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Upper Darby Township Council Meeting

October 16th, 2019

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<i>Mayor Micozzie presented a Certificate of Appreciation, to Bishop Doctor MaryAnn Mason acknowledging multiple Pastors for their continued support and remarkable work within the Liberian Community</i>	
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A regular meeting of Upper Darby Township Council was held on Wednesday evening, October 16th, 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 Siddique, Patrick Spellman, Laura Wentz

Present at the Meeting

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

Approval of the Minutes

Motion to approve the Minutes for the Committee Meeting of September 4th, 2019

Mr. Wagner: Moved.

Mr. Bierling: Second.

Minutes approved; 11 in favor

Motion to approve the Minutes for the Council Meeting of September 18th, 2019

Mr. Wagner: Moved.

Mr. Spellman: Second.

Minutes approved; 11 in favor

Mayor Micozzie

Mayor Micozzie presented a Proclamation for Domestic Violence Awareness Month in Upper Darby Township for the month of October

Mayor Micozzie presented a Proclamation to Taylor Made Vets, an Upper Darby non-profit organization for their participation in hosting a red carpet premiere of the new film "Harriet" on Friday, November 1st, 2019 at 5:30 p.m. at the Studio Movie Grill, 69th Street, Upper Darby.

Mayor Micozzie presented a Certificate of Appreciation, to Bishop Doctor MaryAnn Mason acknowledging multiple Pastors for their continued support and remarkable work within the Liberian Community

Mayor Micozzie presented The Mayor's Service Award to Apache Industrial United and Sherwin-Williams for their participation in the "Discover Upper Darby" mural project. He also acknowledged Tamara Crump for her participation.

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.

Olivia Taylor, 204 Kent Road
Community

Quron Banks, 7276 Lamport Road
Community

Dan Hunt, 1210 Cobbs Street
Community

Mike Maguire
didn't speak

Bishop MaryAnn Mason
didn't speak

Hafiz Tunis, 251 Shirley Road
Street sweeping

Richard Blye, 274 Kent Road

Tina Hamilton, 4715 Woodland Avenue

Sean Frese, 927 Brenton Road
Community

Matthew Pyfer, 469 Forrest Avenue
Transparency

James Santora, 5228 Apache Lane
Multiple subjects

Dawanda Jackson, 7201 Pine Street
Community

Their comments are filed on tape.

Mayor Micozzie

Community Day will be held at UDHS on Saturday, October 19th, 2019 from 10am until 1pm

Drug take-back day will be held at UDHS on Saturday, October 19th, 2019 in the parking lot from 10am until 1pm

Rabies Day will be held on Saturday, October 19th, 2019 at the Upper Darby Municipal Building from 9-11am

Committee Reports

Public Safety Committee

Jacob A. Bierling Jr., Chairman

Resolution No. 44-19, a Resolution to **REMOVE** the “No Parking from 8AM until 5PM restriction for the entire block on the 2400 block of Dermond Road from Hollywood Avenue to Myrtlewood Avenue

Moved: Mr. Bierling
Second: Ms. Wentz

Resolution No. 44-19 is adopted; 11 in favor

Resolution 45-19, a Resolution to establish a 15MPH speed limit on the 900 block of Mason Avenue

Moved: Mr. Bierling
Second: Mr. Wagner

Resolution No. 45-19 is adopted; 11 in favor

Planning, Zoning & Building Code Committee

Jacob A. Bierling Jr., Chairman

Resolution 46-19, a Resolution approving the application of Wawa, Inc. to incorporate 2 lots totaling 1.61 acres into 1 lot and to expand the parking lot around the existing 4,120 sq. ft. Wawa Market AKA 480 & 490 South 69th Street; Located on the NW corner of the intersection of South 69th Street and Patterson Avenue and being subject to certain conditions of approval

Moved: Mr. Bierling

Second: Mr. Wagner

Resolution No. 46-19 is adopted; 11 in favor

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Councilman Wagner reminded everyone of the upcoming Budget Hearings and that the Finance Committee would be meeting with the individual Department Heads in the next couple of weeks. He also reminded everyone that any questions are welcome and should be addressed to Mr. Judge who will provide answers to those questions.

Resolution No. 47-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the renewal leasing of certain real estate located at 1026 Providence Road, Upper Darby Township, to the Marine Corps League Incorporated

Moved: Mr. Wagner

Second: Mr. Bierling

Resolution No. 47-19 is adopted; 11 in favor

Introduction of Ordinance No. 3061, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance 2619, "The Upper Darby Township Police Pension Ordinance and Plan" to expand the definition of "Superannuation Age," as defined in the Plan and Ordinance, to permit a Superintendent of Police hired after January 1, 2001 to reach Superannuation Age upon attaining the age of seventy-seven and repealing all Ordinances, Resolutions and parts of Ordinances and Resolutions inconsistent herewith

Motion to introduce: Mr. Wagner

Second: Mr. Spellman

Motion approved; 11 in favor

Proposed Ordinance No. 3061 will be duly advertised and placed on the Agenda for the November 6th, 2019 Council Meeting.

Introduction of Ordinance No. 3062, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township's acquisition via condemnation or a deed in lieu of condemnation of 6.6401 acres of property located at 200 Oak Lane, Upper Darby Township and further identified as a portion of the property identified as Delaware County Tax Folio Number 16-13-02573-00 from the Archdiocese of Philadelphia in exchange for just compensation in the amount of six hundred thousand dollars

Motion to introduce: Mr. Wagner

Second: Ms. Faraglia

Motion approved; 11 in favor

Proposed Ordinance No. 3062 will be duly advertised and placed on the Agenda for the November 6th, 2019 Council Meeting.

Solicitor

Nothing to report

Adjournment

Motion to adjourn: Councilman Bierling; Second: Councilman Wagner

Motion approved: 11 in favor

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

RESOLUTION NO. 44-19

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF;

NOW, THEREFORE BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED TO REMOVE THE "NO PARKING FROM 8AM UNTIL 5PM" RESTRICTION FOR THE ENTIRE BLOCK ON THE 2400 BLOCK OF DERMOND ROAD FROM HOLLYWOOD AVENUE TO MYRTLEWOOD AVENUE

RESOLVED, THIS 16th DAY OF OCTOBER, 2019

UPPER DARBY TOWNSHIP

Donald P. Bonnett
DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: Jacob A. Bierling Jr.
JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

Thomas N. Micozile
THOMAS N. MICOZILE, MAYOR

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

RESOLUTION NO. 45-19

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

NOW, THEREFORE, BE IT RESOLVED:

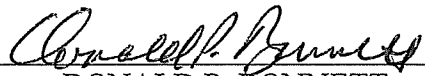
THAT ORDINANCE NO. 2141 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 1 THE FOLLOWING:

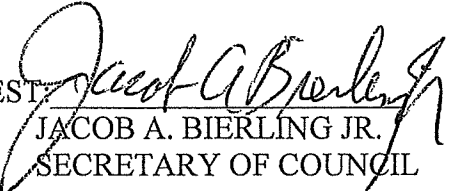
ESTABLISH "FIFTEEN (15) MILES PER HOUR SPEED LIMIT" ON THE FOLLOWING STREET:

900 BLOCK OF MASON AVENUE

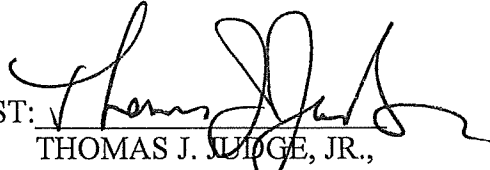
RESOLVED THIS 16TH DAY OF OCTOBER, A.D., 2019

UPPER DARBY TOWNSHIP


DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 
JACOB A. BIERLING JR.
SECRETARY OF COUNCIL


THOMAS N. MICOLZIE, MAYOR

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

UPPER DARBY TOWNSHIP**Resolution No. 46-19**

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF WAWA, INC
TO INCORPORATE 2 LOTS TOTALING 1.61 ACRES
INTO 1 LOT AND TO EXPAND THE PARKING LOT
AROUND THE EXISTING 4120 SQUARE FOOT
WAWA MARKET AKA 480 AND 490 SOUTH 69TH
STREET. LOCATED ON THE NORTHWEST
CORNER OF THE INTERSECTION OF SOUTH 69TH
STREET AND PATTERSON AVENUE AND BEING
SUBJECT TO CERTAIN CONDITIONS OF
APPROVAL.**

WHEREAS, WAWA, Inc. (“Applicant”) has submitted for approval its Final Land Development Plan to incorporate 2 lots totaling 1.61 acres into 1 lot and to expand the parking lot around the existing 4120 square foot Wawa market, prepared by Bohler Engineering, said plans submitted to the Township dated July 23, 2019 (collectively “Final Plans”); and

