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Upper Darby Township Council Meeting

June 21st, 2017

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LOST AUDIO ON TAPE

A regular meeting of Upper Darby Township Council was held on Wednesday evening, June 21st, 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.

Roll Call

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

Sheikh Siddique, 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

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of May 17th, 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.

Patsy, 7247 Pine Street
Problem rents

Ted Walter, Jr., 7258 Pine Street
Neighborhood problems

Yolanda Morales, 7263 Pine Street
Neighborhood problems

Olivia Taylor, 204 Kent Road
Hookah lounge at Marshall & Kent

Michael DiEva, 7218 Sellers Avenue
Environmental concerns

Bonnie Hallam, 4719 Woodland Avenue
Environmental concerns

Jeanne Mann, 706 Foss Avenue
Environmental concerns

Their comments are filed on tape.

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

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

Mayor Micozzie

Proclamation

PROCLAMATION

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Township of Upper Darby; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Township of Upper Darby, Delaware County, recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED, that I, Thomas N. Micozzie, Mayor of the Township of Upper Darby, along with Township Council, proclaim July as:

Parks and Recreation Month

in the Township of Upper Darby, Delaware County, Pennsylvania.

I encourage all residents to recognize the importance of parks and recreation in establishing and maintaining the quality of life for, and contributing to the physical, economic and environment well-being of our community.

Thomas N. Micozzie
Thomas N. Micozzie, Mayor
Township of Upper Darby

Mayor Micozzie announced the trash & re-cycling for the July 4th week, the parade at Aronimink on Saturday, June 24th at 10am, Highland Park at 10am on the 4th of July and Drexel Park at 11:30am on the 4th of July.

Mayor Micozzie: That's all I have.

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

Committee Reports

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

**Resolution No. 32-17, the tax appeal of Robert and Michelle Feehery,
924 Collenbrook Avenue, Upper Darby Township
Tax Folio No: 16-11-00898-00**

**Resolution No. 33-17, the tax appeal of MCC Group, Inc.,
555 Wiltshire Road, Upper Darby Township
Tax Folio No: 16-03-01895-00**

**Resolution No. 34-17, the tax appeal of Greek Moms, Inc.,
143-151 State Road, Upper Darby Township
Tax Folio No: 16-05-01339-00**

**Resolution No. 35-17, the tax appeal of MCC Group, LLC.,
597 Snowden Road, Upper Darby Township
Tax Folio No: 16-03-01658-00**

Mr. Wagner: Thank you, Sir. We have 4 Resolutions that deal with an effort to resolve tax appeals which is a very important subject to the Township because these will resolve appeals from tax assessments. With that, I will ask the Solicitor to give us a collective brief on the 4 Resolutions dealing with tax appeals.

Solicitor: Thank you. Resolution 32-17 is the tax appeal of Robert and Michelle Feehery, 924 Collenbrook Avenue, Upper Darby Township. Tax Folio No: 16-11-00898-00. The current assessment is \$152,080.00. The recommended assessment is for \$105,300.00.

Resolution No. 33-17 is the tax appeal of MCC Group, Inc., 555 Wiltshire Road, Upper Darby Township. Tax Folio No: 16-03-01895-00. The current assessment is \$32,500.00. The recommended assessment is for \$26,650.00.

Resolution No. 34-17 is the tax appeal of Greek Moms, Inc., 143-151 State Road, Upper Darby Township. Tax Folio No: 16-05-01339-00. The current assessment is \$265,000.00. The recommended assessment is for \$78,000.00.

Resolution No. 35-17 is the tax appeal of MCC Group, LLC., 597 Snowden Road, Upper Darby Township. Tax Folio No: 16-03-01658-00. The current assessment is \$35,750.00. The recommended assessment is for \$26,000.00.

These Resolutions have already been approved by the Upper Darby School District and are being recommended by our office this evening.

Mr. Wagner: They have also been reviewed and approved by the Finance Committee as well. With that, I will ask for Council to approve Resolutions 32-17, 33-17, 34-17 and 35-17. I hereby move for their adoption.

