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February 19th, 2020

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Michelle Billups, Chairwoman

Members: Danyelle Blackwell, Matt Silva

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Historical Commission

Cathy Wilt

Stephen Nitz

Economic Advisory Board

Pete Ricci

Environmental Advisory Board (EAC)

Howard Sherman

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Civil Service Commission

Mr. Inderjit Bains, Mr. John Dowd & Mr. Francis Catania are hereby removed from the Commission. 6

Karen O'Brien is appointed to a four (4) year term expiring December 31, 2023.
Alex Brown is appointed to a five (5) year term expiring December 31, 2024
Rap Curry is appointed to a six (6) year term expiring December 31, 2025

Zoning Board Alternate:

Andrew Hayman is appointed as an alternate member to a three (3) year term expiring December 31, 2022 6

Fire Pension Board

7

Mr. James Glatts is hereby removed from the Board

David Haman, Vincent Rongione & John McMullan are hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval of Council

Police Pension Board

7

Mr. Francis Catania and Mr. Thomas Judge Jr. are hereby removed.

Mr. John Rooney is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council

Ms. Shannon Farmer is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council

Planning, Zoning and Building Code Committee:

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Donald P. Bonnett

Public Hearing for Ordinance No. 3066, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, amending the Upper Darby Township Administrative Code to designate the Division of Property Maintenance as part of the Department of Licenses and Inspections and designate the Director of Licenses and Inspections as the Supervisor of the Department of Public Health; repealing all inconsistent ordinances or parts thereof; providing a severability clause; and providing an effective date

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Resolution No. 05-20, a resolution of The Township of Upper Darby, Delaware County, Pennsylvania, appointing Christopher McSween, Director of Licenses and Inspection, as the Certifying Officer for the United States Department of Housing and Urban Development by Mayor Barbarann Keffer, pursuant to section 403 of the home rule charter

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Municipal Services, Licensing and Public Works Committee

Brian K. Burke, Chairman

Members: Sheikh M. Siddique, Thomas P. Wagner

Public Hearing for Ordinance No. 3067, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending the Code of Ordinances of Upper Darby Township, Ordinance 2987 to require permits for opening and requiring restoration of newly paved streets and Sidewalks; repealing all Ordinances, Resolutions and parts thereof inconsistent herewith, and providing a severability clause and effective date

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Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Brian K. Burke

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Minutes for Upper Darby Township Council Meeting on February 19th, 2020

Call to Colors – Upper Darby Marine Corps League Post 884

Pledge of Allegiance to the flag of the United States of America
Moment of Silence for Officer Angela O’Rangers
Retire the Colors

Opening of Meeting

Roll Call

Robert S. Gwin Jr., Brian K. Burke, Danyelle Blackwell, Michelle Billups, Sheikh Siddique, Matt Silva,
Donald P. Bonnett, Hafiz Tunis Jr., Laura A. Wentz

Lisa Faraglia, excused
Thomas P. Wagner, excused

Present at the Meeting

Barbarann Keffer, Mayor
Vincent A. Rongione Esq., CAO
Sean P. Kilkenny, Esquire
Courtney N. Richardson, Esquire
Alexis Cicchitti, Chief Municipal Clerk

Approval of the Minutes for January 2020

Approval of the Minutes from the Re-Organization Meeting of 1-6-20

Moved: Mr. Silva
Second: Ms. Billups

Council President Wentz had an amendment to the Minutes for clerical changes and the addition of names of dignitaries who were present at the meeting.

Move to amend: Mr. Gwin
Second: Ms. Blackwell

Moved and seconded. Nine in favor

Approval of the Minutes from the Committee Meeting of 1-8-20

Moved: Mr. Silva
Second: Mr. Gwin
Moved and seconded. Nine in favor

Approval of the Minutes from the Regular Meeting of 1-15-20

Moved: Ms. Blackwell
Second: Mr. Silva

Moved and seconded. Nine in favor

Presentation of Awards

Upper Darby Marine Corps League Post 884

Awards Presented by James Cook, Upper Darby Marine Corps League Post 884

Police Officer of the Year: Detective Matt Rowles

Firefighter of the Year: Captain John Calamia

Marine of the Year: Ivan Sample

Citizen of the Year: Thomas Micozzie

Upper Darby Police Department

Award Presented by Interim Superintendent of Police Timothy Bernhardt:

2019 Dennis McNamara Officer of the Year

Officer John Brennan

Upper Darby Township Council Black History Month Awards

The Upper Darby Council Awards Presented by Council President Wentz, Council Secretary Billups, Danyelle Blackwell 4th District Councilwoman, Hafiz Tunis, Jr. 7th District Councilman

The Upper Darby Dedication to Community:

Edward Brown & Men of Action Brothers of Faith

Community Activist Award:

Ollie Lear

The Upper Darby Council Achievement Award:

Dr. Sekela Coles

Public Forum

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.

