and

WHEREAS, Upper Darby Township Council has also determined that it is in the best interest of the health, safety and general welfare of the Township residents to amend the Upper Darby Township Zoning Ordinance to define and regulate Smoke Shop/Smoking Parlor uses; and

WHEREAS, Upper Darby Township Council has determined that it is in the best interest of the Township and its residents to amend the Upper Darby Township Zoning Ordinance to establish definitions for a Medical Marijuana Dispensary use and a Medical Marijuana Grower/Processor use, and to further amend the Upper Darby Township Zoning Ordinance to provide regulations for such uses.

NOW THEREFORE be it ENACTED and ORDAINED by Upper Darby Township Council as follows:

SECTION 1.

Section 1301-A, Definitions of Terms, of the Upper Darby Township Zoning Ordinance is hereby amended to include the following definition of terms:

HOOKAH BAR/LOUNGE – Any establishment that is dedicated, in whole or in part, to the smoking of a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a “hookah,” and also known as narghile, argileh, shisha, hubble-bubble and goza.

MEDICAL MARIJUANA ACT – Act 16 of 2016, 35 P.S. §10231.101, *et. seq.*

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

SMOKE SHOP/SMOKING PARLOR - A retail facility offering limited sales of tobacco, tobacco products and other smoking accessories, and offering private areas for the consumption of tobacco or tobacco products on site. This definition shall include Hookah Bar/Lounge uses as defined herein.

SECTION 2.

Article V, Section 504-C, Traditional Downtown Business District, Special Exception Uses, of the Upper Darby Township Zoning Ordinance is hereby amended to read as follows:

504-C (4) Subject to the general standards set forth in Section 1200-J of this Ordinance and the specific standards set forth below, the following uses shall be permitted as Special

Exceptions in the C-3 Zoning District when authorized by the Upper Darby Zoning Hearing Board:

(a) Medical Marijuana Dispensary – a Medical Marijuana Dispensary shall be permitted as a special exception in the C-3 Zoning District. A Medical Marijuana Dispensary shall meet the following specific criteria to receive approval as a special exception from the Zoning Hearing Board:

(i) A Medical Marijuana Dispensary Facility shall at all times be permitted by the Department of Health of the Commonwealth of Pennsylvania and shall comply with all regulations under the Medical Marijuana Act;

(ii) Permitted hours of operation of a Dispensary Facility shall be 8:00 a.m. to 8:00 p.m., daily;

(iii) One-third of the gross square feet of a Dispensary Facility shall be dedicated for secure storage of Medical Marijuana;

(iv) A Dispensary Facility shall not have any of the following: drive-thru service, an outdoor seating area, outdoor vending machines;

(v) A Dispensary Facility shall not be located within 1,000 feet of a property line of any institutional zoning use, including but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located; and

(vi) A Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Dispensary Facility.

(b) Smoke Shop/Smoking Parlor - a Smoke Shop/Smoking Parlor shall be permitted as a special exception in the C-3 Zoning District. A Smoke Shop/Smoking Parlor shall meet the following specific criteria to receive approval as a special exception from the Zoning Hearing Board:

(i) Smoke Shop/Smoking Parlor shall cease operations between the hours of 2:00 a.m. and 10:00 a.m., provided, however, that operations of any smoke shops/smoking parlors located within 300 feet of a residential zoned property must cease operations between 11:00 p.m. and 10:00 a.m.;

(ii) No alcoholic beverages shall be served or consumed on the premises; and

(iii) Where located on a parcel within 300 feet of a residential zoned property, smoke shops/smoking parlors must include a planted buffer, fence or other sound barrier adequate to screen adjacent properties from any activity on the premises.

SECTION 3.

Article V, Section 505-B, C-4 Commercial-Industrial District, Permitted Uses, of the Upper Darby Township Zoning Ordinance is hereby amended to read as follows:

505-B(1) – A Medical Marijuana Dispensary as defined in this Ordinance and as permitted and regulated by the Department of Health of the Commonwealth of Pennsylvania.

(a) A Medical Marijuana Dispensary Facility shall not be located within 1,000 feet of a property line of any institutional zoning use, including but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(b) A Medical Marijuana Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Dispensary Facility.

505-B(2) - A Medical Marijuana Grower/Processor as defined in this Ordinance and as permitted and regulated by the Department of Health of the Commonwealth of Pennsylvania.

(a) A Medical Marijuana Grower/Processor Facility shall not be located within 1,000 feet of a property line of any institutional zoning use, including but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(b) A Medical Marijuana Grower/Processor Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Grower/Processor Facility.

SECTION 4.

Article V, Section 505-C(3), Special Exception Uses, of the Upper Darby Township Zoning Ordinance is hereby amended to read as follows:

505-C (3) Subject to the general standards set forth in Section 1200-J of this Ordinance and the specific standards set forth below, the following uses shall be permitted as Special Exceptions in the C-4 Commercial-Industrial Zoning District when authorized by the Upper Darby Zoning Hearing Board:

(a) A Smoke Shop/Smoking Parlor - a Smoke Shop/Smoking Parlor shall be permitted as a special exception in the C-4 Zoning District. A Smoke Shop/Smoking Parlor shall meet the following specific criteria to receive approval as a special exception from the Zoning Hearing Board:

(i) Smoke Shop/Smoking Parlors, inclusive of Hookah bar/lounges, shall cease operations between the hours of 2:00 a.m. and 10:00 a.m., provided, however, that operations of any smoke shops/smoking parlors located within 300 feet of a residential zoned property must cease operations between 11:00 p.m. and 10:00 a.m.;

(ii) No alcoholic beverages shall be served or consumed on the premises; and

(iii) Where located on a parcel within 300 feet of a residential zoned property, smoke shop/smoking parlors must include a planted buffer, fence or other sound barrier adequate to screen adjacent properties from any activity on the premises.

