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Upper Darby Township Council Meeting
August 19, 2020

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COUNCIL MEETING MINUTES FOR AUGUST 19, 2020

*****The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org*****

Pledge of Allegiance to the flag of the United States of America
Moment of Silence for all those lost in recent months

Attendance of Council

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

Lisa Faraglia (LF), 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
Superintendent Timothy Bernhardt
David Haman, Treasurer

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.

Approval of July 2020 Minutes

Committee Meeting of July 1, 2020 HT/DB Approved unanimously.
Council Meeting of July 15, 2020 DB/SS Approved unanimously.

Public Forum

Peggy Bradin Wilson, 824 Drexel Avenue
Tank, Emergency Vehicles

The CAO added that he has been in contact with Tim Boyce Director of Emergency Services in the County and that it is a relatively new program that UDT is scheduled to be a part of.

Janice Haman, 727 Stanbridge Road
Bert Everts, 7543 Parkview Road
Kyra Raphaelidis, 309 Windermere Avenue
Gerald Harrison, 29 S. Kirklyn Avenue

Bonnie Hallam, 4719 Woodland Avenue
L. J. Steinig, 7543 Parkview Road
Rachel Mitchell, 732 Harper Avenue

Michele Fitzpatrick, 908 Roberts Avenue

Upset about handling of trash issue, decisions about UDPD

The CAO stated that he understands frustration of residents during the trash issue but UDT does not control school properties. He further stated that we are not dismantling UDPD and that SEPTA Police patrol the 69th Street Terminal. LW added that we might add a K-9 to the Unit.

TW stated that this entire subject needs to be discussed extensively. He will make a Motion at the appropriate time seeking an investigative hearing where evidence/testimony will be taken under oath.

DPB added that he has heard from a countless number of residents who were extremely distraught over the trash issue and COVID-19 and the lack of planning

MS called a Point of Order as he felt that DPB's comments were not appropriate at this time in the Public Forum, as they were not directly related to Ms. Fitzpatrick's comments

Andrew Hayman, 309 Edmonds Avenue

Jim Burrows, 447 Hampshire Road

Inept response of the Administration the COVID-19 issue with trash and flooding

The CAO stated that flood trash can be put into the trash next week and that front loaders have picked up some bulk trash already. Residents should reach out to the Request Line to report trash issues and Public Works to schedule a bulk pick-up

Christina Brady, 46 Ashby Road

Ryan Draving, 46 Ashby Road

Susan Donohue, 395 Maple Avenue

Questions about the future of UDPD, dismantling of the police department

The CAO stated that the Administration is not in the process of, or considering the dismantling of UDPD.

He stated that since the Columbine shooting, police training has changed as all officers are now trained in active shooter protocol

Superintendent Bernhardt spoke of the training of UDPD officers regarding active shooter situations

Susan Donohue questioned where the money for trash/sewer went as we are not getting 2X week trash pick-up. The CAO stated that the money has not been re-allocated as the sanitation department still is paid with those funds.

LW asked about reimbursement for COVID-19 expenses for bringing in an outside company to help with trash pick-up. The CAO is hoping for reimbursement, as these are directly COVID-19 related expenses

TW stated that most of the population went through an average of 2 weeks with no trash pick-up. He wanted to know if there is any plan to reimburse the trash collection fee to residents. The CAO responded that the conversation might take place in the future.

END OF PUBLIC COMMENT

DPB moved to extend the Public Comment and TW seconded it.
Roll call vote: In favor, DPB, TW, BB
Opposed: RG, DB, MB, MS, HT, LW, SS
MOTION FAILS: 3 in favor, 7 opposed, 1 excused

President of Council, Laura A. Wentz

Motion to advertise **updated** dates for October, November and December 2020 Committee Meetings to October 7, November 11 and December 2, 2020 **and** Council Meetings to October 14 and 21, November 18 and December 9 and 16, 2020

Motion to approve advertised updated dates: (MS/HT) All in favor.

***Council President Wentz provided the attached comprehensive list of accomplishments of the new Administration since January 2020.**

The Honorable Mayor Barbarann Keffer

Mayor's Message, August 19, 2020

We are in the middle of the second week of our trash collection contingency plan and I know it has been frustrating and confusing, on top of the global pandemic, the flooding on August 4 and the heat and humidity, for everyone. The last several months have created a general sense of a loss of control and uncertainty as different COVID numbers come in, many people are out of work, it looks like schools are mostly going virtual, the back and forth with mitigation guidelines and so on. I understand your frustrations when the collections fell behind their regular schedule and appreciate your understanding as we work hard to catch up and get things back to normal.

Other effects of the flooding, besides multiplying the amount of trash, included but are not limited to the temporary displacement of about 19 families and a \$97,000 emergency repair to a storm water culvert on Marshall and Grace Roads that collapsed under the pressure of the floodwaters.

I deeply appreciate the assistance from the UDSD bus drivers in helping us out to implement our contingency plan. Our normal sanitation work force should be back on Monday, August 24, when bulk trash and recycling collections will resume. Members of our administration worked with TWU 234 to bring back the quarantined staff who will return to work staggered schedules and a modified work plan to ensure their safety and well-being.