Tina Hamilton, 4715 Woodland Avenue
RWB

Carl Hemphill, 27 Pilgrim Lane
Services to UDT

Richard Blye, 274 Kent Road

Olivia Taylor, 204 Kent Road

Edwin Van-Otoo, 2452 Mansfield Avenue
Parking curb damage

Jeremiah Mills, 223 Scottsdale Road
Community concerns

Daniel Gledhill, 4020 Taylor Avenue
Residency law

Brian Taylor, 7258 Lamport Road

Their comments are filed on tape

President of Council, Laura A. Wentz

Council President Wentz spoke about the success of the Black History Month and Veteran's Expo earlier in the day and thanked all those who were involved. There were a number of exhibitors who participated and the new voting machines that will be used in April were on display. She also thanked Peggy Wilson for creating the certificates for Black History Month.

Committee Reports

Law and Government & Rules and Procedures Committee:

Michelle Billups, Chairwoman

Members: Danyelle Blackwell, Matt Silva

Public Hearing for Ordinance No. 3065, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, amending Ordinance No. 2507 commonly known as the Upper Darby Township Administrative Code, to clarify the Mayor's power and responsibilities set forth in Article III and repealing any Ordinances or Resolutions inconsistent herewith

The Solicitor gave a brief on proposed Ordinance No. 3065. He stated that there were issues with several previous appointments which needed to be addressed.

Council President Wentz convened a Public Hearing for Ordinance No. 3065

SPEAKERS

Arnold Jones, 422 Winfield Avenue

Mr. Jones asked for some clarification on this Ordinance.

The Solicitor explained that it's an Ordinance that is an amendment to the Administrative Code stating that the Mayor shall have the ability to appoint and remove members of all Township authorities, boards and commissions, with or without cause, subject to Council approval. Therefore, the Mayor would have to go ahead and put forward that someone be removed or appointed and that would have to be ratified by a majority.

Mr. Jones had a concern that this was removing Township employees from their jobs.

Council President Wentz stated that these are not Township jobs. They are voluntary positions appointed by the Mayor. The only ones that are paid positions is the Zoning Board and it's only \$2000 per year.

There were no other residents who wanted to speak on the Ordinance. Therefore, the Public Hearing was closed. Council President Wentz asked for a Motion for the adoption of Ordinance No. 3065.

Moved: Mr. Silva
Second: Mr. Tunis

Ms. Wentz asked if there were questions or concerns.

Mr. Bonnett felt that it was arbitrary to have a provision in the Ordinance that says the Mayor, with no approval of Council, can remove someone who has diligently served on a commission without cause and suggested that people look into the Home Rule Charter.

The Solicitor stated that he believed that there are some safeguards built into this Ordinance and that if someone on a board was appointed for a specific term, when the term expires they may not be interested in being re-appointed or the Administration may not be interested in re-appointing at that point.

Mr. Silva commented that this Ordinance clarifies page 10 of the Home Rule Charter and further commented that a member of a board or commission isn't appointed for life.

Mr. Rongione stated that he believed that Councilman Silva is correct in that it is both common practice and common courtesy for people to understand that they serve in these positions at the pleasure of the Mayor with the approval of Council. There is no absolute right to serve on these commissions. It's a privilege to the community, one bestowed by the Mayor with the approval of Council. So, it's simply a clarification of an already existing commonly understood and accepted practice.

Ms. Wentz stated that there was research of the Minutes and it was verified that in many cases, based on the previous Administration, the appointments were not included in the Agendas, let alone in the Minutes, so that in some cases, there is no actual proof that people were appointed because it didn't exist in the Minutes or the Agenda.

The Solicitor stated that Mr. Alberts looked through Minutes going back 4-5 years and that the Solicitor had copies of emails that were sent 3 days ago to all of the people that were potentially being removed which he then shared with Council.

Ms. Wentz asked if there were any other questions or concerns on Ordinance No. 3065.

A roll call vote was taken.

<u>Approval of Ord. 3065</u>	<u>Opposed</u>	<u>Excused</u>	<u>Abstain</u>
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Gwin
Burke
Blackwell
Billups
Siddique

Faraglia

Silva

Bonnett

Wagner

Wentz
Tunis

8

1

2

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Approval of Ordinance No. 3065; 8 in favor, 1 opposed, 2 excused

SOME AUDIO LOST DUE TO CHANGING TAPE

The Honorable Mayor Barbarann Keffer

Mayor Keffer commented on the Free Tax Prep that was offered on February 18, 2020 and again on March 19, 2020. She also spoke about the voting machine demo offered at the Expo earlier that day and also of the upcoming Listening Tours.

Appointments:

Historical Commission:

Cathy Wilt
Stephen Nitz

Moved: Mr. Gwin
Second: Ms. Billups

Motion approved: 9 in favor, 2 excused

Economic Advisory Board:

Pete Ricci

Moved: Mr. Gwin
Second: Mr. Silva

Motion approved: 9 in favor, 2 excused

Environmental Advisory Board (EAC)

Howard Sherman

Moved: Mr. Gwin
Second: Ms. Billups

Motion approved: 9 in favor, 2 excused

Resolution No. 04-20, a Resolution of the Township of Upper Darby, Delaware County, Pennsylvania appointing and removing members of the Zoning Hearing Board, Civil Service Commission, Fire Pension Board and Police Pension Board

Councilman Bonnett expressed concerns about the removal of people from the boards or commissions without cause and commented that some of those who were being removed are highly qualified to be on those boards or commissions. He further stated that he has no issues with the new appointments but that he would be voting against Resolution No. 04-20.

