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Upper Darby Township Council Meeting

February 21<sup>st</sup>, 2018

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, February 21<sup>st</sup>, 2018 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 the Marine Corps League Upper Darby Detachment #884 Color Guard.

### **Roll Call**

Donald P. Bonnett, Thomas P. Wagner, Jacob A. Bierling Jr., Sekela Coles, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh Siddique, Patrick Spellman, Laura Wentz

Robert Gwin, excused

### **Present at the Meeting**

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

### **Mayor Micozzie**

*Presentation of the Award for the 2017 Dennis McNamara Officer of the Year*

*Mayor Micozzie and Police Superintendent Michael Chitwood presented Officer Thomas Hald with the 2017 Dennis McNamara Award for Officer of the Year*

*Mayor Micozzie spoke of Officer Hald's background and accomplishments*

*Audience applause*

### **Marine Corps League Annual Award Presentation**

*Council President Donald P. Bonnett introduced Commandant George Souder for the presentation of the Awards.*

Commandant George Souder: Thank you Mayor and Township Council for allowing us this privilege to honor our Policeman, Fireman, Citizen and Marine of the Year. Our first award goes to the Marine of the Year.

**John Morris was presented with the 2017 Marine of the Year Award.**

Audience applause

Commandant George Souder: Our next award is the 2017 Upper Darby Firefighter of the Year Award.

**Fire Fighter Michael Osmond was presented with the 2017 Albert Darmiento Firefighter of the Year Award**

Audience applause

Commandant George Souder: Our next award is the 2017 Officer of the Year Award.

**Detective Michael Williams was presented with the 2017 Officer of the Year Award.**

Audience applause

Commandant George Souder: Our next and final award is the 2017 Upper Darby Citizen of the Year Award.

**Citizen Kathleen Sweeney was presented with the 2017 Citizen of the Year Award**

Audience applause

**Approval of the Minutes**

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of January 17<sup>th</sup>, 2018.

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.

Anne Balay, 629 Briarcliff Road  
Armed teachers

Gina Amoroso, 5148 Whitehall Drive  
Armed teachers

Heather Boyd, 315 Upland Way  
Armed teachers

Terry Bradley, 1213 Morgan Avenue  
Dead Ash tree

Joe Sullivan, 824 Foss Avenue

Damien Warsavage, 7112 Penarth  
Guns

Quaran Banks, 7276 Lamport Rd  
Armed teachers

Sam Dramis, 1045 Drexel Avenue  
Armed teachers

Alice Rader, 235 Richfield Road  
Trees

Rich Blye, 274 Kent Road  
Armed teachers

Janice Human, 727 Stanbridge Road  
Armed teachers

Jennifer Hallam, 4719 Woodland Avenue  
Armed teachers

Karen & Lou, 16 Hampden Road  
Parking on block

Their comments are filed on tape.

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

Mr. Wagner: Mr. President, would it be an appropriate time to add a comment?

Mr. Bonnett: Yes.

Mr. Wagner: Thank you. I've listened very carefully to the groundswell of opposition to, and I think fairly stated criticism of our Police Superintendent, for his remarks. I have a very direct personal interest in this subject because I am the father of a daughter who is a teacher in our public schools. No, my daughter will not be taking a gun to school, you can count on that. Knowing her as I do, no matter what policies are enacted or considered, she is not going to be doing that and I don't associate myself with the Superintendent's remarks either. But, I will tell you this. When I think about my daughter's safety in that school day in and day out, I'm really glad that Michael Chitwood is our Superintendent. I think he is the best Police Superintendent that this town.....

Audience applause

Mr. Wagner: And I will add only this. Direct responsibility for safety and security in those schools is with the School Board. I'm very glad to see that a member of the School Board, or two or three, is here tonight. I'm hoping that you're all very well aware of your direct personal responsibility to see to it that the security in those building is sufficient and is studied and updated on an ongoing basis. I hope you know what you're doing. I really hope you do and I hope you're doing it. Nothing is more important to this community than the safety and security of all of the students and teachers in our schools. That's in your hands. Please treat it very carefully. Thank you.