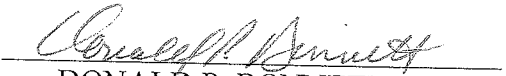
SECTION 5.

SEVERABILITY. If any provision or part of this Ordinance is held invalid, the remaining provisions or parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

ENACTED and ORDAINED this 19th day of April, 2017

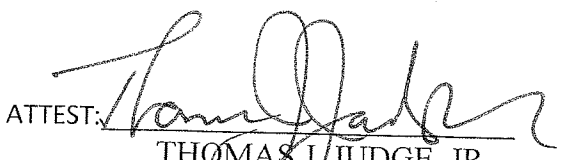
TOWNSHIP OF UPPER DARBY

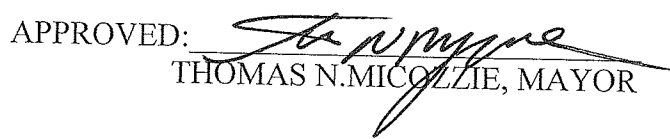



DONALD P. BONNETT,
PRESIDENT OF COUNCIL

ATTEST:
EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

**ORDINANCE NO. 3038 ABOVE IS HEREBY APPROVED THIS
19th DAY OF APRIL, A.D., 2017**


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

APPROVED: 
THOMAS N. MICOZZIE, MAYOR

UPPER DARBY TOWNSHIP

Resolution No. 20-17

A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
ACCEPTING THE CERTIFICATE OF TOTAL
COMPLETION FROM WAWA, INC. FOR THE
DEVELOPMENT TO INCORPORATE 9 LOTS OF ±
1.15 ACRES INTO 1 LOT AND TO CONSTRUCT A
4,670 SQUARE FOOT WAWA FOOD MARKET WITH
GASOLINE

WHEREAS, WAWA, Inc. has completed the development to incorporate 9 lots of ±
1.15 acres into 1 lot and to construct a 4,670 square foot WAWA food market with gasoline
dispensing.

NOW THEREFORE, BE IT RESOLVED, that the attached Certificate of Total
Completion of the Improvements for the project referenced in the Certificate of Total Completion is
hereby accepted by Upper Darby Township and the Escrow Agent is hereby authorized and
directed to release any amounts remaining in the Improvement Security Fund to Developer.

TOWNSHIP OF UPPER DARBY

Attest:



Edward E. Monaghan
Secretary of Council

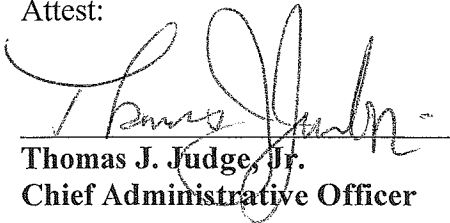
By:



Donald P. Bonnett
President of Council

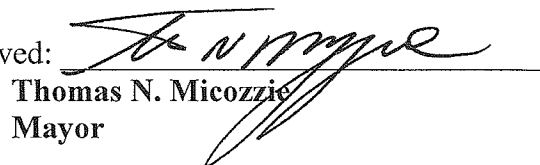
Resolution No. 20-17 above is hereby approved this 19th day of April, A.D., 2017.

Attest:



Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:



Thomas N. Micozzie
Mayor

CERTIFICATION FOR RELEASE OF IMPROVEMENT SECURITY FUNDS

RE: Subdivision Name: Proposed Wawa Food Market, Store 214 (Relaxation) Preliminary
 Escrow Agent/Surety: Escrow - Joanne Kostick Wawa, Inc. Final Land Development
 I. TO: Upper Darby Township (with copy to Township Engineer) Surety - Aon Risk Services
 FROM: Developer - Wawa, Inc. 260 W. Baltimore Pike, Wawa, PA 19083

Developer hereby requests that the Township issue a Certification authorizing the reduction of funds available for draw under the Improvement Security Agreement and payment to Developer to the extent of 100% of the value of the work performed or materials supplied (with the Township retaining the 10% retainage amount), as indicated below. The parties signing below hereby certify that the work has been constructed, completed and installed to the extent of this request in a satisfactory manner which complies with all applicable laws, regulations, ordinances, resolutions, Township requirements, the Development Agreement, as the same has been amended, and the latest revised Development Plan.

A	B	(C)
<u>Work Performed or Materials Supplied</u>	<u>Amount of Attached Invoices</u>	<u>Amount of Reduction in Improvement Security Fund (100% of Column B)</u>
Date: <u>4/3/17</u>	Developer: <u>Mich Pulec</u>	
Date: <u>4/3/17</u>	Developer's Engineer: <u>SMW</u>	

DATE OF RECEIPT BY TOWNSHIP:

II. TO: Upper Darby Township
 FROM: Township Engineer

I hereby certify that I have inspected the Improvements listed above which are required for the above-named project, and I am satisfied that they have been completed, constructed and installed to the extent of this Certification in a satisfactory manner which complies with all applicable requirements of the Development Agreement, as the same has been amended, and the latest revised Development Plan.