Appointments to Zoning Board

Karen O'Brien is appointed to a four (4) year term expiring December 31, 2023.
Alex Brown is appointed to a five (5) year term expiring December 31, 2024
Rap Curry is appointed to a six (6) year term expiring December 31, 2025

Zoning Board Alternate:

Andrew Hayman is appointed as an alternate member to a three (3) year term expiring December 31, 2022

Fire Pension Board

Mr. James Glatts is hereby removed

Appointments to Fire Pension Board

David Haman, Vincent Rongione & John McMullan are hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval of Council

Police Pension Board:

Mr. Francis Catania and Mr. Thomas Judge Jr. are hereby removed.

Appointments to the Police Pension Board

Mr. John Rooney is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council

Ms. Shannon Farmer is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council

Planning, Zoning and Building Code Committee:

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Donald P. Bonnett

Public Hearing for Ordinance No. 3066, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, amending the Upper Darby Township Administrative Code to designate the Division of Property Maintenance as part of the Department of Licenses and Inspections and designate the Director of Licenses and Inspections as the Supervisor of the Department of Public Health; repealing all inconsistent ordinances or parts thereof; providing a severability clause; and providing an effective date

The Solicitor gave a reading on proposed Ordinance No. 3066.

Council President Wentz convened a Public Hearing for Ordinance No. 3066

SPEAKERS

Bonnie Hallam, 4719 Woodland Avenue

Carl Hemphill, 27 Pilgrim Lane

Ms. Hallam asked for clarification of the language of this Ordinance.

The Solicitor stated that currently, there are inspections conducted out of a number of different departments and so the effort is to consolidate all of the inspection functions under one Administrative heading and have one

Director. The hope is that it will give us greater efficiency for training and enforcement. Also, the Department of Licenses and Inspections has more legal authority than the Health Department to issue citations, tickets and do Code Enforcement. So, by moving the Property Maintenance Division and the Health inspectors; the Health inspectors inspect commercial restaurants, rental properties, those kind of things. So, by moving them under Licenses and Inspections they'll have broader authority and more efficiency training.

Council President Wentz asked if there were other speakers.

Mr. Hemphill: Carl Hemphill spoke of the issue with trash in the Township and how to go about reporting a problem.

Mr. Rongione stated that the best thing to do with an issue of that type is to contact the Mayor's request line, either by email or by phone and the Mayor's request line will take the complaint or the issue to the appropriate department. In the case of something like litter, the Mayor's request line would funnel it to the Department of Licenses and Inspections because the property maintenance crew and the inspectors or code enforcement issues would be housed in L&I. But, the most efficient way for a resident to do that is through the Mayor's request line because it allows the Township to create a tracking number so that there can be efficient follow up.

Mr. Rongione further stated that code enforcement is an enormous priority for the new Administration. The Property Maintenance Ordinance is being amended to allow for ticketing. So, there will be an immediate penalty for the violation of the Code and that will be a new level of enforcement that is being implemented to try to combat litter of all kinds.

Council President Wentz thanked Mr. Hemphill for his input and Mr. Hemphill added that perhaps large corporations who produce the litter could be held accountable.

Council President Wentz added that there are many ideas of how to improve this situation and that the new Administration and Council is very interested in making improvements and corrections.

There were no other residents who wanted to speak on the Ordinance. Therefore, the Public Hearing was closed. Council President Wentz asked for a Motion for the adoption of Ordinance No. 3066.

Moved: Mr. Silva

Second: Ms. Billups

Ms. Wentz asked if there were questions or concerns from any Council members on Ordinance No. 3066.

Councilman Gwin wanted to confirm whether there will be adjustments regarding the budget to move monies from one category to another.

Mr. Alberts offered an explanation as to how that process would work.

Ms. Billups asked about the process of calling in a complaint to the request line.

The Solicitor explained that the Property Maintenance Ordinance has not yet been updated and adopted by the Council. It's a proposal at this point, so right now there are certain provisions in the Code that violations can be issued for. So, if anyone was to call in that type of complaint, a code enforcement official would go out and investigate and if there was a violation, they could be issue a warning that could be followed with a citation.

Mr. Rongione: So, it is happening now and according to different standards depending on which department is addressing it, so what we're trying to do is create a more uniform standard and create more code enforcement capacity by doing that. So, by way of example, our Health inspectors, if they're not inspecting a food establishment, under the new system they would be able to go out and address a situation like the one that you are describing; whereas, under the present system, they don't actually have the authority to do that. So, it creates more code enforcement capacity and a more streamlined system for the department.

So, currently the Health Department does health inspections of food establishments, conducts rental inspections for rental properties, single-unit and multi-unit, etc. and issues licenses. You need a Certificate of Occupancy in order to operate a pizza shop or a Chinese restaurant. It's the same thing, you need a rental license to operate a rental property. Those licenses currently come out of the Department of Health. The Department of Licenses and Inspections is currently focused more on land development and construction, those types of inspections and permits. So, you want to put a sun room on your house or put in an extra bathroom; those types of inspections and permits come out of Licenses & Inspections currently. The wild card is that the violations like trash are houses under Property Maintenance and currently Property Maintenance reports to the Director of Administrative Services, not the Department of Health or the Department of Licenses & Inspections. So, we've got all three of those inspection types and units housed in three different places with three different Directors and three training processes. So, the idea is to consolidate them under one roof, cross train them and create more accountability and more authority for enforcement in all those units.