WHEREAS, Applicant has requested certain waivers/modifications from the provisions of the Delaware County Subdivision and Land Development Ordinance, which has been adopted by Upper Darby Township and Upper Darby Township Council has found that the applicant has met the requisite standards under the Delaware County Subdivision and Land Development Ordinance for granting relief from the enumerated requirements; and

WHEREAS, based upon the granting of the requested waivers/modifications and adherence to the various Conditions of Approval as listed herein, the Final Plans are found to be in conformity with the Delaware County Subdivision and Land Development Ordinance and the Upper Darby Township Zoning Code; and

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved, including granting of waivers/modifications from the following section of the

Delaware County Subdivision and Land Development Ordinance ("SALDO"): SALDO Section 817.D.3.f.ii (to allow only sod planting instead of shrubberies on the parking islands) subject to certain Conditions of Approval including the following:

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved subject to certain Conditions of Approval including the following:

1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.

2. Approval by the Township Solicitor and execution by WAWA Inc. and, where applicable, Applicant's lender, of all necessary and appropriate documentation including Developer's Agreement and Improvement Security Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;

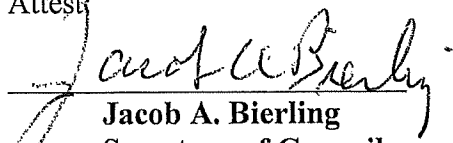
3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

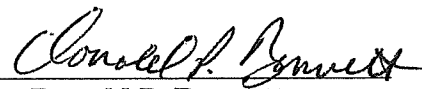
4. Formal recording of the Land Development Plan (the "Record Plans") following Township execution of the Record Plans;

5. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

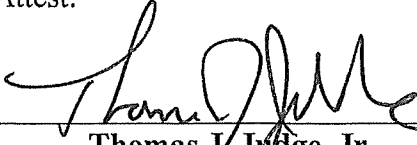
Attest:


Jacob A. Bierling
Secretary of Council

By: 
Donald P. Bonnett
President of Council


Resolution No. 46-19 above is hereby approved this 16th day of October, A.D., 2019.

Attest:



Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved:



Thomas N. Micozzie
Mayor

UPPER DARBY TOWNSHIP

RESOLUTION NO. 47- 19

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE RENEWAL LEASING OF CERTAIN REAL ESTATE LOCATED AT 1026 PROVIDENCE ROAD, UPPER DARBY TOWNSHIP, TO THE MARINE CORP. LEAGUE INCORPORATED.

WHEREAS, Upper Darby Township owns the property located at 1026 Providence Road, Secane, Upper Darby Township Pennsylvania, (the Premises)

WHEREAS, the Township has historically leased space at the premises to the Upper Darby Marine Corp League Incorporated (UDMCLI): and

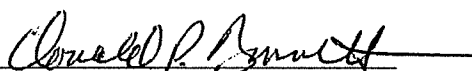
WHEREAS, this Council believes it to be in the interest of the Township to continue to do so, on substantially similar terms to those set forth in the draft lease attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that:

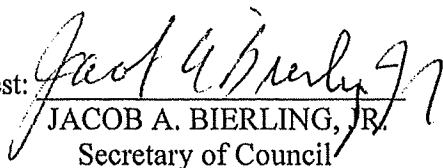
1. The Township administration is hereby authorized to lease the space at the named premises to UDMCLI, upon substantially similar terms to those set forth in the draft lease attached hereto as Exhibit A, the form and substance of which is incorporated in the Resolution by reference.
2. The Mayor or his designee, is hereby authorized to take all action and execute the lease to achieve the purpose of this Resolution.
3. All Resolutions or parts of Resolution inconsistent herewith are hereby repealed to the extent of such inconsistency.

Resolved this 16th of October 2019

TOWNSHIP OF UPPER DARBY

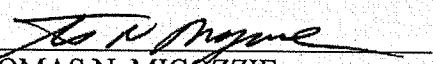
By: 
DONALD P. BONNETT
President of Council

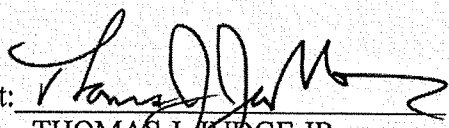
Attest:


JACOB A. BIERLING, JR.
Secretary of Council

RESOLUTION NO. 47-19
PAGE 2

Resolution No. 47-19 is hereby approved this 16th day of October 2019

By: 
THOMAS N. MICOZZIE
Mayor

Attest: 
THOMAS J. FUDGE JR.
Chief Administrative Officer