CERTIFIED AMOUNT TO BE RELEASED:

Date: 4/4/17 Township Engineer: Daniel R. Lutz

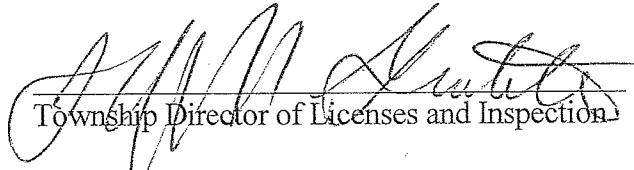
Certification, Page Two

III. TO: Escrow Agent/Surety--
FROM: Upper Darby Township

You are hereby authorized to reduce the funds available for draw under the Improvement Security Agreement and to pay Developer the amount set forth in "B" below as follows:

- A. Improvement Security Agreement balance prior to payments approved hereunder \$
- B. Amount of approved payments hereunder (which is 100% of the cost of Completed Improvements covered hereunder) \$
- C. Current undrawn balance under Improvement Security Agreement \$

Date: 4/4/17



Township Director of Licenses and Inspection

Note: The amounts set forth in "A" and "C" above are estimates based on the amounts previously authorized for release by the Township and do not necessarily reflect the amount of any interest which may have accrued thereon.

cc: Developer

UPPER DARBY TOWNSHIP

Resolution No. 27-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE LEASING OF A PORTION OF 500 MILDRED AVENUE, UPPER DARBY TOWNSHIP FROM PRIMOS PA SELF STORAGE PROPCO, LLC. FOR A PUBLIC PARKING LOT

Whereas, Primos PA Self Storage Propco, LLC owns the property located at 500 Mildred Avenue, Secane, Upper Darby Township, 19018 (the "Premises"); and

Whereas, the Township desires to lease a portion of the Premises consisting of approximately forty-one (41) parking spaces and the adjacent drive aisles serving such parking spaces and improvements thereon for operation of a public Parking Lot; and

Whereas, this Council believes it to be in the best interest of the Township to do so on terms as set forth in the draft Parking Lot Lease Agreement attached hereto as Exhibit A.

Now, therefore, be it resolved that:

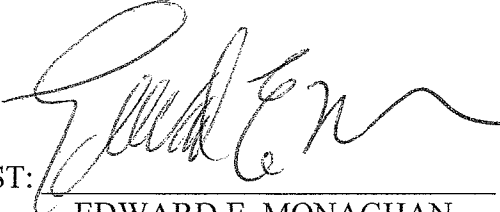
1. The Township is hereby authorized to lease from Primos PA Self Storage Propco, LLC that certain portion of the Premises consisting of approximately forty-one (41) parking spaces and the adjacent drive aisles serving such parking spaces and improvements thereon for operation of a public Parking Lot, upon terms as set forth in the draft Parking Lot Lease Agreement attached hereto as Exhibit A, the form and substance of which is incorporated in this Resolution by reference hereto.

2. The Mayor, or his designee, is hereby empowered to take all actions and execute all documents which he deems necessary or convenient toward achieving the purpose of this Resolution.

3. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

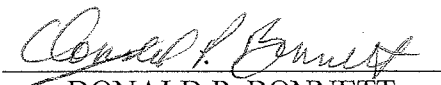
RESOLVED this 19th day of April 2017.

ATTEST:




 EDWARD E. MONAGHAN
 Secretary of Council

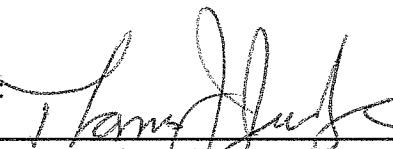
By:



 DONALD P. BONNETT
 President of Council

Resolution No. 27-17 above is hereby approved this 19th day of April, 2017.

BY: 
THOMAS N. MICOZZIE, MAYOR

ATTEST: 
THOMAS J. JUDGE JR.
Chief Administrative Officer

PARKING LOT LEASE AGREEMENT

THIS PARKING LOT LEASE AGREEMENT (the "Lease"), made and entered into this _____ day of _____, 2017, by and between PRIMOS PA SELF STORAGE PROPCO, LLC, having an address of c/o Vertical Fields Capital, LLC, 1875 Connecticut Avenue NW, 10th Floor, Washington, DC 20009 ("Landlord") and UPPER DARBY TOWNSHIP, having an address at 100 Garrett Road, Upper Darby, Pennsylvania 19082 ("Tenant").

WHEREAS, Landlord is the owner of property at 500 Mildred Avenue, Upper Darby, Pennsylvania 19082 (the "Property")

WHEREAS, Landlord is proposing to redevelop the Property as a self-storage facility and complete certain improvements related thereto (the "Project"), including but not limited to, modifying the existing parking lot on the eastern portion of the Property (the "Parking Lot"); and

WHEREAS, pursuant to the Primos Station Access & Development Opportunities Study prepared by the Delaware Valley Regional Planning Commission (the "Primos Train Station Report"), it was determined that additional parking spaces are needed to service the Primos Train Station and the Property was identified as a site to provide such additional parking.

WHEREAS, to address the needs contained in the Primos Train Station Report, Landlord has agreed to lease forty-one (41) parking spaces in the Parking Lot to Tenant, and Tenant desires to lease such parking spots from Landlord, all in accordance with the terms and provisions of this Lease.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Leased Spaces. Landlord hereby leases to Tenant that certain premises consisting of forty-one (41) parking spaces and the adjacent drive aisles serving such parking spaces within the Parking Lot (the "Leased Premises"), as more particularly depicted on the Parking Lease Exhibit Plan prepared by Holmes Cunningham LLC, dated October 24, 2016, a copy of which is attached hereto as Exhibit A.