Director of Administrative Scott Alberts explained that the Request line goes through the office of Administrative Services and that there are two people who are qualified to respond and to triage. He explained that it takes a lot to know how to direct all that traffic and that this will make it a little bit simpler rather than people being referred to different departments all over the building. He also commented that there is a lot of inter-departmental coordinating that will be simplified by bringing people under one roof and cross training.

Ms. Billups: Thank you.

Ms. Wentz confirmed that previously, there were three different departments handling different things. So now, by bringing everyone together under one roof, people will be able to take care of all different violations in one space at one time.

Mr. McSween stated that is correct and that this will create efficiency and will streamline the process.

Ms. Wentz further stated that it will allow code enforcement for the entire Township, which is key because that is not actually happening in Districts 4th, 5th, 6th and 7th.

Council President asked if there were any other questions or concerns from Council members. There were none.

A roll call vote was taken.

<u>Approval of Ordinance No. 3066</u>	<u>Opposed</u>	<u>Excused</u>	<u>Abstain</u>
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Gwin

Burke

Blackwell

Billups

Siddique

Faraglia

Silva

Bonnett

Wagner

Wentz

Tunis

9	0	2	0
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Approval of Ordinance No. 3066; 9 in favor, 2 excused

Resolution No. 05-20, a resolution of The Township of Upper Darby, Delaware County, Pennsylvania, appointing Christopher McSween, Director of Licenses and Inspection, as the Certifying Officer for the United States Department of Housing and Urban Development by Mayor Barbarann Keffer, pursuant to section 403 of the home rule charter

The Solicitor read Resolution No. 05-20.

Moved: Ms. Blackwell
Second: Mr. Silva

Moved and seconded. 9 in favor, 2 excused. Resolution No. 05-20 is adopted.

Municipal Services, Licensing and Public Works Committee

Brian K. Burke, Chairman
Members: Sheikh M. Siddique, Thomas P. Wagner

Public Hearing for Ordinance No. 3067, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending the Code of Ordinances of Upper Darby Township, Ordinance 2987 to require permits for opening and requiring restoration of newly paved streets and Sidewalks; repealing all Ordinances, Resolutions and parts thereof inconsistent herewith, and providing a severability clause and effective date

The Solicitor gave a reading on proposed Ordinance No. 3067.

Council President Wentz convened a Public Hearing for Ordinance No. 3067

SPEAKERS

There were no speakers

Moved: Ms. Blackwell
Second: Mr. Silva

Council President Wentz asked if there were any questions from Council members?

Mr. Bonnett asked that if a resident has a sewer line that must be repaired in the street, are they therefore required to pave up and down the street for 100 feet? He felt that this could be very onerous to a resident.

The Solicitor stated that there is a plan of discretion that is built into this, realizing that individual residents might have negative circumstances related to the sewer lines as opposed to the utilities who are doing a massive project. The Solicitor also suggested that Council move forward on adopting this tonight and that Excelon or

PECO expressed a desire to sit down and talk and that perhaps there will be some adjustment to this and one thing that can be built in would be related to individual residents with more discretion.

Mr. Bonnett suggested tabling the Ordinance for now and adding specific provisions, such as adding a lesser distance up and down the street applying to residential properties as this could be a huge expense to a homeowner.

Mr. Rongione stated that he did understand the concern and didn't disagree and that the goal of the Ordinance is to set a very high standard for the Township for all of the work that is done in the Township. He also wants to send a clear signal to the utility companies, the stakeholders and the residents that good enough for Upper Darby is no longer good enough in this Township. So, in terms of putting the Township in the strongest possible negotiating position with folks who would be tearing up and re-paving our streets, the Administration felt that this was the way to give the Township the best bargaining position in those conversations.

The Solicitor read this portion: "The applicant shall make written application with amended restoration plans to the Mayor or the Mayor's designee, and a permit for such opening and restoration shall only be issued after express approval of the Mayor or the Mayor's designee." So, what that's really saying is that the Mayor or CAO if an owner or an elderly person comes in who can't afford to pay, the Administration is going to sit down with someone and go over restoration plans and if it is satisfactory to the Administration, they will recommend approval.

Mr. Silva felt that the phrase "New paving shall not be opened EXCEPT in case of emergency" was the clause needed.

Mr. Burke agreed with Mr. Bonnett and wanted to make a Motion to TABLE the Ordinance to add certain provisions. Mr. Gwin was also in agreement to table this Ordinance to review the language.

Mr. Rongione explained that it was completely Council's decision to pass or not pass the Ordinance. However, his concern was that he and the Mayor would then have to go back into negotiations with PECO without the Ordinance and with decreased leverage.

Council President Wentz recommended adopting the Ordinance and then having a Resolution for the March meeting that could include the requested amendments.

Mr. Burke reiterated that he had major concerns about a large expense to homeowners with the current wording of the Ordinance.

