Index

Upper Darby Township Council Meeting

September 17th, 2014

Call of the meeting 211

Roll call 211

Approval of the minutes for the August 20th, 2014 Council Meeting 211

Public Forum 211

Mayor Micozzie 212

Mayor Micozzie announced the upcoming shredding event and mentioned the flyers that will be going out announcing multiple Fall events

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 49-14, a Resolution approving the form of and authorizing and directing the execution of the amendment to the loan agreement related to the General Obligation Note, 2006 Series (The “2006 Note”), The General Obligation Note, 2008 Series (The “2008 Note”), and the General Obligation Note, 2009 Series (The “2009 Note”) (Collectively, the “Participant Note”) issued by the Upper Darby Township (The “Participant”) and repealing inconsistent Resolutions.

Adoption of Resolution No. 49-14 212

Resolution No. 50-14, the tax appeal of Theresa A. Ruckert, 827 Green Lane, Upper Darby Township. Tax Folio No: 16-13-02118-00 225-242

Adoption of Resolution No. 50-14 243, 244

Planning, Zoning & Building Code Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 51-14, a Resolution of Upper Darby Township authorizing the filing of a one year Action Plan with the Department of Housing and Urban Development to obtain funds in the amount of $1,446,286.00.

Adoption of Resolution No. 51-14 245
Public Hearing for Resolution No. 52-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of West Chester Pike Market, LLC for the inter-municipal transfer of Eating Place Retail Dispenser License E 2161 from the Township of Ridley to the premises located at 7350 West Chester Pike, Upper Darby, Delaware County, PA.

DIS-APPROVAL of Resolution No. 52-14

Motion for Council to authorize the Director of Licenses and Inspection to issue a Festival permit to Saint Dorothy’s Church to hold a Festival on October 7th, 2014 through October 11th, 2014, subject to certain conditions including receipt of insurance certificate.

Municipal Services, Licensing & Public Works Committee
James Santora, Chairman

Resolution No. 53-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign the Master Casing Agreement with the Pennsylvania Department of Transportation for the years 2014-2017.

Adoption of Resolution No. 53-14

Public Safety Committee
John B. Rankin Jr., Chairman

Motion to authorize the Administration to write to Penndot seeking permission to Install a crosswalk at the intersection of Garrett Road with Upland Way and Irvington Road in Drexel Hill, PA.

Motion to authorize the Administration to write to Penndot to implement the recommendations for traffic improvements along Garrett Road in the vicinity of Garrettford Elementary School.

Announcement of Open Houses regarding the Comprehensive Plan

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, September 17th, 2014 at 7:30 p.m. in the Council Meeting Room #202 of the Municipal Building, 100 Garrett Road, Upper Darby, Pennsylvania.

The meeting was called to order by Council President Donald P. Bonnett with the Pledge of Allegiance to the flag of the United States of America. Brendan Quinn, member of Troop #32 of Drexel Hill Boy Scouts of America led the Pledge of Allegiance.

**Roll Call**

Donald P. Bonnett, Thomas P. Wagner, John Rankin, Ed Monaghan, Jacob A. Bierling Jr., Mary Ann Crawford, Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

**Present at the Meeting**

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., Chief Administrative Officer
Kelly Sullivan, Esq., Solicitor
Jason Bates, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

**Approval of the Minutes**

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Meeting of August 20, 2014.

Mr. Wagner: So moved.

Mrs. Crawford: Seconded.

Mr. Bonnett: It has been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

**Public Forum**

Mr. Bonnett: This is the time set aside for the public to speak. When you hear your name come forward to the podium, and state your name and address for the records. Comments are limited to five minutes.

Alima Dolores Reardon, 406 Springfield Road
Planned Parenthood
Their comments are filed on tape.

Mr. Rankin: That concludes the speakers for this evening.

Mr. Bonnett: Ladies and gentlemen, this is time set aside for our Mayor, the Honorable Thomas N. Micozzie.

**Mayor Thomas N. Micozzie**

Mayor Micozzie spoke of the upcoming shredding event and mentioned that flyers will be going out to announce different Fall events.

Mr. Bonnett: Thank you Mayor. At this time, we will go into the Committee Reports starting with the Finance and Appropriations Committee, Mr. Wagner please.

**Committee Reports**

**Finance and Appropriations Committee**
Thomas P. Wagner, Chairman

Resolution No. 49-14, a Resolution approving the form of and authorizing and directing the execution of the amendment to the loan agreement related to the General Obligation Note, 2006 Series (The “2006 Note”), The General Obligation Note, 2008 Series (The “2008 Note”), and the General Obligation Note, 2009 Series (The “2009 Note”) (Collectively, the “Participant Note”) issued by the Upper Darby Township (The “Participant”) and repealing inconsistent Resolutions.

Mr. Wagner: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 49-14.

Mr. Solicitor: Resolution No. 49-14 is a Resolution approving the form of and authorizing and directing the execution of the amendment to the loan agreement related to the General Obligation Note, 2006 Series (The “2006 Note”), The General Obligation Note, 2008 Series (The “2008 Note”), and the General Obligation Note, 2009 Series (The “2009 Note”) (Collectively, the
“Participant Note”) issued by the Upper Darby Township (The “Participant”) and repealing inconsistent Resolutions.

Mr. Wagner: Thank you. Councilman Gwin informed me moments before the meeting that he had a question about this.

Mr. Gwin: I would basically like to know more information about it. How does it affect us if we do it? What are the interest rates?

Mr. Wagner: Mr. Judge, do you want to handle that?

Mr. Judge: I think if you look at the amendment to the loan agreement in Section 1, 7.01D, there is a statement that says “any material representation that is made by the participant that is found to be incorrect, misleading or a material adverse respect that is given”, then they could call the loan. So if we give information that is a lie or if we misrepresent some financial fact about the loan document, they could call the loan on us. This change does not impact any interest rates, any outstanding debt other than if there is a misrepresentation that is confirmed by the loan agent, then they could call the loan within 180 days.

Mr. Wagner: And, certainly we are not making any knowing misrepresentations. Mr. Gwin, does that answer your question?

Mr. Judge: It goes back to the banking rules that were changed by the FCC and the Federal Government in March meaning the Federal banking rules that were changed. They are requiring that all of the loan documents have this.

Mr. Gwin: So, the banking organizations are requesting that we complete these to bring their records up to date.

Mr. Judge: To complete this change, to make their records in compliance with the Federal rules. It does not change any of the outstanding loans or any outstanding terms or payments. It does not change any of our interest rates that we have on those 3 loans that we have borrowed on.

Ms. Keffer: Councilman Bonnett, I have a couple of questions. Councilman Wagner, was this discussed at the Committee meeting a couple of weeks ago?

Mr. Judge: I’ll say this. Yes, Mr. Smith brought it up and discussed it.

Ms. Keffer: OK, because I was here too and I don’t remember.

Mr. Judge: Do you remember Mr. Smith…….

Ms. Keffer: I know he’s our Finance Director.
Mr. Judge: What I’m asking is do you remember Mr. Smith discussing it? We have it on tape.

Ms. Keffer: No, that’s why I’m asking.

Mr. Judge: We do have it on tape and we’ll be glad to show you that he did discuss it at the Committee meeting.

Mr. Wagner: It’s my understanding anyway that this is a rather routine step that the Township needs to take. The Solicitor recommends it and Mr. Smith, our Finance Director recommends it. Correct, Mr. Judge?

Mr. Judge: Yes, but I think what the Councilwoman was asking is, was it discussed at a Committee meeting. I do believe that Mr. Smith brought it up at the Committee meeting and it is on tape.

Ms. Keffer: OK, that’s fine.

Mr. Wagner: Is there a substantive question?

Ms. Keffer: I thought that was substantive but that’s OK. I just don’t remember it being discussed.

Mr. Wagner: I didn’t mean to cut you off. Is there anything else?

Ms. Keffer: Not right now, thank you.

Mr. Wagner: Does anyone else have any comment or question about it? Seeing none, I move for the adoption of Resolution No. 49-14.

Mr. Rankin: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: Thank you. Will the Solicitor please give a brief on Resolution No. 50-14?

**Resolution No. 50-14**, the tax appeal of Theresa A. Ruckert, 827 Green Lane, Upper Darby Township. Tax Folio No: 16-13-02118-00

Mr. Solicitor: Certainly. Resolution No. 50-14 is the tax appeal of Theresa A. Ruckert,
827 Green Lane, Upper Darby Township. Tax Folio No: 16-13-02118-00. The current is $45,800.00 and the recommended Resolution is for an assessment in the year 2014 of $7,400.00 and in the year 2015 of $6,780.00. This appeal has been approved by the Upper Darby School District and is recommended by the Solicitor’s office.

Mr. Wagner: Thank you. I move for the adoption of Resolution No. 50-14.

Mr. Bierling: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. The next Committee is the Planning, Zoning & Building Code Committee, Mr. Bierling please.

Planning, Zoning & Building Code Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 51-14, a Resolution of Upper Darby Township authorizing the filing of a one year Action Plan with the Department of Housing and Urban Development to obtain funds in the amount of $1,446,286.00.

Mr. Bierling: Thank you, Mr. Bonnett: Will the Solicitor please give us a brief on Resolution No. 51-14?

Madam Solicitor: Yes. Resolution No. 51-14 is a Resolution of Upper Darby Township authorizing the filing of a one year Action Plan with the Department of Housing and Urban Development to obtain funds in the amount of $1,446,286.00.

Mr. Bierling: Thank you. At this time, I would like to make a motion to adopt Resolution No. 51-14.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Bierling: Mr. Bonnett, at this time I would ask for a Public Hearing to be held for Resolution No. 52-14.

Mr. Bonnett: Yes, Madam Solicitor, would you please give a brief on this Resolution?
Public Hearing for Resolution No. 52-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of West Chester Pike Market, LLC for the inter-municipal transfer of Eating Place Retail Dispenser License E 2161 from the Township of Ridley to the premises located at 7350 West Chester Pike, Upper Darby, Delaware County, PA.

Madam Solicitor: Yes. This is a Public Hearing for an application filed by John McCreesh on behalf of West Chester Pike Market LLC for the inter-municipal transfer of Eating Place Retail Dispenser License E 2161 from the Township of Ridley to the premises located at 7350 West Chester Pike, Upper Darby, Delaware County, PA. I invite Mr. McCreesh to conduct this Public Hearing.

Mr. McCreesh: This is Edward Lim and he may be testifying so can we have someone swear him in?

Madam Solicitor: I can swear him in. Mr. Lim, raise your right hand. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth so help you?

Mr. Lim: Yes.

Mr. McCreesh: My name is John J. McCreesh III and I’m here representing Edward Lim. Mr. Lim is an entrepreneur who I really respect. He took an old dilapidated building on West Chester Pike that was used just for the storage of hardware goods a year ago, well not even a year ago. He spent over a quarter of a million dollars and made it into a very nice convenience store which you can see from the picture. As with most businessmen today and even the larger businessmen like Wegman’s Acme, Shoprite, etc., they are applying for and receiving the right to sell beer because they need another product to sustain their bottom line. So, he comes here today to ask the Township to approve his purchase of an E License. An E License is an eating place license which allows you only to sell beer, not wine or hard liquor. He will have no bar there. As you can see from the diagram, the first diagram shows the layout of the whole store. The second diagram shows the area where he is going to put in 30 tables and chairs for a small cafeteria serving breakfast, lunch and dinner and beer to go. He renovated this place and it’s beautiful. I was inside myself. It takes you back to the olden days where there were corner stores. The prices are reasonable and people in the neighborhood really like it. But, like I said, he needs this bit of extra income. The place is all secure with security cameras. His hours of operation for the community are that he opens at 7 and during the week he closes at 9. On weekends, he thinks he may stay open till 11 or maybe not. But, it won’t be any later than 11. They’re not going to have a bar with fancy jukeboxes or anything like that. It’s a sit down operation. You can’t just come in and buy a drink. Nobody is allowed to come in and buy a beer only. You have to have a sandwich or a platter. So, if you have any questions. Like I said, I really admire him. I wish we had more entrepreneurs like him. So, he is open to questions.

Mayor Micozzie: You meant he will have 30 chairs right? You said 30 tables.
Mr. McCreeesh: I meant 30 chairs at tables.

Mr. Bonnett: There are 32 shown in the diagram but there seems to be ample room for that. Are you finished with your presentation?

Mr. McCreeesh: Yes, we are.

Mr. Bonnett: At this time, I would like to open the floor to anyone who wishes to address or provide testimony on this issue. Anyone who wishes to do so, please come to the podium and state your name and address for the record please.

Mr. Melvin: My name is Frank Melvin. I live at 2570 Stoneybrook Drive in Drexel Hill. I also own a restaurant called Original Casey’s in Drexel Hill at 812 Lansdowne Avenue. I’m sorry but I’d like to object to moving another license into this area. Right now, the Township has too many licenses and especially where he wants to put it on West Chester Pike when you come out of Philly and it’s our main street coming out. I just think the signs in that area are degrading the business that we have with all of the beer signs and everything else and we’re moving a license into our Township when I know we have a few for sale. Now, if he was willing to buy one from my Township, I would not object but I don’t think we need another license to sell beer in our Township right now. There are too many available.

Mr. Bonnett: Mr. Melvin, you know for a fact that there are……

Mr. Melvin: Well, I could probably name one or two. I know that Cheers is up for sale. There is a license there that was closed and the Tower was closed and I’m sure there are a few more. And, with this economy, there might be a few more in a couple of years. As you said, this man hasn’t even been in business for one year yet so I think you should have a proven track record of how this business runs and everything else before we grant him permission to sell beer. And, he said his hours are till 9 but could change. So, that’s not a stipulation, I mean, I just think that area is too much. We have 2 beer licenses across the street selling beer to go, we have one on the corner and if you go up another block we have a beer distributor and if you go up two more blocks, there are 3 more licenses in that area. So, we’re looking at about 10 in a 4 block area. Thank you for your time.

Mr. Bonnett: Thank you.

Mr. McCreeesh: Mr. Melvin puts me in a bad position of having been his lawyer and still his lawyer of many years and also one of his good friends. He is wrong in one respect. There are no E licenses available in Upper Darby Township. There are R licenses and they are the licenses that allow you to sell liquor and wine. He cannot buy an R license because he has a convenience store and you cannot sell food products, deli products and all of those products that go with it that the Community wants and needs if he were to buy an R license. There are R licenses available in the Township, it is true. Mr. Melvin missed a couple because the chief of Police
closed down Lennon’s, the place across from the Police Station and La Molina, he closed the 3
of them down last year. So, there are 3 licenses available and maybe even more. There are
fewer licenses in Upper Darby now than there were before due to the rightful action of the Police
Department in regards to the activity at those bars. But, like I said, this is not a bar and it’s not
that type of place.

Mr. Bonnett: Let’s ask if there is anyone else who wishes to speak or provide testimony on this
issue. Seeing none. Bob Gwin, do you have a question?

Mr. Gwin: Yes, I’m trying to read the drawing here and I’m not that gifted at it. Could you tell
us how the parking is situated? Where will people enter and leave?

Mr. McCreech: The parking is to the left on the picture. The parking was approved by the
Township for the operation of the store as it is now.

Mr. Bonnett: This did not change the parking configuration at all from what it was?

Mr. McCreech: No.

Mr. Bonnett: What was the occupancy before?

Mr. McCreech: Well, we don’t really know because it was just supposedly a hardware store but
it just had a lot of storage goods in it.

Mr. Bonnett: But, it was still a retail establishment as far as we know?

Mr. McCreech: I don’t really know.

Mayor Micozzio: Two problems. The R licenses themselves, the Police Departments did shut
them down because it’s now, I believe, -------------. Those citations stay with the license?

Mr. McCreech: Yes, well I mean the conditions that the Liquor Board made on them is that they
had to move out of the Township.

Mayor Micozzio: No, I’m saying that if that license were for sale........

Mr. McCreech: Yes, but it can’t be sold in the Township.

Mayor Micozzio: It can’t be?

Mr. McCreech: No, that was a condition made with the Chief of Police. And, Cheers by the way
is open and operating. It has a different owner.
Mayor Micozzie: The state legislation is pending right now, if it would go, what happens to an E license in that case under the existing that we all know is out there? Does this E become…….

Mr. McCreesh: No, if you spend……..the last proposal was over close to a quarter of a million dollars so you could set up a wine store with an E.

Mayor Micozzie: So, beer could go to wine.

Mr. McCreesh: Yeah but I mean there is not enough room. You know how many bottles of wine you would need to sell. I mean people don’t come in and buy one bottle of wine.

Mayor Micozzie: I’m just asking if this would be that type of license.

Mr. McCreesh: He could convert it if this legislation passes.

Mayor Micozzie: OK, I was just curious.

Mr. Bonnett: Does anyone else wish to speak?

Mr. Santora: Yes. How many E licenses are in that area?

Mr. McCreesh: E? I imagine the pizza shop has an E license.

Mr. Santora: And that’s it?

Mr. McCreesh: Well, there is the beer distributor up by the Wawa. McFadden’s is an R license. Jack Slattery is an R license.

Mr. Santora: Are there any restrictions to having too many E licenses in a certain area?

Mr. McCreesh: No, you can have as many as you want. That’s up to you. If you feel it’s against the health, welfare and morals of the community, you can knock it out but the only real restrictions that the Liquor Board has is that it cannot be close to a church or restrictive institutions, such as hospitals. There is nothing there that goes along those lines.

Mr. Bonnett: Does anyone else wish to comment on this? Madam Solicitor, what procedurally might we do with this issue? What are the reasons to approve or reject according to the Liquor Control?

Madam Solicitor: The court has given some guidance on it and the Commonwealth Court has spoken on approval or review of inter-municipal transfers and if the Township were to reject an inter-municipal transfer request such as this, there would have to be substantial evidence in the record that the transfer would be detrimental to the neighborhood or to its residents and
detrimental to the public’s health, safety or welfare. That would be your standard that you’re looking at.

Mr. Bonnett: So, if we were to vote against granting this transfer, is the burden of proof on us?

Mr. McCreesh: Excuse me, Mr. Bonnett. No, the burden is not on you. I don’t want to go against the Solicitor because I do it for a living but the burden is not on you and I don’t want to mislead you. You can turn it down if you want without much reason.

Mr. Bonnett: Mr. Melvin? Please step to the podium so your comments are recorded.

Mr. Melvin: There are 3 E licenses there. There is one on the corner, the deli, the pizza place and the beer distributor. There is an E as you come out of 69th St. on the right hand side. But, my thing is that he has 32 seats there. How many parking lot spaces does he have?

Mr. McCreesh: Twelve.

Mr. Melvin: And you are entering in a residential area to get into his parking lot, correct?

Mr. McCreesh: Yes.

Mr. Melvin: Well, that’s something we have to look at. Thank you for your time.

Mr. McCreesh: You’re welcome. Just for the record. Frank, you sell take-out beer too?

Mr. Melvin: Yes, I do.

Mr. McCreesh: OK.

Mr. Melvin: But, we have 275 parking spots and we have an R license which allows beer and wine. Allowing another license will de-value our licenses.

Mr. Bonnett: This is a rarity for Upper Darby Township but I am going to suggest that we move into an executive session at this point. It’s a legal issue and we need to discuss this amongst the Council. I think there are enough questions before us that we need to deliberate this. We are within our rights, Madam Solicitor?

Madam Solicitor: Yes.

Mr. Bonnett: OK, the meeting will be in recess for approximately 10 minutes, at the most.

MEETING RECESSSED
Mr. Bonnett: This meeting will re-convene. The Council deliberated in executive session on the subject of Resolution No. 52-14. At this point, a motion would be in order.

Mr. Bierling: I would like to make a motion to **not** approve of Resolution No. 52-14.

Mrs. Crawford: Seconded.

Mr. Bonnett: It has been moved and seconded to **NOT** approve of Resolution No. 52-14. All those in favor signify by saying aye. Opposed? The ayes have it. Resolution No. 52-14 is **NOT** approved.

Mr. McCreesh: Thank you for your time.

Mr. Bonnett: Back to you Jack.

Mr. Bierling: Thank you, Mr. Bonnett.

**Motion for Council to authorize the Director of Licenses and Inspection to issue a Festival permit to Saint Dorothy’s Church to hold a Festival on October 7\(^{th}\), 2014 through October 11\(^{th}\), 2014, subject to certain conditions including receipt of insurance certificate.**

Mr. Santora: I’d like to make a motion for Council to authorize the Director of Licenses and Inspection to issue a Festival permit to Saint Dorothy’s Church to hold a Festival on October 7\(^{th}\), 2014 through October 11\(^{th}\), 2014, subject to certain conditions including receipt of insurance certificate.

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Bierling: That concludes our report.

Mr. Bonnett: Thank you, Jack. The next Committee is the Municipal Services, Licensing & Public Works Committee, Mr. Santora, please.

**Municipal Services, Licensing & Public Works Committee**
James Santora, Chairman
Resolution No. 53-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign the Master Casting Agreement with the Pennsylvania Department of Transportation for the years 2014-2017.

Mr. Santora: Thank you. Will the Solicitor please give a brief on Resolution No. 53-14?

Madam Solicitor: Yes. Resolution No. 53-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign the Master Casting Agreement with the Pennsylvania Department of Transportation for the years 2014-2017.

Mr. Santora: I’d like to make a motion for Council to approve Resolution No. 53-14.

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Santora: That concludes our report.

Mr. Bonnett: Thank you, Jamie. The next Committee is the Public Safety Committee, Mr. Rankin, please.

Public Safety Committee
John B. Rankin Jr., Chairman

Motion to authorize the Administration to write to Penndot seeking permission to install a crosswalk at the intersection of Garrett Road with Upland Way and Irvington Road in Drexel Hill, PA.

Mr. Rankin: I’d like to make a Motion to authorize the Administration to write to Penndot seeking permission to install a crosswalk at the intersection of Garrett Road with Upland Way and Irvington Road in Drexel Hill, PA.

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Motion to authorize the Administration to write to Penndot to implement the recommendations for traffic improvements along Garrett Road in the vicinity of Garrettford Elementary School.
Mr. Rankin: I’d like to make a Motion to authorize the Administration to write to Penndot to implement the recommendations for traffic improvements along Garrett Road in the vicinity of Garrettford Elementary School.

Mrs. Crawford: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it.

Mr. Rankin: That concludes our report.

Mr. Bonnett: Thank you, John. Councilman Santora, I believe you would like to speak to Council and the public about the Comprehensive Plan process.

Mr. Santora: Yes. We have a series of open houses that will take place on September 24th and 25th. We’re trying something new this year. We’re going to do them all in a 2 day period around the Township and the members of the Committee are going to split up and go to each of the open houses so we can hear the input from the residents in the community and then we can come back to the Committee and be able to report along with our consultant, Delta.

On September 24th the following meetings will take place:

7PM at Anthony’s Ristorante in the Drexelene Shopping Center
7PM at Westbrook Park Elementary School
7PM at Drexel Hill Middle School
7PM at the Watkins Center

On September 25th, the following meetings will take place:

7PM at Highland Park Elementary School
7PM at Holy Child School
7PM at Beverly Hill Middle School

Mr. Santora: Thank you.

Mr. Bonnett: Thank you, Jamie. Madam Solicitor, any further business this evening?

Madam Solicitor: No further business.

Adjournment

Mr. Bonnett: A motion would be in order for adjournment.
Mr. Bierling: So moved.

Mr. Santora: Seconded.

Mr. Bonnett: Moved and duly seconded. All those in favor signify by saying aye. Opposed? The ayes have it. This meeting stands adjourned.

Respectfully submitted,

/Richard G. Nolan
Chief Municipal Clerk
RESOLUTION 49-14
OF THE TOWNSHIP COUNCIL
OF THE UPPER DARBY TOWNSHIP,
DELWARE COUNTY, PENNSYLVANIA

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING AND
DIRECTING THE EXECUTION OF THE AMENDMENT TO THE LOAN
AGREEMENT RELATED TO THE GENERAL OBLIGATION NOTE, 2006
SERIES (THE “2008 NOTE”), AND THE GENERAL OBLIGATION NOTE,
2009 SERIES (THE “2009 NOTE”) (COLLECTIVELY, THE “PARTICIPANT
NOTE”) ISSUED BY THE UPPER DARBY TOWNSHIP (THE
“PARTICIPANT”) AND REPEALING INCONSISTENT RESOLUTIONS.

WITNESSETH:

WHEREAS, the Participant issued the 2006 Note dated May 25, 2006, the 2008 Note
dated December 28, 2008, the 2009 Note dated October 25, 2011, to the Delaware Valley
Regional Finance Authority ("DelVal") and executed Loan Agreements (collectively, the
“Original Loan Agreement”) to secure the repayment of the Participant Note; and

WHEREAS, an amendment of Section 7.01(d) and Section 7.02(a)(1) (the
“Amendment”) of the Original Loan Agreement is desirable to conform to new credit rating
criteria that could affect the Participant’s rating; and

WHEREAS, the Board of DelVal has approved the form of the Amendment and has
authorized and directed the execution of the Amendment.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED BY THE TOWNSHIP
COUNCIL OF THE UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, AND IT IS HEREBY RESOLVED AND ADOPTED BY THE
AUTHORITY OF SAID BOARD THAT:
SECTION 1. **APPROVAL OF THE FORMS OF THE AMENDED AND RESTATATED LOAN AGREEMENT**

The Board hereby approves the substantial form of the Amendment, attached hereto.

SECTION 2. **AUTHORIZATION TO EXECUTE THE AMENDED AND RESTATATED LOAN AGREEMENT**

The President or Vice President and the Secretary (the “Authorized Officers”) are hereby authorized and directed to execute and deliver the Amendment, but with such alterations, deletions and additions as the Authorized Officers may approve (such approval to be conclusively established by the execution of the Amendment by the Authorized Officers).

SECTION 3. **CONFLICTING RESOLUTIONS**

All resolutions or parts of resolutions not in accord with this Resolution are hereby repealed insofar as they conflict herewith.
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the UPPER DARBY TOWNSHIP, Delaware County, Pennsylvania.

Dated: September 17, 2014

DONALD P. BONNETT
President, Township Council

THOMAS N. MICOZZIE
Mayor

[Seal]

THOMAS J. JUDGE JR.
Chief Administrative Officer

ATTEST:

JOHN B. RANKIN, JR.
Secretary
AMENDMENT TO THE
LOAN AGREEMENT

for the $7,500,000
General Obligation Note, 2006 Series

between the

DELAWARE VALLEY REGIONAL FINANCE AUTHORITY
Bucks, Chester, Delaware and Montgomery Counties, Pennsylvania

and the

UPPER DARBY TOWNSHIP
Delaware County, Pennsylvania

Dated as of
September 17, 2014
AMENDMENT TO LOAN AGREEMENT

THIS AMENDMENT TO LOAN AGREEMENT (the "Amendment") is between the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY ("DelVal"), a public instrumentality and body corporate and politic of the Commonwealth of Pennsylvania, and the Upper Darby Township, Delaware County, Pennsylvania (the "Participant"), organized and existing under the laws of the Commonwealth of Pennsylvania. Capitalized term used herein shall have the meanings ascribed thereto in the Original Loan Agreement (as hereinafter defined).

BACKGROUND

DelVal and Participant are parties to that certain Loan Agreement, dated as of May 25, 2006 (the "Original Loan Agreement"), and have now agreed to amend the Original Loan Agreement by the terms of this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

Section 1. Amendments to Original Loan Agreement.

(a) Section 7.01(d) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

"(d) Any material representation or warranty made by the Participant herein or any statement in any report, certificate, financial statement or other instrument furnished in connection with this Loan Agreement shall at any time prove to have been false or misleading in any material adverse respect when made or given."

(b) Section 7.02(a)(1) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

"(1) DelVal and the Trustee may declare all Repayments to be immediately due and payable; however, upon such declaration by DelVal or the Trustee, the Participant shall have a period of one
hundred eighty (180) days after the date of such declaration to
make all Repayments, and”

Section 2. Representations, Warranties and Covenants.

Each party represents to the other party in respect of the Original Loan Agreement, as
amended pursuant to this Amendment, that all representations, warranties and covenants made
by it pursuant to the Original Loan Agreement are true and accurate as of the date of this
Amendment.

Section 3. Counterparts.

This Amendment may be executed in any number of counterparts, each of which shall be
regarded as an original and all of which shall constitute one and the same instrument.

Section 4. Governing Law.

This Amendment shall be deemed to be a contract made under the laws of the
Commonwealth of Pennsylvania and for all purposes shall be governed by and construed in
accordance with the laws of the Commonwealth of Pennsylvania.

Section 5. Confirmation of Original Loan Agreement.

Except as amended hereby, the Original Loan Agreement is hereby confirmed and
reaffirmed in all particulars. The Original Loan Agreement and this Amendment shall be read,
taken and construed as one and the same instrument, notwithstanding the date and time of
execution and delivery of each such instrument. In the event of any inconsistencies between the
provisions of the Original Loan Agreement and this Amendment, the provisions of this
Amendment shall take precedence.
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY.

Dated: September 17, 2014

John P. McClain

JOHN P. McBLAIN
Chairman

[Seal]

ATTEST:

John J. Camero, III
Assistant Secretary
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the UPPER DARBY TOWNSHIP, Delaware County, Pennsylvania.

Dated: September 17, 2014

DONALD P. BONNETT
President, Township Council

[Seal]

ATTEST:

THOMAS J. RUDGE, JR.
Secretary
AMENDMENT TO THE
LOAN AGREEMENT

for the $3,495,000
General Obligation Note, 2008 Series

between the

DELAWARE VALLEY REGIONAL FINANCE AUTHORITY
Bucks, Chester, Delaware and Montgomery Counties, Pennsylvania

and the

UPPER DARBY TOWNSHIP
Delaware County, Pennsylvania

Dated as of
September 17, 2014
AMENDMENT TO LOAN AGREEMENT

THIS AMENDMENT TO LOAN AGREEMENT (the “Amendment”) is between the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY (“DelVal”), a public instrumentality and body corporate and politic of the Commonwealth of Pennsylvania, and the Upper Darby Township, Delaware County, Pennsylvania (the “Participant”), organized and existing under the laws of the Commonwealth of Pennsylvania. Capitalized term used herein shall have the meanings ascribed thereto in the Original Loan Agreement (as hereinafter defined).

BACKGROUND

DelVal and Participant are parties to that certain Loan Agreement, dated as of December 28, 2008 (the “Original Loan Agreement”), and have now agreed to amend the Original Loan Agreement by the terms of this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

Section 1. Amendments to Original Loan Agreement.

(a) Section 7.01(d) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

“(d) Any material representation or warranty made by the Participant herein or any statement in any report, certificate, financial statement or other instrument furnished in connection with this Loan Agreement shall at any time prove to have been false or misleading in any material adverse respect when made or given.”

(b) Section 7.02(a)(1) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

“(1) DelVal and the Trustee may declare all Repayments to be immediately due and payable; however, upon such declaration by DelVal or the Trustee, the Participant shall have a period of one
hundred eighty (180) days after the date of such declaration to make all Repayments, and"

Section 2. Representations, Warranties and Covenants.

Each party represents to the other party in respect of the Original Loan Agreement, as amended pursuant to this Amendment, that all representations, warranties and covenants made by it pursuant to the Original Loan Agreement are true and accurate as of the date of this Amendment.

Section 3. Counterparts.

This Amendment may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same instrument.

Section 4. Governing Law.

This Amendment shall be deemed to be a contract made under the laws of the Commonwealth of Pennsylvania and for all purposes shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Section 5. Confirmation of Original Loan Agreement.

Except as amended hereby, the Original Loan Agreement is hereby confirmed and reaffirmed in all particulars. The Original Loan Agreement and this Amendment shall be read, taken and construed as one and the same instrument, notwithstanding the date and time of execution and delivery of each such instrument. In the event of any inconsistencies between the provisions of the Original Loan Agreement and this Amendment, the provisions of this Amendment shall take precedence.
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY.

Dated: September 17, 2014

John P. McBlain
JOHN P. McBLAIN
Chairman

[Seal]

ATTEST:

John J. Camero, III
Assistant Secretary
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the UPPER DARBY TOWNSHIP, Delaware County, Pennsylvania.

Dated: September 17, 2014

DONALD P. BONNETT
President, Township Council

[Seal]

THOMAS N. MICOZZIE, MAYOR

ATTEST:

THOMAS J. JUDGE JR., CAO

JOHN B. RANKIN, JR.
Secretary
AMENDMENT TO THE
LOAN AGREEMENT

for the $3,485,000
General Obligation Note, 2009 Series

between the

DELAWARE VALLEY REGIONAL FINANCE AUTHORITY
Bucks, Chester, Delaware and Montgomery Counties, Pennsylvania

and the

UPPER DARBY TOWNSHIP
Delaware County, Pennsylvania

Dated as of
September 17, 2014
AMENDMENT TO LOAN AGREEMENT

THIS AMENDMENT TO LOAN AGREEMENT (the "Amendment") is between the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY ("DelVal"), a public instrumentality and body corporate and politic of the Commonwealth of Pennsylvania, and the Upper Darby Township, Delaware County, Pennsylvania (the "Participant"), organized and existing under the laws of the Commonwealth of Pennsylvania. Capitalized term used herein shall have the meanings ascribed thereto in the Original Loan Agreement (as hereinafter defined).

BACKGROUND

DelVal and Participant are parties to that certain Loan Agreement, dated as of October 25, 2011 (the "Original Loan Agreement"), and have now agreed to amend the Original Loan Agreement by the terms of this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

Section 1. Amendments to Original Loan Agreement.

(a) Section 7.01(d) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

"(d) Any material representation or warranty made by the Participant herein or any statement in any report, certificate, financial statement or other instrument furnished in connection with this Loan Agreement shall at any time prove to have been false or misleading in any material adverse respect when made or given."

(b) Section 7.02(a)(1) of the Original Loan Agreement is hereby amended and restated in its entirety as follows:

"(1) DelVal and the Trustee may declare all Repayments to be immediately due and payable; however, upon such declaration by DelVal or the Trustee, the Participant shall have a period of one
hundred eighty (180) days after the date of such declaration to make all Repayments, and"

Section 2. Representations, Warranties and Covenants.

Each party represents to the other party in respect of the Original Loan Agreement, as amended pursuant to this Amendment, that all representations, warranties and covenants made by it pursuant to the Original Loan Agreement are true and accurate as of the date of this Amendment.

Section 3. Counterparts.

This Amendment may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same instrument.

Section 4. Governing Law.

This Amendment shall be deemed to be a contract made under the laws of the Commonwealth of Pennsylvania and for all purposes shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Section 5. Confirmation of Original Loan Agreement.

Except as amended hereby, the Original Loan Agreement is hereby confirmed and reaffirmed in all particulars. The Original Loan Agreement and this Amendment shall be read, taken and construed as one and the same instrument, notwithstanding the date and time of execution and delivery of each such instrument. In the event of any inconsistencies between the provisions of the Original Loan Agreement and this Amendment, the provisions of this Amendment shall take precedence.
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the DELAWARE VALLEY REGIONAL FINANCE AUTHORITY.

Dated: September 17, 2014

John P. McBlain

JOHN P. McBLAIN
Chairman

[Seal]

ATTEST:

John J. Camero, III
Assistant Secretary
IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the UPPER DARBY TOWNSHIP, Delaware County, Pennsylvania.

Dated: September 17, 2014

DONALD P. BONNETT
President, Township Council

[Seal]

ATTEST:

JOHN B. RANKIN, JR.
Secretary

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE JR., CAO
UPPER DARBY TOWNSHIP
RESOLUTION NO. 50-14

In Re: Appeal Of: Theresa A. Ruckert

Owner: Theresa A. Ruckert

Property Address: 827 Green Lane
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-02118-00

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No.13-12293;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$7,400.00</td>
</tr>
<tr>
<td>2015</td>
<td>$6,780.00</td>
</tr>
</tbody>
</table>

WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 17th day of September, 2014.

UPPER DARBY TOWNSHIP
BY: Donald P. Bonnett, President of Council
Resolution No. 50-14 above is hereby approved this 17th day of September, 2014.

BY: Thomas N. Micciche, Mayor

ATTEST:
Thomas J. Judge, Jr.,
Chief Administrative Officer
RESOLUTION NO. 51-14

RESOLUTION OF UPPER DARBY TOWNSHIP AUTHORIZING THE FILING OF A ONE YEAR ACTION PLAN WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO OBTAIN FUNDS IN THE AMOUNT OF $1,446,286.00

WHEREAS, UPPER DARBY TOWNSHIP IS ENTITLED, PURSUANT TO 24 CFR PART 91, et. al., CONSOLIDATED SUBMISSION OF COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS, TO A FEDERAL GRANT IN THE AMOUNT OF $1,446,286.00 TO ASSIST IN CARRYING OUT CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES WITHIN THE TOWNSHIP; AND

WHEREAS, UPPER DARBY TOWNSHIP DESIRES TO MAKE APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR SUCH GRANT FUNDS;

NOW, THEREFORE, BE RESOLVED:

THAT THE FY 2014 (YR.40) ACTION PLAN, IN THE AMOUNT OF $1,446,286.00 IS HEREBY APPROVED BY UPPER DARBY TOWNSHIP AND THE MAYOR OF THE TOWNSHIP IS HEREBY AUTHORIZED TO FILE SUCH DOCUMENT, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND IS AUTHORIZED TO ACT ON BEHALF OF THE TOWNSHIP IN CONNECTION WITH SAID DOCUMENT AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED IN CONNECTION THEREWITH.

RESOLVED, THIS 17th DAY OF SEPTEMBER, A. D. 2014

UPPER DARBY TOWNSHIP

Donald P. Bonnett
PRESIDENT OF COUNCIL

ATTEST: John B. Rankin, Secretary
SECRETARY OF COUNCIL

APPROVED: Thomas N. Micazzie, MAYOR

ATTEST: Thomas J. Judge, Jr.
CHIEF ADMINISTRATIVE OFFICER
UPPER DARBY TOWNSHIP

RESOLUTION NO. 52-14

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA DISAPPROVING THE APPLICATION OF WEST CHESTER PIKE MARKET, LLC FOR THE INTER-MUNICIPAL TRANSFER OF EATING PLACE RETAIL DISPENSER LICENSE E 2161 FROM THE TOWNSHIP OF RIDLEY TO THE PREMISES LOCATED AT 7350 WEST CHESTER PIKE, UPPER DARBY, DELAWARE COUNTY, PA 19082

WHEREAS, Upper Darby Township has received a request for approval from WEST CHESTER PIKE MARKET, LLC for an inter-municipal transfer of Eating Place Retail Dispenser License from the Township of Ridley to the premises located at 7350 West Chester Pike, Upper Darby, PA, Delaware County, PA 19082.

WHEREAS, in accordance with the Pennsylvania Liquor Code, 47 P.S. Section 4-461, Upper Darby Township Council is required to conduct a public hearing on the application;

WHEREAS, Upper Darby Township published notice of said hearing in a newspaper of general circulation in accordance with Pennsylvania Liquor Code;

WHEREAS, on September 17, 2014, Township Council conducted said public hearing for the purpose of receiving comments and recommendations of interested individuals residing within the Township with respect to the request for approval of the transfer;

NOW, THEREFORE, BE IT RESOLVED that Council hereby disapproves the application of WEST CHESTER PIKE MARKET, LLC for an inter-municipal transfer of Eating Place Retail Dispenser License E 2161 from the Township of Ridley to the premises located at 7350 West Chester Pike, Upper Darby, PA, Delaware County, PA 19082.

ENACTED AND ORDAINED, THIS 17th DAY OF SEPTEMBER, A.D., 2014.

ATTEST: 
JOHN B. RANKIN JR.
Secretary of Council

UPPER DARBY TOWNSHIP

BY: 
DONALD P. BONNETT
President of Council

ATTEST: 
THOMAS J. JUDGE, JR.
Chief Administrative Officer

BY: 
THOMAS N. MICCOGLIE, Mayor
UPPER DARBY TOWNSHIP

Resolution No. 53-14

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AUTHORIZING THE MAYOR TO SIGN THE MASTER CASTING AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE YEARS 2014-2017

WHEREAS, it is in the best interest of Upper Darby Township to participate in the Master Casting agreement with the Pennsylvania Department of Transportation:

Now, therefore, be it resolved that:

1. The Mayor, in accordance with Section 403 (h) of the Upper Darby Township Home Rule Charter is hereby authorized to execute any agreement he deems necessary or appropriate for the Master Casting Agreement with the Pennsylvania Department of Transportation.

UPPER DARBY TOWNSHIP

[Signature]
DONALD P. BONNETT
President of Council

ATTEST:

[Signature]
JOHN B. RANKIN JR.
Secretary to Council

Resolution 53-14 above is hereby approved this 17th day of September A.D. 2014 nb.

[Signature]
THOMAS F. MICOZZIE
Mayor

ATTEST:

[Signature]
THOMAS J. JUDGE, JR.
Chief Administrative Officer