

Index
Upper Darby Township Council
March 25th, 2020

Pledge of Allegiance to the flag of the United States of America Moment of Silence	1
Opening of Meeting	1
Roll Call	1
Rules for Meeting Decorum	
Solicitor Kilkenny Legal basis for teleconference during COVID-19 emergency	1-2
Approval of the Minutes for February 2020	2-3
Presentation for Aronimink School Land Development	3-6
Public Comment	5-6
Committee Reports	
Law and Government & Rules and Procedures Committee: Michelle Billups, Chairwoman Members: Danyelle Blackwell, Matt Silva	
Introduction of Ordinance No. 3069 , an Ordinance of Upper Darby Township, Delaware County, Pennsylvania enabling Council members to participate and vote during Council Meetings or Executive Sessions by means of telecommunication devices subject to certain criteria; repealing all inconsistent Ordinances, Resolutions or parts thereof; providing a severability clause; and providing an effective date	6-7
Approval of Motion to introduce Ordinance No. 3069	7
President of Council, Laura A. Wentz	7
<u>The Honorable Mayor Barbarann Keffer</u>	7
Emergency Declaration	
<u>Appointments</u>	8
<u>Historic Commission:</u> Bart Everts	
<u>Planning Committee:</u> James Mullen Debbie Nifong Jeff Roken Joe Sullivan	

Recreation Committee:

Heather L. Boyd
Joseph Andrew Caulfield
Chanelle Y. Davis
Marion B. Minick
Michelle Piacentini-Kao
George Salloom
Eva Marie Shahade

Communications Committee

Jenn Hallam, Chair
Richard Welsh
Monica Brown
Dawn Maxfield
Chip Frenette

All candidates are appointed

8

Committee Reports

Finance and Appropriations Committee

Robert S. Gwin Jr., Chairman
Members: Michelle Billups, Brian K. Burke

Resolution No. 09-20, regarding a multi-municipal application
for a Transportation & Community Development Initiative Grant

8
12-13

Adoption of Resolution No. 09-20

9

Resolution No. 10-20, a Resolution of Upper Darby Township,
Delaware County, Pennsylvania, authorizing notice to bidders for
the sale of two fire trucks

9
14-15

Adoption of Resolution No. 10-20

9

Resolution No. 11-20, a Resolution of the Township of Upper Darby,
Delaware County, Pennsylvania, extending the real estate tax discount
period on municipal taxes from March 31, 2020 to April 30, 2020 as a
result of COVID-19; repealing all inconsistent Ordinances or parts thereof;
providing a severability clause; and providing an effective date

9
16-17

Adoption of Resolution No. 11-20

9

Public Hearing for 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

10
18-24

Approval of Ordinance No. 3068

10

Public Safety Committee

Brian K. Burke, Chairman

Members: Danyelle Blackwell, Matt Silva

Resolution No. 12-20 , a Resolution to REMOVE the parking restriction of “No Parking on Monday through Friday from 8am until 5pm” on the 2400 block of Dermond Road	11 25
Adoption of Resolution No. 12-20	11
Solicitor	11
Old Business	11
New Business	12
Additional Public Comments	12
Adjournment at 10:12 p.m.	13
Moved and seconded. The meeting adjourned at 10:12 p.m.	

Minutes for Upper Darby Township Council Meeting on March 25th, 2020

Pledge of Allegiance to the flag of the United States of America
Moment of Silence

Opening of Meeting

Roll Call

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

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

Rules for Meeting Decorum

Rule out of order scandalous, impertinent, and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting, including the questioning of, or polling of, or debating with, individual members of the Board.

Solicitor Kilkenny – Read His Email on the Virtual Meeting under COVID 19 State of Emergency-

Council:

As Upper Darby Solicitor, I was asked by Council President Wentz, the Mayor, and the Administration to provide the legal basis for tonight's teleconference meeting, my rationale

For opining that it is legal is as follows:

1. On March 6, 2020, Governor Tom Wolf made a "declaration of disaster emergency" regarding the novel coronavirus ("COVID-19) and its threat of imminent disaster throughout the Commonwealth. In emergencies, the Emergency Management Services Code provides that agencies can suspend the need to comply with certain "formal requirements." 35 Pa.C.S.A. § 7101 et seq.
2. On March 23, 2020, Governor Wolf, issued an Order requiring all Delaware County residents to "stay at home" given the public health threat of Covid-19. Thus, it is required that the public, staff, and Council participate remotely, in this evening's Council meeting.
3. On March 11, 2020 the Commonwealth's Office of Open Records "OOR" provided the following guidance in related to public meetings during the Covid-19 pandemic (see link below). In situations where an emergency declaration prevents an in-person public meeting with public participation as required by the Sunshine Act (the "Act"), the Office of Open Records ("OOR") provides that "a meeting via teleconference, webinar, or other electronic method that allows for two-way communication is permissible." This meeting must comply with Section 710.1 of the Act in that it must provide a reasonably accessible method for the public to participate and comment. The communication method

selected should be clearly explained to the public in advance of and during the meeting.
<https://openrecordspennsylvania.com/2020/03/11/the-sunshine-act-and-covid-19/>