2. Term

a. The term of this Lease shall commence on July 1, 2017 (the "Commencement Date") and continue until December 31, 2018 (the "Term").

b. Provided Tenant is not then in default under this Lease after any applicable notice and opportunity to cure, Tenant shall have the option to extend the term of this Lease (each an "Extension Option") for four (4) additional terms of one (1) year each (each a "Extended Term"), with such Extended Term commencing on January 1st and ending on December 31st and the Extended Term shall be subject to the same terms and conditions as set forth in this Lease. In the event that Tenant elects to exercise the Extension Option, Tenant shall do so by giving written notice (the "Renewal Notice") thereof to Landlord at least sixty (60)

days' (i.e., by October 31st of each year) prior to the termination of the then current term of this Lease. The failure of Tenant to give either the Renewal Notice within the time prescribed above shall be deemed a waiver by Tenant of such option to extend the Lease beyond the then current term.

3. Use. Tenant shall only be permitted to use the Leased Premises for public parking and for no other use and shall be open and available for use by members of the general public for the parking of passenger vehicles on a first-come, first-serve basis. Tenant acknowledges that approximately ten (10) spaces in the Parking Lot shall be designated for the sole and exclusive use of the Landlord and Landlord's business invitees ("Landlord's Parking Spaces").

4. Rent.

a. Commencing on the Commencement Date and continuing thereafter until the expiration of the Term, Tenant shall pay Landlord the sum of \$30,000 as annual gross rent ("Rent"), payable in advance on the first business day of each calendar month in equal monthly installments \$2,500.00 per month, subject to subparagraph 4(b) below.

b. Notwithstanding anything contained herein to the contrary, if the Net Income (hereinafter defined) received by Tenant for the Leased Premises exceeds \$20,000.00 for any given Lease Year, then if Tenant exercises the Extension Option, the annual Rent for the immediate following Extended Term shall be increased by \$5,000.00 per year. If the Net Income received by Tenant for the Leased Premises thereafter exceeds \$25,000.00 for any given Lease Year, then in Tenant exercises the Extension Option, the annual Rent for the immediate following Extended Term shall be increased by an additional \$5,000.00. By way of example, if the Net Income received by Tenant for the first Extended Term exceeds \$20,000.00, the annual Rent for the second Extended Term (and any additional Extended Term thereafter) will be increased to \$35,000.00 per Lease Year. If the Net Income received by Tenant for the third Extended Term exceeds \$25,000.00, the annual Rent for the fourth Extended Term will be increased to \$40,000.00 per Lease Year. The term "Net Income" shall mean the gross amount of all revenue generated by the rental of the parking spaces at the Leased Premises, less Rent and all Tenant costs directly and verifiably attributable to the Leased Premises. If Tenant exercises the Extension Option, then within thirty (30) days after the expiration of then current Lease Year, Tenant shall submit to Landlord a statement certified by an independent certified public accountant, or representative of Tenant acceptable to Landlord, in a form reasonably satisfactory to Landlord, showing accurately and in reasonable detail the full amount of Tenant's Net Income for such Lease Year.

c. Nothing hereunder contained shall be deemed to suspend or delay the payment of any sum at the time the same became due and payable hereunder or limit any other right or remedy of Landlord.

d. In the event that any sum due to Landlord under the provisions of this Lease shall not be paid within fifteen (15) days after the due date, Tenant shall, upon demand, pay a late charge to Landlord of \$250.00 to defray Landlord's administrative expenses in

collecting and processing that sum. Such late charge shall be deemed "rent" for all purposes under this Lease.

5. Tenant, contemporaneously with the execution of this Lease, shall deposit with Landlord the sum of \$3,000, which deposit is to be held in escrow as security for the faithful performance by Tenant of all of the terms, covenants and conditions of this Lease by Tenant to be kept and performed during the Term hereof. The security deposit shall be held as collateral security for the payment by Tenant of Rents and other charges under this Lease, and for the faithful performance of all other covenants and agreements of Tenant hereunder; the amount of said deposit, without interest, and less any amounts applied on account of Tenant's default, shall be repaid to Tenant within thirty (30) days after the termination of this Lease or any renewal or extension thereof, provided Tenant shall have made all such payments and performed all such covenants and agreements. Upon any default by Tenant hereunder, all or part of said deposit may, at Landlord's option, be applied on account of such default, and thereafter Tenant shall restore the resulting deficiency in said deposit upon Landlord's demand. Landlord may deliver the deposit to any purchaser of Landlord's interest in the premises and thereupon, Landlord shall be discharged from any further liability with respect to the deposit, and Tenant shall look solely to such purchaser for the return of the deposit.

6. Maintenance.

a. Landlord shall repair, replace and maintain the Parking Lot and the improvements located within the Parking Lot, including but not limited to landscaping and fencing, all as and when needed, in a good workmanlike manner, and in compliance with all applicable laws, codes and regulations. Notwithstanding anything contained herein to the contrary, in no event shall Landlord be responsible for repairing, replacing and/or maintaining any improvements installed by Tenant, including without limitation, signs, parking meters or pay-stations.

b. Tenant shall, at Tenant's sole cost and expense, repair, replace and/or maintain any and all improvements or alterations installed by Tenant in the Parking Lot, including but not limited to any signs, parking meters and/or pay-stations.