Audience applause.

Mr. Bonnett: At this time, I would like to yield the floor to Councilwoman Sekela Coles.

Ms. Wentz: I'm sorry. I would also like to make a comment. I just wanted to thank everyone for coming out tonight to share your opinions and your thoughts and your concerns. Our government cannot run properly without hearing from you. So, I just want to say thank you and I'm definitely against teachers having guns in schools. I work in schools teaching technical theater and it's just that there is not a place for that for our teachers and our staff. So, thank you.

Audience applause.

Mr. Bonnett: Thank you. Councilwoman Coles?

Ms. Coles: All right. I spoke with the Council President and Chair of the Public Safety Committee and also Police Superintendent Chitwood and I was very frank in my concern, my dismay and my horror as a mother of a daughter at BHMS and a son at UDHS all came through Bywood Elementary, a lot of the schools that get a lot of mention by other people but I'm actually a parent that lives and raises children in the community. And, also as an educator and a family member of educators in Philadelphia Public School District, I do not think that guns have any place in any schools in this country and there is a reason why there are laws in place. My goal would be for us to ban and take more guns off the street as opposed to, I don't care if the people are retired military or retired officers. I just don't think that introducing more weapons

into the situation will make it safe for anyone. And, I know everyone is not going to agree with my comments but I do believe with all due respect Mr. Mayor, when people were bringing their comments here, they were acting on the authority that you do have authority over the Superintendent and hoping that you would carry that message back to him. Like I said, I personally reached and communicated that to him. It means something if the person who is over that person communicates directly to him. I don't know what your thoughts are on that matter.

Mayor Micozzie: Sekela, hold on a second. I'll tell you. I made a statement and I spoke to Mike Chitwood and that's where it's going to stay. I'm not going to sit here and publicly talk about someone that I respect and who reports directly to me.....

Ms. Coles: Speaking about something doesn't mean disrespect. We can disagree respectfully. But, the other issue and why I wanted to do this at the beginning of the Council meeting was to ask for a moment of silence not just for the victims in Parkland, Florida last week, but also all of the issues of mass shootings and gun violence in general this past year. And, I also wanted to say that as a local body that there are some steps; granted they might be small in some people's opinion that we can take and this is why I talked to the Chair of the Public Safety Committee, Councilman Jack Bierling because there was some Resolution that I found that other municipalities have enacted in the country where they are sending this message to their representatives at the Federal level requesting a ban on assault weapons. Some of them are Resolutions also requesting a ban on ammunition magazines in excess of 10 rounds. I think this is something that deserves some sort of conversation within the Public Safety Committee. Hopefully, my goal would be for us to have some sort of agreement on this so that we maybe could get some sort of Resolution and a letter to our elected members in the Congress and the Senate. This is what I wanted to speak about prior to the meeting. Again, as a mother of children right here in the district, I was scared hearing of another mass shooting. It makes for some difficult conversations to have with children and it was further exacerbated by the interview on Monday night which I actually didn't see on Monday night. I had a flurry of texts and emails about it. It's just unfortunate that we're in this place. Again, I believe that we can disagree but there is a way that we can disagree respectfully. We're not all going to agree with the same thing.

Audience applause.

Mr. Bonnett: Sekela, would you pass that Resolution up to me please?

Ms. Coles: Yes.