Mr. Silva reiterated that this Ordinance does have a clause for "in case of emergency" and should not be tabled. He agreed that a future Resolution would address any concerns.

The Solicitor stated that to amend an Ordinance, you have to pass another Ordinance. "Ordinances are law and Resolutions are guidance."

Motion to table: Mr. Burke
Second: Mr. Bonnett

A roll call vote was taken.

Motion to table Ordinance No. 3067 **Opposed** **Excused** **Abstain**

Gwin			
Burke			
	Blackwell		
Billups	Siddique		
		Faraglia	
	Silva		
Bonnett		Wagner	
	Wentz		
	Tunis		
<hr/>			
4	5	2	0

Motion to table; 4 in favor, 5 against and 2 excused. MOTION TO TABLE DENIED.

A roll call vote was taken for the adoption of Ordinance No. 3067.

Approval of Ordinance No. 3067 **Opposed** **Excused** **Abstain**

Gwin			
Burke			
Blackwell			
Billups			
Siddique			
		Faraglia	
Silva			
Bonnett			
		Wagner	
Wentz			
Tunis			
<hr/>			
9	0	2	0

Approval of Ordinance No. 3067; 9 in favor, 2 excused

Finance and Appropriations Committee

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Donald P. Bonnett

Resolution No. 06-20, a resolution directing Delaware County Tax Claim Bureau not to collect delinquent Real Estate Taxes on behalf of Upper Darby Township

Moved: Mr. Siddique

Second: Mr. Burke

Moved and seconded. Nine in favor, 2 excused. Resolution No. 06-20 is adopted.

Motion for Addendum to Agreement for collection of delinquent Municipal claims on behalf of Upper Darby Township: Upper Darby Township (the “Township”) and Portnoff Law Associates, Ltd. (“Portnoff”) have heretofore entered into an Agreement for Collection of Delinquent Municipal Claims on Behalf of the Township executed by the Township on June 1, 2018 and by Portnoff on June 29, 2018 (the “Agreement”). The parties wish to amend the Agreement to allow Portnoff to collect the Township’s delinquent real estate taxes, in addition to the Township’s delinquent sewer and trash fee accounts.

Moved: Mr. Gwin
Second: Mr. Tunis

Moved and seconded. 9 in favor, 2 excused.

Resolution No. 07-20, a Resolution of the Township of Upper Darby, Delaware County, Pennsylvania, appointing Michelle R. Portnoff as solicitor for the limited purpose of collecting delinquent real estate tax accounts

Moved: Mr. Gwin
Second: Ms. Billups

Moved and seconded. Nine in favor, 2 excused. Resolution No. 07-20 is adopted.

Introduction of Ordinance No. 3068, ordinance approving collection procedures, appointment of solicitor, interest assessment, credit card and debit card charges, and fees and costs to be added to the amount collected as part of unpaid real estate taxes for delinquent accounts

Motion to introduce: Mr. Silva
Second: Mr. Tunis

Moved and seconded. Proposed Ordinance No. 3068 will be duly advertised and placed on the Agenda for the March 18th, 2020 Council meeting.

Solicitor

Nothing to report

Old Business

Councilman Siddique

New Business

Motion for Upper Darby Township to co-host the Earth Day Event and provide insurance certificate at Highland Park Elementary School in May 2020 with the Upper Darby 4th District Community Group. Council President will submit special events permit request to the school district.

Council President Wentz elected to pull this Motion from this meeting and add it to next month’s meeting.

Moved: Ms. Wentz
Second: Mr. Gwin

Moved and seconded. 9 in favor, 2 excused.

Adjournment at 10:22 p.m.

UPPER DARBY TOWNSHIP

ORDINANCE No. 3065

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2507 COMMONLY KNOWN AS THE UPPER DARBY TOWNSHIP ADMINISTRATIVE CODE, TO CLARIFY THE MAYOR'S POWER AND RESPONSIBILITIES SET FORTH IN ARTICLE III AND REPEALING ANY ORDINANCES OR RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Administrative Code of the Township of Upper Darby of 1976 ("Administrative Code") was adopted on December 30, 1976 and is commonly referred to as Upper Darby Township Ordinance 2507;

WHEREAS, the Upper Darby Township Administrative Code, Article III clarifies the Mayor's powers and duties pursuant to Article IV of the Home Rule Charter;

WHEREAS, it has become apparent that Article III of the Administrative Code should be clarified and the Honorable Mayor Barbarann Keffer recommends amendments be made to Section 3.02 of the same;

NOW THEREFORE, Upper Darby Township hereby ordains:

SECTION 1. Section 3.02 of the Upper Darby Township Administrative Code is hereby amended to add a new subsection H as follows:

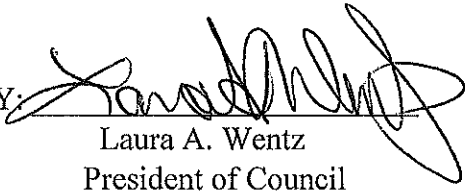
The Mayor shall have the ability to appoint and remove members of all Township authorities, boards, and commissions, with or without cause, subject to Council approval.

