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Upper Darby Township Council Meeting

June 15th, 2016

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Mayor Micozzie

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Nate Goodson introduced Abu Rahman who spoke about International Mother Language Day. Mr. Rahman presented the top three winning posters from the art contest to their owners.

Mayor Micozzie stated that Upper Darby was the first Municipality in the United States to adopt International Mother Language Day which is a U.N. Resolution.

Historic Preservation Award

Mayor Micozzie presented Steven Bowman, owner of Five Points Coffee Shop with the Historic Preservation Award

Announcements

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The annual fireworks will be on July 3, 2016. The doors will open at 7pm and the cost of $4 per person. The British Invasion Band will be performing along with the Sousa Band and the Shooting Stars.

State Representative Jamie Santora came to the podium to thank Tom Judge Jr. for pointing out that there was no application process from DCED on how to get the papal money. By working with Tom and the County, Barry Wicks from DCED became involved and the application was completed. Upper Darby will receive the maximum that every municipality is entitled to.
Committee Reports

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 19-16, the tax appeal of Volunteer Fireman’s Relief Association of Upper Darby Township, 3831 Albemarle Avenue, Upper Darby Township. Tax Folio No: 16-13-00076-00
Adoption of Resolution No. 19-16

Public Safety Committee
Edward E. Monaghan, Chairman

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Resolution No. 23-16, a Resolution to REMOVE the “2 Hour Parking from 8am until 6pm” restriction on Greenhill Road from Lincoln Avenue to Lansdowne Avenue
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Delaware which will allow the Upper Darby Police Department to participate and receive funds from the United States Department of Justice’s 2016 Edward Byrne Memorial Justice Grant Program

Adoption of Resolution No. 24-16

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

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Adoption of Resolution No. 25-16

Law and Government & Rules and Procedures Committee
Patrick J. Spellman, Chairman

Public Hearing for Resolution No. 26-16, a Resolution of Upper Darby Township, Delaware County, Pennsylvania APPROVING the application of Korean Grill House, Inc. for the inter-municipal transfer of Liquor License #R-4834 from the Borough of Eddystone to the premises located at 7260 Marshall Road, Upper Darby, Delaware County, PA 19082.

DENIAL of Resolution No. 26-16

Solicitor

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, June 15th, 2016, 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, Edward E. Monaghan, Jacob A. Bierling Jr., Sekela Coles, Robert Gwin, Barbarann Keffer, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman

Marc Manfre, excused

**Present at the Meeting**

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Kelly Sullivan, Esq., Solicitor
Mark Raith, Esquire
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 May 18th, 2016.

Mr. Wagner: So moved.

Mr. Bierling: Second.

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.

Karen Miller, Taylor Avenue
Property maintenance
Her comments are filed on tape.

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

Mr. Bonnett: This is the time of the meeting set aside for our Mayor, the Honorable Thomas N. Miccozzie.

**Mayor Miccozzie**

Mayor Miccozzie invited Pastor Nate Goodson to speak about the Multicultural Commission of Upper Darby and the various projects that they are involved with.

Nate Goodson introduced Abu Rahman who spoke about International Mother Language Day. Mr. Rahman presented the top three winning posters from the art contest to their owners.

Mayor Miccozzie stated that Upper Darby was the first Municipality in the United States to adopt International Mother Language Day which is a U.N. Resolution.

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State Representative Jamie Santora came to the podium to thank Tom Judge Jr. for pointing out that there was no application process from DCED on how to get the papal money. By working with Tom and the County, Barry Wicks from DCED became involved and the application was completed. Upper Darby will receive the maximum that every municipality is entitled to.

Mr. Bonnett: At this time we will move to the Committee Reports beginning with the Finance & Appropriations Committee. Councilman Wagner, please.
Committee Reports

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 19-16, the tax appeal of Volunteer Fireman’s Relief Association of Upper Darby Township, 3831 Albemarle Avenue, Upper Darby Township. Tax Folio No: 16-13-00076-00

Mr. Wagner: Thank you. Will the Solicitor please give us a brief of Resolution No. 19-16?

Solicitor: Yes. Resolution No. 19-16 is the tax appeal of Volunteer Fireman’s Relief Association of Upper Darby Township, 3831 Albemarle Avenue, Upper Darby Township. Tax Folio No: 16-13-00076-00. This matter is still pending on appeal waiting on a decision from Delaware County Court. The proposed settlement agreement would fix the tax assessment at $40,680.00. The school district has already approved this settlement and the Solicitor’s office would recommend that this settlement be approved as well.

Mr. Wagner: I move for the adoption of Resolution No. 19-16.

Mr. Bierling: Second.

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

Ms. Keffer: I have a question.

Mr. Bonnett: Sure.

Ms. Keffer: What was the prior assessment on it?

Mr. Bonnett: Mr. Solicitor, could you answer that?

Solicitor: I believe it was $60,000.00 but I could be wrong.

Ms. Keffer: Why are we voting on it if it is still in litigation at the Court of Common Pleas?

Solicitor: Well, we are trying to settle that litigation.

Ms. Keffer: Is us voting on it part of getting it settled?

Mr. Wagner: Yes, and the school district has approved it and you and your office has recommended it.
Solicitor: That is correct.

Mr. Bonnett: Isn't it also fair to say that when these are presented to the Township that we never accept what is presented. We always negotiate for a favorable position for the Township and that is what puts it into litigation. Until we agree to a settlement by virtue of Resolution of this board and the school board, it is still in litigation until it is settled.

Mr. Judge: If I may, most of the settlements are based upon an independent assessment of a real estate assessor who looks at the property and comes up with a fair market value of the property.

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

Mr. Wagner: That concludes our report.

Mr. Bonnett: Thank you, Tom. Public Safety Committee, Mr. Monaghan please.

Public Safety Committee
Edward E. Monaghan, Chairman

Resolution No. 20-16, a Resolution to REMOVE the “2 Hour Parking from 8am until 6pm” restriction on the 500 block of Broadview Road

Mr. Monaghan: Madam Solicitor, would you please give us a brief on Resolution No. 20-16?

Solicitor: Certainly. Resolution No. 20-16 is a Resolution to REMOVE the “2 Hour Parking from 8am until 6pm” restriction on the 500 block of Broadview Road

Mr. Monaghan: I move for the adoption of Resolution No. 20-16.

Mr. Gwin: Second.

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

Resolution No. 21-16, a Resolution to REMOVE “Two Hour Parking, Monday to Friday, between 8:00 AM and 6:00 PM” restriction on the 400 block of Irvington Road

Mr. Monaghan: Madam Solicitor, would you please give us a brief on Resolution No. 21-16?
Solicitor: Certainly. Resolution No. 21-16 is a Resolution to REMOVE “Two Hour Parking Monday to Friday, between 8:00 AM and 6:00 PM” restriction on the 400 block of Irvington Road

Mr. Monaghan: I move for the adoption of Resolution No. 21-16.

Mr. Wagner: Second.

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

**Resolution No. 22-16**, a Resolution to establish “Two Hour Parking, Monday to Friday, between 8:00 AM and 6:00 PM” on the 400 block of Irvington Road between Garrett Road and Hillcrest Road

Mr. Monaghan: Madam Solicitor, would you please give us a brief on Resolution No. 22-16?

Solicitor: Certainly. Resolution No. 22-16 is a Resolution to establish “Two Hour Parking, Monday to Friday, between 8:00 AM and 6:00 PM” on the 400 block of Irvington Road between Garrett Road and Hillcrest Road

Mr. Monaghan: I move for the adoption of Resolution No. 22-16.

Mr. Bierling: Second.

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

**Resolution No. 23-16**, a Resolution to REMOVE the “2 Hour Parking from 8am until 6pm” restriction on Greenhill Road from Lincoln Avenue to Lansdowne Avenue

Mr. Monaghan: Madam Solicitor, would you please give us a brief on Resolution No. 23-16?

Solicitor: Certainly. Resolution No. 23-16 is a Resolution to REMOVE the “2 Hour Parking from 8am until 6pm” restriction on Greenhill Road from Lincoln Avenue to Lansdowne Avenue

Mr. Monaghan: I move for the adoption of Resolution No. 23-16.
Mr. Gwin: Second.

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

**Resolution No. 24-16**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal cooperative agreement with the County of Delaware which will allow the Upper Darby Police Department to participate and receive funds from the United States Department of Justice’s 2016 Edward Byrne Memorial Justice Grant Program

Mr. Monaghan: Madam Solicitor, would you please give us a brief on Resolution No. 24-16?

Solicitor: Yes. **Resolution No. 24-16** is a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an intermunicipal cooperative agreement with the County of Delaware which will allow the Upper Darby Police Department to participate and receive funds from the United States Department of Justice’s 2016 Edward Byrne Memorial Justice Grant Program

Mr. Monaghan: I move for the adoption of Resolution No. 24-16.

Mr. Bierling: Second.

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

Mr. Monaghan: That concludes our report.


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

**Resolution No. 25-16**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for final Land Development by developing 2.72 acres with a new office building and maintenance shop totaling 31,285 square feet located on the east side of Victory Avenue, approximately 750’ north of the intersection with West Chester Pike and being subject to certain conditions of approval
Mr. Bierling: Thank you, Mr. President. I will ask the Solicitor for a brief on Resolution No. 25-16.

Solicitor: Certainly. Resolution No. 25-16 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 developing 2.72 acres with a new office building and maintenance shop totaling 31,285 square feet located on the east side of Victory Avenue, approximately 750’ north of the intersection with West Chester Pike and being subject to certain conditions of approval.

Mr. Bierling: I move for the adoption of Resolution No. 25-16.

Mr. Spellman: Second.

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: At this time, we are going into a Public Hearing for the Law and Government & Rules and Procedures Committee. Councilman Spellman, with your permission, I will conduct that hearing.

Mr. Spellman: If you would, Mr. President.

**Law and Government & Rules and Procedures Committee**

Patrick J. Spellman, Chairman

**Public Hearing for Resolution No. 26-16**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania APPROVING the application of Korean Grill House, Inc. for the inter-municipal transfer of Liquor License #R-4834 from the Borough of Eddystone to the premises located at 7260 Marshall Road, Upper Darby, Delaware County, PA 19082.

Mr. Bonnett: Will the applicant come forward please for the Public Hearing to approve the application for the inter-municipal transfer of a liquor license? Mr. McCreesh, I believe you would like to have your witnesses sworn in, is that correct?

The Solicitor swore in the applicant.

Mr. McCreesh: Mrs. Yang and her husband purchased the old Marlane Diner and have done extensive renovations therein to make it what is called a Korean BBQ Restaurant. They have
spent close to $800,000.00 with the purchase of the building and now would like to get a liquor license in order to sell liquor at the table. There is no bar in the place so you can’t come in to just buy a drink. You can only have liquor, wine or beer if you are sitting down and ordering from the menu which I showed you. It is an extensive BBQ type of menu. Mrs. Yang presently has a business in Independence Square where she has been and she calls that Philly Gourmet Café. She has spent a lot of money and wants to be able to recoup some of it by selling another product. She right now has BYOB. I’ve been in this business for 50 years and BYOB is a very dangerous thing in the liquor business because you have no control over the people when they bring liquor into your establishment. It’s hard to tell them to stop drinking and they can drink too much because you don’t know how much they had and a lot of times they will get belligerent and say “it’s my own” and then they’ll continue drinking. So, you get into an argument and you have to stop everything and people say “well under the law I’m allowed to bring liquor wherever I want.” So, you have an argument right there. Like I said, she is not going to have a bar. You can’t just go in and order a drink. You have to eat and have a drink with your meal. There is no DJ, only background music. We will agree that there will be no DJ or bar and no drinking other than at the table. She has plenty of parking out there and she has spent a tremendous amount of money. The old Marlane Diner had a license for many years and when they sold it back in 2007 they also sold the license and it hasn’t been licensed for about 7-8 years. But, when you look at that picture there on the inside that’s where you used to walk in to an old counter and then to the left is where all of the booths were. But, you can see from these pictures the amount of money that they spent and the beauty of the place. The outside is not 100% yet. She wants to finish that up later. She has put up a new sign and fixed up the outside. As you can see from the menu, it is extensive. If you want to hear from Mimi her English is limited but she understands. Like I said, she has a place now in Independence Square and has never had a violation of the Liquor Code and as she said she speaks the truth. Everything I said, do you agree with that?

Mrs. Yang: Yes Sir.

Mr. McCreesh: No bar or music?

Mrs. Yang: No bar but background music while you eat.

Mr. McCreesh: If you have any questions, we will gladly answer them.

Mayor Micozzie: Why are we bringing another liquor license into Upper Darby Township?

Mr. McCreesh: Because there aren’t any available for transfer.

Mayor Micozzie: There are 3 bars for sale right now in Upper Darby. Why can’t we buy one of them and transfer it?

Mr. McCreesh: You have to buy the whole place.

Mayor Micozzie: That’s not true.
Mr. McCreesh: Well, what bars are for sale?

Mayor Micozzie: There are 3 of them. One is at 33 Garrett Road for sale.

Mr. McCreesh: It’s a transfer between a father and daughter.

Mayor Micozzie: You’re saying that online it’s up for sale.

Mr. McCreesh: Yes, but they want you to buy the whole place, the building, the license....

Mayor Micozzie: I understand. I just asked a question.

Mr. McCreesh: And I’m just telling you.

Mayor Micozzie: I’m saying you’re bringing licenses from other towns into Upper Darby. That’s all.

Mr. McCreesh: Do you know how many licenses you’ve lost in Upper Darby in the last 8 years?

Mayor Micozzie: To tell you the truth John, some of them I’d like to lose forever.

Mr. McCreesh: Well, 8 years ago there were 62 licenses in this town and now there are 50. You’re going to lose 2 this year. I agree with the Chief that the people above my office when they created all of the problems that I would kick them out and I did and transfer the license out of the Township. That’s one. The other license down the corner that is Herdelin’s old place has to go out of the Township so now you’re down to 48.

Mayor Micozzie: That’s not a bad thing though.

Mr. McCreesh: Well, legitimate businesses are a good thing too.

Mayor Micozzie: They sure are.

Mr. McCreesh: This is a legitimate business and that’s the type of thing that you want in the town.

Mayor Micozzie: I guess the question is this and I hope she’s successful with the current business. But if she leaves, the license stays here right?

Mr. McCreesh: Yes and with the same type operation. You put it in the agreement. We do that all the time. That’s why Media is so successful. They have a lot of businesses. They put in a conditional license agreement that the Liquor Board agrees to and they say that if you want to sell it to somebody else you have to come back here and tell us who you’re going to sell it to and we’ll put conditions on it again. You can make it work.
Mr. Wagner: Can this business work successfully though without a liquor license?

Mr. McCreesh: Probably not.

Mr. Wagner: That’s what I’m worried about. Are you telling us that the business can’t survive without a liquor license?

Mrs. Yang: The people want this. This is a meat buffet. People eat meat, beef and pork and they want some wine.

Ms. Coles: Since it’s a BYOB they don’t bring a bottle of wine?

Mrs. Yang: The problem is we do BYOB and the people bring their cars and have a whole beer. Then they come in and sit down they bring just a little bit. Then we serve them something and some people go to their car again and bring in a whole case of beer. So, I say “excuse me please, we have a limit” and they say “well, you guys have a BYOB and we can control ourselves because we are customers.” We cannot control them.

Mr. Monaghan: Does your other establishment in Philadelphia have a liquor license?

Mrs. Yang: Yes. We have it in my store across from the Liberty Bell but we are not a sit down restaurant. We have a --------. We don’t have a bar.

Mr. Monaghan: Not far from where your business is located now is a business called Bona Cucina which has been around for about 25 years without a liquor license. It’s very successful and it’s also BYOB.

Mr. Bonnett: Mrs. Yang, how long have you been in business at that location?


Mr. Bonnett: Did you open the business at that time?

Mrs. Yang: No Sir. I did renovations and spent $280,000.00 and I rented it to someone.

Mr. Bonnett: When did you start operating it?

Mrs. Yang: March of this year.

Mr. Bonnett: What was there before you took over the premises?

Mrs. Yang: A Korean Restaurant. But, the tenants complained all the time about the parking so I would lose a tenant. I kept doing renovations and it was too much money. The last tenant said that she would not extend because there was much trouble so she left. So, I renovated again and
opened it up myself. In tax season, it was more than $20,000.00. So, I am trying my best to pay taxes.

Ms. Coles: You mentioned an issue with parking? How many parking spaces are there?

Mrs. Yang: We have about 20-25.

Ms. Coles: So, have the signs that were installed on Gilpin Road and Lamport Road helped with the residents that were blocking the entrances to the parking lot?

Mrs. Yang: The residential people and the check cashing company still park.

SOME AUDIO LOST DUE TO CHANGING TAPE

Mrs. Yang: I took it over because I kept losing tenants. I have much experience. I have a buffet restaurant downtown Philadelphia. So, I want to stay open here.

Mr. Bonnett: How many businesses do you operate?

Mrs. Yang: Three.

Mr. Bonnett: Are they all restaurants? And, do they all have liquor licenses?

Mrs. Yang: Only one has a liquor license.

Mr. Bonnett: The other one is a hamburger store and the other one is a pizza shop. The other one has International food.

Mr. Bonnett: Where are the other two located?

Mrs. Yang: Two are across from the Liberty Bell.

Mr. Bonnett: So all three are in that vicinity?

Mrs. Yang: Yes.

Mr. Bonnett: How many seats do you have in this restaurant on Marshall Road?

Mrs. Yang: We have 26 tables. We can cover 120 people.

Mr. Gwin: How many parking spaces do you have?

Mrs. Yang: We have 24.
Mr. McCreesh: They have the same parking that the Marlane had and the Marlane had a lot more seats than that.

Mr. Bonnett: Any further testimony or questions? I would like to call anyone else to the podium who wishes to offer testimony. Superintendent Chitwood?

Superintendent Chitwood: Good evening. Thank you for the opportunity.

Mr. Judge: I hate to interrupt but would you for the tape state your name and position in the Township?

Superintendent Chitwood: Michael Chitwood, Superintendent of Police for Upper Darby Township Police Department. My concern is the numbers of liquor licenses that come into the Township. I look at this particular place. I don’t know the owners and I have no involvement in it but when you look at that area of the town it is highly congested. There are 21 parking spots that currently exist. It is very residential there. Just 200 feet away is the Atlantic Lounge which is a licensed liquor establishment. Around the corner on Long and Marshall is Galway’s Pub. A little further down Marshall Road is Rudy’s Tavern. At 69th St. and Marshall Road is Fibber’s. My concern is that the area as we continue to allow liquor licenses even though Mr. McCreesh stated that we’re losing them, I don’t have a problem with that. But again, I want to talk about today it’s a restaurant, tomorrow it’s a club and the next time it’s a bar. I think when you look at a highly congested area such as that particular area and you look at the number of calls for service that we get for the already established bars and “restaurants” this only adds to my concerns.

Mr. Bonnett: How do you categorize that zone of Upper Darby Township with regard to frequency of police calls relative to these types of establishments?

Superintendent Chitwood: Well when you look at the bars that I mentioned, we’re busy responding to calls of disturbances in those particular areas. We have worked closely with a couple of them to change the hours to fewer hours and have more security. So, that’s probably my major concern. What has been presented today looks good but what about the future? What does that hold?

Mr. Bonnett: Does any Council member have a question for the Superintendent? Mr. Mayor?

Mayor Micozzie: We have difficulty all the time with LCB enforcement. It’s all on us basically.

Superintendent Chitwood: Basically, it is all on us. I can use one of the bars, La Cantina, as an example. I personally went to Harrisburg and begged them to shut it down but it’s still open and there are still shootings and stabbings and all those type of things. It’s on us.

Mr. Bonnett: Mr. McCreesh, do you have something?
Mr. McCreech: Yes, I have a couple of questions. They just put in an order that La Cantina has to be moved out of the Township.

Superintendent Chitwood: They should tell us!

Mr. McCreech: I understand, Superintendent. You and I have known each other for too many years to be honest with you.

Laughter

Mr. McCreech: Going back a long time to the city when we were both young and had hair but whatever. You’re big concern is not that it’s a restaurant where people sit down, no bar, no music. You’re not going to have problems with that. Your problem is that if it changes into a bar with dancing or music, correct? If, and we do this many times, if we enter into a conditional license agreement, displays right on the license that if the place is sold and they want to change what is said here today then they have to come here before this Council. Would you agree with that?

Superintendent Chitwood: I agree with what you are saying. I, like the Council, support business but I am against bringing in liquor licenses. You know, one of the things we do to get rid of liquor licenses is we send them somewhere else. Now somewhere else is sending liquor licenses into Upper Darby so what is that about? That’s my concern. So, if we get this one in what about the next one and the next one and the next one?

Mr. Bonnett: Let me ask a question Mr. McCreech for my edification and the rest of Council. If this were not an inter-community transfer, would you be here tonight asking for permission to do this?

Mr. McCreech: No.

Mr. Bonnett: So, I hear what the Superintendent is saying. Basically, we don’t need any more liquor licenses in Upper Darby Township. Is that a fair summation?

Superintendent Chitwood: Yes Sir.

Mr. McCreech: You don’t need liquor licenses that have dancing and that bring a lot of people in to just drink and come there for that reason and that reason only. I’m sure that 90% of you have a drink with dinner when you go out.

Mayor Miccozzie: Let me see if I can be real clear. We have orders on Cheers right now. We shut it down, the penalties are still on the license and it’s open. We have a bar up the street where we have citations on it. The LCB is not shutting it down. So why all this……

Mr. McCreech: Well, first of all --------

Mr. Bonnett: Let the Mayor finish, John.

Mayor Micozzie: The Mayor cannot shut it down. We need to go to Commonwealth Court.

Mr. McCreesh: No you don’t. I’ve been doing this for 50 years. You don’t! They don’t have a license today.

Mayor Micozzie: Our experience in Upper Darby with the LCB......my point is real simple here John. While this is all happening and it happens, ok? Nothing against her and the business it changes and there is 6 months of mayhem then this Council, this Mayor’s office and this Police Department deals with the mayhem while the incompetent LCB deals with it. So, the LCB steps up to the plate and starts protecting the towns and the licenses that they have. Then maybe you’d have a different......it’s not about you. It’s the LCB process.

Mr. McCreesh: That’s why towns like Media, Lower Merion, Radnor and places like that put conditional license agreement against the license so you have control not the Liquor Board.

Ms. Keffer: I have a question, Mr. McCreesh. When does that conditional license.....

Mr. McCreesh: You say “we hereby grant you this liquor license subject to the following conditions.” Then the Liquor Board will make up a conditional license agreement that you sign off on it and they sign off on it and that’s it. I’ll show you the one from Media and everywhere else. If there is a change you have to come back to this Council.

Mr. Bonnett: But then we have to oversee the compliance with that which in itself could be a problem if there is a violation.

Ms. Coles: I think part of the problem, as the Superintendent was saying, is that we do have a lot of liquor licenses already existing in Upper Darby and a lot of them are concentrated in the areas that I represent. Like they said, right up the street is the Atlantic Lounge and then there is Rudy’s Tavern and I really believe that this couple wants to do good things to grow their business. But, I don’t see the need for a liquor license for them to sell liquor when they are right in walking distance from where people can purchase liquor themselves or bring in a bottle from Wine & Spirits or their own refrigerator. If people know that they want to enjoy wine with their beef and all of the other delicious food that you serve then I think the responsible thing is for them to bring in their own wine or spirits or beer and maybe the owners can set parameters. For instance, they could tell them that they can’t bring in a whole case but they can bring in a 6-pack.

Mr. McCreesh: What’s the difference between that and having a license?

Ms. Coles: I think that the Mayor and the Superintendent have both made it clear that we aren’t interested in increasing the liquor licenses in Upper Darby Township. I do hear what you’re saying about the conditional license but if we are already saturated and unfortunately for them the restaurant is in the part of the Township where there are already a lot of bars and existing
establishments with liquor licenses. There are different struggles to shut down or deal with nuisance calls or sometimes even have to deal with violent calls. I think it’s clear that there is not necessarily a need for an additional liquor license right there on Marshall Road.

Mr. McCreeesh: Thank you for the opportunity.

Mr. Bonnett: And I will say as another vote on this Council that I concur with Councilwoman Sekela Cole’s comments about Upper Darby not needing another liquor license and also, Members of Council, I hear the Superintendent of Police loud and clear and certainly understand where his position is. If there is no more testimony, I’m going to ask for a vote. Any more testimony, Mr. McCreeesh?

Mr. McCreeesh: No.

Mr. Bonnett: Any other comments?

Ms. Keffer: I would like to say that I don’t have a problem with a liquor license for a restaurant with the conditions that Mr. McCreeesh said. I really don’t have a problem with it.

Mr. Bonnett: At this time, I will ask for a motion to approve or deny this application.

Mr. Wagner: I hereby move that it be denied.

Mr. Bonnett: Is there a second to that motion? Any comment? The motion has been made to deny this application and I will ask for a roll call vote on the motion. Mr. Secretary?

<table>
<thead>
<tr>
<th>In favor of</th>
<th>Opposed to</th>
<th>Excused</th>
<th>Abstained</th>
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<tr>
<td>Resolution No. 26-16</td>
<td>Resolution No. 26-16</td>
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</tbody>
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- Bonnett
- Wagner
- Monaghan
- Bierling
- Coles
- Gwin

Keffer

Manfre

- Faraglia
- Siddique
- Spellman

1 9 1 0
Mr. Monaghan: That gives us 1 in favor, 9 opposed and 1 excused.

Mr. Bonnett: Thank you, Mr. Monaghan. Therefore, the application is denied.

Mr. Bonnett: That is the last item of business for Council this evening. Madam Solicitor, do you have anything for the body?

Solicitor: No sir, I do not.

Mr. Bonnett: Thank you. A motion would be in order for adjournment.

**Adjournment**

Mr. Wagner: So moved.

Mr. Bierling: Second.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

Richard G. Nolan
Chief Municipal Clerk
UPPER DARBY TOWNSHIP
RESOLUTION NO. 19-16

In Re: Appeal Of: Volunteer Fireman's Relief Association of Upper Darby Township

Owner: Volunteer Fireman's Relief Association of Upper Darby Township

Property Address: 3831 Albermarle
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-00076-00

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. 15-10920;

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>
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<tr>
<td>2015</td>
<td>$40,680</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 15th day of June, 2016.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 19-16 above is hereby approved this 15th day of June, 2016.

BY: 

Thomas N. Micozzi, Mayor

ATTEST:

Thomas J. Judge, Jr.,
Chief Administrative Officer
RESOLUTION NO. 20-16

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF.

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY DELETING ORDINANCE NO. 1354.

REMOVAL OF THE “TWO HOUR PARKING FROM 8AM UNTIL 6PM” RESTRICTION ON THE 500 BLOCK OF BROADVIEW ROAD.

RESOLVED, THIS 15TH DAY OF JUNE, A.D., 2016.

UPPER DARBY TOWNSHIP

[Signatures]

DONALD P. BONNETT
PRESIDENT OF COUNCIL

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 21-16

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 3 THEREOF THE FOLLOWING:

REMOVE "TWO HOUR PARKING, MONDAY TO FRIDAY, BETWEEN 8:00 AM AND 6:00 PM" ON THE 400 BLOCK OF IRVINGTON ROAD

RESOLVED, THIS 15TH DAY OF JUNE, A.D., 2016

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 22-16

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGulates THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 3 THEREOF THE FOLLOWING:

ESTABLISH "TWO HOUR PARKING, MONDAY TO FRIDAY, BETWEEN 8:00 AM AND 6:00 PM" ON THE 400 BLOCK OF IRVINGTON ROAD BETWEEN GARRETT ROAD AND HILLCREST ROAD

RESOLVED, THIS 15TH DAY OF JUNE, A.D., 2016

UPPER DARBY TOWNSHIP

[Signature]
DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

[Signature]
THOMAS N. MICOZZIE, MAYOR

ATTEST:

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 23-16

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 3 THEREOF THE FOLLOWING:

REMOVE "TWO HOUR PARKING BETWEEN 8:00 AM AND 6:00 PM" RESTRICTION ON GREENHILL ROAD FROM LINCOLN AVENUE TO LANSDOWNE AVENUE

RESOLVED, THIS 15TH DAY OF JUNE, A.D., 2016

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
UPPER DARBY TOWNSHIP

Resolution No. 24-16

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA AUTHORIZING THE MAYOR TO SIGN AN INTERMUNICIPAL COOPERATIVE AGREEMENT WITH THE COUNTY OF DELAWARE WHICH WILL ALLOW THE UPPER DARBY TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE AND RECEIVE FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE’S 2016 EDWARD BYRNE MEMORIAL JUSTICE GRANT PROGRAM.

Whereas the township along with the City of Chester and the Borough of Darby, have been invited by the County of Delaware to participate in the 2016 Edward Byrne Memorial Justice assistance Grant program;

Whereas, by participating in this program, the Township would receive an award presently estimated to be in the amount of $43,588.

Whereas, the Council deems it in the Township’s best interest to participate in this program, and to enter into an intermunicipal cooperation agreement in a form substantially similar to the attached hereto as Exhibit A, in order to effectuate its participation.

Now, therefore, BE IT RESOLVED, that:

1. The Township shall participate in the 2016 Edward Byrne Memorial Justice Grant Program, as outlined above.

2. The Mayor is hereby authorized to execute any agreements he deems necessary or appropriate incident to the Township’s participation in the 2016 Edward Byrne Memorial Justice Assistance Grant program, including, but not limited to, an intermunicipal cooperation agreement a form substantially similar to the attached hereto as Exhibit A.

3. All Resolutions or parts of Resolutions inconsistent herewith are repealed to the extent of such inconsistency.
Resolved this 15th day of June, 2016.

UPPER DARBY TOWNSHIP

By: Donald P. Bonnett
President of Council

Attest:
Edward E. Monaghan
Secretary of Council

Resolution No. 24-16 is hereby approved this 15th day of June, 2016.

THOMAS N. MICOZZIE
Mayor

Attest:
THOMAS J. JUDGE, JR.
Chief Administrative Officer
UPPER DARBY TOWNSHIP

Resolution No. 25-16

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA) FOR FINAL LAND DEVELOPMENT BY DEVELOPING 2.72 ACRES WITH A NEW OFFICE BUILDING AND MAINTENANCE SHOP TOTALING 31,285 SQUARE FEET LOCATED ON THE EAST SIDE OF VICTORY AVENUE, APPROXIMATELY 750’ NORTH OF THE INTERSECTION WITH WEST CHESTER PIKE 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 2.72 acres with a new office building and maintenance shop totaling 31,285 square feet, prepared by Pennoni Associates, Inc., said plans consisting of nineteen (19) sheets each dated January 29, 2016 (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:  
Edward E. Monaghan
Secretary of Council

By:  
Donald P. Bonnett
President of Council

Resolution No. 25-16 above is hereby approved this 15th day of June, A.D., 2016.

Attest:  
Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:  
Thomas N. Miccozze
Mayor
UPPER DARBY TOWNSHIP

RESOLUTION NO. 26-16

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA DIS-APPROVING THE APPLICATION OF KOREAN GRILL HOUSE, INC. FOR THE INTER-MUNICIPAL TRANSFER OF LIQUOR LICENSE R-4834 FROM THE BOROUGH OF EDDYSTONE TO THE PREMISES LOCATED AT 7260 MARSHALL ROAD, UPPER DARBY, DELAWARE COUNTY, PA 19082

WHEREAS, Upper Darby Township has received a request for approval from KOREAN GRILL HOUSE, INC. for an inter-municipal transfer of Liquor License R-4834 from the Borough of Eddystone to the premises located at 7260 Marshall Road, 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 June 15, 2016, 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 KOREAN GRILL HOUSE, INC. for an inter-municipal transfer of Liquor License R-4834 from the Borough of Eddystone to the premises located at 7260 Marshall Road, Upper Darby, PA, Delaware County, PA, 19082.


ATTEST: EDWARD E. MONAGHAN,
Secretary of Council

BY: DONALD P. BONNETT
President of Council

ATTEST: THOMAS N. MICCOZZIE, Mayor
Chief Administrative Officer