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Upper Darby Township Council Meeting

June 19th, 2019

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, June 19th, 2019 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, Jacob A. Bierling Jr., Sekela Coles, Robert S. Gwin Jr., Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman, Laura Wentz

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Kelly Sullivan, Esquire
Robert DiDomenicis, Esquire
Richard G. Nolan, Chief Municipal Clerk

Approval of the Minutes

Motion to approve the Minutes for the Committee Meeting of May 1st, 2019

Mr. Wagner: Moved.

Mr. Spellman: Second.

Minutes approved; 11 in favor

Motion to approve the Minutes for the Council Meeting of May 15th, 2019

Mr. Wagner: Moved.

Mr. Bierling: Second.

Minutes approved; 11 in favor

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 three minutes.

Gerald Harrison, 29 S. Kirklyn Ave
Budget

Arnold Jones, 422 Winfield Ave
Juneteenth Event

Ryan McCann, 804 Clarendon Ave
OPEIU Local 153

Marguerite Wilson, 824 Drexel Ave
Contract

Dolores Lombardi, 29 S. Kirklyn Ave
OPEIU contract

Phyllis Fields, 740 Edmonds Avenue
Contract

Damian Warsavage, 7112 Pennarth
Contract

Marilyn Christopher, 7112 Pennarth
Contract

Marah Manners, 7132 Radbourne Road
Farmer's Market

Jennifer Booker, 6607 Church Lane
6th District

David Neill, 432 Burmont Road
Worker's right

Bruce Mann, 706 Foss Avenue
Union

Bonnie Hallam, 4719 Woodland Avenue
Drexel Hill

Olivia Taylor, 204 Kent Road
6th Ward

Quaran Banks, 7276 Lamport Road

Richard Blye, 274 Kent Road
6th District

Danyelle Blackwell, 33 S. Linden
4th District

Jim Mullen, 1209 Cornell Ave
Union contract costs

Sean McIntosh, 315 Upland
Contract

David Haman, 727 Stanbridge
Contract

Nichole ?, 77 Shelbourne
Lack of property maintenance

Tim Tuinstra, 610 Foss Ave
Transparency

Their comments are filed on tape.

Mayor Micozzie

Presentation of Proclamation for Juneteenth National Freedom Day, June 19, 2019

There will be fireworks at UDHS on July 3rd, 2019

Committee Reports

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Resolution No. 27-19 the tax appeal of CJN Realty Partners, LP,
324 Highland Avenue, Upper Darby Township.
Tax Folio No: 16-05-00519-00

Moved: Mr. Wagner
Second: Mr. Gwin

Resolution No. 27-19 is adopted; 11 in favor

Introduction of Ordinance No. 3057, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania (The "Township") amending, pursuant to the Local Government Unit Debit Act, an Ordinance duly enacted by the Council of the Township with respect to the incurrence of debt; describing the projects for which said debt of the Township was originally incurred, describing the amendment to the projects; authorizing and directing the officers and officials of the Township to execute and deliver documents and to take action as may be necessary relating thereto; authorizing the payment of expenses; repealing inconsistent Ordinances; confirming the prior Ordinance and providing when this Ordinance shall become effective.

Motion to introduce: Councilman Wagner
Second: Councilman Gwin

Motion approved; 11 in favor

Proposed Ordinance No. 3057 will be duly advertised and placed on the Agenda for the July 17th, 2019 Council Meeting.

Introduction of Ordinance No. 3058, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the Capital Budget Series 2016 and 2017 be transferred from various departments and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith

Motion to introduce: Councilman Wagner
Second: Councilman Gwin

Motion approved; 11 in favor

Proposed Ordinance No. 3058 will be duly advertised and placed on the Agenda for the July 17th, 2019 Council Meeting.

Motion for Council to authorize the Mayor to sign the Collective Bargaining Agreement between the Office and Professional Employees International Union Local 153 and Upper Darby Township. Solicitor Kelly Sullivan, Esquire advised the attorney for the OPEIU staff earlier that evening had agree to amend the language in Article 5 Non – Discrimination Clause of the Collective Bargaining Agreement to be inclusive of not discriminating against members of the LBGTQIA community.

Moved: Mr. Wagner
Second: Mr. Bierling

Motion moved and seconded by the above with an amendment to the non-discrimination clause;

Councilwoman Wentz asked for point of clarification and inquired whether the Motion could be **TABLED** to further amend the contract with more inclusions to the non-discrimination clause but did not make a Motion.

Councilwoman Keffer agreed with **TABLING** the Motion. She stated there should be a cost study analysis done for the impact on the Township budget and would like more time before putting the Motion to a vote.

Councilman Thomas Wagner requested that his Motion be acted on.

Councilwoman Coles made a Motion for the contract to be amended with all of the language that the various residents brought forth not just inclusive of the LGBTQIA and all of the other discriminatory terms that were not included; also the term to change it from listing the healthcare company to leaving it open. Clarification was also made that the 3% pay increase was already included in the 2019 budget.

Council President Bonnett wanted to clarify if there was, in fact, a Motion on the table. Councilwoman Wentz stated that she did not make a formal Motion but instead wanted to second Councilwoman Coles' Motion. Council President Bonnett confirmed that Councilwoman Coles wanted to make her Motion.

CAO Thomas J. Judge Jr. explained that the Motion to amend beyond the Non-Discrimination Clause would prohibit the authorization for the Mayor to sign the Collective Bargaining Agreement because it would require the administration to go back to the bargaining table to negotiate the expanded amended items with the other side.

Councilwoman Coles suggested that they go over the items again and Mr. Judge explained that the Union attorney was not present to clear this with.

Council President Bonnett again stated that there was a Motion on the table from Councilwoman Coles which was seconded by Councilwoman Wentz.

Solicitor Kelly Sullivan asked for clarification on the Motion and it was agreed that Councilwoman Coles' Motion to amend was to expand the anti-discrimination language as well as add "equivalent to" in the healthcare benefits.

A roll call vote was taken. 5 in favor, 6 against. The Motion is not approved.

A roll call vote was taken on the original Motion made by Councilman Wagner.

8 in favor, 2 against and 1 abstention.

After the vote Mayor Micozzie request that Council Law and Government Committee consider change the Township Administrative Code to include the revised Non –Discrimination language just added to the OPEIU Collective Bargaining agreement.

Resolution No. 28-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania 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

Moved: Mr. Wagner
Second: Mr. Spellman

Resolution No. 28-19 is adopted; 11 in favor.

Solicitor

Nothing to report

Adjournment

Motion to adjourn: Councilman Wagner; Second: Councilman Bierling

Motion approved: 11 in favor

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 27-19**

In Re: Appeal Of: 324 Highland Avenue
Owner: CJN Realty Partners, LP
Property Address: 324 Highland Avenue
Upper Darby Township, PA
Tax Folio No.: 16-05-00519-00

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. 2018-9945;

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>
2019	\$39,218

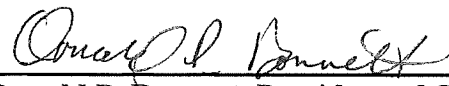
WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

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 June, 2019.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST: Jacob A. Bierling
Jacob A. Bierling, Secretary of Council

Resolution No. 27-19 above is hereby approved this 19th day of June, 2019.

BY: Thomas N. Micozzie
Thomas N. Micozzie, Mayor

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

UPPER DARBY TOWNSHIP

Resolution No 28-19

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA 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 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 19th day of June, 2019.

TOWNSHIP OF UPPER DARBY

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

Attest: Jacob A. Bierling Jr.
Jacob A. Bierling Jr.
Secretary of Council

Resolution 28-19 above is hereby approved this 19th day of June, 2019

APPROVED: Thomas N. Micozzie
Thomas N. Micozzie
Mayor

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