7. Alterations by Tenant.

a. Tenant shall not make any improvements or alterations to the Parking Lot or the Leased Premises without first obtaining Landlord's prior written consent, which shall not be unreasonably withheld. Notwithstanding the foregoing, Tenant shall be permitted to install, at its sole cost and expense, a parking pay-station and/or parking meters (collectively, the "Meters") to service the Leased Spaces within the Parking Lot, provided that Landlord shall have the right to approve the location of the Meters. Any alterations or improvements installed by Tenant, including the Meters, shall be removed at the expiration of the Term and Tenant shall, at Tenant's sole cost and expense, repair any damage caused to the Property in connection with such removal and restore the Property to the condition that existed prior to the installation of such improvement or alteration.

b. Tenant shall keep the Leased Premises, the Parking Lot and the Property free from any liens arising out of any work performed, material furnished or obligations incurred by or for Tenant in connection with the Leased Spaces. In the event that Tenant shall not, within twenty (20) days following notice or knowledge of the imposition of any such lien, cause the lien to be released of record by payment or posting of a proper bond, Landlord shall have in addition to all other remedies provided herein and by law the right but not the obligation to cause same to be released by such means as it shall deem proper, including payment of the claim giving rise to such lien. All such sums paid by Landlord and all expenses incurred by it in connection therewith (including, without limitation, reasonable attorneys' fees) shall be payable to Landlord by Tenant upon demand. Landlord shall have the right at all times to post and keep posted on the Leased Spaces any notices permitted or required by law or that Landlord shall deem proper for the protection of Landlord, the Property, the Leased Spaces and the Parking Lot, from mechanics' and materialmen's liens.

8. Liability of Landlord and Tenant.

a. Landlord shall not be responsible for the loss of or damage to vehicles, property, or injury to persons, occurring in or about the Parking Lot. Tenant acknowledges that Tenant is leasing the Leased Premises at its sole risk. Tenant shall indemnify, defend and save harmless Landlord from suits, actions, damages, liabilities and expenses (including court costs and reasonable attorney's fees) arising out of any occurrence on the Leased Premises, or the occupancy or use by Tenant of the Leased Premises, or caused wholly or in part by any act or omission of Tenant, its agents, contractors, employees, servants, invitees, licensees or concessionaires, except in the event such claims, liability, defects or damages were caused by (i) the gross negligence of Landlord or Landlord's agents, servants or employees and/or (ii) Landlord's use of Landlord's Parking Spaces.

b. All automobiles parked in the Leased Spaces shall be handled at the risk of the owner thereof. Signs will be prominently posted informing users of the spaces of same.

9. Insurance. Tenant shall maintain commercial general liability insurance, including public liability and property damage, with premises coverage on an occurrence basis (and not on a "claims made" basis) with a minimum combined single limit of liability equal to \$1,000,000 per occurrence and \$3,000,000 in the aggregate for property damage, bodily and personal injuries or deaths of persons occurring on or about the Leased Spaces or within the Parking Lot. The policy shall name Landlord as an additional insured. On or before the Commencement Date and upon each renewal of its insurance policies, Tenant shall give copies of certificates or policies of insurance to Landlord with proof of payment of premiums.

10. Default by Tenant. In the event Tenant fails to make any payment of Rent when due under this Lease, or otherwise commits a material breach of this Lease, and such failure or breach continues for a period of ten (10) days following written notice from Landlord to Tenant, Landlord shall have the right, at its sole option and without further notice to Tenant, to terminate this Lease and all of Tenant's rights hereunder. In addition, if Tenant is in default under this Lease for a period of three (3) or more consecutive months after receipt of written notice and failure to cure such default, Landlord shall have the right, with no liability to Landlord, to block access to the Parking Lot and prevent the public's use of the Parking Lot.

11. No Waiver. The waiver by Landlord of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition for any subsequent breach of the same or any other term, covenant, or condition herein contained.

12. Environmental Considerations.

a. For purposes of this Section, the following definitions shall apply:

(i) “Environmental Release”: The term Environmental Release shall mean any intentional or unintentional releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, abandoning, discarding or dumping of any Toxic Substance from, on, into or about the land, water or air of the Leased Premises or the Property.

(ii) “Remediation”: The term “Remediation” shall mean activities in connection with the clean-up of an Environmental Release, including but not limited to sampling, analysis, excavation, removal, disposal and replacement of soils, ground water and/or other materials, in accordance with the provisions of any and all applicable laws, ordinances and regulations, now or hereafter enacted.

(iii) “Toxic Substance”: The term Toxic Substance shall mean a hazardous substance, hazardous waste, hazardous material, pollutant or contaminant, as such terms are now or hereafter defined in all applicable federal, state, and local laws, ordinances or regulations now or hereafter enacted or amended, and any and all other terms which are or may be used in any or all applicable laws now or hereafter enacted to define prohibited or regulated substances.

b. Tenant shall not use the Leased Premises, or any part thereof, for the purpose of treating, producing, handling, transferring, processing, transporting, disposing, using or storing a Toxic Substance.

c. Tenant and its agents, employees, contractors, licensees and invitees shall not cause or permit to exist, as the result of an action or omission by one or more of them, an Environmental Release. The occurrence of an Environmental Release, or a violation of any covenant, representation or warranty of this Section shall be deemed an Event of Default under this Lease.

d. Tenant shall comply with all applicable laws, ordinances and regulations of all governmental authorities, as now or hereafter enacted (including, without limitation, laws, ordinances and regulations governing a Toxic Substance), and shall be solely responsible for any necessary alterations or renovations to the Leased Premises, including but not limited to Remediation, structural renovations, or cessation of activities necessary to comply with such laws, ordinances and regulations.

e. The covenants, representations and warranties provided in this Section shall survive the expiration or earlier termination of this Lease.

f. Tenant shall pay, defend, indemnify, and hold harmless Landlord and its agents, officers, directors and employees from and against any and all claims, losses, costs, damages, liabilities and fines arising from or relating to an Environmental Release resulting from Tenant's use of the Leased Premises, Remediation, or the failure of Tenant, or its agents, employees, contractors, licensees or invitees to comply with the provisions of this Section.