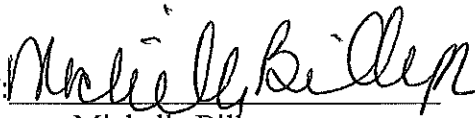
SECTION 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Upper Darby Township Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. EFFECTIVE IMMEDIATELY. This ordinance shall become effective immediately after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of the Upper Darby Township.

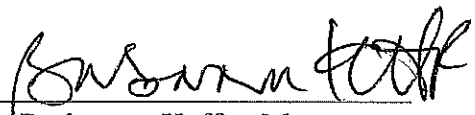
SECTION 4. REPEALER. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

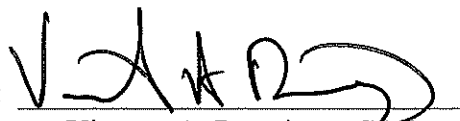
ENACTED AND ORDAINED this 19th day of February, 2020

BY: 
Laura A. Wentz
President of Council

ATTEST: 
Michelle Billups
Secretary of Council

Ordinance No. 3065 is hereby approved this 19th day of February, 2020

BY: 
Barbarann Keffer, Mayor

ATTEST: 
Vincent A. Rongione, CAO

UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
RESOLUTION NO. 04-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, APPOINTING AND REMOVING MEMBERS OF THE ZONING HEARING BOARD, CIVIL SERVICE COMMISSION, FIRE PENSION BOARD AND POLICE PENSION BOARD

WHEREAS, Section 403 of the Home Rule Charter of Upper Darby Township (“Home Rule Charter”) provides that the Mayor appoints and removes, with the approval of Council, all members of authorities, boards, and commissions; and

NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that the following citizens are lawfully removed and approved by Council:

Civil Service Commission:

1. Mr. Inderjit Bains, Mr. John Dowd, and Mr. Francis Catania are hereby are removed from the Commission.
2. Ms. Karen O’Brien is appointed to a six (6) year term expiring December 31, 2025.
3. Mr. Alex Brown is appointed to a five (5) year term expiring December 31, 2024.
4. Mr. Rap Curry is appointed to a four (4) year term expiring December 31, 2023.

Zoning Hearing Board:

1. Mr. Andrew Hayman is appointed as an alternate member to a three (3) year term expiring December 31, 2022.

Fire Pension Board:

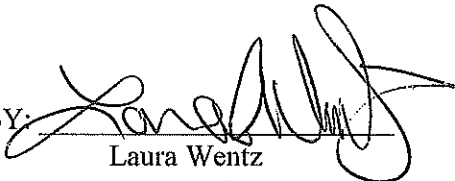
1. Mr. James Glatts is hereby removed.
2. Mr. David Haman, Mr. Vincent Rongione, and Mr. John McMullan are hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council.


Police Pension Board:

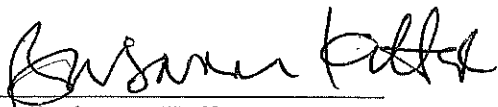
1. Mr. Francis Catania and Mr. Thomas Judge are hereby removed.
2. Mr. John Rooney is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council.
3. Ms. Shannon Farmer is hereby appointed for an indefinite term to serve at the pleasure of the Mayor with approval by Council.

This Resolution shall be effective immediately.

ENACTED AND ORDAINED ON THIS 19TH DAY OF FEBRUARY, 2020

BY: 
Laura Wentz
President of Council

ATTEST: 
Michelle Billups
Secretary of Council

BY: 
Barbarann Keffer, Mayor

ATTEST: 
Vincent A. Rongione, Esq.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3066

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE UPPER DARBY TOWNSHIP ADMINISTRATIVE CODE TO DESIGNATE THE DIVISION OF PROPERTY MAINTENANCE AS PART OF THE DEPARTMENT OF LICENSES AND INSPECTIONS AND DESIGNATE THE DIRECTOR OF LICENSES AND INSPECTIONS AS THE SUPERVISOR OF THE DEPARTMENT OF PUBLIC HEALTH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Upper Darby Township Administrative Code of 1976 (the "Administrative Code") was adopted on December 30, 1976; and

WHEREAS, Article V. of the Administrative Code provides for the administrative organization of the Township; and

WHEREAS, Article V. of the Administrative Code specifically provides that the Chief Administrative Officer shall promulgate regulations dealing with the internal organization of the Township's departments; and

WHEREAS, Vincent Rongione, the Chief Administrative Officer, desires that the Upper Darby Township Division of Property Maintenance be designated as a division under the Township's Department of Licenses and Inspections; and

WHEREAS, Vincent Rongione further desires for the Upper Darby Department of Public Health to be supervised by the Director of Licenses and Inspections; and

WHEREAS, the Honorable Mayor Barbarann Keffer recommends that the appropriate amendments be made to Section 5.18 and 5.27 of Article V. of the Administrative Code;

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Upper Darby Township Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1. Article V., Section 5.18 of the Upper Darby Township Administrative Code is hereby amended to add a new subsection E. as follows:

"E. Supervise the Division of Property Maintenance with duties of conducting inspections on properties within the boundaries of the township for the purpose of determining and enforcing whether property maintenance violations exist as may be required by law or ordinance."

