

Index

Upper Darby Township Council Meeting

December 6th, 2017

Call of the meeting	310
Roll call	310
Public Forum	310-311
Mayor Micozzie	311
Committee Reports	
Finance & Appropriations Committee	
Thomas P. Wagner, Chairman	
Resolution No. 69-17 , a Resolution to adopt the 2018 Budget	311-315 319
Adoption of Resolution No. 69-17	311
Introduction of Ordinance No. 3042 , an Ordinance of Upper Darby Township, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2018 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government.	315
Motion to introduce proposed Ordinance No. 3042 approved	315
Introduction of Ordinance No. 3043 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the Annual Budget for Upper Darby Township for the year 2017 be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.	315
Motion to introduce proposed Ordinance No. 3043 approved	316

Introduction of Ordinance No. 3044 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2009 be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith	316
Motion to introduce proposed Ordinance No. 3044 approved	317
Municipal Services, Licensing and Public Works Committee Jacob A. Bierling Jr., Chairman	
Resolution No. 70-17 , a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to submit reports to the Pennsylvania Department of Transportation (PENNDOT) DOTGRANTS ONLINE REPORTING SYSTEM and to authorize the Mayor to sign the PENNDOT electronic access licensing agreement (EALA)	317 320-321
Adoption of Resolution No. 70-17	317
Adjournment	318

A regular meeting of Upper Darby Township Council was held on Wednesday evening, December 6th, 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., Robert Gwin, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman

Sekela Coles, excused

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Adam Matlawski, Esquire
Richard G. Nolan, Chief Municipal Clerk

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.

Chris O'Brien, 1132 Agnew Drive
Leaf collection

Kiersten Russo, 635 Edmonds Avenue
Leaf collection

Bonnie Hallam, 4719 Woodland Avenue
Budget

Dolores Lombardi, 29 S. Kirklyn Avenue
PECO, trees

Gerald Harrison, 29 S. Kirklyn Avenue
Review line item 2017-2018

Nicholas Hoyt, 300 Edmonds Avenue
Budget

Laura Wentz, 7549 Parkview Road
Budget, leaves

Carl Hemphill, 27 Pilgrim Lane
Bottles, glass

Don Fields, 834 Blythe Avenue
Budget

Janice Harman, 727 Stanbridge Road
Budget

Their comments are filed on tape.

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

Mr. Bonnett: Thank you Ed. Something worth mentioning is that the County Council has engaged Tyler Technologies and the reason I am bringing it up is because they will be roving through Delaware County, our Township included, with a white van with the name Tyler Technologies on the side of it taking photographs. So, I don't want anyone to be alarmed when they see that vehicle going through our town. So, it's all part of the 2020 reassessment that the County is going to be undertaking. It's the beginning of that process. Having said that, this is the time set aside for our Honorable Mayor, Thomas N. Micozzie.

Mayor Micozzie

Mayor Micozzie made comments about the tree lighting at the Tower Theater.

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

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Resolution No. 69-17, a Resolution to adopt the 2018 Budget

Mr. Wagner: Thank you Sir. I am pleased to say that this brings us to the conclusion of the budget process for the 2018 budget. We've talked a lot about it already but I'm going to summarize what that process has been briefly. It began with the submission of the budget by the Administration, which was in late September. We had a lengthy session with all of the Department Heads, one at a time, going through each of their sections of the budget, often line by line. That is a discourse, back and forth, which involves a lot of detail that was described at some length at previous meetings of this Council and it is already in the midst. The budget has

been available all of that time to the Council as well as to the public by law. We are required to hold two Public Hearings on the budget which we did. They were on November 8th and November 15th here in this room and a lot of dialog took place on the budget during each of those two Hearings as well as at the multiple Council meetings where the budget was available and has been the subject of discussion as well. Throughout that time, I as the Chairman of the Finance Committee have not received any negative input from any of the Council members about the budget. That may just be the reflection of the reality that we all understand that yes, this budget does include what we think is a modest increase in taxes bringing that increase to approximately 5% total spread out over a period of three years. None of us likes the idea of raising taxes and we are well aware that it is not a popular thing to do. None the less, we have the largest Township in Pennsylvania to run and to finance. Fully 60% of the Township's budget goes to the funding of Police and Fire and most of that, of course, is their salaries and their benefits, a great deal of which if not all is determined by arbitrators in the process of collective bargaining. So, our influence or impact on the discretionary parts of the budget what we really control is not very large. Also, very important for all members of the public to understand is that the Township's tax is only one piece, approximately 1/3 of your entire tax bill. The other 2/3's comes from, a small part from the County, and a much larger part from the school district. The school district's part is about 1/2 of the average homeowner's tax bill. So with that, I am now moving for the adoption of Resolution No. 69-17 which is a Resolution to adopt the 2018 budget and Mr. President, I request a roll call vote.