13. Notice. All notices, requests and other communications under this Agreement shall be in writing and shall be deemed to have been properly given if personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, or by private overnight express carrier, such as Federal Express, next day delivery, charges prepaid, addressed as follows:

Landlord:

Primos PA Self Storage PropCo, LLC
c/o Vertical Fields Capital, LLC
1875 Connecticut Avenue NW
10th Floor
Washington, DC 20009

With a copy to:

Carrie B. Nase-Poust, Esquire
Fox Rothschild, LLP
2700 Kelly Road, Suite 300
Warrington, PA 18976

Tenant:

Upper Darby Township
Attn: _____
100 Garrett Road
Upper Darby, PA 19082

With a copy to:

Adam Matlawski, Esquire
1223 N. Providence Road
Media, PA 19063

All such notices, requests and other communications shall be deemed to have been sufficiently given for all purposes on the date of delivery, if personally delivered, or the postmarked date of mailing, if sent by registered or certified mail, or the date of deposit if sent by private overnight express carrier.

14. Assignment. Tenant shall not assign, mortgage, pledge or encumber (collectively "Assignment") this Lease, in whole or in part, or sublet the whole or any part of the Leased Premises, or permit the use or occupancy of the whole or any part of the Leased Premises by others without the prior written consent of Landlord. Notwithstanding anything contained herein to the contrary, Tenant shall be permitted to assign its rights in this Lease to SEPTA or the

County of Delaware (a “Permitted Assignment”) without Landlord’s prior consent; provided, however, Tenant shall provide Landlord with at least fifteen (15) days’ prior notice of the Permitted Assignment and shall provide Landlord with an Assignment and Assumption of Lease in a form reasonably acceptable to Landlord.

15. Surrender. Tenant, upon expiration or earlier termination of this Lease, shall peaceably surrender to Landlord the Leased Premises in good repair, subject to reasonable wear and tear. Tenant shall remove all improvements installed by, or on behalf of, Tenant, including but not limited the Meters and any signs, and shall repair any damage to the Leased Premises caused thereby.

16. Brokers. Tenant and Landlord represent and warrant to each other that neither have had any dealing, negotiations or consultations with respect to the Leased Premises or this transaction with any broker or finder. In the event that any broker or finder claims to have been involved with the transaction contemplated herein, each party shall be responsible for and shall defend, indemnify and save the other party harmless from and against all costs, fees (including, without limitation, reasonable attorney’s fees), expenses, liabilities and claims incurred or suffered by such party as a result thereof.

17. Arbitration. Landlord and Tenant hereby agree that any and all controversies, claims, or disputes arising out of, relating to, or resulting from the terms of this Lease, including any breach of this Lease, shall be subject to binding arbitration governed by the Federal Arbitration Act, to the maximum extent permitted by applicable law. Any disputes subject to arbitration shall be resolved by binding arbitration in accordance with American Arbitration Association (“AAA”). Arbitration shall be conducted by a single arbitrator with all proceedings to be held in Delaware County, Pennsylvania or such other place as both parties may agree. All awards of the arbitrator shall be binding and non-appealable. Judgment upon the award of the arbitrator may be entered in any court having jurisdiction. The arbitrator shall apply Pennsylvania law to the merits of any dispute or claims, without reference to any rules of conflicts of law that might result in the application of any other state’s law. Landlord and Tenant shall each pay an equal share of the costs and expenses of such arbitration, and each party shall separately pay for its respective attorneys’ fees and costs unless otherwise provided by statute or this Lease. The arbitrator shall issue a written decision on the merits. The arbitrator shall also have the power to award any remedies available under applicable law. The non-prevailing party in any dispute arising out of, or relating to, this Lease shall reimburse the prevailing party for all reasonable attorney’s fees and costs incurred by the prevailing party in the resolution of any such dispute.

18. Governing Law. This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

19. Miscellaneous.

a. This Lease shall be binding on the parties hereto, their successors and assigns.

b. This Lease represents the entire agreement between the parties to this Lease and supersedes all prior agreements between the parties, whether written or oral with respect to the subject matter hereof.

c. This Lease may only be amended in writing signed by both parties.

d. Tenant hereby represents and warrants that that the individual executing this Lease is duly authorized to execute and deliver this Lease on behalf of the Tenant in accordance with the duly adopted resolution of the Board of Supervisors of Upper Darby Township, and that this Lease is binding upon the Tenant in accordance with its terms.

e. So long as Tenant shall pay the rents and other charges herein provided within the respective times provided therefor, and provided and so long as Tenant observes and performs all the covenants, terms and conditions on Tenant's part to be observed and performed, Tenant shall peaceably and quietly hold and enjoy the Lease Premises for the Term of this Lease without hindrance or interruption by Landlord or any other person or persons lawfully claiming by, through or under Landlord, subject, nevertheless, to the terms and conditions of this Lease.

f. Notwithstanding anything contained herein to the contrary, Tenant agrees that Landlord shall have no personal liability with respect to this Lease and Tenant shall look solely to the estate and property of Landlord in the Leased Premises for the satisfaction of Tenant's remedies. No other assets of Landlord shall be subject to levy, execution or other judicial process for the satisfaction of Tenant's claim and, in the event Tenant obtains a judgment against Landlord, the judgment docket shall be so noted. This Section shall inure to the benefit of Landlord and his heirs, successors and assigns.

g. If any portion of this Lease or the application thereof to any person or circumstances shall be invalid or unenforceable, the remainder of this Lease and the application of such portion to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant and condition of this Lease shall be valid and be enforced to the fullest extent permitted by law. Furthermore, each covenant, agreement, obligation and other provision contained in this Lease is, and shall be deemed and construed as, a separate and independent covenant of the party bound by, undertaking or making the same, and not dependent on any other provision of this Lease.

h. This Lease shall not be recorded.

i. LANDLORD AND TENANT HEREBY EACH WAIVE THE RIGHT TO A JURY TRIAL IN CONNECTION WITH ANY LITIGATION INSTITUTED BY EITHER PARTY AGAINST THE OTHER CONCERNING THIS LEASE OR THE TENANCY CREATED HEREUNDER.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date first set forth hereinabove.