Tonight, Council will hold a public hearing and vote on an Ordinance that decriminalizes marijuana. Possession of marijuana for personal use would be a summary offense, as opposed to a crime, and passing this legislation will positively affect our community for many years to come, freeing up our district courts, our police department, and the criminal justice system.

Mayor Keffer read a Proclamation for "Overdose Awareness Day" which will be on August 31, 2020. (Attached)

This Saturday, goats will descend on Gillespie Park in the Westbrook Park neighborhood to remove invasives that obstruct the view to the creek and to protect the trees that are there. We want to think out of the box to arrive at solutions that address the overgrowth that has taken over nearly all of the areas in the township that have an abundance of overgrowth so that the very few of our open space areas that have not been overtaken are not allowed to continue to be dilapidated by the onslaught of nature taking over.

As we head into the budget season, I would like to alert everyone to know that we are closely examining our professional service contracts and other contracts.

Appointments

Resolution No. 31-20, recommending Kevin Colgan as Municipal Emergency Management Coordinator to the Governor's office

Solicitor Richardson gave a brief on Resolution No. 31-20

Motion to approve Resolution No. 31-20 (DPB/RG)

Moved and seconded. 10 in favor. Resolution No. 31-20 is adopted

CAO Rongione thanked outgoing Emergency Management Coordinator, Bill Gaul, for his many years of service and LW spoke highly of Bill Gaul. DPB added his comments regarding Bill Gaul's service to the community. RG added that Bill was always very involved in the community.

Motion to appoint Gary Merron as Director of Finance by Mayor Barbarann Keffer with the approval of Council (DB/HT)

10 in favor, 1 excused. Gary Merron is appointed.

COMMITTEE REPORTS

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Danyelle Blackwell, Sheikh M. Siddique

Public Hearing for Ordinance No. 3081, an Ordinance amending the Ordinances of Upper Darby Township to establish a mechanism to process the minor nonviolent offenses of personal possession or personal use of a small amount of marijuana and personal possession of marijuana paraphernalia within the limits of Upper Darby Township; providing a severability clause; repealing all inconsistent Ordinances; and providing an effective date

Solicitor Richardson gave a brief on Ordinance No. 3081

A Public Hearing was convened.

Speakers:

Meg Massaro, 712 Wildell Road
Concerned about the amount of the fine

Several Council members discussed the benefit of having an Ordinance like this. They addressed the resident's concern about the use of marijuana but felt that the Ordinance was still needed. There was also a concern from a Council member about permitting the use of marijuana. There was discussion about the amount of the fine.

Superintendent Bernhardt stated that 30 grams and under is considered a small amount. UDPD will enforce anything that is not simple possession. However, if it is determined that there was intent, the officer would charge a criminal complaint. He is in agreement with the \$75 fine and believes that this Ordinance will help clean up the backlog in the system. Superintendent clarified that anything over 30 grams would not be simple possession and there would be criminal charges. A Council member suggested including that in the language of the Ordinance but the Solicitor stated that it is already implied.

In response to a question about the fine, the Superintendent stated that the fine is reasonable so it will be easier to collect.

Janice Haman, 727 Stanbridge Road
Andrew Hayman, 309 Edmonds Avenue

The Public Hearing was closed.

Motion to approve Ordinance No. 3081. (MB/HT)

Council Comments

Council members discussed the different facets of the Ordinance and agreed that decriminalizing small amounts of marijuana will save police resources.

A question was asked whether individuals would be required to provide the source of the marijuana.

Superintendent Bernhardt explained what the process would be for officers after the Ordinance would pass.

There is always an effort to further the investigation but it is situational.

There was also discussion about the fines within the Ordinance.

MS called the question.

Motion to call the question: MS/HT

A roll call vote was taken: In favor: HT, MB, MS, MS, DB, RG, BB, SS, DPB, TW, LW
10 in favor, 1 excused. **Ordinance No. 3081 is adopted.**

Resolution No. 29-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania in support of a Citizens Commission for Legislative and Congressional Redistricting; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Jeanne Mann, Bonnie Hallam, Harold Floyd were the speakers available for questions on the Fair District Resolution.

Solicitor Kilkenny gave a brief on Resolution No. 29-20.

Moved and seconded: DB/HT; 9 in favor, 1 opposed (TW) and 1 excused. Resolution No. 29-20 is approved.

TW made a Motion for an investigation under Section 314 of the Home Rule Charter regarding what happened regarding the quarantine of the Sanitation workers and the trash issue. DPB seconded the Motion.

There was discussion both in favor and against this Motion.

Motion to table: MB/DB

A discussion on what “motion to table” actually meant resulted in MB pulling the Motion to table and replacing it with Calling the Question. (MB/MS)

Vote to Call the Question: 8 in favor, 2 opposed (TW, DPB) and 1 excused

Vote to approve Motion to investigate: 2 in favor (TW, DPB), 8 opposed and 1 excused.

Finance and Appropriations Committee

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

Members: Danyelle Blackwell, Brian K. Burke

Treasurer’s Report: David Haman, Treasurer

*Report attached

Resolution No. 26-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the submission of the application for funding from the Commonwealth of Pennsylvania Redevelopment Assistance Capital Program (“RACP”) Grant of \$1,500,000 for the purpose of redeveloping the 7000 Walnut Street Property as a Community Center

*There was an error at the last meeting as this Resolution was not moved and seconded.