Mr. Gwin: Can I ask a question first?

Mr. Bonnett: No, not until we get a second. Is there a second?

Mr. Bierling: Second.

Mr. Bonnett: Bob?

Mr. Gwin: I was concerned. I did look at the budget and the more I got into it I had some concerns relative to the overtime with the Police and the Fire department as to what we have in the budget for 2018. I think we're short by several hundred thousand dollars.

Mayor Micozzie: I think we resolved that with the transfer, did we not?

Mr. Gwin: This is 2018 compared to 2017's actual.

Mr. Bonnett: So, are you suggesting that we should put more money into it?

Mr. Gwin: I think you need to have some more money which means money coming out of other areas.

Mr. Wagner: And if that becomes necessary, we will undoubtedly do it but we see no reason to do it in advance.

Mayor Micozzie: In addition, the contracts that you approved, Fire and Police, there were provisions in those contracts to bring officers back, which we're seeing success in, in the Workers Comp and Heart & Lung Act and officers that were out for periods of time due to rulings that we put some creative methods in there working with the FOP and the firefighters on sick time use where if you are out sick before a holiday, there are provisions in there that start to limit the overtime for covering those positions.

Mr. Gwin: OK, so what you're saying is that there are rules that have changed a little bit that allow greater control over the overtime?

Mayor Micozzie: I'll give you one good example. In the police department, if an officer is out longer than a year, he only gets his salary, he does not get....we had arbitration ruling in the 90's or 2000's where they get exactly what they would have gotten if they worked on Christmas Day in the Police Department. So, if an officer was out because he was injured on duty, which is a sad thing, but we had 19 officers out last year and every one of those officers if they went beyond a year or two or three years until Tom could work out a worker's comp settlement because some of the officers could not come back because of their injuries, if they were working day work and then they went to night work and then they went to Christmas, they would get Christmas pay, the Holiday pay, the double time pay. So, they were making \$100,000 to \$110,000 sometimes...

Mr. Judge: It's a state legislature law called Heart and Lung that any officer or fireman that is injured receives their entire rate of pay minus taxes and they are entitled to all of the accessory issues that their platoon would receive at that time.

Mayor Micozzie: But the question was with the \$50,000 transfer, should we put more money in? We did things in the contracts, we believe, that will curtail some of this overtime for the man to man replacement.

Mr. Judge: We do hope that and we had to balance that concept with not raising the taxes even higher and that's where we are.

Mr. Gwin: But it looked like it was going to be more like \$700,000 so that's why I was asking.

Mayor Micozzie: Crimes are costly. We don't control------. What happened the other day, that's overtime. If you want to catch that guy, it's overtime.

Mr. Judge: \$25,000 overtime on that incident.

Mr. Gwin: I was asking if we should be budgeting for it.

Mayor Micozzie: And I rely on Tom Judge, the Superintendent of Police and the Fire Chief. They believe with confidence that they can control and try to maintain that budget.

Mr. Judge: Bob, I would love to increase the police overtime budget but it's our job to try very hard to minimize that so that we minimize the tax increase that is being presented to our residents. So given a clean slate a blank you would love to say "oh, let's do that" but you have to take the ----and we have to be on our officers to minimize our overtime as best we possibly can.

Mr. Wagner: And Bob, none of us is belittling that you make a valid point but there is a balance that we're trying to strike.

Mr. Gwin: I realize that.

Mr. Bonnett: And as Councilman Wagner said Bob, we could do it as a transfer during the year from another department if there is a need to do that. We can transfer from department to department.

Mr. Judge: We're going to do that later on.

Mr. Bonnett: We're going to introduce Ordinances tonight.

Ms. Keffer: I have a comment to make as well. So, one thing that leadership is not willing to do and I brought it up at the last meeting is to put our professional service contracts out to bid every 3-5 years. We run households and we do comparison shopping for cellphones, cable and insurance and I think it's something that even though we're not required by law to do, I think it's something that we could do and it would really go far to show people of the Township and taxpayers that we're being as careful with their money as we can be.

Mayor Micozzie: Where was that in Millbourne because I looked it up and I couldn't find it?

Ms. Keffer: Where was what in Millbourne?

Mayor Micozzie: You said that Millbourne did that when you were there...

Ms. Keffer: No, not when I was there. It was before I was there in 2011.

Mayor Micozzie: I can't find an RFP from Millbourne anywhere.

Ms. Keffer: Did you call Nancy.....

Mr. Bonnett: Barbarann, did you finish your comments?

Ms. Keffer: For now.

Mr. Bonnett: The motion has been made and duly seconded for the adoption of Resolution No. 69-17. Councilman Wagner has requested a roll call vote on that Resolution. Mr.

Secretary, will you please call the roll?

In favor of Res. No. 69-17	Opposed to Res. No. 69-17	Excused	Abstained
Bonnett			
Wagner			
Monaghan			
Bierling			
		Coles	
	Gwin		
	Keffer		
Manfre			
Faraglia			
Siddique			
Spellman			
8	2	1	0

Mr. Monaghan: That gives us 8 in favor, 2 opposed and one excused.

Mr. Bonnett: Therefore, Resolution No. 69-17 therefore passes and is adopted. Back to you Councilman Wagner.

Mr. Wagner: Sir, would the Solicitor please give us a brief on proposed Ordinance No. 3042?

Introduction of Ordinance No. 3042, an Ordinance of Upper Darby Township, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2018 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government

Solicitor: Ordinance No. 3042 is an Ordinance of Upper Darby Township, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2018 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government.

Mr. Wagner: Thank you Sir. I hereby move that the proposed Ordinance No. 3042 be duly advertised and placed on the agenda for the December 20th, 2017 regular Council Meeting.

Mr. Bierling: Seconded.

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

Introduction of Ordinance No. 3043, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain

unencumbered appropriations allocated by the Annual Budget for Upper Darby Township for the year 2017 be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Mr. Wagner: I will the Solicitor please give us a brief on proposed Ordinance No. 3043.

Solicitor: Ordinance No. 3043 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the Annual Budget for Upper Darby Township for the year 2017 be transferred from various departments, offices and agencies to other departments, offices and agencies within the Township. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Mr. Wagner: Thank you Sir. With that, I hereby move that the proposed Ordinance No. 3043 be duly advertised and placed on the agenda for the December 20th, 2017 regular Council Meeting.

Mr. Spellman: Seconded.

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

Introduction of Ordinance No. 3044, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2009 be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith

Mr. Wagner: And finally, I will ask the Solicitor to give us a brief on proposed Ordinance No. 3044.

Solicitor: Ordinance No. 3044 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2009 be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith.

Mr. Wagner: And with that I hereby move that the proposed Ordinance No. 3044 be duly advertised and placed on the agenda for the December 20th, 2017 regular Council Meeting.

Mr. Spellman: Seconded.

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

Solicitor: Mr. Chairman, it is my understanding that there will be a Public Hearing for these proposed Ordinances on December 20th.

Mr. Bonnett: That is correct.

Mr. Wagner: And before I conclude the Committee Report of the Finance and Appropriations Committee, Mr. President, I wish to note my serious disappointment that two members of this Council, one being a member of the Finance Committee that I chair, voted no on the budget tonight without having offered a single word as to how this budget should be different than it was during this entire process. It took three months to discuss and consider this budget. I think it's outrageous. That concludes the report of the Finance & Appropriations Committee.

Mr. Bonnett: At this time we will go into the Municipal Services, Licensing & Public Works Committee, Mr. Bierling please.

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

Resolution No. 70-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to submit reports to the Pennsylvania Department of Transportation (PENNDOT) DOTGRANTS ONLINE REPORTING SYSTEM and to authorize the Mayor to sign the PENNDOT electronic access licensing agreement (EALA)

Mr. Bierling: Thank you, Mr. Bonnett. I will ask the Solicitor for a brief on Resolution No. 70-17.

Solicitor: Resolution No. 70-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to submit reports to the Pennsylvania Department of Transportation (PENNDOT) DOTGRANTS ONLINE REPORTING SYSTEM and to authorize the Mayor to sign the PENNDOT electronic access licensing agreement (EALA).

Mr. Bierling: Thank you. At this time, I move for the approval of Resolution No. 70-17.

Mr. Spellman: Second.

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

Mr. Bierling: That completes our report.

Mr. Bonnett: Thank you. Does the Solicitor have any business this evening?

Solicitor: No, I do not.

Mr. Bonnett: With that a motion would be in order for an adjournment.

Adjournment

Mr. Wagner: So moved.

Mr. Bierling: Second.