4. Upper Darby's Home Rule Charter provides that "[d]Council shall conduct no business except in the presence of a quorum which shall be constituted by a majority of the members of Council then in office." Section 311. However, the Home Rule Charter does not provide by what means the quorum must be established (no formal requirement for a physical quorum).
5. In 1992, the Pennsylvania Supreme Court clarified that participation by speakerphone is acceptable to establish a quorum. In Babac v. Pennsylvania Milk Mktg. Bd., the Court held "that a quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and that such quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously." 531 Pa. 391 (1992).
6. The Upper Darby School District, the General Assembly of the Commonwealth, and many other Municipalities throughout the Commonwealth have conducted "virtual meetings." While not binding it is persuasive that the Pennsylvania State Association of Township Supervisors "PSATS" have opined that "virtual meetings" are permitted during Disaster Declarations.
7. On March 25, 2020, Upper Darby Township Council is using GoToMeeting. The ability to comment at this publicly advertised meeting has been made known to the public well in advance. GoToMeeting is a web-hosted service for online meetings and video conferencing, which enables users to communicate with other meeting participants in real-time. This system satisfies the OOR's guidance requiring two-way communication because it not only allows all Councilors to hear the comments and speak to all those present but also provides a forum for public comment.
8. Based on the reasoning and legal justification in paragraphs 1 through 8 of this email, tonight's meeting is legal. I request that Alexis submit this in the Official Minutes of the meeting.

Approval of the Minutes for February 2020

Approval of the Minutes from the Committee Meeting of 2-5-20

Moved: Ms. Blackwell

Second: Mr. Gwin

Moved and seconded. Ten in favor, one abstention.

Approval of the Minutes from the Special Meeting of 2-5-20

Moved: Mr. Tunis

Second: Mr. Silva

Moved and seconded. Ten in favor, one abstention

Approval of the Minutes from the Regular Meeting of 2-19-20

Moved: Mr. Gwin
Second: Mr. Siddique

Moved and seconded. Eleven in favor.

Presentation for Aronimink School Land Development

Distinguished Guests

Thomas J. Friese, P.E. Assoc, VP, Senior Engineer & Division Manager, Pennoni Associates
Ryan Orr, AIA, Project Designer of KCBA Associates
Frank Salerno, Director of Elementary Education of the UDSD
Mike Kelly, AIA, LEED AP, ALEP, Principal, KCBA Associates
Kimberly A. Freimuth, Land Use & Zoning Attorney, Fox Rothschild LLP, Attorneys at Law
Edward Brown, President of the UDSD
James Markam, Regional Transportation Principal of SE PA & NJ, Pennoni Associates
Jason Sheridan, P.E., Staff Engineer, Pennoni Associates
Dr. Daniel P. McGarry, Superintendent of the UDSD

Councilman Wagner stated that he was vehemently opposed to the presentation as he felt that the Public would not have an adequate opportunity to ask questions.

Council President Wentz stated that the public has had an opportunity to submit questions and/or comments for several days which allowed a larger opportunity for the public to participate.

There was a YouTube presentation for the Aronimink Land Development which could be viewed at <https://www.youtube.com/upperdarbytwp>.

This informative video provided much information about the proposed Land Development.

Councilman Bonnett stated that he agrees with Councilman Wagner's position and that he and Councilman Wagner have requested a forum with the school district where there would be an open dialogue where the constituents could have questions asked and answered. He also formally requested an extension for the land development application that is due on April 2nd, 2020, as he feels that there are many questions that need to be asked by constituents. Mr. Bonnett further asked if any waivers have been requested to the SALDO.

Ms. Friemuth replied that at this time, no waivers have been requested or required.

Councilman Bonnett asked if the school district would be willing to meet with the community because constituents need to feel satisfied that their numerous questions have been answered.

Ms. Friemuth stated that there have, in fact, been numerous public meetings held regarding the project with ample opportunity for the public to participate and ask questions at school board meetings.

Dr. McGarry stated that there was an Act 34 Hearing and other public meetings where questions could have been asked and answered and a recent Committee meeting where both Councilmen attended. They would be willing to have another sit-down but the school district wants to move forward with this project.

Councilman Burke commented that he was at a previous Aronimink public meeting and that there were no opportunities to get any answers to questions about Act 34.

Dr. McGarry explained that the Act 34 hearing was “comment only” and that his reference was that meeting allowed for public comment over 30 days and those comments were captured on the record for the board to take into consideration before they took action. There were numerous meetings where there was the ability to have questions asked and answered.

Councilman Wagner reiterated that the perception of the tax payers is that there has not been enough opportunity for discussion. Councilman Wagner worries about the impact of traffic on the community and he was not satisfied with the traffic study that was conducted in August of 2019 as it did not include two major intersections that put this project and that the omission leads to a false perception as to the true impact of the project as a large increase in students will lead to a large increase in traffic.

Councilman Tunis expressed his concerns on the effects of over population in the School District throughout the Township and the negative effects that causes for his constituents in the 7th District. There hasn't been an expansion in decades and Bywood Elementary was over crowded when he was there and it has only gotten worse since then.

Councilwoman Billups confirmed the scope of what's before council is Land Development for Aronimink. The Township & PennDOT accepted the Traffic Study.

Councilman Silva because Kindergarten is split into 2 half day shifts would there be less than 522 Students at any time during the day?

Dr. McGarry stated the 522 Students would be the total number of students all day at Aronimink including both the AM & PM Kindergarten Students. Once Senkow moved in the K-Center, then it would include the Kindergarten-5th Grade of Senkow Students.