Solicitor Richardson gave a brief on Resolution No. 26-20.

In response to a question, the CAO stated that this is not a matching grant. There is an investment required from the Township but that is not yet known.

There was also discussion as to whether the building would be re-purposed or demolished.

Mayor Keffer explained that when they put out the bids for the feasibility study, the question was asked if the existing building could remain or did it have to be knocked down and rebuilt. The site is approximately .3 acres so the Administration does not see it being a 1-story building, but rather a 2-3 story building with a garden rooftop or green roof. She further explained that it would take a couple of years to get the study done and to find the financing to make this dream come true.

Moved and seconded: DB/RG 9 in favor, 1 opposed (TW), 1 excused. Resolution No. 26-20 is approved.

Resolution No. 33-20, a Resolution of the Township of Upper Darby Delaware County, Pennsylvania, appointing Gary Merron, Director of Finance as Tax Collector by Chief Administrative Officer Vincent Rongione, pursuant to Section 504 of the Home Rule Charter

Solicitor Richardson gave a brief of Resolution No. 33-20

Moved and seconded: RG/DB 9 in favor, 1 opposed (TW), 1 excused. Resolution No. 33-20 is approved.

Planning, Zoning and Building Code Committee

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

Members: Donald P. Bonnett, Hafiz Tunis Jr.

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 33-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, APPOINTING GARY MERRON, DIRECTOR OF FINANCE AS TAX COLLECTOR BY CHIEF ADMINISTRATIVE OFFICER, VINCENT RONGIONE, PURSUANT TO SECTION 504 OF THE HOME RULE CHARTER

WHEREAS, Section 504 of the Home Rule Charter provides that the Chief Administrative Officer has the right to designate another Township official to be tax collector. The Home Rule Charter also provides that the appointed individual shall have all the powers and perform all the duties, and be subject to all the obligations and responsibilities a collector of taxes levied by the Township.

WHEREAS, the Chief Administrative Officer desires that the duties of Tax Collector now be delegated to Gary Merron, Director of Finance;

WHEREAS, the Director of Finance is bonded by Fidelity and Deposit Company of Maryland and Zurich Insurance Company of America until 2021; and

WHEREAS, Council desires to ensure that the duty of Tax Collection is properly delegated;

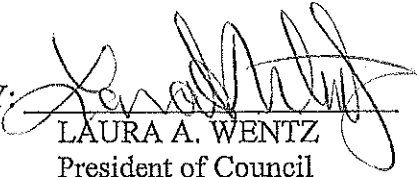
NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that Upper Darby Township Council approves the confirmation and appointment of Gary Merron as Tax Collector by Vincent Rongione, Chief Administrative Officer

FURTHER RESOLVED, all Resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

FURTHER RESOLVED, the provisions of this Resolution are declared to be severable. 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.

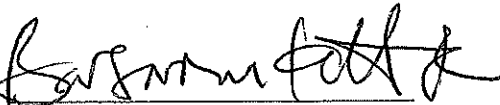
FURTHER RESOLVED, the Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 19th day of August, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 33-20 is hereby approved this 19th day of August, 2020

BY: 
BARBARANN KEFFER
Mayor

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

Resolution No. 34-20, a Resolution of the Township of Upper Darby, Pennsylvania, appointing Deborah Nifong, Deputy Director of Finance and Community Development, as the Certifying Officer for the United States Department of Housing and Urban Development by Mayor Barbarann Keffer, pursuant to Section 403 of the Home Rule Charter

Solicitor Richardson gave a brief of Resolution No. 33-20

Moved and seconded: DB/HT 9 in favor, 1 opposed (TW), 1 excused. Resolution No. 34-20 is approved.

Old Business

TW expressed his displeasure about Council's opposition of the Motion to call for an investigation.

Mayor Keffer stated that had he gotten the votes, she has absolutely nothing to hide. The decision was made in conjunction with the Human Resources Director, the Union leadership and also the Director of Public Works. She realized that it was inconvenient and frustrating for everyone and that she just got her own trash picked up yesterday. She added that she is in the same collection zone as TW. The Mayor stated that this is a very tough time for people as many are out of jobs, are financially insecure, uncertain about schooling and dealing with the effects of COVID-19 have proven to be very difficult for people.

The CAO stated that all questions have been asked and answered in both Executive Sessions and Public Meetings and that practice will continue to be followed.

There was further discussion about the trash situation and suggestions on improvement, including educating people about DELCO Alert and improving communication.

In answer to a question from a Council member, Mayor Keffer stated that we are not going right back to 2X per week trash pickup as precautions are being taken for COVID-19 as we are still in a pandemic. DPB replied that his district was missed 5 times and constituents are very unhappy and that the robocalls were not accurate information. He also asked the Mayor and the CAO to answer the questions that were asked or does he need to file a right-to-know as he still has not gotten answers. The Mayor replied that she received a letter after 4pm on a Friday and 1 hour later, it was posted on Facebook. DPB stated he was going to put together a series of questions and send them in for answers.

LW stated that all of DPB's questions were asked and answered so she is moving on.

New Business

DPB stated that he was asked to read a letter that was sent to all of Council from the UD Executive Fire Committee.

RG stated that he feels that a plan is needed when inoculations are available.

Adjournment at 10:30 p.m. RG/DB; All in favor. Meeting Adjourned.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 31-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, RECOMMENDING KEVIN COLGAN AS THE MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR TO THE GOVERNOR'S OFFICE FOR APPOINTMENT

WHEREAS, the Emergency Management Services Code, 35 Pa. C.S. § 7101 *et seq.*, requires municipalities to have a local emergency management coordinator and an up-to-date emergency operations plan;

WHEREAS, William Gaul was appointed as the Emergency Management Coordinator on June 15, 1979 and desires to relinquish his duties;

WHEREAS, Kevin Colgan has completed all the requirements to serve as the Municipal Emergency Management Coordinator for the Township;

WHEREAS, the Mayor desires to recommend Kevin Colgan for the position of Municipal Emergency Management Coordinator to Governor's Office and Delaware County;

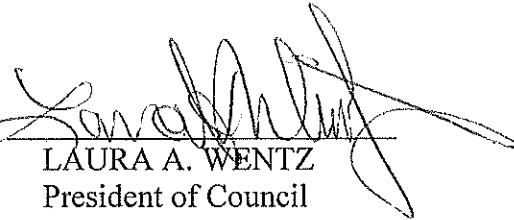
NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that Kevin Colgan is recommended to the Governor's Office and Delaware County to serve as the Emergency Management Coordinator.

FURTHER RESOLVED, all resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

FURTHER RESOLVED, the provisions of this Resolution are declared to be severable. 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.


FURTHER RESOLVED, the Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 19th day of August 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 31-20 is hereby approved this 19th day of August, 2020

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3081

AN ORDINANCE AMENDING THE ORDINANCES OF UPPER DARBY TOWNSHIP TO ESTABLISH A MECHANISM TO PROCESS THE MINOR NONVIOLENT OFFENSES OF PERSONAL POSSESSION OR PERSONAL USE OF A SMALL AMOUNT OF MARIJUANA AND PERSONAL POSSESSION OF MARIJUANA PARAPHERNALIA WITHIN THE LIMITS OF UPPER DARBY TOWNSHIP; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Upper Darby Township (“Township”) is a Home Rule Charter Township organized operating in accordance with its Home Rule Charter (“Charter”) as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*;

WHEREAS, Section 201 of the Charter grants the Township “any power and function not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania, or this Charter,” and

WHEREAS, Section 302 of the Charter provides that Township Council is exclusively vested with “all legislative powers” except as otherwise provided by law or by the Charter, this Section also grants Township Council “the power to make and adopt Ordinances and Resolutions consistent with the Constitution and laws of this Commonwealth and with this Charter, and to prescribe fines and penalties for the violation thereof,” and

WHEREAS, the discriminatory enforcement of nonviolent drug possession has resulted in profound racial and ethnic disparities in the criminal justice system which has lead to mass incarceration;

WHEREAS, the Upper Darby Police Superintendent and the Administration have agreed that decriminalization of marijuana will help redirect resources to prevent serious and violent crime in addition to improving relationships between the Department and the community they serve and protect; and

WHEREAS, numerous Pennsylvania municipalities including the Municipality of Norristown, City of Lancaster, the City of York, the City of Bethlehem and the City of Harrisburg, have exercised the power and the authority by Ordinance to address the processing and handling of minor nonviolent offenses for the personal possession or personal use of a small amount of marijuana and the personal possession of marijuana paraphernalia within their limits; and

WHEREAS, in accordance with the powers and duties vested in Township Council under the Charter and Pennsylvania law, including those inherent police powers for the enforcement and regulation of certain local offenses, Township Council now desires to enact an ordinance addressing the processing and handling of minor nonviolent offenses for the personal possession or personal use of a small amount of marijuana and the personal possession of marijuana paraphernalia within the limits of Upper Darby Township that Township Council believes is for the benefit of the general safety and welfare of the residents of the Township.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Township Council of Upper Darby Township an Ordinance as follows:

SECTION I: Legislative findings and intent.

The purpose and intent of this chapter is to promote the general safety and welfare of the public by establishing a mechanism to process the minor nonviolent offenses of personal possession or personal use of a small amount of marijuana and personal possession of marijuana paraphernalia within the limits of the Upper Darby Township and is not to promote or condone the possession or use of marijuana or marijuana paraphernalia.

SECTION II: Definitions.

MARIJUANA

All forms or varieties of the genus Cannabis, whether growing or not, as defined by Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-101 et seq.

MARIJUANA PARAPHERNALIA

Any device, instrument, apparatus or object used, intended to be used, or designed to be used for introducing marijuana into the human body or for storing, containing, concealing or transporting marijuana.

PERSONAL POSSESSION

Actual physical custody of or the ability to exercise control over or have access to, for the sole purpose of one's own personal use. The term "personal possession" does not include possession with intent to deliver, distribute, transfer or sell.

PERSONAL USE

Introducing marijuana into one's own body, which includes smoking, inhaling, exhaling, vaporizing, or burning any lighted cigar, cigarette, pipe or other such device which contains marijuana or marijuana extracts.