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

Respectfully submitted,



Richard G. Nolan
Chief Municipal Clerk

RGN/akc

RESOLUTION NO. 69-16

WHEREAS, A GENERAL SUMMARY OF THE BUDGET FOR THE FISCAL YEAR OF 2018 WAS PUBLISHED IN ACCORDANCE WITH THE HOME RULE CHARTER ON OCTOBER 24th, 2017 IN THE DELAWARE COUNTY DAILY TIMES; AND

WHEREAS, ON OCTOBER 24th, 2017 IN THE SAME NEWSPAPER NOTICE WAS GIVEN THAT PUBLIC HEARINGS WOULD BE HELD TO REVIEW THE BUDGET ON WEDNESDAY EVENING, NOVEMBER 8TH, 2017 APPROXIMATELY FIVE MINUTES AFTER THE REGULARLY SCHEDULED 7:00 P.M. MEETING, AND ON WEDNESDAY EVENING, NOVEMBER 15TH, 2017 APPROXIMATELY FIVE MINUTES AFTER THE REGULARLY SCHEDULED 7:00 P.M. MEETING, IN THE COUNCIL MEETING ROOM #202 OF THE MUNICIPAL BUILDING, 100 GARRETT ROAD, UPPER DARBY, PENNSYLVANIA;

NOW, THEREFORE, BE IT RESOLVED, THAT THE BUDGET FOR THE FISCAL YEAR OF 2018 BE APPROVED.

RESOLVED, THIS 6TH DAY OF DECEMBER, 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

UPPER DARBY TOWNSHIP

Resolution No 70-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP ADMINISTRATION TO SUBMIT REPORTS TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT) DOTGRANTS ONLINE REPORTING SYSTEM AND TO AUTHORIZE THE MAYOR TO SIGN THE PENNDOT ELECTRONIC ACCESS LICENSING AGREEMENT (EALA).

WHEREAS Upper Darby Township ("Applicant") desires to participate in the Pennsylvania Department of Transportation DOTGRANTS on line reporting system and

WHEREAS, Upper Darby Township is required to submit annually the forms associated with the Liquid Fuels program identified as MS-965, MS 320 and MS 999 but not limited to these forms.; and

WHEREAS, the Mayor on behalf of Upper Darby Township is authorized to execute the application agreement and all documents necessary to effect such an agreement, including but not limited to, an Electronic Access Licensing Agreement (EALA).

NOW THEREFORE, it is resolved that:

- 1. Upper Darby Township enters into and agrees to the requirements and obligation of this online reporting program.
- 2. Upper Darby Township hereby designates the following person and any person holding the following position or titles.

Director Finance James Smith

James Smith

Chief Administrative Officer Thomas J Judge Jr.

Thomas J Judge Jr.

Resolved this 6th day of December, 2017.

TOWNSHIP OF UPPER DARBY

By: Donald P. Bonnett
Donald P. Bonnett
President of Council

Attest: Edward E. Monaghan
Edward E. Monaghan
Secretary of Council

Resolution 70-17 above is hereby approved this 6th day of December , 2017

APPROVED: Thomas N. Micozzi
Thomas N. Micozzi
Mayor

Attest: Thomas J. Judge Jr.
Thomas J. Judge Jr
Chief Administrative Officer

dotCode: _____

MUNICIPAL RESOLUTION NO. _____

WHEREAS the Pennsylvania Department of Transportation and _____
Municipality Name
have agreed to use the dotGrants on-line reporting system to file the required Liquid Fuels forms
annually; including but not limited to the MS-965, MS-329 and MS-999 forms.

NOW THEREFORE BE IT RESOLVED

1. that the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this on-line reporting program;
2. that the Legislative Body hereby designates the following persons and any Officers holding the following titles/positions

<i>Title</i>	<i>Typed Name</i>	<i>Signature</i>
--------------	-------------------	------------------

<i>Title</i>	<i>Typed Name</i>	<i>Signature</i>
--------------	-------------------	------------------

to execute and provide all information necessary for the completion of said application, and to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Access Licensing Agreement (EALA) on behalf of the Municipality.

Passed this _____ day of _____, 20 _____.

LEGISLATIVE BODY

(Typed Name)	(Signature)

I certify that the foregoing is a true and correct copy of the Resolution as finally adopted at a meeting of the Legislative Body held on the _____ day of _____, 20 _____.

IN WITNESS WHEREOF, I hereunto set my hand on this _____ day of _____, 20 _____.

(SEAL)

(Signature of Municipal Secretary/Clerk)