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Upper Darby Township Committee Meeting
July 1st, 2020

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COMMITTEE MEETING MINUTES FOR JULY 1st, 2020

The video of this meeting can be viewed in its entirety on [youtube.com/upperdarbytwp](https://www.youtube.com/upperdarbytwp)

Attendance of Council

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

Moment of Silence

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
Alison Dobbins, Director of Special Projects
Timothy Bernhardt, Superintendent of Police

Speakers/Guests

Jeanne Mann
Bonnie Hallam

Council President, Laura Wentz

LW adjusted the Council Committees to include four members per Committee, including two co-chairs. She reminded Council members at-large to CC the District Councilperson on issues in their District and for everyone to track whatever issues they address in their District. Each of the Committees has been meeting to deal with different issues, such as BLM, police use of force, touring Township parks and making recommendations, Fair Districts, etc.

There was an informational Executive Session relating to the Upper Darby Zoning Board.

LW encouraged people of diversity to apply for the UDPD. She also thanked the Administration for flying the Juneteenth and Gay Pride flag.

Comments from Mayor Barbarann Keffer

I wanted to thank our staff in sanitation who have been working hard and steadily throughout this Covid-era and will be allowed to take their much-earned vacations. We've hired and have been training seasonal help over the last couple of weeks and I'm happy to say that twice-a-week trash collections will begin on Monday, July 6, 2020

Also on Monday, we will be rolling out our new code enforcement ticketing system. Primarily our inspectors will be making sure that everyone is containing trash in trash cans; that grass, shrubs and trees are at an

acceptable height and not infringing on public right-of-ways; that houses have visible numbers from the street and from the alleyways; and that mattresses set out for collection are wrapped in plastic.

The Public Works Department in conjunction with L&I will begin on Monday on our "Focus Zone" program. I'd like to thank Public Works Director Joe Martin, L&I Director Chris McSween and Engineer Mike Galante for creating the township "Focus Zone" map whereby each of the 15 zones will receive the attention of employees in both departments to look out for things such as bleached-out street signs, storm inlets, property maintenance violations, etc., and address them in a systematic, organized way.

Working with our friends at the Share Food Program, our free food distribution will continue until further notice. Pick up will continue to be on Wednesdays and Saturdays; 11:30am at the Township Building and 12:30pm at the 69th Street Recreation area.

In June, we raised the Juneteenth Flag on top of the Township building and afterwards raised the Pride Flag honoring both of those occasions for the first time. As we go on, we will look for opportunities to honor other designated months and dates that are important to our community.

27 bids came in by the deadline a few days ago for the Community Center Feasibility Study. I would like to build a community center at 7000 Walnut Street, currently the home of the Welcome Center and the Homebound Meals program. We will have more details of how this process will proceed in the coming weeks.

The county has announced their Delco Strong 2 grant program for small business and non-profits which have been impacted by Covid-19. Please go to delcostrong.delcopa.org for more details. As we await HUD approval for the township small business program, if you are a local small business owner, please email business@upperdarby.org to get on the email list for updates on the program.

The Governor signed an expanded mask-wearing order today stating that masks are mandatory in all public spaces. This may seem like an inconvenience but what we have been doing in terms of social distancing and mask-wearing has had an impact on mitigating the spread of the virus.

Our administration has been in a lot of meetings the last few weeks regarding public safety issues, including police training and policies and I'm going to hand it off to CAO Vince Rongione to discuss this further....

CAO Vincent A. Rongione, Esq.

The CAO stated that everyone has been working diligently together to move the community forward and work with activists and stakeholders to better understand the current policies. He felt that it was a great thing for the Township that the Mayor and the Superintendent of Police stepped up together to sign the Obama Foundation Mayor's Pledge to evaluate all of the policing policies. He agreed with Councilman Tunis Jr. that everyone is against police brutality but not against the police. The CAO asked Superintendent Bernhardt to attend the meeting and to be available to answer some questions.

Solicitor Kilkenny stated that the Mayor had asked him what the relationship was that the Administration has to police supervision as opposed to Council. At this point, Council is only meeting once a month so feedback from the Public Safety Committee could only happen formally at that point in time. After looking at the Charter and the Administrative Code, it is very clear that although Council's input is definitely needed to the Public

Safety Committee, it is the purview of the Administration to supervise the Police Department and to work with Superintendent Bernhardt in putting together orders and policies to effectuate the change in the times.