SMALL AMOUNT

Thirty (30) grams or less of marijuana or eight (8) grams or less of hashish as set forth in Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-113(a)(31).

SECTION III: Personal possession or personal use of a small amount of marijuana.

A. So long as marijuana shall be listed as a controlled substance in the Controlled Substance, Drug, Device, and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780- 101 et seq., no person shall be in possession of a small amount of marijuana as defined in said Act.

B. The following shall be violations of this section of this chapter:

- (1) Personal possession of a small amount of marijuana; or
- (2) Personal use of a small amount of marijuana.

C. Any person who is found in violation of this section of this chapter shall be issued a non-traffic summary citation by the police or other authorized law enforcement officer or, alternatively, the officer can obtain the subject's name and address and later send the citation by first-class mail, all to be in accordance with the Pennsylvania Rules of Criminal Procedure.

D. Any police officer or other authorized law enforcement officer who observes a violation of this section of this article by a person under 18 years of age shall:

- (1) Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;
- (2) Advise the parent or guardian that the minor was found in personal possession of a small amount of marijuana or to have been engaging in personal use of a small amount of marijuana;
- (3) Issue a copy of the citation to the parent or guardian advising that he or she is responsible for the payment of the violation fine; and
- (4) Provide the parents or guardian with contact information for a local agency where substance abuse educational and treatment programs are available.

SECTION IV: Personal possession of marijuana paraphernalia.

A. So long as drug paraphernalia includes objects used in connection with marijuana possession or use in the Controlled Substance, Drug, Device, and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no person shall be in possession of marijuana paraphernalia.

B. It shall be a violation of this section of this chapter to be in personal possession of marijuana paraphernalia.

C. Any person who is found in violation of this section of this article shall be issued a non-traffic summary citation by the police officer or other authorized law enforcement officer or, alternatively, the officer can obtain the subject's name and address and later send the citation by first-class mail, all to be in accordance with the Pennsylvania Rules of Criminal Procedure.

D. Any law enforcement officer who observes a violation of this section by a person under 18 years of age shall:

(1) Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;

(2) Advise the parent or guardian that the minor was found in personal possession of a small amount of marijuana or to have been engaging in personal use of a small amount of marijuana;

(3) Issue a copy of the citation to the parent or guardian advising that he or she is responsible for the payment of the violation fine; and

(4) Provide the parents or guardian with contact information for a local agency where substance abuse educational and treatment programs are available.

SECTION V: Penalties.

A. The penalty for a first and second violation of Section III of this Ordinance relating to possession of a small amount of marijuana shall be a fine of \$75.

B. The penalty for a third violation of Section III of this Ordinance relating to possession of a small amount of marijuana shall be a fine of \$75.

C. The penalty for a first violation of Section III of this Ordinance relating to personal use of marijuana shall be a fine of \$75.

D. The penalty for a second violation of Section III of this Ordinance relating to personal use of marijuana shall be a fine of \$75.

E. The penalty for a third violation of Section III of this Ordinance relating to personal use of marijuana shall be a fine of \$75.

F. The penalty for a first and second violation of Section IV of this Ordinance relating to personal possession of marijuana paraphernalia shall be a fine of \$75.

G. The penalty for a third violation of Section IV of this Ordinance relating to personal possession of marijuana paraphernalia shall be a fine of \$75.

H. The court may, in its discretion, suspend the fine imposed under this Ordinance if the person found guilty agrees to and does, in fact, perform such community service as the court deems appropriate, of as much as 20 hours for a determination of guilt for possession of a small amount of marijuana or personal possession of marijuana paraphernalia and 10 hours for personal use of a small amount of marijuana.

SECTION VI: Enforcement.

A. A non-traffic summary citation issued under this article shall be enforced in accordance with the procedures established by the Upper Darby Township Police Department for enforcement of summary violations.

B. The Police Superintendent or his or her designee shall report to Township Council regarding implementation of this article on an annual basis for the first three (3) years following adoption of this article.

C. This article shall not be construed to supersede any existing Pennsylvania or federal law. Upper Darby Township police and law enforcement officers retain the authority to enforce any applicable laws, and it is the Township Council's intent that such law enforcement officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than personal possession or personal use of a small amount of marijuana or personal possession of marijuana paraphernalia has been or is being committed.

SECTION VII: SEVERABILITY

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

SECTION VIII: REPEALER

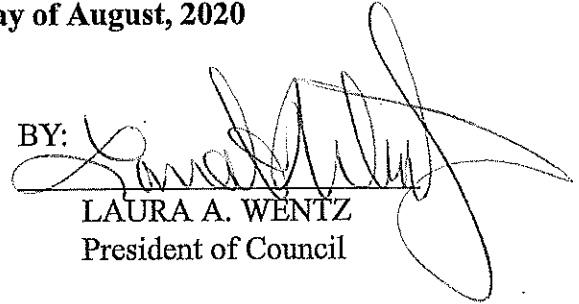
All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

SECTION IX: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its legal adoption.