Article V., Section 5.27 of the Upper Darby Township Administrative Code is hereby amended, as follows:

(Sections 5.26 - 5.28) Department of Public Health

Article V., Section 5.27 - Department Head

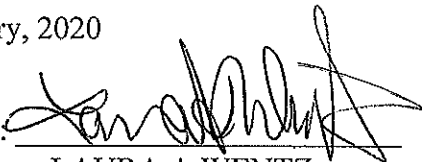
“The Department of Public Health shall be headed by a Health Officer and shall be responsible to the Director of Licenses and Inspection for the performance of the function of the department.”

SECTION 2. REPEALER. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of the Ordinance or on the Upper Darby Township Administrative Code.

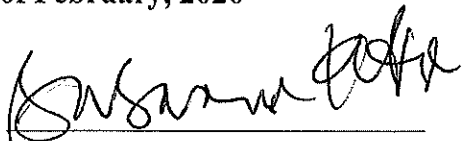
SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of the Upper Darby Township Council.

ENACTED AND ORDAINED this 19th day of February, 2020

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Ordinance No. 3066 is hereby approved this 19th day of February, 2020

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE
Chief Administrative Officer

UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 05-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, APPOINTING CHRISTOPHER MCSWEEN, DIRECTOR OF LICENSES AND INSPECTION, AS THE CERTIFYING OFFICER FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BY MAYOR BARBARANN KEFFER, PURSUANT TO SECTION 403 OF THE HOME RULE CHARTER

WHEREAS, Section 403 of the Home Rule Charter provides that the Mayor may delegate, to an appropriate delegate, the responsibility of representing the Township in deliberations with other governmental bodies; and

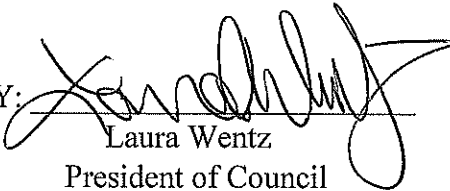
WHEREAS, the regulations of the U.S. Department of Housing and Urban Development ("HUD") require that the Township have a Certifying Officer to carry out the responsibilities of 24 CFR part 58.13; and


WHEREAS, Christopher McSween was appointed as the Director of Licenses and Inspection on January 6, 2020; and

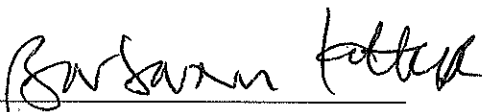
WHEREAS, Mayor Barbarann Keffer desires to delegate the responsibility of Certifying Officer with HUD to the Director of Licenses and Inspector, Christopher McSween; and

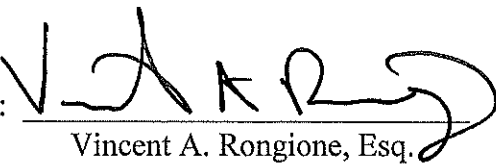
NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that pursuant to Section 403 of the Home Rule Charter, Christopher McSween, shall serve as the Certifying Officer for HUD and shall assume all duties as required by the Charter, Administrative Code, and the Laws of the Commonwealth and the United States.

RESOLUTION NO. 05-20 IS HEREBY APPROVED ON THIS 19TH DAY OF FEBRUARY, 2020

BY: 
Laura Wentz
President of Council

ATTEST: 
Michelle Billups
Secretary of Council

BY: 
Barbarann Keffer, Mayor

ATTEST: 
Vincent A. Rongione, Esq.
CAO

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3067

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF UPPER DARBY TOWNSHIP, ORDINANCE 2987 TO REQUIRE PERMITS FOR OPENING AND REQUIRING RESTORATION OF NEWLY PAVED STREETS AND SIDEWALKS; REPEALING ALL ORDINANCES, RESOLUTIONS AND PARTS THEREOF INCONSISTENT HERewith, AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, the Upper Darby Home Rule Charter vests the Council of Upper Darby Township with the authority to regulate streets, sewers, sidewalks, etc.; and

WHEREAS, Upper Darby Township Code of Ordinances, Ordinance 2987 prescribes current regulations regarding street openings and improvements; and

WHEREAS, Council Members have determined that the following amendments and enacting provisions related thereto will promote the proper management, care and control, and welfare the Township.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Council of Upper Darby Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: The Upper Darby Township Code of Ordinances Article I, titled "Openings and Excavations," shall be amended and shall read as follows:

1.01. **Permits Required** –New paving shall not be opened for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening of such paving to be determined by the Mayor or the Mayor's designee. If it is sought to excavate upon or open a street or sidewalk within five years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application with attached restoration plans to the Mayor or the Mayor's designee, and a permit for such opening and restoration shall only be issued after express approval of the Mayor or the Mayor's designee. Street restoration will include base repair, surface milling and overlay according to Township specifications to the extent of milling and overlaying the full cartway, which includes edge of paving to the other side of edge of paving of the entire block, not to be less than 100 feet in length.

1.07 Excavation on Overlaid and Reconstructed Streets:

(A) Except for emergencies, no excavation shall be permitted in any Township road or street that has been overlaid, topped, or reconstructed within the previous five (5) years.