PRIMOS PA SELF STORAGE PROPCO, LLC

By: _____
Name:
Title:

UPPER DARBY TOWNSHIP

By: _____
Name:
Title:

EXHIBIT "A"

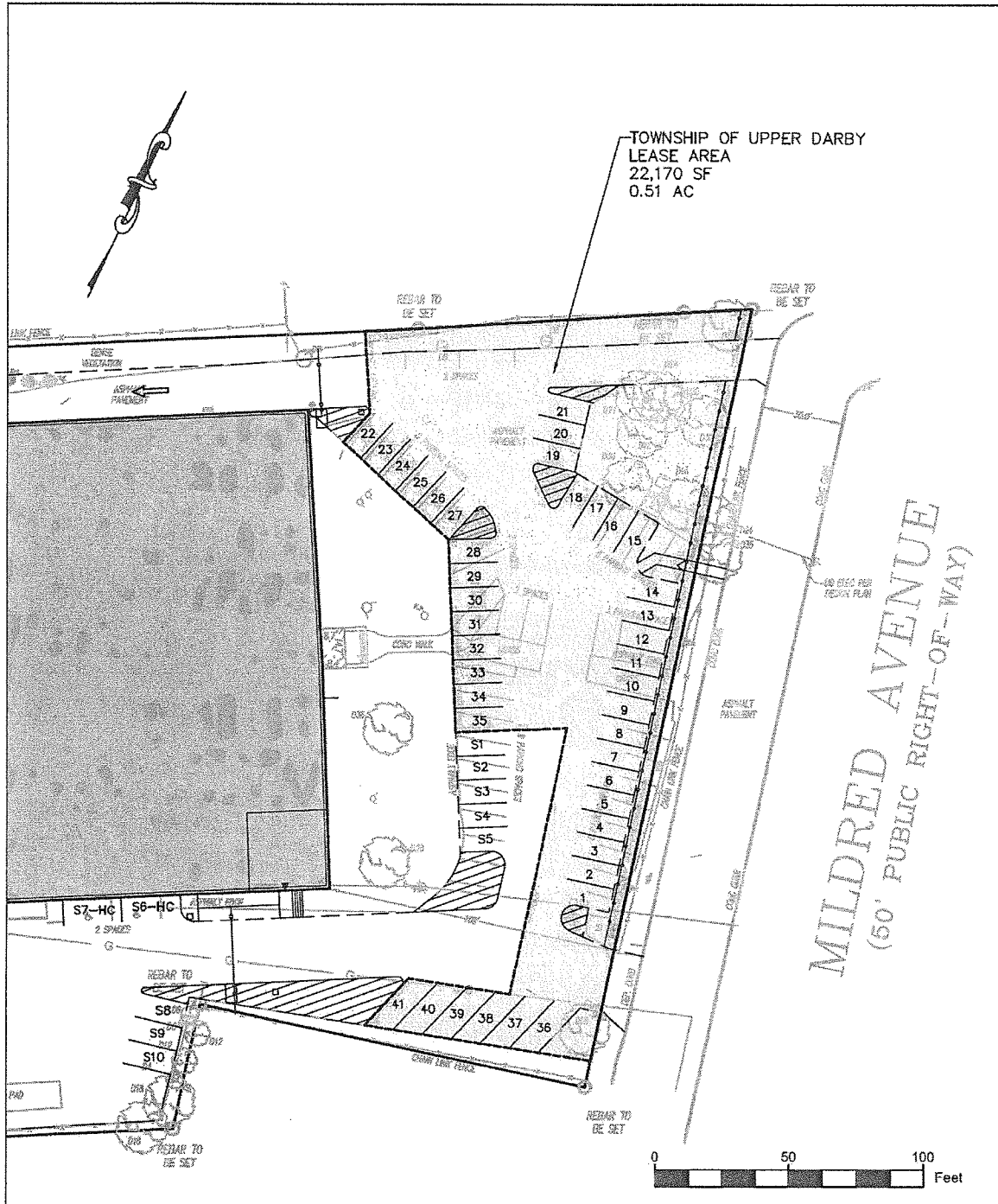



FIG. NO. 1191 EX-A.DWG	 <p>Holmes Cunningham LLC 350 E. Butler Ave. Suite 106 New Britain, PA 18901 (215) 586-3330 www.hcengineering.net</p>	<p>PRIMOS PA SELF STORAGE TP# 16-13-02481-00 500 MILDRED AVE. UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PA</p>	<p>HCE Job No. 1191 Date 10/24/2016 Scale 1" = 50'</p>
		<p>TOWNSHIP OF UPPER DARBY LEASE AREA PLAN</p>	<p>Drawing No. EX-D</p>

UPPER DARBY TOWNSHIP

Resolution No. 21-17


A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AUTHORIZING THE MAYOR TO SIGN PROJECT LETTER AGREEMENTS IN ACCORDANCE WITH THE MASTER CASTING AGREEMENT BETWEEN THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND UPPER DARBY TOWNSHIP FOR THE YEARS 2014-2017

WHEREAS, it is in the best interest of Upper Darby Township to participate in the Master Casting agreement with the Pennsylvania Department of Transportation:

Now, therefore, be it resolved that:

1. The Mayor, in accordance with Section 403 (h) of the Upper Darby Township Home Rule Charter is hereby authorized to execute any agreement he deems necessary or appropriate for the Master Casting Agreement with the Pennsylvania Department of Transportation.