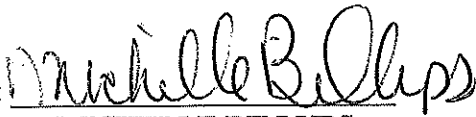
ENACTED and ORDAINED this 19th day of August, 2020

BY:



LAURA A. WENTZ
President of Council

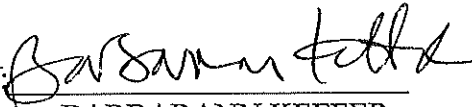
ATTEST:



MICHELLE BILLUPS
Secretary of Council

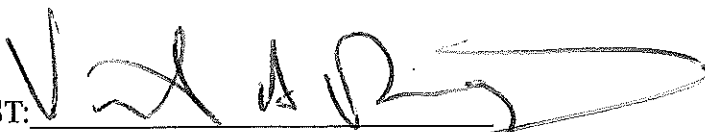
Approved this 19th day of August, 2020

BY:



BARBARANN KEFFER
Mayor

ATTEST:



VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 29-20

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the citizens of Upper Darby Township and the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of state legislature and congressional districts of near equal population; and

WHEREAS, legislative and congressional redistricting has at times resulted in gerrymandered districts that favor one political party over others; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of motivation or partisanship will ensure a fair, transparent, and accurate legislative and congressional redistricting process that respects political subdivisions; prohibit districts from being drawn to favor or discriminate against a political party or candidate; require the use of impartial and sound methodology when setting district boundaries; require public input; and fully comply with the constitutional requirement that "no county, city, incorporated town, borough, township or ward" be divided "unless absolutely necessary," and

WHEREAS, legislation to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion is required to ensure these reforms.

NOW, THEREFORE, BE IT RESOLVED that the Upper Darby Township Council does hereby support legislative efforts to amend the Pennsylvania Constitution to assign the decennial task of both legislative and congressional redistricting to an independent citizens' redistricting commission; and

BE IT FURTHER RESOLVED that we call upon all those elected officials and party leaders in the Commonwealth of Pennsylvania who represent the citizens of Upper Darby Township to publicly announce their support of and commitment to work towards passage of such legislative efforts, and that a copy of this resolution be delivered to each of them:

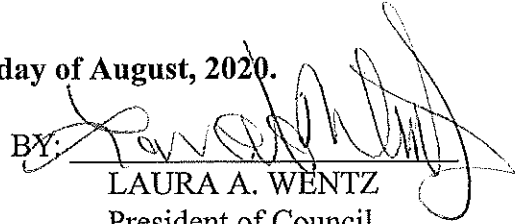
Governor Tom Wolf
Lieutenant Governor John Fetterman
Attorney General Josh Shapiro
United States Senator Bob Casey
United States Senator Pat Toomey
United States Representative Mary Gay Scanlon
Pennsylvania Senator Tim Kearney
Pennsylvania Representative Mike Zabel
Pennsylvania Representative Margo Davidson
Brian P. Zidek, President County Council
Dr. Monica Taylor, Vice President County Council
Kevin M. Madden, County Council
Elaine Paul Schaefer, County Council
Christine A. Reuther, County Council
Acting Secretary of the Commonwealth, Kathy Boockvar


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

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.

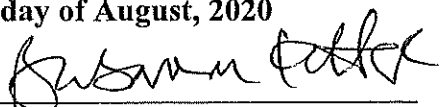
EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

ADOPTED and RESOLVED this 19th day of August, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 29-20 is hereby approved this 19th day of August, 2020

BY: 
BARBARANN KEFFER
Mayor

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

**Upper Darby Township
Delaware County, Pennsylvania**

Resolution No. 26-20

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR
FUNDING FROM THE COMMONWEALTH OF PENNSYLVANIA REDEVELOPMENT
ASSISTANCE CAPITAL PROGRAM ("RACP") GRANT OF \$1,500,000 FOR THE
PURPOSE OF REDEVELOPING THE 7000 WALNUT STREET PROPERTY AS A
COMMUNITY CENTER.**

WHEREAS, Upper Darby Township is desirous of obtaining funds from the Commonwealth of Pennsylvania's Office of the Budget in the amount of \$1.5 million for the redevelopment of the Township owned property at 7000 Walnut Street; and

WHEREAS, the Township is the sixth most populous municipality within the Commonwealth, and borders the largest municipality in the Commonwealth; and

WHEREAS, the Township does not currently have a Community Center; and

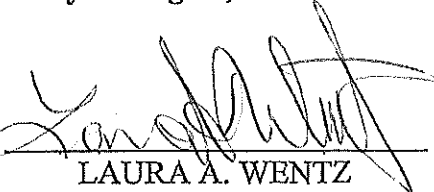
WHEREAS, a blighting influence exists due to the deteriorating condition of the current building; and

WHEREAS, this Council believes it to be in the interest of the Township to apply for the RACP Grant and utilize the funding for further efforts to create a Community Center in the Township.

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:

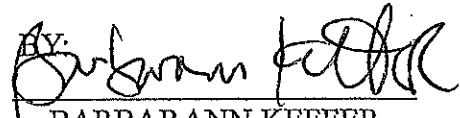
1. The Township is hereby authorized to apply for, execute, and submit a grant application to the Pennsylvania Office of the Budget for the Redevelopment Assistance Capital Program (RACP) and, if successful, to accept the grant funds to be used for the Project as detailed in the grant application.
2. The Township is authorized to provide such assurances, certificates, and supplemental data or revised data that may be requested in connection with the application.

ADOPTED and RESOLVED this 19th day of August, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 26-20 is hereby approved this 19th day of August, 2020.

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ
Chief Administrative Officer

UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 34-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, APPOINTING DEBORAH NIFONG, DEPUTY DIRECTOR OF FINANCE AND COMMUNITY DEVELOPMENT, AS THE CERTIFYING OFFICER FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BY MAYOR BARBARANN KEFFER, PURSUANT TO SECTION 403 OF THE HOME RULE CHARTER

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

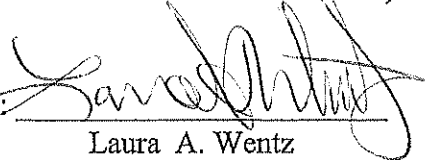
WHEREAS, the regulations of the U.S. Department of Housing and Urban Development ("HUD") require that the Township have a Certifying Officer to carry out the responsibilities of 24 CFR part 58.13; and

WHEREAS, Deborah Nifong was appointed as the Deputy Director of Finance and Community Development on June 22, 2020; and


WHEREAS, Mayor Barbarann Keffer desires to delegate the responsibility of Certifying Officer with HUD to the Deputy Director of Finance and Community Development, Deborah Nifong; and

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

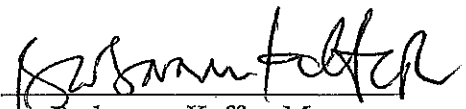
RESOLUTION NO. 34-20 IS HEREBY APPROVED ON THIS 19TH DAY OF AUGUST, 2020

BY: 
Laura A. Wentz
President of Council

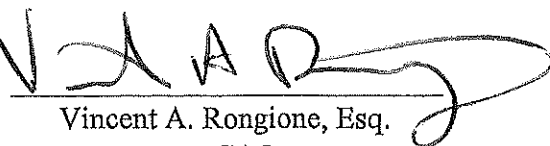
ATTEST:


Michelle Billups
Secretary of Council

BY:


Barbarann Keffer, Mayor

ATTEST:


Vincent A. Rongione, Esq.
CAO

Subject Matter	Ordinance/Resolution Number
Quality of Life	
Street Cleaning	Ord 3080
Street Opening (repair of pavement)	Ord 3067
Decriminalization of Marijuana	Ord. 3081
Property Maintenance Code	Ord. 3072
Food inspection standards (updated after 40+ yrs)	Ord. 3073
Sewer Lateral Inspection	Ord. 3070
Bee Keepers – Honey Bees	
Tax Collection	
Regulations for the Collection of Business Privilege Tax	Res. 24-20
Appointment of Tax Collector for Business Privilege Tax	Res. 01-2020
Appointment of Tax Collector for Real Estate, Taxes, Sewer, and Trash fees	Res. 07-20
Parking Fines	Ord. 3071
Ordinance for Collection procedures	Ord. 3068
Updating Township Council operations	
All Meetings Public	Ord. 3074
Providing for Teleconference participation in Meetings	Ord. 3069
Council Trainings	

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Zoning Hearing Board functions		
Right to Know and Sunshine Law		
Updating Township Functions		
Placing Electrical Department (change to Electrical Division) under Public Works	Ord. 3078	
Amending qualifications of Public Works Department Head	Ord. 3077	
Moving Public Health and Property Maintenance under License and Inspection	Ord. 3066	
COVID-19		
Emergency Solutions Grant-COVID-19	Res. 19-20	
Mayor's Emergency Declaration		13-Mar-2
Extension of Real Estate Tax Discount period	Res. 11-20	

What we have encountered in 8 Months of 2020

Transition of Administration & Leaders

COVID-19 Worldwide Pandemic – Delco Shut Down March 12th

Mayor's Emergency Declaration – March 13th

No County Health Dept

Closing of Township Building and All Public Buildings

Council Meetings Move to Virtual

Online Payment options for Tickets and Taxes

2% Tax Discount Extended & Other Taxes Extended

Chester County became Delco Health Department, then we started to get specific DATA on UD

Consolidation of Code Enforcement under Public Works

Department Heads to 10% Pay Cut

Workers were Furloughed to 2-3 Days/week

Peaceful BLM Protests

Looters at 69th ST and Beyond

COVID-19 Red Zone until June 5th – then could hire Summer Staff for Twice/week Pick up to Start July 8th

COVID-19 Green June 26th Delco

Townshipwide Code Enforcement Begins in July

Tropical Storm Mass Flooding

Sanitation Department Quarantined & Delayed Trash Pickup & Recycling

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Proclamation

Whereas, Upper Darby Township does affirm and acknowledge the harm and hardship caused by drug overdose; and

Whereas, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

Whereas, we recognize that Pennsylvania is among the 10 states with the highest opioid use and overdose rates; and

Whereas, we resolve to play our part in reducing the toll of overdose in our community, which claimed the lives of more than 4,491 Pennsylvania residents in 2018 together with countless more affected forever; and

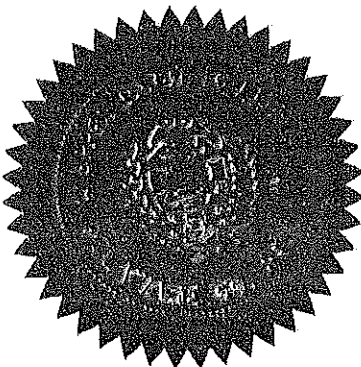
Whereas, there was a 36% increase in the number of drug-related overdose deaths in Pennsylvania; and

Whereas, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support;

Now, therefore, I, Barbarann Keffer, Upper Darby Township Mayor, do hereby proclaim August 31st, 2020 as

Overdose Awareness Day

in Upper Darby Township and urge all residents to recognize its observance.



