

SPECIAL MEETING MINUTES FOR DECEMBER 31, 2020

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

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

Attendance of Council

Hafiz Tunis Jr. (HT), Bob Gwin (RG), Michelle Billups (MB), Matt Silva (MS), Danyelle Blackwell (DB), Sheikh Siddique (SS), Lisa Faraglia (LF), Donald P. Bonnet (DPB), Thomas P. Wagner (TW),
Laura A. Wentz (LW)

Brian K. Burke (BB), 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
Scott Alberts, Director of Administrative Services
Gary Merron, Director of Finance
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.

Public Forum

There were no speakers

Finance and Appropriations Committee

Co-Chairs: Robert S. Gwin Jr., & Matt Silva
Members: Danyelle Blackwell & Brian K. Burke

Public Hearing for Ordinance No. 3089, an Ordinance of the Township of Upper Darby, County of Delaware, and the Commonwealth of Pennsylvania, amending the tax rate for the year 2021 with a millage rate of 13.25 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government

Solicitor Richardson gave a brief on Ordinance No. 3089 and explained why the millage rate needed to be adjusted.

Council President Wentz convened a Public Hearing for Ordinance No. 3089

Speakers

Thomas and Barbara Skrovanek, 515 Lombardy Road
Very unhappy about new assessment which significantly increased tax bill

CAO Rongione stated that the assessment was a result of a court order so it is a Court mandated County reassessment conducted at the direction of the County government by court order. The metrics, vendor and company used were all decisions that were made at the County level by the County government. Upper Darby Township understands that the evaluations do hit different property owners in different ways. Upper Darby Township would be happy to talk to the County to learn more but it is important to know that the decisions were not made by this Council and this Mayor.

Mr. Merron briefly explained the methodology of how the appraisals were calculated.

The Public Hearing was closed as there were no other speakers.

Motion to adopt Ordinance No. 3089: RG/MS

DPB expressed his concerns about funding the budget with a millage rate that is more than is technically needed. He asked Mr. Merron if the County has revised the Township-wide assessed value since the day before Christmas Eve. Mr. Merron stated that there has not been any change and that he would expect that the millage would be reduced to 13.13. DPB stated that at this time, we are proposing to adopt a millage rate of 13.25 according to this Ordinance. He further stated that a promise was made to the taxpayers to **not** increase taxes but this would, in fact, increase taxes.

DPB stated that he would like to move to amend the Motion to adopt this Ordinance at a millage rate of 13.13, which in effect is a tax-neutral millage rate and would honor our commitment to the community that we would not increase their taxes this year.

Solicitor Richardson stated that if the Ordinance is amended, it would have to be re-advertised and there is a Home Rule Charter requirement that insures that this has to be passed by December 31 or we would be out of Home Rule Charter compliance. She stated that DPB had a very valid point and further stated that a refund can be issued if the amount is not correct. Also, a Resolution can be done in the New Year to adjust the millage down.

DPB stated that this was previously discussed and he asked if the millage rate could be reduced to 13.13 if the County did not change the Township-wide assessment again.

Solicitor Kilkenny reiterated Solicitor Richardson's explanation regarding the millage and stated that DPB's Motion to amend is legal.

Motion to amend Ordinance No. 3089: DPB/TW

RG wanted to confirm that if the rate is too high, it can be adjusted to the lower rate before the billing goes out. Solicitor Kilkenny replied that it could also be done later by Resolution.

RG confirmed that Mr. Merron was in the process of re-establishing and confirming the values that Upper Darby has with those from the County.

Mr. Merron stated that is correct and that he remains in contact with the County.

DPB wanted to ask a follow-up question.

HT called for a point of order.

LW asked if any other Council members had a question or comment.

HT asked for clarity on the Motion and what the process would be if it passed.

Solicitor Kilkenny explained that the Township would be stuck at that millage rate so they need to be comfortable with that rate. If the Ordinance passed as is, a Resolution could be presented at the January 13, 2021 Council meeting to lower it.

MS expressed his concern about setting the millage rate at a lower rate at this time.

MB question the various millage rates. Solicitor Kilkenny gave an explanation and reiterated that his recommendation was that it is better to advertise a higher number and lower it if needed.

CAO Rongione stated that Solicitor Kilkenny is correct and that, as Solicitor Richardson said, it is possible that the County will correct the formula after the bills go out and there will have to be refunds. Therefore, we are requesting the maximum amount of flexibility for the maximum amount of time to get the millage rate as correct as possible for the taxpayers of Upper Darby and insure that it is revenue neutral. He further added that it is remarkably cynical and craven to suggest that this Ordinance represents a tax increase for the residents, as it absolutely does not. He strongly recommended that Council move forward with the recommendation as discussed at previous meetings and recommended by the Solicitors and the Finance Director.

