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Upper Darby Township Council Meeting
September 16, 2020

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COUNCIL MEETING MINUTES FOR SEPTEMBER 16, 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 9-11 and all 1st responders

Attendance of Council

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

Donald P. Bonnett (DPB), 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 August 2020 Minutes

Committee Meeting of August 5, 2020 DB/LF Approved unanimously.
Council Meeting of August 19, 2020 LF/DB Approved unanimously.

Public Forum

Peggy Bradin-Wilson, 824 Drexel Avenue-challenged Councilman Wagner's negative view with the goats cleaning up Gillespie Park and the absorbent cost of \$22,000.
LW agreed it was beneficial to the environment.
CAO confirmed that the cost was only \$7,000.

Nicholas Hoyt, 300 Edmonds Avenue-Improvements to Naylor's Run Park and proposed trails
RG acknowledged receipt of Mr. Hoyt's request and confirmed the need to meet with him and LS Committee
LF she contacted Mr. Hoyt and confirmed future discussions/meetings and the need for funding through grants

Brittany Welding, 7603 Parkview Road-speeding cars on her street and the installation of speed bumps for deterrence
Mayor Keffer noted Owen Avenue already in the process of installing speed bumps and will address other streets accordingly

BJ Ryan, 7246 Rogers Avenue-Witnessed 2 UD Police Officers kick around a homeless person's belongings
CAO-First time hearing about this incident and will look into it
RG-Suggested residents should report such incidents by dialing "911".

Stephanie Nottingham, 7547 Parkview Road-Expressed her concerns about careless drivers and the use of speed bumps for precautionary measures.
LW-Referred back to the Mayor's response to complete the installation of speed bumps on Owen Avenue prior to addressing other streets.

Melissa Harris, 3827 Berkley Avenue-Tight parking on her street and the need for permits to park
LW-stated Council is working on a Parking Permit Ordinance
Mayor Keffer stated that they are looking into a pilot program for early next year. She acknowledges that tight parking is an issue throughout the Township.

Lana on Lombardy- Claims LW had offended her about her clerical error about the amount of trees to be planted within the new development of DCCC campus. Also, she is displeased with DCCC providing parking for a fee.
LW-Expressed her apology and that she did not mean to offend. She also addressed the parking situation that this is not something the Township can regulate. Also, had Solicitor Kilkenny confirm.

END OF PUBLIC COMMENT

The Honorable Mayor Barbarann Keffer

We have a few events coming up this month:

The Township Shred Event will be held on Saturday, September 19, from 9 am till 12 noon at the UDHS; it is also an Identity Protection Event where residents can get their computers, laptops and cell phones disposed of in a safe manner. No televisions or other electronics will be accepted. This event is for Township residents only.

Working with Keep Pennsylvania Beautiful and their "Pick-Up Pennsylvania" program, we will be holding community clean-up events. The first one was last weekend. There was a great turnout to Naylor's Run which is our largest parcel of open space. Thank you to everyone who volunteered, especially Pete Leahy and members of the Upper Darby Marine Corps League who worked hard this past Saturday and have been organizing clean-ups there for over 25 years.

State Representative Mike Zabel is hosting a clean-up on Saturday, September 19 from 9 am to 11 am at Gillespie Park; and there will be a clean-up at historic Sellers Hall at Hampden and Walnut on Saturday, October 3 from 9 am - 12 noon. "Pick-Up Pennsylvania" runs through November 30 and we will keep residents posted as new sites are added.
Residents can also organize a clean-up at their nearby park or playground or in their neighborhood. Please contact my office through mayor@upperdarby.org to help you make arrangements to lead a clean-up near you.

The deadline to complete the Census is Wednesday, September 30th. This is your last chance to count until 2030. US Representative Mary Gay Scanlon will be hosting a Census Day of Action on Saturday, September 26, starting at noon and launching from our 69th Street Playground. Our census numbers determine the future of our community for the next ten years: federal funding for our schools and first responders, grant allocations, representation in Washington DC and Harrisburg. The Census can be completed online through: 2020census.gov or by phone at: 1.844.330.2020. It's easy, it's confidential and it's IMPORTANT. Let's Make Upper Darby Count!

We are currently seeking qualified applicants for several positions in the Township. Please visit the Township website, www.upperdarby.org, for details.

I'm going to ask Council to approve a number of appointments:

APPOINTMENTS

Motion to appoint Dolores Lombardi as Chair of the Shade Tree Commission

Moved and seconded: (DB/MB), 10 in favor, 1 excused. Motion approved.

Motion to appoint Carl Ewald Esq. of the Law Offices of Robert W. Scott P.C. As Special Counsel for the Curative Amendment process regarding 359 Owen Avenue pursuant to their engagement letter of 9-3-20

Solicitor Kilkenny explained that due to a validity challenge basically stating that the Ordinance is unconstitutional, he will advise Council on the hearing later essentially acting as a referee in the process. Therefore, it wouldn't be appropriate if he was both a referee presenting the Township's position that the Ordinance is constitutional so he recommended the law offices of Robert W. Scott P.C.

Moved and seconded: (RG/SS), 10 in favor, 1 excused. Motion approved.

Motion to appoint Derrick Sawyer as Upper Darby Township Fire Chief

Mayor Keffer: I'm happy to put forth to Council a vote for Derrick Sawyer who stands out as an excellent choice to become our next Fire Chief. We had over 25 candidates to apply for this position. Mr. Sawyer brings an abundance of experience working and leading various divisions and departments within the Philadelphia Fire Department and also within Trenton. Mr. Sawyer's resume has been circulated to Council members and has also met with the council leadership and the chairs of the Public Safety Committee after having interviewed with our Human Relations Coordinator, then myself and CAO Vincent Rongione, before he and the other finalists, who were interviewed in front of a panel which did not include me or the CAO but included people who were part of the former Administration. All in all, I could not be happier to recommend Mr. Derrick Sawyer for a vote before Council.

CAO Rongione spoke of Mr. Sawyer's impressive resume and stated that Upper Darby Township is extremely fortunate to have him in this position. Dozens of applications were received from people all over the country and it was a multiple round process. Mr. Sawyer expressed not only extreme technical competence in firefighting but also a wealth of knowledge and experience as an administrator. He also showed very strong interest in becoming a public fixture and part of the community in Upper Darby Township.

Moved and seconded: (BB/DB)

MB also expressed her support of Mr. Sawyer and believes that he has strong leadership skills.

TW stated he has no opposition to this appointment but is curious to know whether Mr. Sawyer does now or would be moving in the Township.

The CAO stated that he does not live in Upper Darby Township at the present time but he was asked about his ability and willingness to be a strong presence in the community and he expressed his desire to do that.

TW asked if there was an expectation that he move into the Township.

Mayor Keffer added that we no longer have a residency requirement and that the Administration is always looking for extremely qualified people. She does not question the commitment of the current employees in the Fire Department as she believes they have a work ethic and it does matter where they live versus where they work. She believes the people that she recommends will do a great job for the Township.

HT, MS and RG acknowledged their support of the appointment of Mr. Sawyer.

LW stated that Mr. Sawyer stated his desire to reach out to community leaders and for all of the buildings in the Township to have smoke detectors.

10 in favor, 1 excused. Motion approved.

Motion to appoint Campbell Durrant P.C. as Labor Counsel

CAO Rongione spoke highly in favor of this appointment and spoke of the many qualifications of the firm.

Solicitor Kilkenny spoke of his support of this appointment and feels that the Township will be well served.

Moved and seconded: (MS/RG)

TW questioned why this appointment wasn't already completed since he has been working for the Township. Solicitor Kilkenny acknowledged TW's concern and will inform Council about this type of situation beforehand.

8 in favor, 2 opposed (LF, TW) and 1 excused. Motion approved.

President of Council, Laura A. Wentz

LW thanked everyone for coming out for the clean-ups, for the sanitation workers for all of their hard work, for the Township employees for everything that they do to keep the Township moving, for the residents who reach out and let us know what is going on in the community and for all those who volunteer. Everyone's effort is appreciated.

COMMITTEE REPORTS

Finance and Appropriations Committee

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

Members: Danyelle Blackwell, Brian K. Burke

Treasurer's Report: David Haman, Treasurer (attached)

Motion to Approve Treasurer's Report

(MB/SS) 10 in favor, 1 excused. Motion approved.

Resolution No. 40-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the submission of the application for funding from the Commonwealth of Pennsylvania Department of Economic Development & Commonwealth Financing Authority Multimodal Transportation Fund for the purpose of improving pedestrian connectivity and placing a sidewalk at Market Street and Powell Lane

Solicitor Richardson gave a brief on Resolution No. 40-20

SS stated that he was very appreciative of this Resolution as he has been advocating for this for a long time.

RG asked if a matching contribution needed.

CAO stated that he, the Mayor and the Township engineer worked very hard to accomplish this and deferred to Township Engineer Mike Galante for his comments.

Mr. Galante stated multimodal is typically a 15% match depending if it is PennDOT multimodal or CFA. CFA is 15% and with PennDOT multimodal, you pay for the engineering costs and then the grant pays for the remainder. Mr. Galante stated that he believes that they are leaning toward CFA and is working with Bellevue Strategies.

SS suggested that this cost could be shared with Milbourne Borough.

Motion to approve: (SS/MS) 10 in favor, 1 excused. Motion approved.

Budget Schedule

Motion to advertise Mayor Keffer's 2021 Budget Address

Mayor's Budget Address is on October 7, 2020

1st Budget Hearing: October 21, 2020

2nd Budget Hearing: November 18, 2020

Mayor's 2nd Budget Address: November 11, 2020

December 2, 2020: introduce the 2021 millage Ordinance

December 16, 2020: vote on this millage Ordinance

Motion to approve advertising of the following:

Mayor's Budget Address on October 7, 2020

1st Budget Hearing on October 21, 2020

2nd Budget Hearing on November 18, 2020

(DB/RG) 10 in favor, 1 excused. Motion Approved

Resolution No. 41-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, acknowledging the funding requirements for the Upper Darby Township Police Pension Plan, Firefighters' Pension Plan, and Municipal Employees Pension Plan; making provisions for payment of these costs as part of the Upper Darby Township Budget for Fiscal Year 2021; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Resolution No. 41-20.

Motion to approve: (MS/RG)

LW thanked the Mayor for bringing this before Council. Mayor Keffer stated that this will jumpstart the budget season and that we're moving forward and more things are out in the open and that is very positive. The Mayor and LW added that this is the first time that these minimum requirements will be voted on by Council.

9 in favor, 1 opposed and 1 excused. Motion approved.

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Danyelle Blackwell, Sheikh M. Siddique

Resolution No. 35-20, a Resolution to support the United States Postal Service

Solicitor Richardson gave a brief on Resolution No. 35-20.

TW challenged the need for this Resolution as the Council has no authority over the USPS.
LW and MS agreed that it demonstrates the Township's support and solidarity with the residents

Motion to approve: (RG/DB) 9 in favor, 1 excused and 1 abstention (TW). Motion approved.

Introduction of Ordinance No. 3082, an Ordinance to approve, adopt and enact an Ordinance Codification for the Township of Upper Darby, County of Delaware, Commonwealth of Pennsylvania; to provide for the repeal of certain legislation not included therein; to save from repeal certain other legislation not included therein; and to provide penalties for tampering with the Code.

Solicitor Kilkenny gave a brief on Ordinance No. 3082.

Motion to approve advertising: (MB/MS) 10 in favor, 1 excused. Motion approved.

Municipal Services, Licensing and Public Works Committee

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

Members: Thomas P. Wagner, Hafiz Tunis Jr.

Resolution No. 36-20, a Resolution approving an intermunicipal services agreement entered into between Upper Darby Township and Millbourne Borough providing for fire protection services from the Township for Millbourne Borough; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a brief on Resolution no. 36-20.

Motion to approve: (RG/SS) 10 in favor, 1 excused. Motion approved.

Resolution No. 37-20, a Resolution of the Township of Upper Darby, authorizing applications to the Pennsylvania Department of Transportation for traffic signal improvements for Marshall Road and Hampden Road, Marshall Road and 69th Street, Marshall Road and Powell Lane, Marshall Road and Kent Road/Harrison

Avenue, Marshall Road and Long Lane and Marshall Road and Springton Road and Sherbrook Blvd. intersections

Solicitor Richardson gave a brief on Resolution No. 37-20

Motion to approve: (RG/DB) 10 in favor, 1 excused. Motion approved.

Planning, Zoning & Building Code Committee

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

Members: Donald P. Bonnett, Hafiz Tunis Jr.

Public Hearing for the Curative Amendment regarding 359 Owen Avenue

**Court Stenographer will provide transcription for this Hearing*

**Motion to continue the Public Hearing to October 14, 2020 at 7pm
(DB/RG) 10 in favor, 1 excused. Motion approved.**

Solicitor

Solicitor Kilkenny offered the council members the opportunity to ask questions:

TW questioned the current state of police negotiations regarding their contract.

Solicitor Kilkenny replied that this should be arranged by the CAO to be addressed in an Executive Session along with Labor Counsel.

TW stated that he believed that a proposal was made to the police on behalf of the Township, although Council didn't approve it, with inclusions that would curtail or eliminate their right to be paid overtime. He would like confirmation.

Mayor Keffer replied that this is about the 4th accusation hurled towards the Administration about eliminating the K-9 unit, eliminating the SWAT unit, the goats cost \$22,000 and now we're not allowing overtime? We can't operate on whispers and innuendo. She stated that she is happy to answer any questions and as the Solicitor pointed out, these questions should be asked in Executive Session as they are personnel questions.

TW insisted on receiving an answer and LW reiterated that it was clarified that it would be appropriate to wait for an Executive Session when Labor Counsel was available.

Point of Order was called out by HT and TW indicated that it was simply a question that he wanted answered. He stated that UDPD was being defunded under a Point of Order.

LW called TW out of order.

Old Business

None

New Business

SS stated there will be a table set up at the Mosque for the Census on September 18, 2020

TW asked if a proposal has been made to UDPD to deny the police from receiving overtime. Mayor Keffer stated that it is a rumor and it is not true.

MB stated that they are finalizing the logistics of the "Pop-Up" voting.

HT encouraged Council to volunteer for the food share program.

RG reminded everyone of Shred Day on Saturday.

LW stated that Saturday is a busy day with Naylor's Run Clean-Up, Food Share and Shred Day and that representation at each would be excellent.

MB expressed her gratitude and appreciation for Alison and Alexis's dedication and hard work.

SS reiterated that volunteers are needed 69th Street.

HT clarified he was using the Food Sharing Program as an opportunity for Council to be visible.

Solicitor Kilkenny spoke on behalf of the Mayor about the PA Sunshine Law. Customarily any personnel matters involving contract negotiations should be addressed in an Executive Meeting.

TW asked Solicitor Kilkenny was suggesting that there is something wrong with publicly about whether or not our Township has made a given proposal to its police officers?

Solicitor Kilkenny replied that he was not an elected official as TW is and was only saying what is customarily provided for by law in Executive Session.

Motion to Adjourn- MB/RG. All in favor.

Adjournment at 11:40 P.M.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

AC/cmg

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. 40-20

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR
FUNDING FROM THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF
ECONOMIC DEVELOPMENT & COMMONWEALTH FINANCING AUTHORITY
MULTIMODAL TRANSPORTATION FUND FOR THE PURPOSE OF IMPROVING
PEDESTRIAN CONNECTIVITY & PLACING A SIDEWALK AT MARKET STREET
& POWELL LANE**

WHEREAS, Upper Darby Township is desirous of obtaining funds from the Commonwealth of Pennsylvania's Office of the Budget in the amount of \$1 Million for the construction of a needed sidewalk for pedestrian safety and ease of use; 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 an established sidewalk or safe pedestrian walkway at Market Street and Powell Lane; and

WHEREAS, this Council believes it to be in the interest of the Township to apply for the Commonwealth of Pennsylvania Department of Economic Development & Commonwealth's Financing Authority Multimodal Transportation Fund and utilize the funding for the establishment of a pedestrian sidewalk and increase pedestrian connectivity;

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 Commonwealth of Pennsylvania Department of Economic Development & Commonwealth's Financing Authority Multimodal Transportation Fund 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 16th day of September, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 40-20 is hereby approved this 16th day of September, 2020.

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 41-20

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE FUNDING REQUIREMENTS FOR THE UPPER DARBY TOWNSHIP POLICE PENSION PLAN, FIREFIGHTERS' PENSION PLAN, AND MUNICIPAL EMPLOYEES PENSION PLAN; MAKING PROVISIONS FOR PAYMENT OF THESE COSTS AS PART OF THE UPPER DARBY TOWNSHIP BUDGET FOR FISCAL YEAR 2021; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Pennsylvania's Act 205 of 1984 created the Minimum Municipal Obligation ("MMO"), a statutorily mandated actuarial funding standard for pension obligations, which the Township is required to calculate and pay every year; and

WHEREAS, the financial obligation of each pension plan and the minimum obligation of the Township with respect to the pension plan, with appropriate documenting detail, shall be submitted to the governing body of the Township on or before the last day of September;

WHEREAS, the Township shall provide for the full amount of the minimum obligation of the Township in its annual budget; and

NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that the Minimum Municipal Obligation for the 2021 Police, Fire, and Municipal Employees Pension Plans shall be budgeted in fiscal year 2021 as follows:

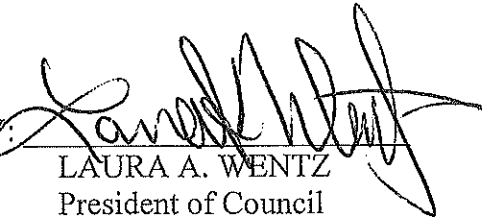
- | | |
|---|-------------|
| 1. Upper Darby Police Pension Plan | \$4,514,170 |
| 2. Upper Darby Fire Fighters Pension Plan | \$2,543,984 |
| 3. Upper Darby Municipal Employees Pension Plan | \$1,011,210 |

REPEALER. All 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.

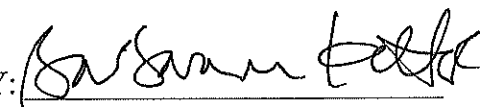
EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

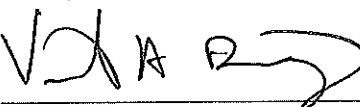
ADOPTED and **RESOLVED** by the Upper Darby Township Council this 16th day of September, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 41-20 is hereby approved this 16th day of September 2020

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 35-20

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, IN SUPPORT OF THE UNITED STATES POSTAL SERVICE**

WHEREAS, Article I, Section 8 of the United States Constitution mandates the establishment of "Post Offices;" and

WHEREAS, a Postal Service in the United States was established as early as 1775 and as the United States Postal Service ("USPS") in 1970; and

WHEREAS, thousands of large businesses, over 30 million small businesses, and residents of the United States, including those of Upper Darby Township, rely on USPS for the delivery of communications, news, and products, *inter alia*; and

WHEREAS, USPS is one of the largest employers in the country with about 500,000 employees, and if forced out of business, the loss of these jobs would drastically increase the unemployment rolls and further burden the overstressed state unemployment systems; and


WHEREAS, Upper Darby Township relies on USPS for delivering news of the Township, tax bills, and other official business to its residents; and for receipt of tax payments, as well as absentee and mail-in ballots, which are especially important during this pandemic.

NOW, THEREFORE, BE IT RESOLVED, that Upper Darby Township Council does hereby urge the United States Congress and the President of the United States to adequately fund the United States Postal Service so that it can freely and efficiently carry out its mandated constitutional duties; and

BE IT FURTHER RESOLVED, that we call upon all those elected officials in the Commonwealth of Pennsylvania, as well as the President of the United States, who represent the residents of the Township of Upper Darby to publicly announce their support of the continuation and adequate funding of the United States Postal Service and that a copy of this resolution be delivered to each of them:

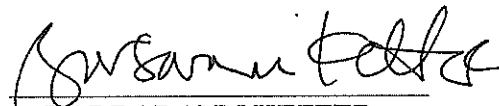
President Donald J. Trump
United States Senator Bob Casey
United States Senator Pat Toomey
United States Representative Mary Gay Scanlon

ADOPTED and RESOLVED this 16th day of September, 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 35-20 is hereby approved this 16th day of September 2020

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 36-20

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, APPROVING AN INTERMUNICIPAL SERVICES AGREEMENT BETWEEN UPPER DARBY TOWNSHIP AND MILLBOURNE BOROUGH PROVIDING FIRE PROTECTION SERVICES FOR MILLBOURNE BOROUGH; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Upper Darby Township currently provides fire protection to Millbourne Borough on a per call basis; and

WHEREAS, Upper Darby Township Council deems that the continuation of such fire protection service is necessary for the protection of the health, welfare and safety of its residents; and

WHEREAS, Upper Darby Township Council desires to enter into an Intermunicipal Agreement (the "Agreement") to provide Millbourne Borough with fire protection service on terms as set forth in the Agreement attached hereto as Exhibit A; and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, et seq. allows intergovernmental agreements to be approved by Resolution; and

NOW, THEREFORE, it is hereby **RESOLVED** by the Upper Darby Township Council that the following shall govern the Intermunicipal Cooperation Agreement between Upper Darby Township and Millbourne Borough, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

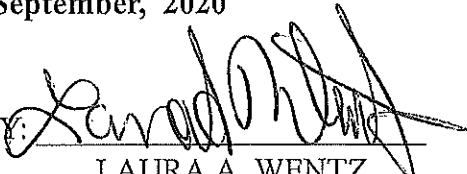
SECTION 1. The Township is hereby authorized to enter into an Intermunicipal Agreement with Millbourne Borough for Fire protection upon the terms set forth in the Agreement attached hereto as Exhibit A, the form and substance of which is incorporated in this Resolution by reference hereto.

SECTION 2. The Mayor, or her designee, is hereby empowered to take all actions and execute all documents which she deems necessary or convenient toward achieving the purpose of this Resolution.

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

SECTION 4. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

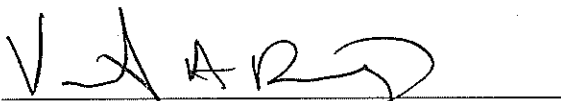
ADOPTED and RESOLVED this 16th day of September, 2020

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 36-20 is hereby approved this 16th day of September, 2020

BY: 
BARBARANN KEFFER
Mayor

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

**INTER-MUNICIPAL SERVICE AGREEMENT BETWEEN MILLBOURNE BOROUGH
AND UPPER DARBY TOWNSHIP**

This Inter-Municipal Service Agreement (the "Agreement"), is made this . day of , 2020 by and between Upper Darby Township ("Upper Darby"), 100 Garrett Road, Upper Darby, Pennsylvania 19082 and Millbourne Borough ("Millbourne") 9 Park Avenue, Millbourne, Pennsylvania 19082. _

BACKGROUND

WHEREAS, Upper Darby is a Pennsylvania home rule municipality and First Class Township;

WHEREAS, Upper Darby maintains a Fire Department which is a combination fire department consisting of career and volunteer firefighters and personnel;

WHEREAS, Millbourne is a Pennsylvania Borough located immediately adjacent to Upper Darby Township;

WHEREAS, the Upper Darby Fire Department owns and/or controls and maintains equipment and retains and/or supports personnel who are trained to provide various levels of service in the control of fire, fire prevention, emergency medical service equipment and personnel, hazardous materials control and/or other emergency support; and

WHEREAS, Millbourne does not have an active Volunteer Fire Department to provide services and as a result is desirous of establishing a Mutual Aid Agreement for the provision of fire protection services to the Borough by Upper Darby.

WHEREAS, the Pennsylvania Intergovernmental Cooperation Law permits two or more local governments in the Commonwealth to enter into agreements to jointly cooperate in the exercise or performance of governmental functions, powers and responsibilities (53 Pa. C.S. §2303); and

WHEREAS, the parties hereto seek to enter into an Inter-Municipal Service Agreement ("Agreement") to formally provide for services to Millbourne Borough for the control of fire, fire prevention, emergency medical services, hazardous materials control and/or other emergency support in the event of a major fire, disaster, or other emergency by the Upper Darby Township Combination Fire Department, subject to any and all necessary approvals from the appropriate governmental entities; and

NOW, THEREFORE, intending to be legally bound and in consideration of the mutual covenants contained in this Agreement, the parties, their respective successors and assigns, hereby agree as follows:

TERMS AND CONDITIONS

I. COMPENSATION AND INSURANCE

1. The Borough of Millbourne shall compensate Upper Darby Township at an annual rate of forty thousand dollars (\$40,000.00) for Upper Darby Township providing all fire protection services to Millbourne Borough. The annual compensation shall be paid on a monthly basis in the amount of \$3,333.33/per month for Workers Compensation Insurance and automobile insurance coverage. The monthly compensation shall be provided on the 1st day of each month and made payable to Upper Darby Township. Within ten (10) days of the execution of this Agreement, Millbourne shall remit payments for September through December in the amount of \$13,333.33.

2. For tax year 2020, Millbourne shall remit the fire tax proceeds for September through December of 2020 within ten (10) days of full execution of this Agreement. For tax year 2021 and subsequent tax years subject to this Agreement, the parties further agree that the Borough of Millbourne Fire Tax or the equivalent millage collected by the Borough shall be provided in full and directly to Upper Darby Township no later than fifteen (15) days after the Tax Collector's Report is submitted. Moreover, Millbourne shall provide a copy of the Tax Collector's Report to the Upper Darby Township Chief Administrative Officer on or before the fifteenth of each month.

3. The parties also agree that the Borough of Millbourne Firefighters Relief Association funds which are distributed by the Commonwealth of Pennsylvania on an annual basis will be paid to Upper Darby Township. The Borough of Millbourne will take whatever steps that are necessary to redirect the funds that are otherwise allocated to the Borough by the Commonwealth including passing a separate Resolution for this purpose and directing said Resolution to the Pennsylvania Auditor General's Officer.

II. COMMAND AUTHORITY

4. The Upper Darby Fire Chief and/or the most senior Upper Darby Fire Department Officer providing assistance to Millbourne under this Agreement shall be in complete and total charge of all fire emergency operations, fire scenes, the fire run card, and the fire radio. Within sixty (60) days of the execution of this Agreement, Millbourne shall name Upper Darby as the primary fire company of Millbourne.

III. BREACH OF AGREEMENT

5. In the event of the breach of this Agreement, Upper Darby shall notify Millbourne of the breach of this Agreement. Millbourne shall be responsible for the immediate remedying of any breach to the satisfaction of Upper Darby. If said breach is not sufficiently cured within ten (10) days of the notice of the breach, the Agreement shall be immediately terminated.

IV. TERM OF AGREEMENT

6. The Parties hereto agree to bind themselves to the terms of this Agreement. This Agreement shall only become effective upon approval, as evidenced below, by the authorized officials of the respective Parties and shall continue in full force and effect until terminated.

This Agreement shall terminate on 12/31/2022 (Date of Termination). This Agreement may thereafter be renewed on a yearly basis provided that the parties mutually agree to extend the terms of the Agreement for another year. The parties shall determine on or before September 15th of each year whether they desire to extend the terms of the Agreement for the subsequent year and shall thereafter communicate in writing their final determination.

If any party wishes to terminate its participation in this Agreement it must do so in writing of its intent to withdrawal at least thirty (30) days prior to the Date of Termination. Upon termination, either for cause or by election of the parties, no mutual aid shall be provided thereafter.

V. MISCELLANEOUS

7. Background. The Background recitals referenced at the beginning of this Agreement are incorporated in this Agreement by reference as if fully set forth at length.

8. Assignment. This Agreement shall not be assignable by any party to this Agreement except upon the written consent of all parties hereto, which consent shall not be unreasonably withheld.

9. Modification. This Agreement may be modified, amended or supplemented only by the written agreement of all the parties hereto.

10. Mutual Cooperation. Millbourne and Upper Darby agree to execute all documents and to take all action necessary to effectuate the terms and conditions of this Agreement.

11. Captions. The captions in this Agreement are for convenience only and are not part of the Agreement. The captions do not in any way define, limit, describe or amplify the provisions of this Agreement or the scope or intent thereof.

12. Entire Agreement. This Agreement represents the entire agreement of the parties hereto and there are no collateral or oral agreements or understandings. This Agreement may be amended or modified only in writing signed by Upper Darby and Millbourne Borough.

13. Severability. In the event any provision hereof is held illegal or invalid, no other provision of this Agreement shall be affected and this Agreement shall then continue in full force as if such illegal or invalid provision had not been contained herein.

14. Notices. All notices, payments and communications required to be given in writing under this Agreement shall be sent by certified United States mail, postage prepaid and by email communication or delivered by hand delivery with receipt obtained, to the addresses below or at other such addresses as Upper Darby and Millbourne Borough may designate in writing from time to time:

Upper Darby Township
Attention: Chief Administrative Officer
100 Garrett Road
Upper Darby, PA 19082

Millbourne Borough
Attention: Borough Manager
9 Park Avenue
Millbourne, PA 19082

15. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same Agreement. Each counterpart Agreement that is signed by a party shall indicate the date that the counterpart was approved and signed.

IN WITNESS WHEREOF, the parties hereto, being authorized to do so, set their hand and seals below, as of the date written.

UPPER DARBY TOWNSHIP

By: _____
Barbarann Keffer, Mayor

Attest/
Witness: _____

MILLBOURNE BOROUGH

By: _____
Justin Skariah, Council President

Attest/
Witness: _____

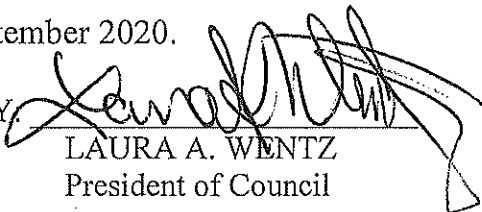
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 37-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, AUTHORIZING APPLICATIONS TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL IMPROVEMENTS FOR MARSHALL ROAD AND HAMPDEN ROAD, MARSHALL ROAD AND 69TH STREET, MARSHALL ROAD AND POWELL LANE, MARSHALL ROAD AND KENT ROAD/HARRISON AVENUE, MARSHALL ROAD AND LONG LANE, AND MARSHALL ROAD AND SPRINGTON ROAD AND SHERBROOK BLVD INTERSECTIONS

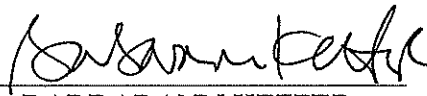
BE IT RESOLVED, by the authority of the Township Council of Upper Darby Township, Delaware County, and it is hereby resolved by authority of the same, that Vincent A. Rongione, Chief Administrative Officer of Upper Darby Township is authorized and directed to submit the attached Applications for Traffic Signal Approval to the Pennsylvania Department of Transportation, and to sign this Application on behalf of Upper Darby Township.

ADOPTED and RESOLVED this 16th day of September 2020.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 37-20 is hereby approved this 16th day of September 2020

BY: 
BARBARANN KEFFER
Mayor

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

Summary of Treasurer's Report to Upper Darby Township Council
As of August 31, 2020

Notes

2020 Original General Fund Budget	82,305,280	
Projected Spending Under (Over) Budget	(6,390,288)	\$5,000,000 Tax Anticipation Note Not In Original Budget
Projected 2020 YE Projected Actual Revenues Less Expenditures	(3,720,004)	
Are There Enough Funds to Meet Twp. Expenses Through YE 2020?	Yes	

Revenue Summary		
August Revenue	1,738,143	
2020 Projected Actual Revenue as of August 31, 2020	84,975,564	\$4,965,550 Tax Anticipation Note Not In Original Budget
Revenue Collected YTD	67,003,625	78.85% Revenue Collected as a Percent of Anticipated Revenue
Anticipated Revenue, August through December 2020	17,971,939	
Average Monthly Revenue Expected through YE	4,492,985	

Expenditure Summary

August Expenses	9,885,364	
2020 Projected Actual Expenditures as of August 31, 2020	88,695,568	\$5,000,000 Tax Anticipation Note Not In Original Budget
YTD Expenditures Plus Encumbrances	53,519,207	62.98% Expenses Incurred as a Percent of Anticipated Expenses
Anticipated Expenditures June through YE	35,176,361	
Average Monthly Expenditures through YE	5,862,727	

General Fund Bank Accounts Analysis

General Fund Bank Balances as of 8/31/2020	26,721,948	
Bank Balance Attributable to 2020 Revenue	438,060	
General Fund Reserve Balance	26,283,888	
2019 EOY General Fund Bank Balances	6,050,828	
Projected 2020 YE General Fund Bank Balances	9,079,466	

Liquidity Analysis

Cash Provided from Revenue Plus Anticipated Revenue	18,409,999	
All Bank Account Closing Balances August 31, 2020	26,721,948	Finance Department restated the bank balances
All Bank Account Beginning Balances July 1, 2020	42,977,242	to remove outstanding checks. This will be the format
Change in Bank Account Balances July 2020	<u>(16,255,294)</u>	moving forward.

Treasurer's Report to Upper Darby Township Council

Presented September 16, 2020

For Month-Ended August 31, 2020

In 2019, the Township budget for 2020 was set at \$82,305,280. This report summarizes the Township's financial condition year-to-date, August 31, 2020 and projects the current financial position through the end of the year based on certain assumptions.

It is projected that our actual revenue will be about \$84,975,514 with \$88,695,568 of expenses, or an actual spending deficit of \$3,720,054.

August reflected revenues of \$1,738,143 and expenditures of \$9,885,364. This is not unexpected as we have collected about 79% of our annual revenue and spent about 63%. Anticipated average monthly revenue through year-end is \$4,492,985 against average monthly spending of \$5,862,727, or a total of \$5,486,968 expenses over revenues through the remainder of the year.

According to the Treasurer's forecast, we expect to collect \$17,971,939 and expend \$35,176,361 through the remainder of 2020.

As of August 31, 2020, we had \$26,283,888 in bank reserves, adjusted for current outstanding payments, to meet a budget deficit. These estimates are very "fluid" and can change month-to-month.

We ended 2019 calendar year with \$6,050,828 and are trending to end 2020 with \$9,079,466.