A handwritten signature in black ink, appearing to read "Barbarann Keffer". The signature is written in a cursive, flowing style.

Barbarann Keffer, Mayor
Upper Darby Township
Delaware County, Pennsylvania

Treasurer's Report to Upper Darby Township Council

August 19, 2020

In October/November each year, the Township Council approves a budget for the following year. In 2019, the Township budget for 2020 was set at \$82,305,280. Very simply stated, this means that the plan for the year is to collect and spend \$82,305,280. This is what is referred to as a "balanced budget." When a new year begins, revenue and expenditures diverge from the budget due to many economic realities, for example economic recession and worldwide pandemic. The Township Administration must react in real-time to changes in actual revenues collected and expenditures that may not have been foreseen in the prior year's planning. If more is spent than received, we have a budget deficit; if more is received than spent, we have a budget surplus. Unlike our federal government, Upper Darby maintains sufficient cash reserves in bank accounts, so taxes do not have to be increased to pay for a prior year's budget deficit.

Council members and the community should understand that it is following year's budget that determines the need for additional tax revenue, not a budget deficit.

This report summarizes the Township's financial condition year-to-date, July 31, 2020 and projects the current financial position through the end of the year based on certain assumptions.

We have collected about 76.81% of revenue for the year, based on the 2020 Budget. We have spent about 50.48% of our planned budget. We have \$21,331,639 available from revenues collected year-to-date. According to the Treasurer's forecast, we expect to collect another \$19,708,741 and expend another \$42,895,248. The Treasurer anticipates we will spend \$1,854,868 more than we collect in 2020.

As of July 31, 2020, we had \$35,541,538 in bank reserves to meet a budget deficit. These estimates are very "fluid" and can change month-to-month.

Summary of Treasurer's Report to Upper Darby Township Council

August 19, 2020

2020 Budget \$82,305,280

Revenue Summary

Total Revenue Collected:

July 2020 \$ 3,281,658

YTD \$65,265,482

% of Budget 76.81%

Anticipated Revenue, Aug-Dec 2020 \$19,708,741

2020 Revenue Collected and Held on Account \$21,331,639

2020 Revenue Available to Meet Expenditures \$41,040,380

Expenditure Summary

July 2020 \$ 5,486,996

YTD Plus Encumbrances \$43,933,843

Anticipated Expenditures July through YE \$42,895,248

Anticipated Expenditures as % of Original Budget 50.48%

Anticipated End of Year Spending Surplus (Deficit) \$(1,854,868)

Current Funds Available Summary

General Fund Bank Balances as of 7/31/2020 \$35,541,538

Average Monthly Cash Expenditures Thru YE \$ 7,149,208

UPPER DARBY TOWNSHIP TREASURER'S REPORT TO COUNCIL

SPECIAL REPORT REQUESTED BY COUNCIL

PAYROLL ANALYSIS

August 19, 2020

This report is pursuant to Council's request for an estimate of the Township's projected expenditures for labor in 2020 compared to the original budget for labor. Projected labor expenditures are estimated by estimating the remaining labor costs for all administrative departments plus expenditures realized year-to-date. Solicitor fees and salaries for elected officials are excluded from the analysis.

Labor costs are categorized as wages, payroll taxes, insurance, and contributions. Wages include salaries, overtime, shift differential, holiday pay, and part-time wages. This report is a summary of the analysis. The data set is not provided because it includes non-public information.

Summary of Analysis:

• Wages:	Budget \$36,247,962	Estimated \$36,338,896	Difference \$	90,931
• Insurance:	Budget \$16,992,950	Estimated \$16,992,950	Difference \$	0
• Pensions:	Budget \$ 8,661,881	Estimated \$ 8,661,881	Difference \$	0
• *Payroll Taxes:	Budget \$ 1,655,000	Estimated \$ 2,772,969	Difference \$	1,127,969

*It is the Treasurer's opinion that the original budget for Payroll Taxes, also called FICA taxes, was incorrectly estimated. The payroll tax rate is roughly 7.625% of wages, including Social Security (OASDI) at 6.2% and Medicare (HI) at 1.45%. Both the employees and the Township pay FICA at the same rate per dollar of earnings. The Social Security wage base for 2020 is \$137,700; this means any employee who earns above the wage base stops paying the 6.2% OASDI tax through the end of the year upon earning the wage base. The HI tax is collected without limit on earnings. The 2020 budget estimates payroll tax at 4.57%. Certain government employees do not pay into the Social Security program; hence, the Treasurer's assumption of a mistake is incorrect if certain government employees are not covered by Social Security.