Mr. Bierling: Second.

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

Resolution No. 36-17, a Resolution of Upper Darby Township supporting the Administration's application to the Department of Community and Economic Development for a grant to purchase open space, that will enhance natural resources and recreational opportunities in Upper Darby Township

Mr. Wagner: I will now ask the Solicitor to give a brief on Resolution No. 36-17.

Solicitor: Resolution No. 36-17 is a Resolution of Upper Darby Township supporting the Administration's application to the Department of Community and Economic Development for a grant to purchase open space, that will enhance natural resources and recreational opportunities in Upper Darby Township.

Mr. Wagner: I hereby move for the adoption of Resolution No. 36-17.

Mr. Bierling: Second.

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

Mr. Wagner: That concludes the report of the Finance & Appropriations Committee.

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

Public Safety Committee
Edward E. Monaghan, Chairman

Resolution No. 37-17, a Resolution to establish that no person shall drive or operate any vehicle with a gross vehicle weight rating (GVWR) in excess of nine Thousand (9000) pounds on the 700 block of Wildell Ave.

Mr. Monaghan: I will ask the Solicitor to give us a brief on Resolution No. 37-17.

Solicitor: Resolution No. 37-17 is a Resolution to establish that no person shall drive or operate any vehicle with a gross vehicle weight rating (GVWR) in excess of nine thousand (9000) pounds on the 700 block of Wildell Ave.

Mr. Monaghan: I move for the adoption of Resolution No. 37-17.

Mr. Spellman: Second.

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

Resolution No. 38-17, a Resolution of Upper Darby Township authorizing the Administration to seek reimbursement of funds incurred for the Act 120 Certification training of Kevin Gamber

Mr. Monaghan: I will now ask the Solicitor for a brief on Resolution No. 38-17.

Solicitor: Resolution No. 38-17 is a Resolution of Upper Darby Township authorizing the Administration to seek reimbursement of funds incurred for the Act 120 Certification training of Kevin Gamber.

Mr. Monaghan: I move for the adoption of Resolution No. 38-17.

Mr. Spellman: Second.

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

Resolution No. 39-17, a Resolution of Upper Darby Township authorizing the Administration to seek reimbursement of funds incurred for the Act 120 Certification training of Kevin Knapp

Mr. Monaghan: I will now ask the Solicitor for a brief on Resolution No. 39-17.

Solicitor: Resolution No. 39-17 is a Resolution of Upper Darby Township authorizing the Administration to seek reimbursement of funds incurred for the Act 120 Certification training of Kevin Knapp.

Mr. Monaghan: I move for the adoption of Resolution No. 39-17.

Mr. Spellman: Second.

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

Mr. Monaghan: That concludes the report of the Public Safety Committee.

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

Planning, Zoning & Building Code Committee

Jacob A. Bierling Jr., Chairman

Public Hearing for Ordinance No. 3040, 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 regulating medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further regulating medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District.

Mr. Bierling: I will ask the Solicitor for a brief on Ordinance No. 3040.

Solicitor: Ordinance No. 3040 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 regulating medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further regulating medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District. This Ordinance amends Ordinance No. 3038 by taking out the restriction of dispensaries or grower/processor facilities being within 1000 feet of the property line of an institutional zoning use.

Mr. Bierling: I will ask the President to hold a Public Hearing.

Mr. Bonnett: At this time, we will convene a Public Hearing on Ordinance No. 3040. Anyone wishing to address Council on this Ordinance, please come to the podium and state your name and address for the record. Seeing no one, we will close the Public Hearing and I will turn this back to the Committee Chairman, Councilman Bierling.

Mr. Bierling: At this time, I move for the adoption of Ordinance No. 3040.

Mr. Spellman: Second.

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

In favor of Ord No. 3040	Opposed to Ord No. 3040	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, Ed. Ordinance No. 3040 is adopted.