DB suggested tabling the amendment and calling the question.

Motion to table the amendment: DB/HT

RG wanted to confirm that tabling the amendment meant tabling DPB's proposed amendment.

TW was against tabling the Motion for amendment, and believes that the entire body is not clear with what is happening at the County level and what is happening with our millage rate. He stated that tabling this Motion would cut off all discussion.

HT called a point of order, as he believes that TW's comments were not related to tabling the Motion but a personal grievance.

LW stated that a point of order was called and clarified that the conversation was to be specific to tabling the amendment.

TW stated that he was not in agreement with tabling the Motion and that discussion should continue.

MS made a Motion to call the question about tabling the amendment to 13.13. SS seconded.

Moved and seconded. A roll call vote was taken. Seven in favor, three opposed (LF, DPB, TW) and one excused. Motion to call the question passes.

Motion to table the amendment of 13.13 has been moved and seconded. A roll call vote was taken. Seven in favor, three opposed (LF, DPB, TW) and one excused. Motion to table the amendment of 13.13 is approved.

LW wanted to clarify that even at 13.25, there would be no tax increase. She confirmed that the only way you will have a tax increase is if the County assessment of your property went up. She also stated that in the last five years, the millage rate has never been 13 anything! There is no tax increase coming from the Township.

DPB stated that he takes issue with the fact that LW and the CAO stated that 13.25 is not a tax increase. He stated that Council was given a letter on December 23, 2020 with a stated Township-wide assessed value that set the Township-wide assessment and Mr. Merron computed that to fund the Township budget, we need 13.13 mills. If you increase that to 13.25, you will raise more money than you need to fund the budget. Therefore, it is a tax increase.

CAO Rongione asked if LW had a question for the Administration. He added that Mr. Merron computed the numbers at the instruction of the Mayor and under the direction of the CAO's office. He suggested that the Council President direct any questions to the Administration for answers.

LW stated that Mr. Merron's numbers from last week were very clear.

The CAO stated that the discussion has been very clear; the County has been very clear and the state of the assessment is still very fluid. The goal of the Ordinance is to create flexibility and to insure that when the bills are sent out, it is revenue neutral. If we do what is being suggested, we have less of a guarantee that the bills could be sent out in a revenue neutral timely manner. The CAO stated that it is disingenuous and false to suggest that the purpose of this Ordinance is a tax increase.

MB made a Motion to call the question. HT seconded. A roll call vote was taken. Eight in favor, two opposed (LF, TW), one excused. Motion to call the question is approved.

Moved and seconded to approve Ordinance No. 3089. A roll call vote was taken. Seven in favor, three opposed (LF, DPB, TW) and one excused. Ordinance No. 3089 is adopted.

Adjournment

Motion to adjourn: HT/SS. All in favor. Adjournment at 8:45 a.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk

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ORDINANCE NO. 3089

ANNUAL BUDGET FOR THE TOWNSHIP OF UPPER DARBY FOR THE YEAR 2021

TAX LEVY AND APPROPRIATION ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, COUNTY OF DELAWARE, AND THE COMMONWEALTH OF PENNSYLVANIA, AMENDING THE TAX RATE FOR THE YEAR 2021 WITH A MILLAGE RATE OF 13.25 AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSE OF THE MUNICIPAL GOVERNMENT

WHEREAS, pursuant to Section 902 of the Home Rule Charter of the Township of Upper Darby, the Mayor submitted to Township Council ("Council") a proposed budget and accompanying message for fiscal year 2021; and

WHEREAS, the budget provides a complete financial plan for Township funds and activities for the ensuing fiscal year; and

WHEREAS, pursuant to Section 906(A) of the Home Rule Charter, Council published a general summary of the budget and notice stating the times and places where copies of the budget and budget message were available for inspection by the public; and

WHEREAS, two (2) public hearings were held on the budget; and

WHEREAS, following public hearings and after due consideration, the budget was adopted by Council, without amendment, by Resolution 55-20; and

WHEREAS, Council passed Ordinance 3086 fixing the tax rate for the year 2021 with a millage rate of 13.07 on December 16, 2020;

WHEREAS, an additional calculation of the taxable real property of the Township caused Council to increase the millage rate to 13.25; and

WHEREAS, in furtherance of funding the 2021 budget, Council may establish a tax on all real property improved or unimproved within the Township subject to taxation for the calendar year 2021 on each dollar of assessed valuation,

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1 . That a tax be and the same is hereby levied on all property and occupations within the said Township subject to taxation for the Township purposes for the fiscal year 2021, as follows:

Tax rate for general fund purposes, the sum of 12.62 Mills on each thousand dollars of assessed valuation. For debt purposes, 0.63 Mills on each thousand dollars of assessed valuation.

The same being summarized in tabular form as follows:

MILLS ON EACH
THOUSAND DOLLARS OF
ASSESSED VALUATION

Tax rate for General Fund Purposes	12.62
Tax rate for Debt Purposes	<u>0*63</u>
TOTAL TAX RATE	

Section 2. That for the expenses for the fiscal year 2021 the following amounts are hereby appropriated from the revenue available for the current year for the specific purposes set forth below, which are more fully itemized in the Budget Form.

GENERAL FUND
SUMMARY OF ESTIMATED RECEIPTS

Tax Receipts	\$ 56,203,973.00
Other Revenue	17,231,460.00
Grants	<u>2 940 000.00</u> <u>General</u>
TOTAL ESTIMATED GENERAL FUND RECEIPTS	\$ <u>76 375 433.00</u> <u>Government:</u>
	Administration

SUMMARY OF APPROPRIATIONS
OPERATION AND MAINTENANCE

\$ 2,291,051.00

Treasurer	8,274.00
Administrative Services	<u>1 492 689.00</u>
TOTAL	\$ <u>3 792 014.00</u>
 <u>Protection to Persons and Property</u>	
Police	\$ 29,597,744.00 15,411,576.00
Licenses and Inspections	<u>1 434 970.00</u>
TOTAL	\$ <u>46 444 290.00</u>
 <u>Public Works:</u>	
Public Works	\$ 2,682,544.00

Sanitation		<u>6 657 637.00</u>
	TOTAL	\$ 25340313120.0
<u>Health Services:</u>		<u>\$ 622 793.00</u>

GENERAL FUND
SUMMARY OF APPROPRIATIONS (continued)
OPERATIONS & MAINTENANCE

<u>Electrical:</u>	TOTAL	TOTAL
<u>Parkin Meter:</u>	TOTAL	APPROPRIAT
<u>Leisure Services:</u>		IONS FROM
General Recreation		GENERAL
Parks		FUND
	TOTAL	\$ <u>870 745.00</u>
<u>Library:</u>	TOTAL	\$ <u>497 942.00</u>
<u>COSA:</u>	TOTAL	\$ 665,133.00
<u>HUD:</u>	TOTAL	<u>1 592 757.00</u>
<u>Miscellaneous:</u>		\$ <u>2 257 890.00</u>
Workers Compensation and Unemployment		\$ <u>375 510.00</u>
Volunteer Fire Relief Allocation		<u>1,785,790.00</u>
Insurance (Life, Health, Property, Casualty)		
Pension		\$ 1500,000.00
Contingency		200,000.00
	TOTAL	8,125,000.00
		<u>2,000,610.00</u>

350 000.00

\$ 12 175 610.00

\$ 79 634 989.00

TOTAL
 APPROPRIATIONS FROM
 HIGHWAY
 AID FUND

SEW
ER
FUN
D

SUMMARY OF ESTIMATED RECEIPTS

Sewer Rents

Other Revenue Receipts

Reimbursements

TOTAL ESTIMATED RECEIPTS

SUMMARY OF APPROPRIATIONS

Operation and Maintenance

Authority Rentals

TOTAL APPROPRIATIONS FROM SEWER FUND

SUMMARY
OF
ESTIMATED
RECEIPTS

Real Estate
 Taxes

TOTAL
 ESTIMATED
 RECEIPTS

HIGHWA
Y AID
FUND

SUMMARY OF ESTIMATED RECEIPTS

Reimbursements

Liquid Fuels Tax

TOTAL ESTIMATED RECEIPTS

SUMMARY OF APPROPRIATIONS

SUMMARY
OF
APPROPRI
ATIONS

Interest to be
 Paid

Principal to be
 Paid



TOTAL APPROPRIATIONS FROM SINKING FUND		<u>1.806.160.00</u>
\$ 8,400,000.00		\$ <u>2 406 160.00</u>
	25,000.00	<u>1 875 000.00</u>
\$ <u>10 300 000.00</u>		\$ <u>1 676 572.00</u>
\$ 1,057,306.00		\$ <u>2.711.027.00</u>
<u>6 650 000.00</u>		\$ <u>2 711 027.00</u>
\$ <u>7 707 306.00</u>		\$ 831,027.00
		<u>1 880 000.00</u>
\$ 600,000.00		\$ <u>20115027.00</u>

Section 4. 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 5. 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.

ENACTED and ORDAINED this 31st day of December, 2020

BY:

LAURA A. WENTZ
President of Council

MICHELLE BILLUPS

ATTEST

MICHELLE LLUPS
Secretary of Council

APPROVED THIS 31st DAY OF DECEMBER, 2020

BY: 
BARBARANN KEFFER
Mayor

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