Mr. Markam (King of Traffic or Headset Man) stated that the Township engineer reviewed the scope and found it acceptable and a scoping application was also submitted to PennDOT who reviewed two additional intersections and found the scope acceptable. He commented that the traffic study showed no negative impact or notable delay on traffic. For the Traffic Study we used 700 Students in the School. However, there is no plans for 700 Students the plans are for 600 Students as the max. If the school district grew the Traffic Study was done for the amount of cars

Councilman Gwin saw in the plans that it appeared the main walkway crossed the Bus Loop. If that is correct than you may want to change it so that the students will not cross the Bus Loop.

Mr. Markam Existing path from Burmont to school sided walks will be there for students to walk on.

There were additional questions on the number of students and the safety of the bus loop. Mr. Markham explained that the 750 foot drop off that is being provided is more than adequate to accommodate the cars dropping children off. He also stated that there will be a sidewalk without crossing the bus loop so there will be pedestrian paths.

Councilman Siddique stated that most people are concerned about traffic and wanted to know how many parents are dropping children off and how many buses are dropping off.

Mr. Markam stated that the bus loop is designed to easily accommodate the 9 school buses anticipated. Hillcrest School, with an enrollment of 690, was used as a measure to determine parent drop off at Aronimink and the drop-off being provided will be more than adequate.

Dr. McGarry stated that Aronimink in its current form will remain a walking school. The K Center will come over for the 1st phase.

Council President Wentz ended the question time for Council, because they had already exceeded 15 minutes. She explained that there is a Special Meeting on Wednesday, April 1st, 2020 with further discussion about the Aronimink project where questions can also be asked and answered. Council members can also ask more questions during the Committee Meeting that will be held immediately prior to the April 1st, 2020 Special Meeting.

Public Comments

See attached.

1. Amy and Joe Sullivan, 5000 Marvine Avenue

Answer to question one: Dr. McGarry stated that the school district has met with Ms. Sullivan and other neighbors. He referred to the link for the land development on the school district website. Highland Park is overcrowded and needs relief to the current overcrowding and there is no room to build at Highland Park Elementary School. As addressed in several public meetings, the tot lot will be re-located to a new place with shading and will continue. Regarding the gym, the school district is repeatedly asked for gym locations and space to practice, including the drumline program. Numerous Township programs will be supported by this. There will be a top lot with shading.

Mr. Kelly stated that greenspace is being maintained and is a high priority for the design team. The new addition is on the current impervious service of the existing parking lot to not impede on the field.

Mr. Sheridan stated that the issue of stormwater management has been addressed in multiple ways including underground catch basin. Dr. McGarry clarified the water will be cleaned before discharging it slowly back in to the system which will reduce storm water runoff.

Mr. Markam stated that the increase of traffic has already been addressed and that there is no appreciable delay at any of the intersections. As part of the project, there is a proposal to upgrade the 11 crosswalks, including the handicap ramps so this will be an improvement for people to be able to walk to school from adjacent neighborhoods from any directions. Also, currently Aronimink has no drop-off area on site for parents and now with the proposed changes, all parent drop-off will be accommodated within the site.

Dr. McGarry stated that the traffic consultant from the Township recommended there should be no parking while school is in session along the frontage around Aronimink up until where the church is. The school district agrees. Parents also would like the Township to put up signs limiting parking while school is in session at certain locations.

Number of Comments had concerns with the Meeting During COVID-19 and oppose Aronimink Presentation

2. Linda Evans, 826 Alexander Avenue
3. Loretta Green, 712 Blythe Avenue
4. Brendan Murtagh, 1033 Drexel Avenue
5. Jen Sullivan, 4415 Marvine Avenue
6. Margaret Parenti, 932 Blythe Avenue
7. Kimberly Teti, 815 Collenbrook Avenue

Supports the Aronimink Expansion and the Meeting.

8. Carrie Heller, 908 Anderson Avenue

9. Annette Fenning,

Dr. McGarry As mentioned earlier, the goal is to not have parking while school is in session. To answer the question from the resident on Collenbrook Ave. By meeting the parking 3 spaces/classroom, there would be enough parking on the site for any event to not have to overflow into the neighborhood.

10. Richard Blye 274 Kent Rd.

CAO Rongione Calendar currently on the Website was inherited from the previous Administration. We are working on a new Website that would allow us to have a robust Calendar function that would have events like Juneteenth and other events on it.

Council President Wentz acknowledged to Council that she changed the pattern allowing Councilmembers to answer or comment on Public Comment. She was focusing on making sure that residents were given the opportunity to ask questions and receive answers from the School District.

Thank you to School District and Presenters for taking part in this meeting and for your presentation.

Councilman Bonnett asked the Mayor if the School District full filled the requirements of Land Development for Traffic Control & Design and Engineering of Storm Water Management?

Mayor Keffer we are in the process of getting all of the information from all the different engineers and Delaware County Planning Commission. She is working with the Administration, School District and Council President to get everything together. Because there had never been a Land Development Public Meeting at a Public Council Meeting in the past, we made sure this Presentation from the School District on Aronimink would give Council and the Public the opportunity to take part in a way that has never been done before.

Committee Reports

Law and Government & Rules and Procedures Committee:

Michelle Billups, Chairwoman

Members: Danyelle Blackwell, Matt Silva

Introduction of Ordinance No. 3069, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania enabling Council members to participate and vote during Council Meetings or Executive Sessions by means of telecommunication devices subject to certain criteria; repealing all inconsistent Ordinances, Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave the first reading of the Ordinance.

Motion to advertise Ordinance No. 3069: Mr. Silva
Second: Mr. Gwin

Moved and seconded. A roll call vote was **not** taken.

Approval of Motion to introduce Ordinance No. 3069; Eleven in favor.

President of Council, Laura A. Wentz

Council President thanked everyone for participating and thanked residents for phoning and emailing their comments in for the meeting.

The Honorable Mayor Barbarann Keffer

Mayor Keffer thanked everyone for participating and for making this virtual meeting a reality. The Township is increasing its emergency preparedness during this pandemic. The Mayor thanked the Township employees for their hard work and acknowledges that this whole situation is difficult for everyone.

Mayor Keffer spoke of the Emergency Declaration for Upper Darby Township that was issued on March 24, 2020 and explained that the below Emergency Declaration is a necessary step to take and will provide possible reimbursement for COVID-19 related expenses.

**UPPER DARBY TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA
EMERGENCY DECLARATION FOR UPPER DARBY TOWNSHIP BECAUSE OF THE EFFECTS
OF THE COVID-19 CORONAVIRUS**

WHEREAS, pursuant to the authority vested by 35 Pa.C.S.A. § 7501 (b), the Mayor is authorized to declare emergencies because of the severe damage anticipated to be caused by the effects of COVID-19 Coronavirus in the Township.

NOW THEREFORE, IT IS HEREBY DECLARED, by the Mayor of the Upper Darby Township, County of Delaware, Pennsylvania, that:

1. The effects of the COVID-19 Coronavirus in the Township constitute a clear and present danger to life or property.
2. The Disaster Emergency declared for the Township under 35 Pa.C.S.A. § 7501 (b) by the Mayor and the resulting enabling of the provisions of 35 Pa.C.S.A. § 7501 (b), shall continue until further action is taken by the Mayor or the Township Council to declare the end of such Disaster Emergency.

ADOPTED by the Mayor of Upper Darby Township, County of Delaware, Pennsylvania, this 13th day of March, 2020.

UPPER DARBY TOWNSHIP

BY: Barbarann Keffer
Barbarann Keffer, Mayor

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

Appointments

Mayor Keffer spoke of the newly formed Committees and the appointments to those Committees. The Planning Committee is the first step before formalizing a new Planning Commission. The Recreation Committee will work on expanding programs for young people and also for our seniors. There is also a plan to have new programming in addition to sports programs. The Communications Committee will have input on a new and more comprehensive website and will also organize a public access channel.

Historic Commission:

Bart Everts

Planning Committee:

James Mullen

Debbie Nifong

Jeff Roken

Joe Sullivan

Recreation Committee:

Heather L. Boyd

Joseph Andrew Caulfield

Chanelle Y. Davis

Marion B. Minick

Michelle Piacentini-Kao

George Salloom

Eva Marie Shahade

Communications Committee

Jenn Hallam, Chair

Richard Welsh

Monica Brown

Dawn Maxfield

Chip Frenette

Council President Wentz suggested appointing all of the individuals in a block vote.

Moved: Mr. Gwin

Second: Ms. Blackwell

Moved and seconded. Nine in favor, 2 opposed. All candidates are appointed.

Committee Reports

Finance and Appropriations Committee

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Brian K. Burke

Resolution No. 09-20, regarding a multi-municipal application for a Transportation & Community Development Initiative Grant

Solicitor Richardson gave a brief on Resolution No. 09-20.

Moved: Mr. Gwin
Second: Mr. Silva

Councilman Gwin mentioned there is language in the grant that part of the Matching 20%, 5% could be active participation from the administration as an In-Kind Donation. CAO Rongione agreed we can off-set the 5% portion of the Match with staff hours to reduce the amount of money we would have to contribute.

Moved and seconded. Eleven in favor. Resolution No. 09-20 is adopted.

Resolution No. 10-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, authorizing notice to bidders for the sale of two fire trucks

Solicitor Richardson gave a brief on Resolution No. 10-20.

Moved: Mr. Gwin
Second: Mr. Siddique

Councilwoman Faraglia asked some questions about what the money would be used for. CAO Rongione responded that the money will be used for maintenance of the current fleet.

Moved and seconded. Eleven in favor. Resolution No. 10-20 is adopted.

Resolution No. 11-20, a Resolution of the Township of Upper Darby, Delaware County, Pennsylvania, extending the real estate tax discount period on municipal taxes from March 31, 2020 to April 30, 2020 as a result of COVID-19; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Resolution No. 11-20.

Moved: Mr. Wagner
Second: Mr. Gwin

Councilman Gwin clarified that the extension is only for 2020 and that we could not afford to extend it any farther.

Council President Wentz indicated that if there is a need for an extension beyond April 30, 2020, the Mayor & Administration will make that determination and will let us know.

Councilman Siddique clarified if passed tonight and then a further extension was needed, we would consider it.

Councilman Wagner commented that this Resolution is consistent with what the Federal and State Government has done.

Moved and seconded. Eleven in favor. Resolution No. 11-20 is adopted.

Public Hearing for 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

Solicitor Kilkenny gave a brief on Ordinance No. 3068.

Council President Wentz convened a Public Hearing for Ordinance No. 3068.

Alison Dobbins stated that no public comments that had been received through voicemail or e-mail.

The Public Hearing was therefore closed to the residents.

Councilman Bonnett asked if the fees are charged to the delinquent tax payer. The CAO said that they are. Mr. Bonnett also asked if the 10% per annum is accrued to the Township. If it is a penalty on the taxpayer, it comes to the Township. If it is a fee for the administration, it goes to Portnoff. Interest on the unpaid taxes comes to the Township.

Councilman Silva asked if there would be a reprieve due to the difficulties caused by the COVID-19 crisis. The Mayor stated that Portnoff does work with individuals to set up a payment plan. When residents receive the letter from Portnoff they should reply immediately. Portnoff will work with you. We have received positive feedback on how they work with people.

Moved: Mr. Gwin
Second: Mr. Siddique

Moved and seconded. A roll call vote was taken.

Approval of Ord. No. 3068	Opposed	Excused	Abstain
Gwin			
Burke			
Blackwell			
Billups			
Siddique			
Faraglia			
Silva			
Bonnett			
Wagner			
Wentz			
Tunis			
11	0	0	0

Approval of Ordinance No. 3068; Eleven in favor. Ordinance No. 3068 is adopted.

Public Safety Committee

Brian K. Burke, Chairman

Members: Danyelle Blackwell, Matt Silva

Resolution No. 12-20, a Resolution to REMOVE the parking restriction of “No Parking on Monday through Friday from 8am until 5pm” on the 2400 block of Dermond Road

Solicitor Kilkenny gave a brief on Resolution No. 12-20.

Moved: Mr. Silva

Second: Mr. Siddique

Moved and seconded. Eleven in favor. Resolution No. 12-20 is adopted.

Solicitor

Nothing to report

Old Business

Council President Wentz stated that there was an Executive Session before tonight’s meeting on the training for Council members for the virtual meeting. Unfortunately, we forgot to test the sound for the audience on YouTube, which is why we had difficulty in the beginning and we were delayed on beginning the recording. There were also conference calls during the past couple of weeks with the Administration for updates on the COVID-19 epidemic.

Councilman Siddique asked for updates on COVID-19. The CAO stated that the Township is coordinating with the County and the State level monitoring the spread. There was a conference call regarding using facilities as overflow for quarantine or hospitals and testing sites that are available. The Township is reinforcing the message for the Governor with stay-at-home guidance.

Mayor Keffer stated that the Parks Department put the signs out in the parks to remind people that they are not to congregate in parks in groups of 10 or more. This is how we are attempting to mitigate the spread of the virus. As of earlier today we were at 14 people infected in Upper Darby Township. Now we know the numbers of residents infected because Chester County Health Department is also covering Delaware County.

Council President Wentz interjected that we are now at 18 people in Upper Darby who are infected.

Councilman Wagner asked if the police are able to enforce the recommendations of not gathering in groups. Solicitor Kilkenny stated that the police departments are able to cite people per the Delaware County District Attorney. Mr. Wagner stated that he was not satisfied with tonight’s virtual meeting as he felt that he didn’t get to ask enough questions regarding the Aronimink project.

Council President Wentz apologized if she inadvertently missed anyone wanting to speak. She also wanted to give each council member who wanted to an opportunity to speak before repeating council members who has already spoken. She stated that the school district will be at the next meeting to answer further questions. Ms. Wentz also stated that there will be COVID-19 updates on the next Agenda.

Councilman Gwin stated that while he acknowledges that many people don’t like having a virtual meeting, this is the only way that the Council has of getting information out at this time. He thanked the school board for their presentation.

Councilman Burke requested having the traffic report ASAP. He believes that the information was incorrect regarding the amount of buses.

Councilman Siddique asked if the Township is regulating religious institutions from gathering. Solicitor Kilkenny stated that the Governor's order does apply to religious institutions and people are aware of violations, they should report it to the Upper Darby Police Department.

Councilwoman Billups commented on the pushback on the Aronimink development as the schools are overcrowded. She asked where else the school could be built, where there was enough space to have the classrooms needed for educating students and for green space. Ms. Billups also stated that her church has virtual gatherings.

Councilman Gwin stated that the Roman Catholic churches have been told that in-person services won't be held at least through Easter or they will use telecommunications. He stated that there are charitable groups that are in need of financial help.

Councilman Bonnett stated that many people who are interested in meeting with the school district have expressed that they believe that a possible site for the new school would be the 69th Street Field.

Council President Wentz reminded Council that they needed to focus the questions and concerns on the Land Development of Aronimink, because that is what is before Council.

Councilman Tunis stated he has spoken on behalf of his constituents and he is making sure their voices are heard.

New Business

Councilman Silva stated that the Public Health & Environmental Affairs Committee spoke this week and they have drafted a letter to send to the groups in the Township that swap free items. They want to alert them how easily COVID-19 is transmitted and encourage them to take precautions.

Councilman Siddique stated that a group from 69th Street wants to collect food to give to the needy and asks if there are any rules. Mayor Keffer stated that she would ask the L&I Director about any health regulations.

Councilwoman Billups Thanked Council President Wentz and Alison Dobbins for her expertise in training everyone and getting everyone situated in the Virtual Meeting. Everyone agreed and thanked Allison Dobbins for all her hard work.

