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Upper Darby Township Special Meeting
April 1st, 2020

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Upper Darby Township Council
Minutes for Special Meeting
April 1, 2020 at 7:45pm
100 Garrett Rd. Room 202, Upper Darby, PA 19082

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

Opening of Special Meeting

Roll Call

Robert S. Gwin Jr. (RG), Brian K. Burke (BB), Danyelle Blackwell (DB), Michelle Billups (MB), Sheikh Siddique (SS), Donald P. Bonnett (DPB), Matt Silva (MS), Thomas P. Wagner (TW), Laura A. Wentz (LW), Hafiz Tunis Jr. (HT)

Lisa Faraglia, 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
Mike Galante, PE, PP, CME
Christopher McSween, Director of L&I
Timothy Bernhardt, Interim Superintendent of Police

TW objected to a vote on the Aronimink Elementary School Land Development Project when the public is unable to participate in a meaningful way due to the present circumstances of COVID-19. He reiterated DPB's comment that there must now be a vote because no application was made to the school district for an extension due to the present circumstances. He also stated that this meeting is unconscionable as it has been a 5-hour meeting thus far.

DPB stated that he agreed with TW about the length of the meeting and that it is unfair to all of the residents of Upper Darby Township that they have to be here until midnight for this part of the Council meeting for something that shouldn't even be happening at this time. He also stated that adding Executive Sessions and Special Meetings going late into the night is a pattern that has to change.

MS stated that he acknowledges that the meetings are running very late but he feels that at this time, it is necessary to keep moving forward, these things are important and he is happy to serve as he feels that it is the least he can do during this crisis to serve the public.

Presentation by the UDSD for the Aronimink Elementary School Land Development.

Resolution No. 18-20 will follow under the Planning, Zoning & Building Code Committee

Presentation Speakers

Kimberly Friemuth, Fox Rothschild LLP, Attorneys at Law
Jason Sheridan, P.E. Staff Engineer, Pennoni Associates
Frank Salerno, Director of Elementary Education of the UDSD
Dr. Daniel McGarry, Superintendent of UDSD
Thomas J. Friese, P.E. Senior Engineer & Division Manager, Pennoni Associates
Michael Kelly, AIA, LEED AP, ALEP, Principal, KCBA Associates
Ryan Orr, AIA, Project Designer of KCBA Associates
Michael Galante, Civil Engineer, MG Engineering Associates

Dr. McGarry thanked everyone for the opportunity to make the presentation and appreciate the dialogue.

Ms. Friemuth stated that the issues have been discussed extensively. There are review letters from various Township consultants; Catania reviewed the stormwater aspect of the plan, PPD who reviewed the traffic aspect and MG Engineering which reviewed the land development plan. All of those letters we can comply with the exception of the 3 waivers that were mentioned in the prior meeting which related to preliminary final plan approval having 3 driveways on Bond Avenue and allowing the driveways on Bond Avenue to not line up with the residential driveways across the street. There is a letter recommending approval from the Delaware County Planning Commission. The school district's intention is to comply with all of the requirement in all of the letters and asked for Council's approval of the proposed Resolution.

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.

Public Comment

Public Comment should be limited to Special Meeting Agenda items only, not to be repetitive, and be no more than 3 minutes. Total Public Comment will be limited to **30** minutes.

Council President Wentz stated that any public comments submitted with no address were put aside as it is a requirement to submit your address along with your name.

Aronimink Comments:

14 emails or phone calls received in support of Aronimink land development, 9 opposed to the land development or of simply having the meeting. There were no actual questions specific to the Agenda.

Megan Rabino, 912 Alexander Avenue in favor along with 13 others

Stacey Gross, 4919 Marvine Avenue opposed along with 8 others

Additional Comments:

Megan Massaro, 712 Wildell Avenue, regarding new Drexelbrook sign on State Road at Wildell Ave

DPB stated that the Township did permit the new sign directing people down Wildell Avenue toward the Holiday Inn. The agreement, as part of the land development process, between Drexelbrook and UDT that prohibits that. All deliveries and people who attend events at the hotel are to enter at the intersection of Burmont Road and Ferne Blvd. This issue does need to be addressed.

Robert D'Antorno, 923 Drexel Avenue, opposed to the land development project during this crisis

Heather Boyd, 315 Upland Way, in support of the Aronimink land development project

DPB stated that his firm did represent the school district up until sometime in 2018. A district-wide facility study was done and the development of a plan for the expansion of the Aronimink School was done, but all expansion of additional space was done within the existing building. All additional classroom space was within the existing building. The Central Administration was factored out of the building and that space was able to be consumed.

Cornelius ?, 135 Blanchard Road, asked if the deadline for RE taxes has been extended.

Joseph & Ann Bonner, 5016 Marvine Avenue, asked how the Councilperson representing the Cardington area felt about the school district investing \$24 million in a land development for Aronimink and 69th Street gets a 10-year commitment for their children to ride a bus to school

Cora Linehan, 2-2 Valley Road, in support of the Aronimink land development project

DPB stated that while he appreciates all opinions, he believes that there are many people who want to be heard who opposed this project

Fran Klick, 318 Owen Avenue, regarding the status of the Owen Avenue traffic study

Mike Benson, 132 Alverstone Road, requests Aronimink project be delayed as all reports are not available

Jason Cox, 646 Turner Avenue supports Aronimink land development project

Kelly Benson, 132 Alverstone Road, requests Aronimink project be delayed until crisis has passed

Bucky Tucker, 31 Marlboro Road in support of Aronimink land development project

Carl ?, 418 Gordon Road, asks if Portnoff will aggressively pursue delinquent taxes during crisis

Lois Johnston, 602 Millbank Road, asks about shred day, summer help, Delco Alert

Mayor Keffer stated that she has done 3 Delco Alerts in the past 2 weeks but residents need to sign up for it. Shred Day will be re-scheduled. Letters go out to former summer employees of Parks and Sanitation to give them the first opportunity to apply. The Township is planning for the summer but can't say for sure that things will be back to normal

Amy Sullivan, 5000 Marvine Avenue, forwarded petition from change.org for an elementary school at the AA Field in 69th Street rather than the Aronimink expansion

There were 5 emails sent in for the Sewer Lateral Ordinance during the Committee Meeting. There were also three emails requesting that the traffic study issues need to be addressed.

Committee Reports

MUNICIPAL SERVICES, LICENSING AND PUBLIC WORKS COMMITTEE

Brian K. Burke, Chairman

Members: Sheikh M. Siddique, Thomas P. Wagner, Hafiz Tunis Jr.

Introduction of Ordinance No. 3070, requiring sewer lateral inspections in connection with the transfer or change in use of a property; repealing all Ordinances or parts thereof inconsistent herewith; providing a severability clause; and providing an effective date

Solicitor Kilkenny stated that he read this Ordinance in the Committee Meeting and that with the concern over paragraph #5, he will insert language to make sure that it is in compliance with Act 133 of 2016 before it is advertised. No Council members requested that he re-read the Ordinance at this time.

Mr. Burke made a Motion to table the Ordinance and send it back to Committee for review.

Mr. Bonnett seconded the Motion

Moved and seconded. A roll call vote was taken.

<u>Approval of Tabling Ord. No. 3070</u>	<u>Opposed</u>	<u>Excused</u>	<u>Abstain</u>
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Burke	Gwin		
	Blackwell		
	Billups		
	Siddique	Faraglia	
Bonnett	Silva		
Wagner	Wentz		
	Tunis		
3	7	1	

3 in favor, 7 opposed and 1 excused. Motion to table has failed.

Motion to advertise amending paragraph 5: Mr. Silva

Second: Mr. Gwin

Moved and seconded. A roll call vote was taken.

<u>Motion to advertise Ord. No. 3070</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

7 3 1

7 in favor, 3 opposed and 1 excused. Proposed Ordinance No. 3070 will be duly advertised and placed on the Agenda for the April 15th, 2020 Council meeting.

FINANCE AND APPROPRIATIONS COMMITTEE:

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Brian K. Burke

Introduction of Ordinance No. 3071, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, amending Ordinance No. 2786, Ordinance No. 2787 and Ordinance No. 482 to provide that all parking violations shall be punishable by a fine established by Resolution of Township Council; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Ordinance No. 3071

Motion to advertise: Mr. Silva

Second: Mr. Tunis

Moved and seconded. A roll call vote was taken.

Motion to advertise Ord. No. 3071 Opposed Excused Abstain

Gwin
Burke
Blackwell
Billups
Siddique

Faraglia

Silva
Bonnett
Wagner
Wentz
Tunis

10 0 1

10 in favor, 0 opposed and 1 excused. Proposed Ordinance No. 3071 will be duly advertised and placed on the Agenda for the April 15th, 2020 Council meeting.