SECTION 2: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Upper Darby Township Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

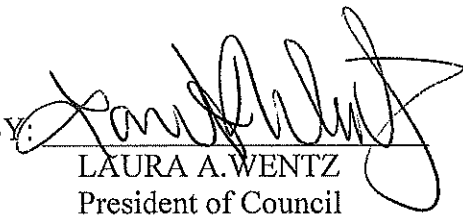
SECTION 3: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4: EFFECTIVE DATE.


This Ordinance and the amendment contained herein shall be effective five (5) days after enactment.


ENACTED AND ORDAINED, by the Council of Upper Darby Township, Delaware County, Pennsylvania, this 19th day of February, 2020

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Ordinance No. 3067 is hereby approved this 19th day of February, 2020

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE
Chief Administrative Officer

UPPER DARBY TOWNSHIP

Resolution No. 06-20

**A RESOLUTION DIRECTING DELAWARE COUNTY TAX CLAIM BUREAU
NOT TO COLLECT DELINQUENT REAL ESTATE TAXES
ON BEHALF OF UPPER DARBY TOWNSHIP**

WHEREAS, Upper Darby Township (the "Township") is authorized to collect delinquent real estate taxes pursuant to the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the "Act"); and

WHEREAS, the Township has determined that it is in the best interest of all taxpayers and other residents to have vigorous enforcement of all delinquent real estate taxes and other unpaid charges, utilizing the procedures set forth in the Act; and

WHEREAS, the Township has contracted with a third party collector for the collection of delinquent real estate taxes, utilizing the procedures set forth in the Act; and

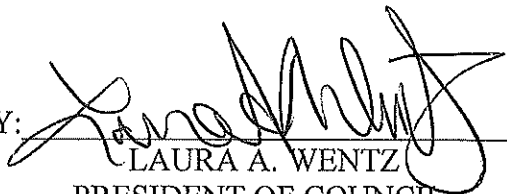
WHEREAS, the Delaware County Tax Claim Bureau (the "Bureau") is an agent of the Township as per 72 P.S. § 5860.208 of the Real Estate Tax Sale Law (the "RETSL").

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ENACTED BY THE
TOWNSHIP AS FOLLOWS:**


1. Until further notice, the Township declares that it is collecting the delinquent 2019 real estate taxes and future delinquent real estate taxes utilizing the procedures set forth in the Act, exclusively and independently of any other statute governing the collection of taxes, including the RETSL, and independent of any county tax claim bureau.
2. Until further notice, the Township directs the Bureau not to take any action to collect the delinquent 2019 real estate taxes and future delinquent real estate taxes, except that when the Bureau is selling any property at upset sale, private sale, judicial sale or repository sale under the procedures set forth in the RETSL, the Bureau is directed by the Township to include tax delinquencies being collected by the Township's third party collector. The Township further directs the Bureau not to incur any costs or liabilities for said delinquent taxes, except as necessary for the Bureau to include said delinquent taxes when the Bureau is selling properties at the Bureau's upset sale, private sale, judicial sale or repository sale pursuant to the RETSL.
3. The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Resolution.

DULY RESOLVED AND ENACTED BY UPPER DARBY TOWNSHIP ON THE
19TH DAY OF FEBRUARY, 2020.

UPPER DARBY TOWNSHIP

BY: 
LAURA A. WENTZ
PRESIDENT OF COUNCIL

ATTEST: 
MICHELLE BILLUPS
SECRETARY OF COUNCIL

BY: 
BARBARANN KEFFER
MAYOR

ATTEST: 
VINCENT A. RONGIONE, ESQ.
CHIEF ADMINISTRATIVE OFFICER

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 07-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, APPOINTING MICHELLE R. PORTNOFF AS SOLICITOR FOR THE LIMITED PURPOSE OF COLLECTING DELINQUENT REAL ESTATE TAX ACCOUNTS

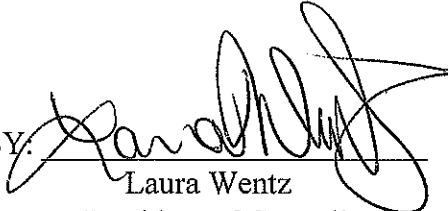
WHEREAS, to be fair to all taxpayers and other residents of Upper Darby Township (the "Township"), it is necessary for the Township to recover promptly unpaid, delinquent real estate tax accounts (collectively, the "Unpaid Taxes"), if necessary, by legal proceedings; and

WHEREAS, the Township has determined that it is in the best interest of all taxpayers and other residents to have vigorous enforcement of all Unpaid Taxes and other unpaid charges, utilizing the procedures set forth in the Act, except in cases of serious hardship, which the Township will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, the Township appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting the Unpaid Taxes and hereby authorizes her, and all attorneys employed by Portnoff Law Associates, Ltd., to sign any and all documents, including municipal claims and liens, on behalf of the Township.

NOW THEREFORE, BE IT RESOLVED by the Upper Darby Township Council, that the above appointment is hereby *APPROVED* effective immediately,

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE TOWNSHIP OF UPPER DARBY ON THIS 19TH DAY OF FEBRUARY, 2020

BY: 

Laura Wentz
President of Council

ATTEST: 

Michelle Billups
Secretary of Council

BY: Barbarann Keffer
Barbarann Keffer, Mayor

ATTEST: Vincent Rongione
Vincent Rongione, CAO