Additional Public Comments

Arnold Jones, 422 Winfield Avenue stated that he is concerned about tenants facing evictions and parking enforcement during the COVID-19 crisis and wanted to know if the Township will protect residents. Mayor Keffer stated that the Governor confirmed there are protections against evictions for renters and may be some protections for mortgages. The Mayor further stated that parking enforcement is limited; blocking fire hydrants or corners will be enforced due to safety concerns.

Councilwoman Billups also confirmed the USA President said there will not be evictions or utility or shutoffs. Also, phone and cable companies have stated they will not suspend service during the COVID-19 Crisis.

Adjournment

Moved: Ms. Blackwell
Second: Mr. Tunis

Moved and seconded. The meeting adjourned at 10:12 p.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk

&

In Solidarity,

Laura A. Wentz

Laura A. Wentz
Upper Darby Council President

RESOLUTION 09-20

Regarding a Multi-Municipal Application for a Transportation & Community Development Initiative Grant

WHEREAS, Upper Darby Township supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission; and

WHEREAS, Upper Darby Township understands the grant amount requested must provide a 20% local match of the total project cost while at least 5% must cover administration of the grant through in-kind services; and

WHEREAS, Upper Darby Township fully understands the application requirements including mandatory meetings and attachments; and

WHEREAS, Upper Darby Township fully understands the federal contracting process and rules as outlined in *Uniform Guidance 2 C.F.R.200* if awarded the planning grant dollars; and

WHEREAS, Upper Darby Township, fully understands that noncompliance with federal procurement rules and DVRPC contracting parameters will result in the loss of TCDI funds; and

WHEREAS, Lansdowne Borough, has agreed to serve as the lead municipality for the submission of the grant application; and

WHEREAS, Upper Darby Township is interested in working with three other eastern Delaware County municipalities on a bicycle facilities planning effort; and

NOW, THEREFORE, BE IT RESOLVED, that Upper Darby Township agrees to, if the project is selected for the TCDI grant, to:

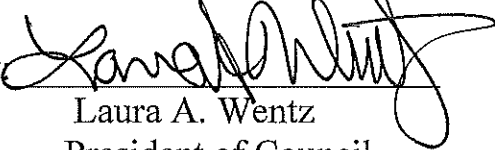
- engage in contracting procedures including the competitive Request for Proposals and budget allocation
- approve grant agreement documents;
- agree to submit reimbursement invoices and progress reports along with necessary supporting documentation;

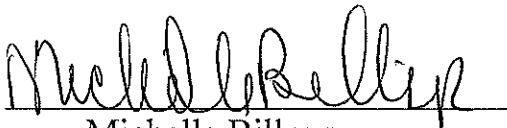
- take all necessary action to complete the project associated with the grant agreement within the 24-month timeframe, and submit the final deliverable to DVRPC; and
- Provide proof of adoption or acceptance of the final deliverable by the governing body through a resolution that must be submitted no later than December 31, 2022 to DVRPC.

Adopted this 25th of March, 2020

By a vote of: 11 in favor 0 against 0 abstain

UPPER DARBY TOWNSHIP

By: 
Laura A. Wentz
President of Council

Attest: 
Michelle Billups
Secretary of Council

Resolution No. 09-20 is hereby approved this 25th day of March, 2020

By: 
BARBARANN KEFFER
Mayor

Attest: 
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 10-20

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA,
AUTHORIZING NOTICE TO BIDDERS FOR THE SALE OF TWO FIRE TRUCKS**

WHEREAS, the Township is in the possession of two Fire Trucks, namely a 2004 Seagraves Aerial with a Ladder Pipe appliance with 150' of 3-inch hose VIN# 1F9FE38T94CST2129 and an American LaFrance 1500 GPM Pumper Vin #4Z36ESEB21RH13746 (hereinafter referred to as "the Fire Trucks"); and

WHEREAS, the Township has determined that the Fire Trucks are no longer needed for public use and therefore, desires to sell such Fire Trucks. The sale of the Fire Trucks is not otherwise dedicated or restricted pursuant to law; and

WHEREAS, the Fire Truck has a value in excess of \$2,000 and the Commonwealth of Pennsylvania, after proper advertisement and bidding, authorizes the sale under 53 P.S. § 56501;

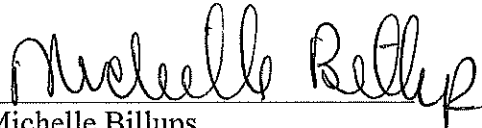
NOW, THEREFORE, BE IT RESOLVED that the Chief Administrative Officer, Vincent A. Rongione, or his designee is hereby authorized and directed to advertise for bids to sell the Fire Trucks and take any and all further action as required to accomplish the sales including the appropriate advertising as required by law and such other advertising as determined to be in the best interest of the Township by the Chief Administrative Officer, or his designee;

BE IT FURTHER RESOLVED, that any notice or advertisement of sale shall contain a date certain as determined by the Chief Administrative Officer, or his designee, in which bids for the purchase of the Fire Trucks shall be opened; and

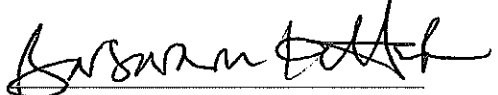
BE IT FURTHER RESOLVED that any notice or advertisement of sale shall contain a provision or notice that the Township has the right to reject all bids if the bids are believed to be less than the fair market value of the property as determined by the Chief Administrative Officer, or his designee. If no bids are received after advertisement, the applicable procedures the act of October 27, 1979 (P.L. 241, No. 78) entitled "An act authorizing political subdivisions, municipal authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received" may be followed.

ENACTED AND ORDAINED this 25th day of March, 2020

BY: 
Laura Wentz
President of Council

ATTEST: 
Michelle Billups
Secretary of Council

Resolution No. 10-20 is hereby approved this 25th day of March, 2020

BY: 
Barbarann Keffer, Mayor

ATTEST: 
Vincent Rongione, CAO

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 11-20

AN RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, EXTENDING THE REAL ESTATE TAX DISCOUNT PERIOD ON MUNICIPAL TAXES FROM MARCH 31, 2020 TO APRIL 30, 2020 AS A RESULT OF COVID-19; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CALUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency in the Commonwealth of Pennsylvania as a result of a novel coronavirus (“COVID-19”);

WHEREAS, despite sustained efforts COVID-19 remains a threat, and the Governor found it necessary to implement measures to mitigate the spread of COVID-19;

WHEREAS, on March 14, 2020, the Governor urged non-essential businesses in Delaware County to close to protect employees, customers, and suppliers and limit the spread of the virus through personal contact and surfaces;

WHEREAS, the Mayor has recognized that these closures will present a financial hardship and will severely strain the resources of Township residents;

WHEREAS, the Mayor has recognized the need to provide financial assistance to property owners in the Township by extending the deadline to receive the 2% discount on municipal taxes from March 31, 2020 to April 30, 2020; and

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


The deadline to receive the 2% discount on municipal taxes has been extended from March 31, 2020 to April 30, 2020.

SECTION 2. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

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

SECTION 4. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and **RESOLVED** this 25th day of March, 2020.

BY: 
LAURA WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 11-20 is hereby approved this 25th day of March, 2020

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT RONGIONE
Chief Administrative Officer

UPPER DARBY TOWNSHIP**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**

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 Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the "Act"), authorizes the addition of attorney fees, charges, costs, expenses, commissions and fees to the total payable with respect to the Unpaid Taxes, but only if the municipality involved has approved by ordinance a schedule of such fees; 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 has reviewed the subject of interest and attorney fees for collection matters, and has determined that the fees set forth in this Ordinance are reasonable in amount for the services herein described.

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

1. Fees to be Added to the Unpaid Claims. The Township hereby approves the following fee schedule for the collection of the Unpaid Claims, which fees shall be added to the Unpaid Claims.

(a) Notice of Fee Shifting Expense. A charge of \$40.00 plus applicable postage shall be added to the Unpaid Claims for providing notice of fee shifting pursuant to § 7106 of the Act. The Township may hire a private company to perform this service and add the amount of this charge to the Unpaid Claims.

(b) Legal Fees.

Initial review and sending first demand letter	\$160.00
File lien and prepare satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Obtain re-issued writ	\$ 30.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 30.00
Prepare Motion for Alternate Service	\$250.00
Obtain vehicle identification number (VIN) for mobile home	\$ 35.00
Prepare discovery in preparation for trial	\$100.00
Prepare Pre-Trial Memorandum	\$150.00
Prepare Motion for Judgment for Want of Sufficient Affidavit of Defense pursuant to 53 P.S. § 7271	\$150.00
Prepare Default Judgment	\$175.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Continue sheriff sale	\$ 50.00
Prepare Petition to Assess Damages	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Services not covered above	At an hourly rate between
	\$60.00-
	\$275.00 per hour

(c) Collection Fees.

Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
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Bookkeeping fee for payment plan of more than 3 months \$ 50.00

Handling fee for returned check Bank charge, if any

2. **Costs to be Added to the Unpaid Taxes.** In addition to the fees set forth in Section 1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in the collection of the Unpaid Taxes, including, but not limited to, postage, title searches, VIN searches, prothonotary fees and charges, and sheriff fees and charges, shall be added to the Unpaid Taxes.

3. **Credit Card and Debit Card Charges.** The Township authorizes any attorney or private collector collecting the Unpaid Taxes to accept payment of the Unpaid Taxes by credit card or debit card. When payment is made by credit card or debit card, any fees charged by the credit card company, debit card company, credit card servicing agent, or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, telephone, over the internet, or in person.

4. **Interest.** Interest will be assessed upon the Unpaid Taxes at a rate of 10% per annum and added to the Unpaid Taxes.

5. **Collection Procedures.** The following collection procedures are hereby established in accordance with the Act:

(a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Unpaid Tax account, the Township or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (collectively, the "Property Owner").

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to assessing or imposing such attorney fees, the Township or its designee shall mail or cause to be mailed, by first class mail, a second notice to the Property Owner.

(c) All notices required by this Ordinance shall be mailed to the Property Owner's last known post office address as recorded in the records or other information of the Township or such other address obtained by the Township from the county tax assessment office.

(d) Each notice as described above shall include the following:

(i) The type of tax or other charge, the year that it became due and the amount owed, including penalty and interest;

(ii) A statement of the Township's intent to impose or assess attorney fees no earlier than thirty (30) days after receipt of the first notice, or no earlier than ten (10) days after receipt of the second notice;

(iii) The manner in which the imposition or assessment of attorney fees may be avoided by payment of the account; and

(iv) The place of payment for accounts and the name and telephone number of the Township's representative designated as responsible for collection matters.

6. **Related Action.** 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 Ordinance.

7. **Appointment of Solicitor.** 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.