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

Mr. Bonnett: Thank you, Jack. Does the Solicitor have any comments this evening?

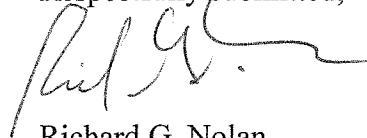
Solicitor: No Sir.

Mr. Bonnett: Councilwoman Coles, you had asked to speak to Council this evening.

Ms. Coles: Earlier this month on Monday, June 5th, Mayor Micozzie, myself and a new business to Upper Darby Township, a practice by the name of Wayfarers Counseling hosted a Community meeting at the Studio Movie Grill. It focused on Post Traumatic Stress Disorder as June is Post Traumatic Stress Disorder Awareness Month. I didn't know that either prior to a couple of months ago. We hoped that this event, just because of the fact that Post Traumatic Stress Disorder is actually something that impacts a lot more people in our Community that we may normally be aware of. We traditionally think of it in terms of veterans battling PTSD or obviously first responders or members of our law enforcement and fire department, etc. But, actually it also deals with people who experienced community violence, victims of child abuse, domestic violence, people struggling with addiction issues and so forth. So, I just wanted to let Council know that this meeting was held on Monday, June 5th and I wanted to thank in particular UDPD Superintendent Chitwood and also Community Affairs Police Officer Kevin Fitzpatrick. Also, UDPD Fire Chief Gary McAfee was in attendance as well as the Executive Director of Multi-Cultural Community Family Services as well as representatives of the County Inter-Community Health Department and the Department of Behavioral Health. Many Community members also came out.

LOST AUDIO ON TAPE

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Nolan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 32-17**

In Re: Appeal Of: 924 Collenbrook Avenue

Owner: Robert and Michelle Feehery

**Property Address: 924 Collenbrook Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-11-00898-00**

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. 2017-000268;

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	\$105,300

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 21st day of June, 2017.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council




ATTEST:

Edward E. Monaghan, Secretary of
Council


Resolution No. 32-17 above is hereby approved this 21st day of June, 2017.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 33-17**

In Re: Appeal Of: 555 Wiltshire Road

Owner: MCC Group, Inc.

**Property Address: 555 Wiltshire Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-03-01895-00**

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. 2016-11045;

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	\$26,650

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.

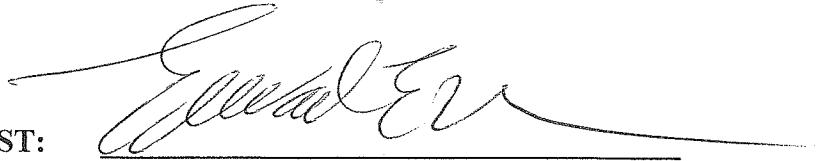
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 21st day of June, 2017.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

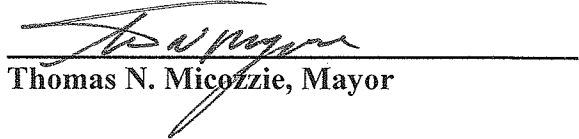
ATTEST:



Edward E. Monaghan, Secretary of Council

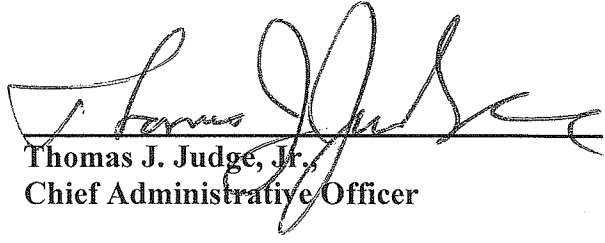
Resolution No. 33-17 above is hereby approved this 21st day of June, 2017.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 34-17**

In Re: Appeal Of: 143-151 State Road

Owner: Greek Moms, Inc.

**Property Address: 143-151 State Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-05-01339-00**

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. 2016-10623;

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	\$78,000

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

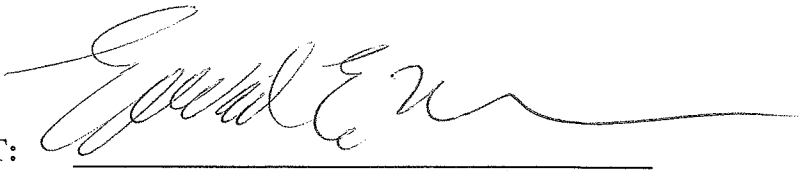
WHEREAS, the Solicitor recommends this settlement.

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 21st day of June, 2017.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

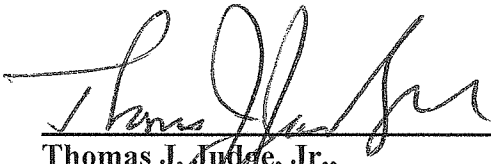
ATTEST: 

Edward E. Monaghan, Secretary of
Council

Resolution No. 34-17 above is hereby approved this 21st day of June, 2017.

BY: 

Thomas N. Micozzie, Mayor

ATTEST: 

Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 35-17**

In Re: Appeal Of: 597 Snowden Road

Owner: MCC Group, LLC

**Property Address: 597 Snowden Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-03-01658-00**

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. 2016-11036;

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	\$26,000

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 21st day of June, 2017.


UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST: 
Edward E. Monaghan, Secretary of
Council

Resolution No. 35-17 above is hereby approved this 21st day of June, 2017.

BY: 
Thomas N. Micozzie, Mayor

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

UPPER DARBY TOWNSHIP

Resolution No 36-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA SUPPORTING THE ADMINISTRATIONS APPLICATION TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR A GRANT TO PURCHASE OPEN SPACE, THAT WILL ENHANCE NATURAL RESOURCES AND RECREATIONAL OPPORTUNITES IN UPPER DARBY TOWNSHIP.

WHEREAS, Upper Darby Township ("Applicant") desires to undertake the following project **Muckinipates Park Acquisition** and

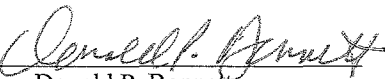
WHEREAS, the applicant desires to receive grant from the Commonwealth Financing Authority via the Department of Community and Economic Development ("DCED"), Greenways, Trails and Recreation Program (GTRP) for the purpose of carrying out this Muckinipates Park Acquisition project; in the amount of \$250,000 and


NOW THEREFORE, it is resolved that:

1. All documents and agreement between Upper Darby Township and the Commonwealth Financing Authority required to facilitate and assist in obtaining the requested grant, **may** be signed on behalf of the applicant by the MAYOR, at the time of signing, and has **TITLE** of MAYOR UPPER DARBY TOWNSHIP.
2. If the applicant is awarded a grant, the "Grant Agreement Signature Page", signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
3. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the TITLE specified in paragraph 1 and the grantee will be bound by the amendment.


Resolved this 21st day of June, 2017.

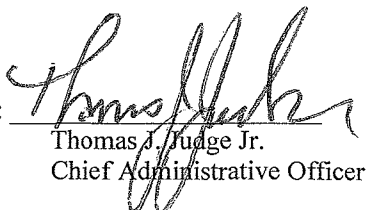
TOWNSHIP OF UPPER DARBY

By: 
Donald P. Bonnett
President of Council

Attest: 
Edward E. Monaghan
Secretary of Council

Resolution 36-17 above is hereby approved this 21st day of June, 2017

APPROVED: 
Thomas N. Micozzie
Mayor

Attest: 
Thomas J. Judge Jr.
Chief Administrative Officer

RESOLUTION NO. 37-17

WHEREAS ORDINANCE NO. 2699 OF THE TOWNSHIP OF UPPER DARBY, COUNTY OF DELAWARE, STATE OF PENNSYLVANIA, REGULATING THE KIND AND CLASSES OF TRAFFIC IN AND UPON CERTAIN HIGHWAYS, PROHIBITING THE OPERATION OF CERTAIN COMMERCIAL VEHICLES THEREON, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.


NOW, THEREFORE, BE IT RESOLVED;


THAT ORDINANCE NO. 2699 BE AND THE SAME IS HEREBY FURTHER AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 1

TO ESTABLISH NO PERSON SHALL DRIVE OR OPERATE ANY VEHICLE, WITH A GROSS VEHICLE WEIGHT RATING (GVWR) IN EXCESS OF NINE THOUSAND (9,000) POUNDS ON ANY OF THE FOLLOWING STREETS OR PORTIONS THEREOF:

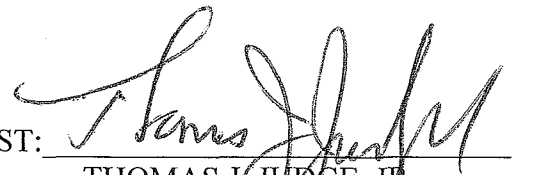
**700 BLOCK OF WILDELL AVENUE
RESOLVED, THIS 21ST DAY OF JUNE, A.D., 2017.**

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. 38-17

WHEREAS, KEVIN GAMBER HAS BEEN APPROVED FOR HIRING AS PATROLMAN TO SERVE WITH THE POLICE DEPARTMENT OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY; AND

WHEREAS, THE ABOVE INDIVIDUAL IS REQUIRED TO ATTEND THE POLICE ACADEMY IN ORDER TO RECEIVE THEIR ACT 120 CERTIFICATION AS REQUIRED BY THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION; AND

WHEREAS, UPPER DARBY TOWNSHIP DESIRES TO OBTAIN REIMBURSEMENT OF MONIES FOR EXPENSES INCURRED FOR THE TRAINING OF OFFICERS:

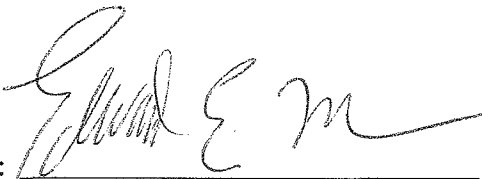
PURSUANT TO THE TRAINING PROVISIONS OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING ACT, ACT 120 OF 1974.

NOW, THEREOFRE, BE IT RESOLVED BY THE UPPER DARBY TOWNSHIP COUNCIL THAT UPPER DARBY TOWNSHIP HEREBY AGREES THAT WHILE RECEIVING ANY FUNDS FROM THE COMMONWEALTH OF PENNSYLVANIA PURSUANT TO SAID ACT, THE UPPER DARBY TOWNSHIP SHALL ADHERE TO THE RULES, REGULATIONS AND TRAINING STANDARDS ESTABLISHED BY THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION.


RESOLVED THIS 21ST DAY OF JUNE 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. 39-17

WHEREAS, KEVIN KNAPP HAS BEEN APPROVED FOR HIRING AS PATROLMAN TO SERVE WITH THE POLICE DEPARTMENT OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY; AND

WHEREAS, THE ABOVE INDIVIDUAL IS REQUIRED TO ATTEND THE POLICE ACADEMY IN ORDER TO RECEIVE THEIR ACT 120 CERTIFICATION AS REQUIRED BY THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION; AND

WHEREAS, UPPER DARBY TOWNSHIP DESIRES TO OBTAIN REIMBURSEMENT OF MONIES FOR EXPENSES INCURRED FOR THE TRAINING OF OFFICERS:


PURSUANT TO THE TRAINING PROVISIONS OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING ACT, ACT 120 OF 1974.

NOW, THEREOFRE, BE IT RESOLVED BY THE UPPER DARBY TOWNSHIP COUNCIL THAT UPPER DARBY TOWNSHIP HEREBY AGREES THAT WHILE RECEIVING ANY FUNDS FROM THE COMMONWEALTH OF PENNSYLVANIA PURSUANT TO SAID ACT, THE UPPER DARBY TOWNSHIP SHALL ADHERE TO THE RULES, REGULATIONS AND TRAINING STANDARDS ESTABLISHED BY THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION.

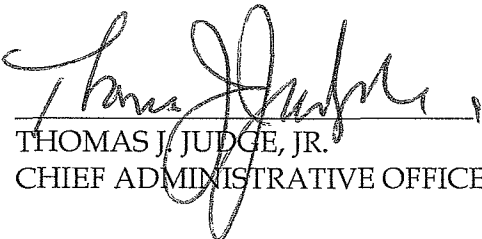
RESOLVED THIS 21ST DAY OF JUNE A.D., 2017.

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

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3040

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 REGULATING MEDICAL MARIJUANA DISPENSARY FACILITIES AS SPECIAL EXCEPTIONS IN THE C-3 ZONING DISTRICT AND FURTHER REGULATING MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWER/PROCESSOR FACILITIES AS A PERMITTED PRINCIPLE USE IN THE C-4 ZONING DISTRICT.

WHEREAS, on April 19, 2017 Upper Darby Council, following a public hearing, enacted Ordinance 3038 which amended the Upper Darby Township Zoning Ordinance by establishing and regulating Medical Marijuana Dispensaries and Medical Marijuana Grower/Processors in Upper Darby Township; and

WHEREAS, following the enactment of Ordinance 3038 Upper Darby Council received review comments from the Delaware County Planning Department regarding Ordinance 3038 and Upper Darby Council further considered the comments received at the April 19, 2017 public hearing on Ordinance 3038; and

WHEREAS, Upper Darby Township Council believe it to be in the best interest of the Township and its residents to amend Ordinance 3038 by further refining the regulations regarding the location of Medical Marijuana Dispensaries and Medical Marijuana Grower/Processors within the Township.

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

SECTION 1.

Article V, Section 504-C(4)(a)(v), 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:

(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,~~ any 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

SECTION 2.

Article V, Section 505-B(1)(A), 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,~~ any 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.

SECTION 3.

Article V, Section 505-B(2)(a), C-4 Commercial-Industrial District, Permitted Uses, of the Upper Darby Township Zoning Ordinance is hereby amended to read as follows:

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,~~ any 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.

SECTION 4.

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

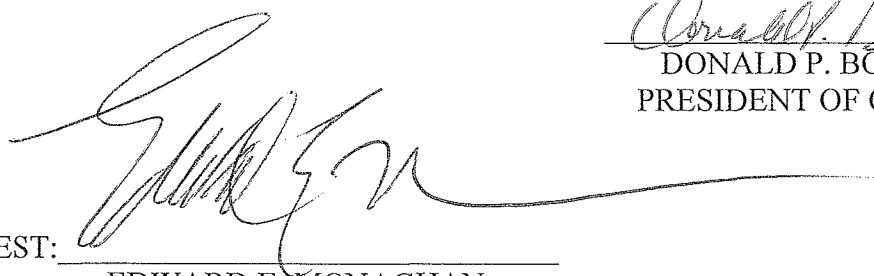
held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

ENACTED and ORDAINED this 21st day of June, 2017

TOWNSHIP OF UPPER DARBY



DONALD P. BONNETT,
PRESIDENT OF COUNCIL



ATTEST:

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

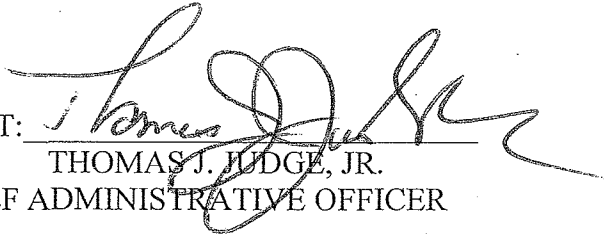
ORDINANCE NO. 3040 ABOVE IS HEREBY APPROVED THIS
21ST DAY OF JUNE, A.D., 2017

APPROVED:



THOMAS N. MICOZZIE, MAYOR

ATTEST:



THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER