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December 2nd, 2020

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COMMITTEE MEETING MINUTES FOR DECEMBER 2, 2020

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

Pledge of Allegiance to the flag of the United States of America
Moment of Silence for those lost

Opening of Meeting

Roll Call

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

Rules for Meeting Decorum

“Upper Darby Township Council and Residents will maintain professional respect for each other. Council encourages free speech, however, civility is required which would prohibit threats, profanity, 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”.

Public Forum

Olivia Taylor of 204 Kent Road complained about the road damage from work done by Aqua. A safety issue needs addressing. CAO Rongione stated the Administration would look into this.

Nicholas Hoyt of 300 Edmonds Avenue announced the Garrettford Civic Association is holding their annual Holiday House Decoration Contest open to the whole Township.

Dorothy Bieter of 4409 Marvine Avenue wants to know the impact of the new Capital Program on property values based on a sliding scale. LW stated that the new Capital Budget does not have an impact on our taxes. CAO Rongione said if that is the question, the resident is asking he agrees. DPB agreed with CAO Rongione that the Capital Budget “per se” does not affect our taxes, but we must acknowledge the Township needs to borrow money to fund the Capital Budget and that part of it goes into an issue that has to be covered by our tax base. RG spoke about the indebtedness that we will have to fund over a period and during this stretch of time, an increase may occur.

MB asked for clarification as to whether 69th Street was a Township or State responsibility. She added that Ms. Taylor is correct that this street is a mess. CAO Rongione stated that it is the Township’s responsibility between Marshall and Market. SS stated that it is a state operated street. MB was under the same impression, according to her conversations with Senator Kearney who stated that it is the State’s responsibility. The CAO said he will double check on this. RG pointed out the fact that PECO carries their own insurance. LW said when there is damage to a vehicle, due to the conditions of the road, PECO has insurance to submit such claims.

The Honorable Mayor Barbarann Keffer

Good evening everyone,

I hope those who celebrate had a good Thanksgiving. Despite these challenging times, we have much to be grateful for here in Upper Darby Township. We continue to work with Food Share to do food box distributions twice a week, Wednesdays and Saturdays, at two locations: the Township Building at 11:30am and 12:30pm at the 69th Street Playground. COVID-19 positive tests and hospitalizations continue to rise in our community. According to the Governor’s latest directive, if you are unable to stay 6’ apart even while outdoors, you are required to wear a mask. If you are indoors among people not in your household, you are required to wear a mask. You can read the Governor’s full guidance on the Township website: www.upperdarby.org. Thank you for all that you are doing to protect our families, friends, neighbors, health care workers, and first responders.

The township building remains closed to walk-in traffic. Many of our forms and services can be found online. In-person appointments can be made for limited business. Please call 610-734-7625 or email requests@upperdarby.org for assistance. Employees **are** required to follow the State's mask mandate and the Township continues to have plenty of disposable masks available for staff. Please be assured that we take seriously the phone calls and photos submitted with concerns about employees not wearing masks while at work.

Finally, we are accepting resumes and cover letters for open positions on the Historic Commission, the Library Board, the Planning Committee and the Zoning Hearing Board through Wednesday, December 9th. We are especially looking for residents who have experience with fundraising and grant writing. Thank you to all of the residents who have responded so far this year to requests to join various boards, commissions, and committees. To build an engaged, well-rounded and innovative community, we need people from all areas of the township to volunteer their talents and time. So if you have an interest in serving on the Library Board, the Zoning Hearing Board, the Historic Commission or the Planning Committee, please email me at mayor@upperdarby.org by December 9.

President of Council, Laura A. Wentz

Thank you to everyone for their participation with the food distribution. The first ever Virtual Job Fair will be held on December 12th, 2020. Call (610) 803-7219 or email udcouncileventscommittee@gmail.com for more information. LW stated that as soon as she receives the link, it would be shared on the Council’s Facebook Page.

There was an Executive Session today about litigation and personnel. In addition, last week there was a conference call about an incident with residents in the Highland Park area.

COMMITTEE REPORTS

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Danyelle Blackwell & Sheikh M. Siddique

Introduction of Ordinance No. 3085, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, amending Ordinance No. 3065, which amended Ordinance No. 2507, commonly known as the Upper Darby Township Administrative Code, to clarify the Mayor’s power and responsibilities related to appointments to the Police Pension Board and Civil Service Commission.

Solicitor Kilkenny gave a brief on **Ordinance No. 3085**.

LW pointed out that this was an emergency action. We need this Ordinance advertised and voted upon in order to have this settled prior to the next scheduled hearing on December 16, 2020. DPB questioned whether Mr. Catania will voluntarily resign and if this will forego any further litigation. Solicitor Kilkenny confirmed Mr. Catania's resignation and that there will be no further litigation.

**Motion to advertise: RG/DB Moved and seconded. Eleven in favor. Motion approved.
This will be placed on the Agenda for vote at the December 9, 2020 Council Meeting.**

Finance and Appropriations Committee

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

Members: Danyelle Blackwell & Brian Burke

Introduction of Ordinance No. 3086, an Ordinance of the Township of Upper Darby, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the Year 2021 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government

Solicitor Richardson gave a brief on **Ordinance No. 3086**

**Motion to advertise Ordinance No. 3086: RG/HT Moved and seconded.
Eleven in favor. Motion approved.
This will be placed on the Agenda for vote at the December 9, 2020 Council Meeting.**

DPB is looking for clarification as to whether the "actual" millage rate needs to be advertised. Solicitor Richardson explained that the caption is the only thing being advertised, but does not include the "actual" millage rate. DPB questioned whether the Township is *required* to advertise the millage rate. Solicitor Richardson deferred to Solicitor Kilkenny.

Solicitor Kilkenny stated that the Township *is* required to advertise the millage rate. His recommendation to the Township is to advertise at a higher millage rate. According to the law, it is acceptable to advertise at a higher rate and adjust to a lower rate if needed. However, advertising at a lower rate and adjusting to a higher rate is *not* acceptable. Furthermore, he has been working closely with Mr. Merron to provide guidance for the Budget. DPB asked for confirmation that in the final analysis, we cannot gain financially as a result from this reassessment, and that everything has to be re-balanced accordingly.

CAO Rongione stated that we should have the millage rate calculated by tomorrow. There is a need for it to be *revenue neutral* across the Township, which underscores the reason for caution.

LW expressed the importance of voting on the "*motion to advertise*" during this meeting. Therefore, Council will advertise, then review and discuss this Ordinance in a timely fashion at the December 16th meeting.

RG asked for confirmation from the Mayor or the CAO that the millage will *not* influence an increase of taxes. Mayor Keffer responded that the Township has budgeted for no increase with Taxes or Service Fees for sewer and trash. Some residents may see some increase or decrease with their individual taxes, because of the reassessment from the County.

RG added that the aggregate of all residents should have the same impact. CAO Rongione confirmed that individual households could pay more or less in taxes. Solicitor Kilkenny further explains that a Municipality such as Upper Darby Township has the authority to set the millage rate for the residents of the Township. The County Board of Assessments Office sets the Assessment. The Township has no control over how the County evaluates properties. These two separate moving parts need consideration.

Introduction of Ordinance No. 3087, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing the transfer of unencumbered appropriations from certain departments, offices and agencies to other departments, offices and agencies in accordance with Section 909 (D) of the Home Rule Charter

Solicitor Richardson gave a brief on **Ordinance No. 3087**.

Solicitor Richardson stated that any money moved between departments is executed by Ordinance. At this time, Mr. Merron has not completed all of the appropriations to be moved between budgets due to changes caused by Covid-19 that need to be accounted for that have not been completed as of yet. However, the Ordinance **does** need to be introduced.

LW stated that she wanted to make sure that there is appropriate time to have this completed for the next Council meeting on December 9. During this meeting, Council will have the “actual” Ordinance to discuss before the first reading. Therefore, the Ordinance needs to be advertised prior to December 9 and voted on at the December 16, 2020 Council Meeting. Otherwise, we would have to add a fourth meeting on the 23rd or the 30th of December.

DPB asked Solicitor Kilkenny if this Ordinance would be in final form before it is advertised and if all the appropriate transfers would be identified and available. Solicitor Kilkenny said that it must be finalized.

Motion to advertise: MB/RG Moved and seconded. Eleven in favor. Motion approved. This will be placed on the Agenda for vote at the December 9, 2020 Council Meeting.

Public Safety Committee

Co-Chairs: Brian K. Burke & Danyelle Blackwell

Members: Matt Silva & Hafiz Tunis Jr.

HT inquired about getting a winter schedule from Law Enforcement and the Fire Department to communicate to the public via council members and social media. LW reiterated that he is looking for information about snow preparation and topics of concern.

Mayor Keffer stated that she is having a preliminary meeting tomorrow with Public Works, Fire and Police to discuss the winter emergency plan and will communicate afterwards.

LF stated that the residents of the 5100 block of Gramercy Drive have requested a 2-way parking on this block. She requests an evaluation from the Police Department prior to the petition since it is a narrow street.

BB said he believes the report should also come from the Fire Department and Officer Ford prior to submitting the petition.

RG inquired about the status of the flashing lights on Garrett Road at Beverly Hill School. CAO Rongione stated that he was glad that RG brought this up because he has not heard from PennDOT for a very long time. The CAO said he will follow-up with them.

Public Health and Environmental Affairs Committee

Co-Chairs Matt Silva & Hafiz Tunis Jr.

Members: Michelle Billups & Sheikh M. Siddique

SS inquired about the health of the employees. CAO Rongione stated that there is an uptick with COVID-19 amongst employees for having close “contact” rather than testing positive, but it has not hampered our ability to operate.

LW requested a meeting with the Solicitors prior to the upcoming January meeting about the Cat TNR Ordinance. HT stated that he would work with MS to set up a meeting.

Planning, Zoning and Building Code Committee

Co-Chairs Robert S. Gwin Jr. Michelle Billups

Members: Hafiz Tunis Jr. & Donald P. Bonnett

Solicitor Kilkenny emailed the zoning application to Council for the Drexeline Shopping Center. The Mayor is in agreement with this application and asked Solicitor Kilkenny to move forward with it. He reached out to the Solicitor for the Zoning Hearing Board to schedule a special meeting. There is a meeting scheduled for December 22, 2020. Solicitor Kilkenny summarized the zoning relief requested by Drexeline (*see attached*). They do not believe that they need relief for the use variance for multi-family dwelling. However, if the Zoning Hearing Board decides that they do need it, they will ask for it. They are also requesting “*reaffirmation*” of the relief granted on June 28, 2018, in the event that the Zoning Hearing Board decides that this determination has expired. On the Agenda for the next Council Meeting, there will be a Resolution pertaining to Drexeline’s Land Development Application and one of the conditions is approval for the zoning relief. For this to be effective, they have to get the zoning relief approval along with other conditions.

DPB encouraged Council to act favorably contingent upon the Zoning approval being granted.

BB is not in favor of moving Drexeline builders up the ladder in front of residents who are taxpayers. He is displeased with the last Zoning hearing because there were residents that did not have the opportunity to present their cases.

MB stated that she participated in the last Zoning hearing and that she is aware there were 10 to 12 other parties not heard. Therefore, she is in favor of a “Special Meeting” scheduled for the Drexeline Builders.

Solicitor Kilkenny pointed out that the Zoning Hearing Board Solicitor agreed with scheduling a “Special Meeting”. The Solicitor suggested to the Zoning Committee to reach out to the Zoning Hearing Board to request additional hearings so they may clear up the backlog of hearings.

CAO Rongione pointed out that the Drexeline Zoning application is not a new one and that we have been dealing with it for years. TW stated the Zoning Hearing Board makes the decision and Solicitor Kilkenny agreed with this statement.

RG stated that he received a set of drawings from the Upper Darby School District for their plans of the redevelopment at the Lansdowne Avenue bus facility. He will make it available for those who would like to view them.

Resolution No. 56-20, a Resolution of Upper Darby Township granting preliminary/final sub-division plan approval to James Robertson for a two-lot subdivision at 456 Shadeland Avenue.

Solicitor Kilkenny gave a brief on **Resolution No. 56-20**.

MS asked the purpose of this sub-division. RG responded that it is to divide the lot and develop an additional lot while keeping the existing housing.

LF asked if anyone has heard anything about the WAWA on Baltimore Pike and Oak Avenue. CAO Rongione responded that the Township Engineer is going to the site with the contractor to go over the plans.

SS asked about the plans for WAWA on 69th Street and the vacant lot next to it, formerly Pearl Vision Center. CAO Rongione said the plan is for WAWA to expand their parking lot.

LW asked about the timeframe since the building is dilapidated and people are dumping there. Mayor Keffer interjected that it was best to talk about this during “*old business*” at another meeting. The Mayor would prefer waiting until next week so she may find out more information.

This will be placed on the Agenda for vote at the December 9, 2020 Council Meeting.

Municipal Services, Licensing and Public Works Committee

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

Members: Hafiz Tunis Jr. & Thomas P. Wagner

*** Nothing for the December 9, 2020 Council Meeting**

Leisure Services Committee

Co-Chairs: Lisa Faraglia & Matt Silva

Members: Danyelle Blackwell & Hafiz Tunis Jr.

SS wanted to know the reason we are repairing sidewalks surrounding Cardington Field instead of “fixing up” the inside of the park. Mayor Keffer stated that this falls under CDBG Funds and the Township was awarded money for a grant to upgrade the sidewalks. SS asked about the progress of the 3 triangle parks where years ago designs were created to renovate them. He insisted that there was grant money awarded for this park. LW clarified that the grant money was for the “*design*” of the park and not actual construction.

There was dialogue back and forth between Leisure Service Committee Members of the importance of visiting every park within the seven districts to determine the needs for beautification. MS agreed to set up these visits.

*** Nothing for the December 9, 2020 Council Meeting**

Event Planning Committee

Co-Chairs: Michelle Billups & Danyelle Blackwell

Members: Hafiz Tunis Jr. & Matt Silva

MB said they are “on point” for the virtual job fair. MS received a confirmation from the County, Career Link and the Fire Department for their participation. He is very pleased with the response. He said that there are new opportunities for jobs.

RG wanted to know if there would be further COVID-19 testing within the Township. Mayor Keffer responded that we are under the advisement of the County and their resources are limited, considering a County Health Department does not exist. CAO Rongione further explained that they agreed with the County not to compete for scarce resources.

*** Nothing for the December 9, 2020 Council Meeting**

Solicitor

Nothing to report

Old Business

RG inquired about the police doing a study of the speeding cars on Sellers Avenue. Mayor Keffer responded that the Public Works Department has the capability for conducting speeding tests. The next one is slated for Parkview Avenue. She will add Sellers Avenue to this list.

RG brought up Owen Avenue and offered to give an update. Mayor Keffer announced that the Township Engineer, Mike Galante, is working on parameters for speed humps and traffic flow and speed.

MB reported that the PECO project on Lynn Boulevard has an issue with contamination of the soil. Therefore, the new completion date is postponed until the end of December.

Mayor Keffer met with PECO today to set up a flagger to help control traffic to deter cars from cutting through neighborhoods. She reported that PECO has halted the West Chester Pike Project until the Lynn Boulevard project is complete. The Mayor also stated that the correspondence between PECO, the Director of Public Works and the Township Engineer has been beneficial with improving the traffic issues concerning these projects.

CAO Rongione added that the Mayor has instructed Public Works and himself to hold these utility companies more accountable for detours and traffic flow for their projects. DB stated that she is pleased with this communication. It is helpful to update the residents since they are impacted by the construction.

New Business

SS said that the alley of the 500 block of Wiltshire Road is experiencing a lot of water build up. Mayor Keffer suggested checking if a drain exists and needs cleaning.

MB thanked the Police Department for ticketing cars on the 600 block of Briarcliff Road for parking in the fire zone and is very grateful for their diligence.

Adjournment

RG/DB Moved and seconded. All in favor. **Adjournment at 9:08 p.m.**

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

AC/cmg

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