8. **Repealer.** Except as specifically hereby amended, the General Laws of the Township of Upper Darby are hereby ratified and confirmed in their entirety. Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

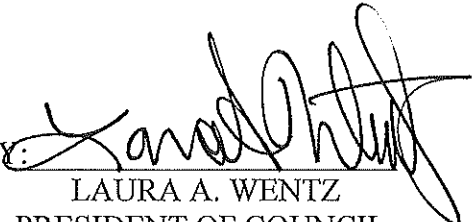
9. **Severability.** If any provision or part of this Ordinance is held invalid, the remaining provisions or parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

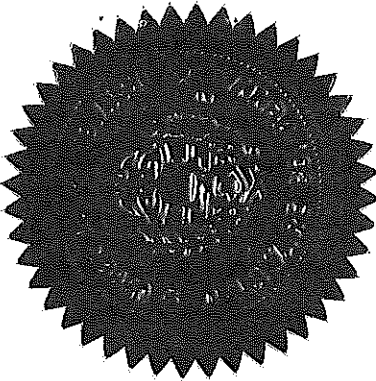
10. **Effective Date.** This Ordinance shall become effective thirty (30) days following final adoption by the Township Council and publication as required by law.

ENACTED AND ORDAINED this 25th day of March, A.D. 2020

UPPER DARBY TOWNSHIP

ATTEST: 
MICHELLE BILLUPS
SECRETARY OF COUNCIL

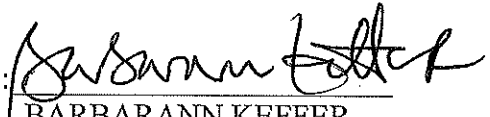
BY: 
LAURA A. WENTZ
PRESIDENT OF COUNCIL



ATTEST:

A handwritten signature in black ink, appearing to read "Vincent A. Rongione".

VINCENT A. RONGIONE, ESQ.
CHIEF ADMINISTRATIVE OFFICER

APPROVED: 
BARBARANN KEFFER
MAYOR

**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, as follows:

1. Section 1 of the Agreement shall be replaced with the following:

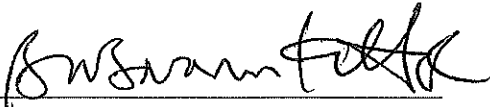
The Township hereby retains Portnoff to collect its delinquent sewer and trash fees and delinquent real estate taxes beginning with taxes for tax year 2019. The Township shall turn over to Portnoff for collection all sewer and trash fee accounts that have been declared delinquent by the Township during the term of this Agreement, and all real estate tax accounts that have been declared delinquent by the Township for tax year 2019 and thereafter during the term of this Agreement. All accounts that have been or will be turned over to Portnoff for collection shall hereinafter be referred to individually as an "Account," or collectively as the "Accounts." During the term of this Agreement, Portnoff shall have the exclusive right to collect the Accounts until the Accounts are paid in full, as defined in Section 8(a) below.

2. For the obligations of Portnoff in Sections 3(a) and 3(c) of the Agreement, Portnoff's obligations concerning delinquent sewer and trash fees shall apply equally to delinquent real estate taxes.
3. For the obligations of the Township in Section 4(b) of the Agreement, the Township also agrees to enact any and all ordinances or resolutions required to instruct the county tax claim bureau not to collect the Accounts.
4. For the obligations of the Township in Section 4(e) of the Agreement, the Township's obligations concerning delinquent municipal claims shall apply equally to delinquent real estate taxes.
5. For the obligations of the Township in Section 4(f) of the Agreement, this Section applies equally to claims relating to the collection of delinquent municipal claims and claims relating to the collection of delinquent real estate taxes.

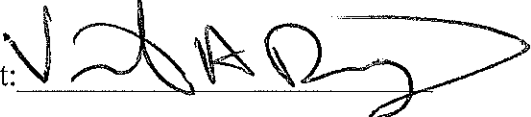
- 6. Under Section 15 of the Agreement, the Township also agrees that Portnoff shall have no liability, and the Township shall indemnify and hold Portnoff harmless, for any loss, damage or claim resulting from any obligation alleged by any county tax claim bureau, including, but not limited to, the payment or charging of commissions and the filing of reports and annual returns.
- 7. All other terms and conditions of the Agreement shall remain in full force and effect.

Upper Darby Township

Portnoff Law Associates, Ltd.

By: 

By: _____

Attest: 

Attest: _____

Date: 3/26/20

Date: _____

RESOLUTION NO. 12-20

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;

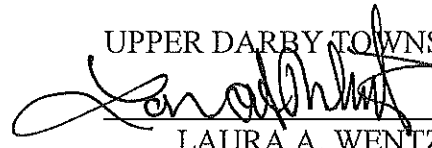
NOW, THEREFORE BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED TO:

REMOVE THE "NO PARKING ON MONDAY THROUGH FRIDAY FROM 8AM UNTIL 5PM" RESTRICTION ON THE 2400 BLOCK OF DERMOND ROAD

RESOLVED, THIS 25th DAY OF MARCH, 2020

UPPER DARBY TOWNSHIP



LAURA A. WENTZ
PRESIDENT OF COUNCIL

ATTEST:



MICHELLE BILLUPS
SECRETARY OF COUNCIL



BARBARANN KEFFER, MAYOR

ATTEST:



VINCENT A. RONGIONE, ESQ.
CHIEF ADMINISTRATIVE OFFICER