CAO Rongione thanked the Solicitor for that clarification.

Superintendent of Police, Timothy Bernhardt

The Superintendent stated that he and the Administration have been meeting weekly to review policies and to discuss the changes that can be made. He stated that they signed the Obama Pledge and are seeking to move the department forward in positive ways. Listening to the community is key.

He, the Mayor and CAO have been reviewing the use of force policy and the biggest issue that came up was regarding chokeholds. Chokeholds have never been in the UDPD's use of force policy. The policy has been in place since 1994 or 1995, was updated in 2006 and is being reviewed and updated since the Superintendent took over in 2020. The use of force systems goes by the acronym of PSS, which is Protective Safety Systems and it is the gold standard in use of force for law enforcement. UDPD is one of the only departments that use this in the area. The program was designed by a retiree from the Secret Service, who was the Assistant Special Agent in charge and was used by the Secret Service. UDPD adopted the program and has used it ever since.

RG would like for Council members to have information regarding crime in their districts as they don't always get the information. Superintendent Bernhardt reiterated that he meets weekly with the Mayor and CAO and will provide them with information weekly and monthly regarding the incidents that have taken place in the Township. Updates are also placed onto social media. There can be a conversation regarding getting information to Council people.

LW stated that as Council President, she can be given the information and she could then share it with Council members. She also asked if Council could get a copy of the use of force policy. The Superintendent stated that there would be copyright issues with part of it but they could be provided with the portion that is specific to Upper Darby.

DB asked in regard to the June 14th event, if gender and race would be included in the report and if that would be public record. The Superintendent replied that it is an ongoing murder investigation and all of the information would be included in that report.

SS asked if any steps were being taken to have diversity in the police force and the Superintendent stated that there has been ongoing conversation regarding the steps being taken to seek diversity.

HT spoke of House Bill 18-41, which creates a statewide database to track police disciplinary action; also House Bill 19-10, which enhances police training that requires PTSD evaluations and wanted to know how this would tie in with UDPD. The Superintendent stated that the Bills would be reviewed after passage to see what parts would be required by the police department. Within UDPD, there is the Department of Training and Professional Standards division that is responsible for all updates and training certifications for officers.

MS inquired if there was any ground made on establishing a Committee to represent the community. Superintendent Bernhardt had a meeting with the Bywood Civic Association and an individual expressed a desire to help. The Superintendent stated that there have been some discussions with the Mayor and the CAO. The Mayor stated that they would get input from Council at some point.

LW asked about block captains and the possibility of virtual training and asked the Superintendent to help make that happen. Superintendent will discuss it with the Mayor and the CAO.

RG added that there are neighborhood watch groups that are interested in participating and also asked about the flashing lights at BHMS and the issues on Owen Avenue regarding traffic calming.

HT has concerns about four-wheelers and dirt bikes in his district and asked if there is an official policy in the Township regarding violations. The Superintendent stated that if anyone sees a four-wheeler or dirt bike parked, please call UDPD so they can inspect them. SS requested that the issue with motorized bicycles be addressed as well.

LW inquired how illegal fireworks should be dealt with. The Superintendent stated that it is difficult to enforce as people set them off and then leave the area but they will confiscate them if they see people setting them off.

COMMITTEE REPORTS

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Danyelle Blackwell, Sheikh M. Siddique

Presentation for Fair Districts PA: Jeanne Mann, Harold Floyd, Nancy Prindle and Bonnie Hallam

*Comments attached

Finance and Appropriations Committee:

Co-Chairs: Robert S. Gwin Jr. & Matt Silva

Members: Danyelle Blackwell, Brian K. Burke

Treasurer's Report: Treasurer, David Haman

Mr. Haman will forward a report to LW when it is completed

Three tax appeals will be added to the July 15, 2020 Agenda

- a) 7305 Sherbrook Blvd Folio No. 16-04-01926-00
- b) 7066 Veronica Road Folio No. 16-03-01812-00
- c) 6741 Short Street Folio No. 16-01-01366-00

Resolution No. 24-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania to establish regulations for the collection of Business Privilege Taxes; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Resolution No. 24-20

RG had minor corrections to the Resolution and Solicitor Richardson stated that his concerns had been addressed.

RG stated that he wanted to meet with the Committee again before putting it on the Agenda.

Planning, Zoning and Building Code Committee:

Co-Chairs: Robert S. Gwin Jr. & Michelle Billups

Members: Donald P. Bonnett, Hafiz Tunis Jr.

Solicitor Kilkenny discussed the issue of a zoning case in Upper Darby regarding a group home that was proposed in Upper Darby. They had a conference call with Mr. Peter Amuso, Zoning Hearing Board Solicitor, and suggested changes based on case law from other jurisdictions and the Third Circuit for changes in the group home Ordinance. Those changes have been reviewed by insurance defense counsel in that there is an effort to make the group home Ordinance as restrictive as possible yet be legal.

Solicitor Kilkenny summarized the proposed changes in the Ordinance stating that they are all contained in the written version. He also offered to be available to go over everything at length, discuss pros and cons and the

decision-making process that the Solicitor's office made in conjunction with the Administration and then bounced off insurance counsel when the Committee meets to talk about the Ordinance.

SS wanted to know if a single home could be turned into a duplex and the Solicitor explained that it would likely need zoning relief for a variance.

DPB asked for clarification on the change in the number of feet from 1000 to 500 feet separating a private home from a group home. Solicitor Kilkenny cited case law holding up the 500 feet separation.

Nothing for the July 15, 2020 Council Meeting Agenda

Municipal Services, Licensing and Public Works Committee:

Co-Chairs: Brian K. Burke & Sheikh M. Siddique

Members: Thomas P. Wagner, Hafiz Tunis Jr.

HT requested that Council be notified when PECO or Aqua, etc. would be doing work in each district so that Council members could advise residents. The Mayor stated that the Administration is working on a system of providing better communication.

SS requested that the Administration apply for state funding for projects at the intersection of Church Lane and Marshall Road. The Mayor stated that they are working on getting cameras there and stated that she was focusing on Powell Lane and Market Street and spoke of getting a CDBG (Community Development Block Grant) for projects. Cameras have been installed on Wellington Road and people have been seen dumping and will be issued citations.

MS inquired if there were permit applications when PECO or Aqua was going to do work as that would allow more advance notice of work being done in districts. The CAO stated that they coordinate with both and are given a date range for work. He also added that the Administration needs to do a better job with providing information to which the Mayor agreed. However, information does vary from project to project. RG added that the Administration does share the information with the Police and Fire Departments for effective coordination during projects and suggested that at that time, Council members can be provided with the same information.

There was a very brief discussion about the issues with the computer system and also the issue with furloughed employees. BB asked if a report could be provided with information about vehicles, trucks, etc. for the budget discussions coming up. The CAO stated that a very preliminary draft for the 2021 Budget is being formulated by the Administration working with Department Heads and that as it moves forward, Council will be heavily involved. He added that there was a comprehensive audit and that the Administration is evaluating the vehicle fleet and looking at parts and maintenance inventory to determine cost of maintaining vehicles. The Administration would like to put in a program to modernize the sanitation fleet as a number of trucks are old and dilapidated.

Mayor Keffer added that she got an email from the training director of the PA Municipal League and they offered to provide training to Council on budgeting. She would like Council and Department Heads to participate in this very beneficial training.

Nothing for the July 15, 2020 Council Meeting Agenda

Public Health and Environmental Affairs Committee:

Co-Chairs: Matt Silva & Hafiz Tunis Jr.

Members: Michelle Billups, Sheikh M. Siddique

MS stated that the language is being finalized for the Bee Ordinance and it is almost ready to move forward. SS spoke of the issue of the odor coming from Astra Foods, which is worse during the summer months. The Mayor suggested that SS speak to neighbors from the area to plan a meeting with Astra Foods that would include the neighbors, other Council members and the Mayor. LW suggested including Chris McSween, Director of L&I as well. The issue could be related to sewage and Public Works would need to get involved.

SS also stated that the area very nearby is supposed to be maintained by the Fairmount Park Commission but

they do not maintain it and it is in dire need of cleanup. The Mayor stated that if Upper Darby Township could acquire the property, they could then maintain it.

MS wanted to look into single plastic bag use in the Township but now may not be the time. The Committee also wants to look at the animal Ordinances and update or modernize them.

MB inquired as to whether or not there is a policy in Upper Darby Township for stray cats. LW stated that Ordinance No. 2915 deals with cats but she would like to have a separate cat Ordinance. She would like a TNR (Trap-Neuter-Return) Ordinance for cats and suggested that there are grants that would greatly help with various programs that could help with the issue of stray cats. She spoke at length about The Spayed Club.

It was reiterated that the Bee Ordinance is being tweaked and will be provided to Council when ready for review.

Nothing for the July 15, 2020 Council Meeting Agenda

Leisure Services Committee:

Co-Chairs: Lisa Faraglia & Matt Silva

Members: Danyelle Blackwell, Hafiz Tunis Jr.

LF stated that she, Councilman Silva and Councilwoman Blackwell toured Gillespie, Parkview and Naylor's Run Park and she will put together a report for Council. The Committee feels that the park at Parkview is currently a hazard and would like Public Works to make repairs before the park re-opens.

The CAO stated that Joe Martin, Director of Public Works has been out there to assess damages and the maintenance crew has begun repairs starting with the fence after a vehicle drove through and damaged the park. The CAO has been in touch with the insurance company to see about claiming damage due to the vehicle driving through the park.

SS stated that it has been a few years since the parks in the 6th District have been repaired. He was under the impression that there was going to be a grant for this and when COVID-19 is over, he would like to see these issues addressed. The Mayor stated that the Administration would like to use CDBG funds for "above ground" projects and that the sidewalks around Cardington Park will be repaired. SS asked about applying for a beautification project from PECO Energy and the Mayor suggested that he coordinate with the Mayor's office. SS stated that bathroom facilities are needed in Cardington Field and LF stated that the Committee would go to all of the parks and accept recommendations.

Nothing for the July 15, 2020 Council Meeting Agenda

Public Safety Committee:

Co-Chairs: Brian K. Burke & Danyelle Blackwell

Members: Matt Silva, Hafiz Tunis Jr.

BB thanked the Superintendent for speaking at the meeting. The Committee has met several times and notes can be submitted to Council. BB stated that the Committee spoke about special units in UDPD, such as SWAT and the K-9 unit and what the future of those units might be.

The CAO stated that 2 K-9's recently retired and the Administration is looking into what specific purposes the K-9's would have in the future.

BB asked for clarification as to whether the K-9 unit is effective for drugs and bombs and the CAO confirmed that it definitely is. There is also the possibility that a third K-9 will be added to the Unit and it is possible that a different breed of dog will be used in the future.

The Administration feels that the current environment is not particularly favorable for overly-militarized police units. Also, the narrowness of the streets is not well-suited for the oversized military SWAT vehicle and SWAT training is extremely expensive. We have the ability to participate with other SWAT units, such as Haverford and Southeast Delco SWAT Unit where the same level of service could be provided to the public without incurring tremendous cost and without that military equipment be a part of the repertoire. The Bike Unit is become increasingly effective in the modern urban environment. The CAO confirmed that the SWAT vehicle is owned by UDPD, not the County.

RG stated that the SWAT vehicle was purchased by using Capital funds and is the property of the Township. The Mayor stated that it costs \$2700 per month to house the SWAT vehicle.

In response to RG's question about Owen Avenue, the Mayor stated that the new engineer, Mike Galante is looking at Owen Avenue and the possibility of installing speed humps and also making Owen Avenue a one-way street. He is also reviewing the costly study that was done last year.

The CAO stated that we are committed to providing fire service to Millbourne and are billing them on a per incident basis. There needs to be some discussion with Millbourne regarding the agreement.

RG asked for the status on traffic signals for student crossing and 15 MPH speed limit at BHMS. This is a carry-over from the last Administration and he would like to get it finalized. The CAO promised follow-up. MB expressed concerns about Chick 'n Beer and the issues that take place there. The CAO stated that they can talk to the Superintendent about the issues.

SS requests that PennDOT be contacted for a left turn signal at Long Lane and Church Lane as he feels this is a very busy street and very dangerous. The CAO acknowledged the traffic issues and stated that he will engage with Rep. Davidson as PennDOT is also a state agency and it could be helpful to have a state representative work along with us.

Nothing for the July 15, 2020 Council Meeting Agenda

Event Planning Committee:

Co-Chairs: Michelle Billups & Danyelle Blackwell

Members: Hafiz Tunis Jr., Matt Silva

MS spoke of the Committee's desire to create an outreach commission to be able to get a more diverse viewpoint about issues. The Committee also had a discussion about block captains.

SS inquired about the Planning Committee and asked that the Asian community in his district is included. The Mayor stated that she is inclusive and does not remember receiving any resumes or letters of interest. She explained the role of the Planning Committee and stated that there are only 3 people on the Committee at this point.

LW explained the function of the Events Planning Committee and that it is a brand new Committee that she created this year in an attempt to get more issue based things happening and a way to get more involved in the community.

RG suggested having a Zoom presentation on various restaurants of different cultures in the Township.

The Mayor stated that she feels that UDPD and the Administration are working together in a very positive way. She stated that the Police Department, the Fire Department and the Administration are one unit and that there should be no separation. Everyone will be working together cohesively in the future with better communication.

Mayor Keffer and the CAO stated that Live Nation and the Tower Theater have been reaching out to the Township to work together for people to experience the diversity and culture of Upper Darby but that it is difficult to know what is going to happen during COVID-19.

DB stated there is a need for community space for the committees to meet during the day and also confirmed that the block captain initiative is handled directly with the police force. HT is looking into the possibility of providing instructional videos regarding recycling.

MS asked that if anyone knows of people who would like to participate in the new Committee being formed, please encourage them to apply as a diverse Committee is the desire.

Old Business:

DPB recognized people involved in the Juneteenth celebration such as Taylor Made Vets, Richard Blye, Olivia Taylor, Brian Taylor and Dr. John Taylor for a job well done.

RG asked about the re-opening of construction for Drexline Shopping Center. The Mayor stated that the developers never submitted any permits in the entire year after they reached the settlement. That was in November 2018. They have submitted plans since then which has gone to the County and to the Township engineer for review. She reiterated that the Drexline property is private land that the Township does not own. The CAO reiterated the Mayor's comments and added that the Township will await the developer's response. He added that the Township's role in negotiating is to have the best development built and they have, in fact, had multiple conversations with the developer.

Regarding Aronimink, Solicitor Kilkenny stated that nothing is being scheduled in the Delaware County Courts but there has been a filing from the school district asking for a bond from the protestants as they feel that the appeal is frivolous. They are asking the judge to make that determination and if the judge determines that it is frivolous and if so, a bond would have to be posted in order to move forward. Although, the Township has supported the school district's filings, they are not engaging in this particular issue.

New Business:

SS asked if the park between 63rd and Astra Foods belongs to the Township or Fairmount Park. The Mayor confirmed that it does belong to the city of Philadelphia through the Parks and Recreation Department but her goal in the next year or two is to take control of the park. She will also look at the empty lot near Astra Foods to see if Upper Darby owns that piece.

LF asked the Mayor and CAO about the St. Eugene's property. The CAO stated that the engineer did a review and a letter was submitted to the Archdiocese. Solicitor Kilkenny added that one of the two parcels may be problematic from a geo-technical standpoint and this was brought to the attention of the Archdiocese. The original appraisal was done in 2017 of both parcels within the greater appraisal and we are now going back to that original appraisal and separating the portion of the property sidewalk that may have geo-technical problems and letting the Archdiocese know about that. Negotiations continue.

She also asked about the issue on Wilde Avenue. The Mayor stated that the 4 houses that were built approximately 15-17 years ago are on ground that is eroding. There is a letter to Pennoni Associates and the issue is being investigated. The Cao stated that there was an RFP done for the geotech to secure the side of the hill along with a letter to the developer that states that if they don't explain how they will use the escrow money to solve this problem, the matter will need to be litigated. The Solicitor added that they did not immediately respond to the letter but will follow-up.

LW stated that there will be a car parade this Saturday at 8:30 a.m. for the 4th of July in the 4th District and the cars will be judged on their decorating. Councilwoman Blackwell and Mayor Keffer will participate and former 4th District Councilman, Marc Manfre, will be the Grand Marshall. Thanks to Agnes Bernard for making this happen.

SS asked about having a car parade with 15-20 vehicles and was instructed to talk to the CAO.

Adjournment at 10:45 p.m.

*****The video of this meeting can be viewed in its entirety on [youtube.com/upperdarbytwp](https://www.youtube.com/upperdarbytwp)*****

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk