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Upper Darby Township Council Meeting

May 20th, 2015

Call of the meeting

Roll call

Approval of the April 2015 Minutes

Roll Call Vote for Ordinance No. 3023

Public Forum

Mayor Micozzie

Appointment of Gina Flatley to serve on the Upper Darby Township Library Board for a three year term expiring in December 2017

Appointment of Kate Sweeney Smith to serve on the Upper Darby Township Comprehensive Plan Committee

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 11-15, the tax appeal of Chen Tianshui and Chi Ruixian, 502 Elm Ave, Upper Darby Township. Tax Folio No. 16-05-00266-00

Adoption of Resolution No. 11-15

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

Resolution No. 12-15, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final land development by further developing 3.65 acres with one 1,948 square foot station building, train platform, pedestrian facilities, and revised parking facilities located near the Northeast corner of Providence
Road and South Avenue and being subject to certain conditions of approval

Adoption of Resolution No. 12-15 118
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A regular meeting of Upper Darby Township Council was held on Wednesday evening, May 20th, 2015 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.

**Roll Call**

Donald P. Bonnett, Thomas P. Wagner, Ed Monaghan, Jacob A. Bierling Jr., Mary Ann Crawford, Marah Manners, Sekela Coles, Robert Gwin, Barbarann Keffer, Kate Sweeney Smith

John Rankin, excused

**Present at the Meeting**

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Scott C. Gottel, 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 Regular Meeting of April 15th, 2015.

Mr. Monaghan: 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. Before we move on, there is a procedural issue that needs to be addressed. Back during the March 18, 2015 Council meeting, this Council approved Ordinance No. 3023 by a voice vote and it should have been a roll call vote of the members of Council. In view of that, we need to do some housekeeping to correct the record on that point. In that regard, I would ask for a motion to amend the March 18th meeting minutes to reflect that Ordinance No. 3023 passed with a unanimous vote of all Council members then present. Now, before someone offers that motion, I would like to suggest that Councilman Wagner, you were not at that meeting and Councilwoman Smith you were also not at that meeting. I would therefore suggest that you feel free to abstain from this action of Council. So with that, may I have a motion?
Mr. Bierling: I would like to make a motion to amend the March 18th meeting Minutes to reflect that Ordinance No. 3023 passed with a unanimous vote of all Council members then present.

Mr. Bonnett: Is there a second?

Mr. Monaghan: Seconded.

Mr. Bonnett: It's been moved and seconded. Mr. Secretary, please take a roll call vote

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<th>Opposed to</th>
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<td>Ordinance 3023</td>
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Bonnett               Wagner
Monaghan             Rankin
Bierling
Crawford
Manners
Coles
Gwin
Keffer

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Mr. Monaghan: We have 8 in favor, 1 excused and 2 abstaining.

Mr. Bonnett: Thank you Ed. With that, we have therefore cleaned up the issue pertaining to Ordinance No. 3023 and it is therefore duly…….

Mr. Gottel: Excuse me. I would like to make a note on the record that those members who were present at the time, John Rankin and James Santora, if you have a recollection that they also voted in the affirmative. I will make a note of that.

Mr. Bonnett: For the record at the recommendation of our Solicitor, Councilman Rankin and the then sitting Councilman Santora also voted in favor of Ordinance No. 3023. So with that, Ordinance No. 3023 stands and has been appropriately approved by roll call vote. Thank you, members of Council.

**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.

Regina Singh, 435 Glendale Road
Stop sign

Jane Collins, 304 Gramercy Drive
Planned Parenthood

Bob Cassidy, 3854 Garrett Road
Planned Parenthood

Their comments are filed on tape.

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

Mr. Bonnett: Thank you Ed. That concludes the Public Forum. At this time, this is the part of the meeting set aside for our Mayor, The Honorable Thomas N. Micozzie.

**Mayor Micozzie**

Mayor Micozzie: Thank you, Don. At this time, I would like to submit to Council for their approval, the appointment of Gina Flatley to serve on the Upper Darby Township Library Board. This is a three year term which will expire December 2017. I had given appointments last month and this one was inadvertently left out. I would appreciate your approval.

Mr. Bonnett: Is there a motion?

Mr. Bierling: I make a motion.

Mrs. Crawford: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Gina Flatley is therefore appointed to our Library Board.

Mayor Micozzie: Also, the replacement for Jamie Santora on the Comprehensive Plan Committee, I move for Kate Smith as part of the Council on that as well as Barbarann Keffler. We’re coming almost to a close on that, aren’t we Thomas?

Mr. Judge: Yes, Sir. The plan will not be submitted to Council for review before December.
Mayor Micozzie: I was parlaying that we cancelled the meeting because of the School Board presentation.

Mr. Judge: We had a meeting in May and will have another one in the middle of June to early July.

Mayor Micozzie: We're all tired. Did you get that Linda? The Comprehensive Plan is cancelled for May 26th.

Mr. Judge: I will let you know when the new date is set.

Mr. Bonnett: A motion would be in order for the ratification of the appointment for Kate Smith to the Comprehensive Plan Committee.

Mr. Wagner: So moved.

Mrs. Crawford: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it unanimously. Kate Smith is therefore appointed to the Comprehensive Plan Committee on the recommendation of the Mayor.

Mayor Micozzie: That's all I have this evening.

Mr. Bonnett: Thank you, Mr. 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. 11-15, the tax appeal of Chen Tianshui and Chi Ruixian, 502 Elm Avenue, Upper Darby Township. Tax Folio No: 16-05-00266-00

Mr. Wagner: Thank you, Mr. President. I would ask the Solicitor to give us a brief on Resolution No. 11-15.

Solicitor: Certainly. Resolution No. 11-15 is the tax appeal of Chen Tianshui and Chi Ruixian, 502 Elm Avenue, Upper Darby Township. Tax Folio No: 16-05-00266-00. The current assessment is $61,020.00. The recommended Resolution is for an assessment for tax year 2015 of $47,460.00. It is under Delaware County Docket # 14-01-0834. It has been reviewed and approved at this time by the Upper Darby School District and the Solicitor's office is recommending it this evening.
Mr. Wagner: Thank you, Mr. Solicitor. I move for the adoption of Resolution No. 11-15.

Mr. Bierling: Second.

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

Mr. Wagner: That completes the report of the Finance and Appropriations Committee, Mr. President.

Mr. Bonnett: Thank you, Tom. 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. 12-15 a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final land development by further developing 3.65 acres with one 1,948 square foot station building, train platform, pedestrian facilities, and revised parking facilities located near the Northeast corner of Providence Road and South Avenue and being subject to certain conditions of approval.

Mr. Bierling: Thank you, Mr. Bonnett. I will ask the Solicitor for a brief on Resolution No. 12-15.

Solicitor: Certainly. Resolution No. 12-15 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final land development by further developing 3.65 acres with one 1,948 square foot station building, train platform, pedestrian facilities, and revised parking facilities located near the Northeast corner of Providence Road and South Avenue and being subject to certain conditions of approval.

Mr. Bierling: Thank you. At this time, I would like to move for the approval of Resolution No. 12-15.

Mrs. Crawford: Second.
Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it. Does the Solicitor have any business for the Council this evening?

Solicitor: No, I do not.

Mr. Bonnett: OK, a motion would be in order for adjournment

Mr. Wagner: So moved.

**Adjournment**

Mrs. Crawford: Seconded.

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

Ms. Coles: I’m sorry. Mr. President, I apologize. I just wanted to invite all Council members as well as the public to an outdoor family movie night that I am hosting along with Mayor Micozzie at Bywood Elementary School next Friday, May 29th at 7:30. It will be outdoors at the playground at Bywood so everyone is asked to bring your lawn chairs and blankets. The Home and School Association at Bywood will be selling refreshments and beverages. This is a free event and the movie that we will be showing is “Annie”. It’s the new version of “Annie” that was released last year. So again, that is Friday, May 29th at 7:30 at Bywood.

Mr. Bonnett: Thank you, Sekela. A motion for adjournment has been made and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. This meeting is adjourned.

Respectfully submitted,

Richard G. Nolan
Chief Municipal Clerk

RGN/akc
UPPER DARBY TOWNSHIP
RESOLUTION NO. 11-15

In Re: Appeal Of: 502 Elm Avenue

Owner: Chen Tianshui and Chi Ruixian

Property Address: 502 Elm Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-05-00266-00

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. 14-010834;

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

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<th>YEAR</th>
<th>ASSESSMENT</th>
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<td>2015</td>
<td>$47,460.00</td>
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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 20th day of May, 2015.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 11-15 above is hereby approved this 20th day of May, 2015.

By:

[Signature]
Thomas N. Miccozie, Mayor

Attest:

[Signature]
Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP

Resolution No. 12-15

A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF THE
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY (SEPTA) FOR
FINAL LAND DEVELOPMENT BY FURTHER
DEVELOPING 3.65 ACRES WITH ONE 1,948
SQUARE FOOT STATION BUILDING, TRAIN
PLATFORM, PEDESTRIAN FACILITIES AND
REVISED PARKING FACILITIES LOCATED NEAR
THE NORTHEAST CORNER OF PROVIDENCE
ROAD AND SOUTH AVENUE AND BEING SUBJECT
TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, The Southeastern Pennsylvania Transportation Authority (SEPTA)
("Applicant") has submitted for approval its Preliminary / Final Land Development Plans to
further develop 3.65 acres with one 1,948 square foot station building, train platform, pedestrian
facilities and revised parking facilities, prepared by Gannet Fleming, said plans consisting of
forty seven (47) sheets each dated November 18, 2014 (collectively “Final Plans”); and

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby
approved subject to certain Conditions of Approval including the following:

1. Applicant has obtained approval by Pennsylvania Department of Transportation
of all necessary permits, including but not limited to any required highway occupancy permit.

2. Approval by the Township Solicitor and execution by SEPTA and, where
applicable, Applicant’s lender, of all necessary and appropriate documentation including
Developer’s Agreement and Improvement Security Agreement, and such other documentation as
acceptable to the Solicitor, including but not limited to documentation concerning the ongoing
maintenance, operation and repair of the common site improvements, if any, which are not to be
dedicated to the Township;
3. Applicant has obtained approval by Delaware County Conservation District of all required submittals.

4. Formal recording of the Site and Key Plan of the Final Plans (the "Record Plans") following Township execution of the Record Plans;

5. Applicant shall comply with all conditions and approvals applicable to zoning variances/special exceptions granted by the Upper Darby Township Zoning Hearing Board.

6. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

Attest:  
[Signature]
Edward E. Monaghan
Acting Secretary of Council

By:  
[Signature]
Donald P. Bonnett
President of Council

Resolution No. 12-15 above is hereby approved this 20th day of May, A.D., 2015.

Attest:  
[Signature]
Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:  
[Signature]
Thomas N. Micozzie
Mayor