### **Appointments to the Opioid Resource Committee**

Mayor Micozzie: Back in October, we had a Township Forum on the opioid crisis and we solicited members of the community who would wish to partake in a community committee that I would be forming for a resource. A lot of times as we know families are having difficulty in this area. I know when Mike and I get the calls, or Tom gets the calls or Council people get the

calls, they don't know where to go. So, we would like to put this Committee together. I have spoken to each of these individuals and they are throughout the community. The Committee was open for about two months and I'm going to name them tonight and when they get together, I ask them to name the Committee. I want them to have ownership of the Committee and then also to be able to develop a resource at any given time so if a family member deals with this crisis, they are a phone call away to being provided with a phone number and have access to get somebody into treatment before the perils of death. So, tonight I would like to submit Suzie Charles, Paul Ann Sabatino, Gil Saunders, Donald Schwarzman, Colleen Marsini, Mary Flanagan, Becky Spano, Kevin Colgan, Agnes Bedard, Kim Billie, Brian Corson, Damien Warsavage, Tina Hamilton, Lisa Faraglia, Tom Hald and Mike Harley and we would also ask you, Mr. Chairman, if you would appoint the members of the Health Committee also to be on that.

Mr. Bonnett: And the name of the Committee is?

Mayor Micozzie: I'm going to name it the Opioid Resource Committee but I believe that when people get together they may come up with a different name.

Mr. Bonnett: And you're asking for a motion to approve the appointment of the members?

Mayor Micozzie: Yes.

Mr. Bonnett: A motion would be in order for the appointment of the members of the Opioid Resource Committee.

Mr. Wagner: So moved.

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. Any comment?

Ms. Coles: Could I have a list of the members?

Mayor Micozzie: And it's open. I'm just trying to get it started and off the ground so if anyone wants to be on the Committee.....I think it should have 150 people on it!

Ms. Coles: Yes. I think it's important and it's definitely needed for our community. I caught some of the names but not all of them.

Ms. Wentz: I have a question. Have all of those people been affected in some way by the opioid crisis and that's why you picked them to be on the Committee?



Mayor Micozzie: I would say that everyone has been affected either directly or indirectly and has compassion to serve.

Ms. Wentz: Thank you.

Ms. Keffer: I have a question too. So, is this a Committee that has public meetings or what do they.....

Mayor Micozzie: I have asked them and they will have a date certain to meet and then they will set up their own criteria. I imagine it will be a monthly meeting according to some of the people who I've talked to.

Mr. Bonnett: I believe, Madam Solicitor, if it is a Committee authorized by this Council, approved by this Council and appointed by the Mayor, are they subject to the Sunshine Act?

Solicitor: No, they are not engaging in official action or deliberation. It would be an Advisory Committee.

Mr. Bonnett: So, they do not necessarily have to advertise their meetings?

Solicitor: I'm sure that they would because they will be public.

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

Mayor Micozzie: Based on your recommendation to have open dialog with the community; I think anybody who knows me knows that it what I like to do and that's what I believe; engagement of community members comes to a balance of understanding. I will be in my office with Mike Chitwood if anybody would like to stop in. We have a large table in there and I think we should have a conversation about where this is and what we need to move forward as a community to make sure that our children are safe.

Mr. Bonnett: Also, members and Council and members of the community. I have a special announcement that our Township Council met in Executive Session of February 7<sup>th</sup> after the Committee meeting for the purpose of discussing a personnel matter. It's important that we announce Executive Sessions when we have them and thus put it on record that we had one.

Ms. Coles: If we could just have a moment of silence for all of the victims that we've lost to senseless violence throughout the year.

Mr. Bonnett: I would suggest we stand for that.

Moment of silence.

Mr. Bonnett: Moving on to the Committee Reports now beginning with the Planning, Zoning & Building Code Committee, Councilman Bierling please.

### **Committee Reports**

#### **Planning, Zoning & Building Code Committee**

Jacob A. Bierling Jr., Chairman

**Resolution No. 06-18, a Resolution of Upper Darby Township, Delaware County, Pennsylvania accepting the Certificate of Total Completion from Primos PA Self-Storage Propco, LLC for the development of 5.6 acres with the development of an indoor self-storage use with the construction of two (2) buildings totaling 21,550 square feet**

Mr. Bierling: Thank you. I will ask the Solicitor to give us a brief on Resolution No. 06-18.

Solicitor: Thank you. Resolution No. 06-18 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania accepting the Certificate of Total Completion from Primos PA Self-Storage Propco, LLC for the development of 5.6 acres with the development of an indoor self-storage use with the construction of two (2) buildings totaling 21,550 square feet.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 06-18.

Mr. Bonnett: Is there a second?

Ms. Coles: Seconded.

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

Mr. Bierling: That concludes our report.

Mr. Bonnett: Thank you, Jack. Don't go away because you're also next! Public Safety Committee, Mr. Bierling please.

#### **Public Safety Committee**

Jacob A. Bierling Jr., Chairman

**Resolution No. 07-18, a Resolution to change the existing time limit operation of metered parking from twelve (12) hours back to two (2) hours on the 300 block of Edmonds Avenue. The meter numbers are 1004, 1005, 1006 and 1007**

Mr. Bierling: Thank you. I will ask the Solicitor to give us a brief on Resolution No. 07-18.

Solicitor: Resolution No. 07-18 is a Resolution to change the existing time limit operation of metered parking from twelve (12) hours **back** to two (2) hours on the 300 block of Edmonds Avenue. The meter numbers are 1004, 1005, 1006 and 1007.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 07-18.

Ms. Wentz: Second.

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

**Resolution No. 08-18, a Resolution to change the existing time limit operation of metered parking from two (2) hours to twelve (12) hours on the 300 block of Edmonds Avenue. The meter numbers are 1001, 1002, 1003 and 1004**

Mr. Bierling: Thank you. I will ask the Solicitor to give us a brief on Resolution No. 08-18.

Solicitor: Resolution No. 08-18 is a Resolution to change the existing time limit operation of metered parking from two (2) hours to twelve (12) hours on the 300 block of Edmonds Avenue. The meter numbers are 1001, 1002, 1003 and 1004.

Mr. Judge: I just want to say that the fact that 1004 is on there two times is not a typo. That is the correct meter number.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 08-18.

Ms. Wentz: Second.

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

Mr. Bierling: That concludes our report.

Mr. Bonnett: Thank you, Jack.

Mr. Bonnett: Does the Solicitor have anything this evening.

Solicitor: I have nothing.

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

Ms. Keffer: I have a question. On the Agenda, we didn't send out the Minutes from the Re-organization Meeting on January 2<sup>nd</sup> to approve so they're not on here now so are we approving them at a different meeting?

Mr. Bonnett: They should be on there.

Mr. Nolan: You're absolutely right. They will be on there in March.

Mr. Bonnett: Thank you Barbarann for bring that up.

Ms. Wentz: I also have a question. In the last meeting, I asked for copies of the contracts.

Mr. Judge: I will get them to you.

Ms. Wentz: OK great. Thank you very much. And, I was also wondering if as far as the Boards and Commissions that we have, is there any way to get a list of everyone who is actually on it because the website is really out of date? That would be most excellent.

Mr. Judge: It is the Mayor's office who would provide that so we will do that.

Ms. Wentz: Thank you.

Mr. Bonnett: All those in favor of the motion to adjourn signify by saying aye. Opposed say no. The ayes have it.

### **Adjournment**

Mr. Wagner: So moved.

Mr. Bierling: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,



Richard G. Nolan  
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP**

**Resolution No. 06-18**

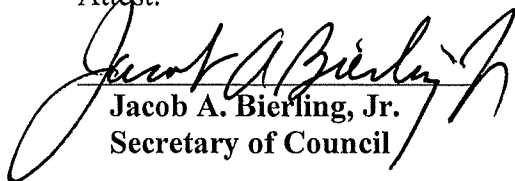
**A RESOLUTION OF UPPER DARBY TOWNSHIP,  
DELAWARE COUNTY, PENNSYLVANIA  
ACCEPTING THE CERTIFICATE OF TOTAL  
COMPLETION FROM PRIMOS PA SELF STORAGE  
PROPCO, LLC FOR THE DEVELOPMENT OF 5.6  
ACRES WITH THE DEVELOPMENT OF AN  
INDOOR SELF STORAGE USE WITH THE  
CONSTRUCTION OF TWO BUILDINGS TOTALING  
21,550 SQUARE FEET**

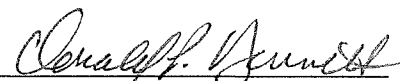
**WHEREAS**, Primos PA Self Storage Propco, LLC, has completed the development of 5.6 acres with the development of an indoor self storage use with the construction of two buildings totally 21,550 square feet (CubeSmart).

**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:


  
Jacob A. Bierling, Jr.  
Secretary of Council

By:   
Donald P. Bonnett  
President of Council

Resolution No. 06-18 above is hereby approved this 21<sup>st</sup> day of February, A.D., 2018.

Attest:

  
Thomas J. Judge, Jr.  
Chief Administrative Officer

Approved:   
Thomas N. Micozzie  
Mayor

**CERTIFICATE OF TOTAL COMPLETION**

RE: 500 Mildred Avenue

TO: Upper Darby Township (with copy to Township Engineer)

FROM: Developer - Request for Issuance and Acceptance of a Certificate of Total Completion

The parties signing below hereby certify that all of the Improvements have been constructed, completed and installed in a satisfactory manner which, to the best of the undersigned's knowledge, complies with all applicable laws, regulations, ordinances, resolutions, Township requirements, the requirements of the Development Agreement, as the same has been amended, and the latest revised Development Plan. *ea*

Date: 12/21/17 Developer's Signature: *[Signature]*

Date: 1/17/18 Developer Engineer's Signature: *[Signature]*

*\* All work has been completed with exception of the as built survey and stabilized vegetation as required for the NPDES permit*

TO BE SENT CERTIFIED OR REGISTERED MAIL  
DATE RECEIVED BY TOWNSHIP: \_\_\_\_\_

TO: Upper Darby Township

FROM: Township Engineer

I hereby certify that I have inspected the Improvements required for the above-named project, and that I am satisfied that they have been completed, constructed and installed in a satisfactory manner and in accordance and compliance with the requirements of the Development Agreement, as the same has been amended, and the latest revised Development Plan, so far as can be determined from my site inspections.

Date: 1/23/18 Township Engineer's Signature: *[Signature]*

**RESOLUTION NO. 07-18**

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

NOW, THEREFORE, BE IT RESOLVED:


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


**300 BLOCK OF EDMONDS AVENUE**


**Meter numbers are 1004, 1005, 1006 and 1007**

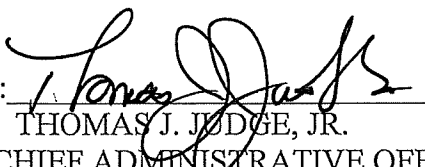
RESOLVED, THIS 21<sup>ST</sup> DAY OF FEBRUARY, A.D., 2018

UPPER DARBY TOWNSHIP

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

ATTEST:   
\_\_\_\_\_  
JACOB A. BIERLING JR.  
SECRETARY OF COUNCIL

  
\_\_\_\_\_  
THOMAS N. MICOZIE, MAYOR

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

**RESOLUTION NO. 08-18**

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

NOW, THEREFORE, BE IT RESOLVED:

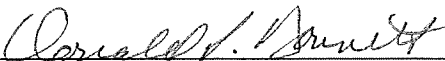
**CHANGE THE EXISTING TIME LIMIT OPERATION OF METERED PARKING FROM TWO HOURS TO TWELVE HOURS AT THE FOLLOWING LOCATIONS:**


**300 BLOCK OF EDMONDS AVENUE**


**Meter numbers are 1001, 1002, 1003 and 1004**


RESOLVED, THIS 21<sup>st</sup> DAY OF FEBRUARY, A.D., 2018

UPPER DARBY TOWNSHIP

  
DONALD P. BONNETT  
PRESIDENT OF COUNCIL

ATTEST:   
JACOB A. BIERLING JR.  
SECRETARY OF COUNCIL

  
THOMAS N. MICOZZIE, MAYOR

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