UPPER DARBY TOWNSHIP



 DONALD P. BONNETT
 President of Council


ATTEST: 

 EDWARD E. MONAGHAN
 Secretary to Council

Resolution 21-17 above is hereby approved this 19th day of April A.D. 2017



 THOMAS N. MICOZZIE
 Mayor

ATTEST: 

 THOMAS J. JUDGE, JR.
 Chief Administrative Officer

RESOLUTION NO. 22-17

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

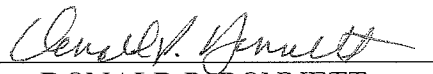
THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

INSTALLING A THREE-WAY STOP SIGN AT THE FOLLOWING LOCATION:

AT THE NORTHWEST INTERSECTION OF ARLINGTON AVENUE (8000 BLOCK) AND CEDAR LANE

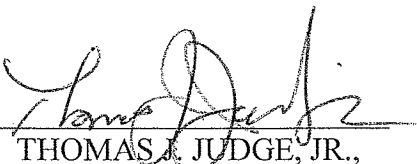
RESOLVED THIS 19TH DAY OF APRIL, A.D., 2017

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. 23-17

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

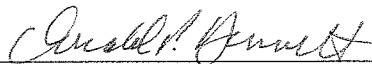
THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

INSTALLING A THREE-WAY STOP SIGN AT THE FOLLOWING LOCATION:

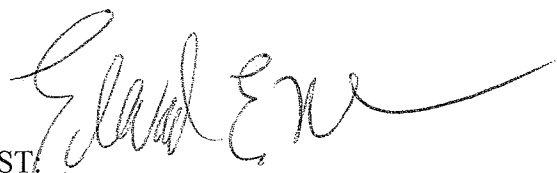
AT THE NORTHWEST INTERSECTION OF BEVERLY BOULEVARD AND CEDAR LANE

RESOLVED THIS 19TH DAY OF APRIL, A.D., 2017

UPPER DARBY TOWNSHIP



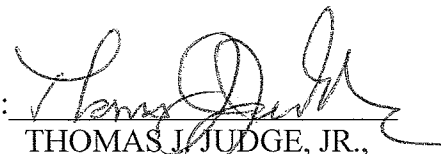
DONALD P. BONNETT
PRESIDENT OF COUNCIL



ATTEST:
EDWARD E. MONAGHAN
SECRETARY OF COUNCIL



THOMAS N. MICOLZIE, MAYOR



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

RESOLUTION NO. 24-17

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

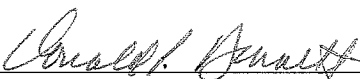
THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

INSTALLING A FOUR-WAY STOP SIGN AT THE FOLLOWING LOCATION:

AT THE INTERSECTION OF MERION AVENUE AND CEDAR LANE

RESOLVED THIS 19TH DAY OF APRIL, A.D., 2017

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 OFFICE

RESOLUTION NO. 25-17

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

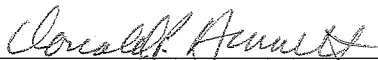
THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

INSTALLING A FOUR-WAY STOP SIGN AT THE FOLLOWING LOCATION:

AT THE INTERSECTION OF PARK AVENUE AND CEDAR LANE

RESOLVED THIS 19TH DAY OF APRIL, A.D., 2017

UPPER DARBY TOWNSHIP



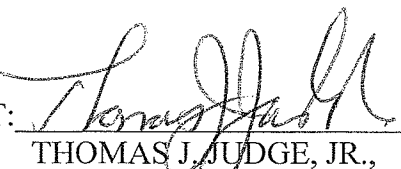
DONALD P. BONNETT
PRESIDENT OF COUNCIL



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



THOMAS N. MICOZZIE, MAYOR



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

RESOLUTION NO. 26-17

WHEREAS, ORDINANCE NO. 2141 OF UPPER DARBY TOWNSHIP FIXES THE MAXIMUM SPEED FOR VEHICLES AT "FIFTEEN (15) MILES PER HOUR SPEED LIMIT" WITHIN CERTAIN BUSINESS OR RESIDENT DISTRICTS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 2141 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 1 THE FOLLOWING:

ESTABLISH "FIFTEEN (15) MILES PER HOUR SPEED LIMIT" ON THE FOLLOWING STREET:

CEDAR LANE BETWEEN LANSDOWNE AVENUE TO WEST CHESTER PIKE

RESOLVED THIS 19TH DAY OF APRIL, A.D., 2017.

UPPER DARBY TOWNSHIP



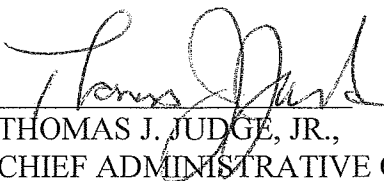
DONALD P. BONNETT
PRESIDENT OF COUNCIL



ATTEST: EDWARD E. MONAGHAN
SECRETARY OF COUNCIL



THOMAS N. MICOZZIE, MAYOR



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