PLANNING, ZONING AND BUILDING CODE COMMITTEE:

Robert S. Gwin Jr., Chairman

Members: Michelle Billups, Donald P. Bonnett

Introduction of Ordinance No. 3072, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, establishing a Property Maintenance Code for all residential and non-residential structures and

properties in Upper Darby Township; establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; providing for the responsibility of owners and owners' authorized agents, operators, and occupants; and providing for the occupancy of existing structures and premises, and for administration, enforcement and penalties; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

RG stated that he does support the recommendations that DPB brought to the attention of Council members.

Solicitor Kilkenny gave a brief on Ordinance No. 3072

DPB stated that he is in favor of the Property Maintenance Ordinance but opposed to the format in which it is presented. These regulations, the Property Maintenance Code, is a copy written document that must be purchased by users. It can be purchased online. There is a free version but it is only accessible online. He opposes the format but will vote in favor but would like it put in proper format.

Solicitor Kilkenny stated that he will look into DPB's concerns and will re-word if necessary and advertise with the new wording.

Motion to advertise: Mr. Gwin

Second: Mr. Silva

Moved and seconded. A roll call vote was taken.

Motion to advertise Ord. No. 3072 Opposed Excused Abstain

Gwin
Burke
Blackwell
Billups
Siddique

Faraglia

Silva
Bonnett

Wagner

Wentz
Tunis

9

1

1

10 in favor, 1 opposed and 1 excused. Proposed Ordinance No. 3072 will be duly advertised and placed on the Agenda for the April 15th, 2020 Council meeting.

Resolution 18-20, a Resolution for the Aronimink Land Development

Moved: Mr. Gwin

Second: Mr. Siddique

DPB stated that he stands by all of his previous comments about this land development. He stated that the residents acknowledge that more room is needed for classrooms in the school district but they still want the opportunity to question the school board and are very concerned about the cost to the taxpayers going forward.

TW stated that he has to vote no. He believes that the impact on traffic surrounding the area will be enormous and that the opinions given by the traffic engineers simply defy common sense. He stated that the facts that were heard are that the school, when completed in its expansion, will accommodate approximately 570 students, whereas presently, 250 students are accommodated. It is absurd to believe that there will not be an enormous impact on traffic.

HT stated that his constituents in the 7th district, 1st precinct have submitted comments in favor and haven't been able to have their voices heard. They would like to know the timeline of the project. HT also stated that he is disappointed to see Council members yell back and forth and attack each other at the Council meetings. He stated that he hopes that Council can move forward on these issues.

MS stated that he represents the Township as a whole and he believes that this will be a benefit to the Township as a whole.

SS stated that any addition to the Township regarding education is good for the community at large. Many residents do not want their children sent to Senkow and want their children educated in the Township.

BB stated that he represents the whole community also and he would rather see kids walk to school and reduce the bussing at almost \$8 million.

Moved and seconded. A roll call vote was taken.

<u>Approval of Res. 18-20</u>	<u>Opposed</u>	<u>Excused</u>	<u>Abstain</u>
Gwin	Burke		
Blackwell			
Billups			
Siddique		Faraglia	
Silva	Bonnett		
	Wagner		
Wentz			
Tunis			
7	3	1	

7 in favor, 3 opposed and 1 excused. Resolution No. 18-20 is adopted.

TW stated that a Council person was prevented from voting because the vote was taken at 1am.

PUBLIC HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Matt Silva, Chairman

Members: Michelle Billups, Sheikh M. Siddique, Hafiz Tunis Jr.

Introduction of Ordinance No. 3073, an Ordinance of the Township of Upper Darby, Delaware

County, Pennsylvania, repealing Ordinance No. 1912 in its entirety; repealing Section 1 of Ordinance No. 2673 in its entirety; and enacting new standards for the operation of food and drink establishments; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

RG asked if non-profits have to pay as well and he was told that they would as the Ordinance and the Resolution work together.

Motion to advertise: Mr. Tunis

Second: Ms. Blackwell

Moved and seconded. A roll call vote was taken.

Motion to advertise Ord. No. 3073 Opposed Excused Abstain

Gwin
Burke
Blackwell
Billups
Siddique

Faraglia

Silva

Bonnett
Wagner

Wentz
Tunis

8

2

1

8 in favor, 2 opposed and 1 excused. Proposed Ordinance No. 3073 will be duly advertised and placed on the Agenda for the April 15th, 2020 Council meeting.

Solicitor Kilkenny stated that there was an Executive Session before the meeting to set up the go-to meeting and to discuss personnel issues

Mayor Barbarann Keffer

Mayor Keffer thanked everyone for working though the virtual meeting

Adjournment

Moved: RG

Second: DB

Moved and seconded. Adjournment at 1:12 a.m.

Respectfully submitted,

Alexis Cicchitti

Chief Municipal Clerk

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 18-20

BE IT RESOLVED, and it is hereby resolved by the Upper Darby Township Council as follows:

A. The Upper Darby School District (the "*Applicant*"), has caused to be prepared and filed with the Township a plan entitled "Aronimink Elementary School – Renovations and Addition" consisting of fifteen (15) sheets prepared by Pennoni Associates, Inc. dated August 29, 2019, last revised, March 4, 2020 (the "*Plan*").

B. The Applicant proposes to renovate and expand the Aronimink Elementary School located at 4611 Bond Avenue, Drexel Hill, PA 19026 (the "*Property*") which will include 36,000 SF for gymnasium and classroom space and will also include interior renovations to the existing school, site improvements including the construction of a bus loop, off-street parking area, stormwater management improvements, and site landscaping, and incidental improvements including the construction of concrete curb and sidewalk to provide access for the new improvements (collectively, the "*Project*").

NOW, THEREFORE, be it, and it hereby **RESOLVED** by the Upper Darby Township Council, and it is hereby **ADOPTED** and **RESOLVED** by authority of same that the Plan is hereby granted *Conditional Preliminary and Final Plan Approval* subject to the satisfaction of the following conditions by the Applicant:

1. Compliance with all comments as outlined in the Letter of Review dated March 27, 2020, prepared by MG Engineering Associates, LLP, attached hereto as *Exhibit "A"* and incorporated herein by reference;

2. Compliance with all comments as outlined in the Review Memorandum dated March 20, 2020, prepared by Traffic Planning and Design, attached hereto as *Exhibit "B"* and incorporated herein by reference;

3. Compliance with the Upper Darby Township Zoning Hearing Board Decision dated November 21, 2019, a copy of which is attached hereto as *Exhibit "C"* and incorporated herein by reference;

4. Compliance with all comments as outlined in the Stormwater Management Review Memorandum dated March 25, 2020, prepared by Catania Engineering Associates, Inc., attached hereto as *Exhibit "D"* and incorporated herein by reference;

5. Compliance with the Delaware County Planning Commission's review letter dated October 17, 2019, attached hereto as Exhibit "E" and incorporated herein by reference;

6. This Resolution shall bind the Applicant, and the Applicant's successors and assigns;

7. Council hereby grants waivers from the following provisions of the Upper Darby Subdivision and Land Development Ordinance:

a. A waiver from Section 300.I. to allow the plans to be reviewed and approved simultaneously as preliminary and final plans instead of requiring separate preliminary and final plan submissions;

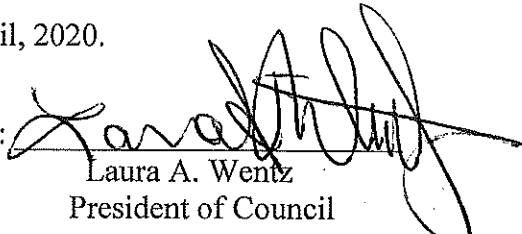
b. A waiver from Section 805.C.2. to allow three (3) driveways along Bond Avenue where non-residential entrance and exit driveways crossing the right-of-way of a street shall be limited to two (2) per lot along the frontage of any single street; and

c. A waiver from Section 805.C.3. to allow the exit drive from the new parking area along Bond Avenue to be located less than 150' from Alexander Avenue where non-residential driveways entering opposite sides of any street shall be laid out either directly opposite one another or with a minimum offset of one hundred and fifty (150) feet between their centerlines.


The Conditional Preliminary and Final Plan Approval granted herein shall be rescinded automatically upon the Applicant's failure to accept, in writing, all conditions herein imposed within seven (7) days of receipt of this Resolution, as evidenced by the Applicant's signature below.

ADOPTED and RESOLVED this 1st day of April, 2020.

BY:


Laura A. Wentz
President of Council

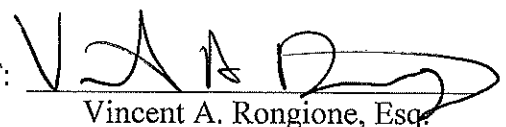
ATTEST:


Michelle Billups
Secretary of Council

BY:


Barbarann Keffer, Mayor

ATTEST:


Vincent A. Rongione, Esq.
Chief Administrative Officer

THE UNDERSIGNED HEREBY REPRESENTS THAT THEY AGREE TO THE PROVISIONS OF THE ABOVE CONDITIONAL PRELIMINARY AND FINAL PLAN APPROVAL RESOLUTION:

UPPER DARBY SCHOOL DISTRICT

By: Edward Brown

Dated: 4/14/2020