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Adoption of Resolution No. 05-17

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

Motion for Council to authorize the Mayor to sign the settlement agreement based on arbitration between the Delaware County Lodge 27 of the Fraternal Order of Police and Upper Darby Township

Motion approved

Solicitor

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, January 18th, 2017 at 7:00 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 led by the Marine Corps League Upper Darby Detachment #884 Color Guard.

**Roll Call**

Donald P. Bonnett, Thomas P. Wagner, Jacob A. Bierling Jr., Sekela Coles, Robert Gwin, Barbarann Keffer, Marc Manfre, Sheikh M. Siddique, Patrick Spellman

Ed Monaghan, excused
Lisa Faraglia, excused

**Present at the Meeting**

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Kelly Sullivan, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

Council President Bonnett announced that there was an executive session just prior to the Council meeting to discuss certain personnel matters. In attendance were certain Council members, Mayor Micozzie & the Township Solicitor, Kelly Sullivan.

**Approval of the Minutes**

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of December 7th, 2016.

Mr. Wagner: So moved.

Ms. Coles: Seconded.

Mr. Bonnett: It has been moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. The next order of business is the approval of the minutes for the Regular Meeting of December 21st, 2016.

Mr. Wagner: So moved.

Ms. Coles: 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.

Sid Feldman, 818 Childs Avenue
RE values

Olivia Taylor, 204 Kent Road
Wine & Spirits store

Their comments are filed on tape.

Mr. Bierling: That concludes our speakers for this evening.

Mr. Bonnett: Thank you Jack. This is the time set aside for our Mayor, the Honorable Thomas N. Micozzie.

**Mayor Micozzie**

Mayor Micozzie introduced Commandant George Souder for the presentation of the awards.

**Marine Corps League Annual Award Presentation**

Commandant George Souder: Thank you Mayor and Township Council for allowing us this privilege to honor our Policeman, Fireman, Citizen and Marine of the Year. Our first award goes to the Citizen of the Year.

**Joe Buchanan was presented with the 2016 Citizen of the Year Award.**

Audience applause

Commandant George Souder: Our next award is for the Marine of the Year Award.

**Peter Lahey was presented with the 2016 Marine of the Year Award.**

Audience applause
Commandant George Souder: Our next award is the 2016 Upper Darby Fireman of the Year Award.

Fire Captain Brian Norris was presented with the 2016 Albert Darmiento Firefighter of the Year Award

Audience applause

Mayor Micozzie

Appointment

Appointment of Gary McAfee as Chief of the Upper Darby Township Fire effective February 1, 2017

Mayor Micozzie: This evening I would like to submit to Council for their approval the appointment of Gary McAfee as Chief of the Upper Darby Township Fire Department.

Mr. Bonnett: Is there a motion?

Mr. Wagner: So moved.

Mr. Spellman: Seconded.

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

Audience applause

Mr. Bonnett:

Committee Reports

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

Resolution No. 01-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Drexelbrook Associates LLC for an amended final land development plan to develop approximately 49.7 +/- acres with a 6-story, 100 room hotel totaling approximately 85,834 square feet located on the south side of Drexelbrook Drive, along the Upper Darby and Springfield Township line and being subject to certain conditions of approval.
Mr. Bierling: Thank you. I will ask the Solicitor to give us a brief on Resolution No. 01-17.

Solicitor: Certainly. Resolution No. 01-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Drexelbrook Associates LLC for an amended final land development plan to develop approximately 49.7 +/- acres with a 6-story, 100 room hotel totaling approximately 85,834 square feet located on the south side of Drexelbrook Drive, along the Upper Darby and Springfield Township line and being subject to certain conditions of approval.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 01-17.

Mr. Gwin: Seconded.

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

Mr. Wagner: It should be noted, Mr. President, what a good development this is going to be.

Mr. Bonnett: I think it's going to be an impressive development and I want to express our thanks to Drexelbrook for all of the hard work. This project really goes back almost 10 years, I believe, in conceptual and planning and we worked very close over those years with Drexelbrook. Approximately 5 years ago, we actually approved the land development for this project initially. It has changed just a little bit requiring us to do so again because of the lapse of time as well with movement on the project but we're very pleased to announce this tonight and approve this land development so that this project can move ahead. It is certainly a major investment in Upper Darby Township and Drexel Hill in the 1st District particularly we welcome you and we are eagerly looking forward to the beginning of this project and the completion of it and the opening of your doors. And, we will be glad to assist you with the ribbon cutting!

Resolution No. 02-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Eric and Zuzel Osner of OSCO Inc. for land development to develop .407 acres with the construction of two-story additions totaling 1,257 square feet and a second story addition totaling approximately 11,858 square feet on the south side of West Chester Pike and being subject to certain conditions of approval.

Mr. Bierling: Thank you. I will ask the Solicitor to give us a brief on Resolution No. 02-17.

Solicitor: Certainly. Resolution No. 02-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Eric and Zuzel Osner of OSCO Inc. for land development to develop .407 acres with the construction of two-story additions totaling 1,257 square feet and a second story addition totaling approximately 11,858 square feet on the south side of West Chester Pike and being subject to certain conditions of approval.
Mr. Bierling: Thank you. I move for the adoption of Resolution No. 02-17.

Mr. Spellman: 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 Public Safety Committee. Ms. Coles, will you take that Committee please?

**Public Safety Committee**
Edward E. Monaghan, Chairman

**Resolution No. 03-17, a Resolution to REMOVE the “All Night” Parking restriction from 12:00am until 6:00am on Woodland Avenue from 4300 to 4314**

Ms. Cole: Thank you. Will the Solicitor give us a brief on Resolution No. 03-17?

Solicitor: Yes. Resolution No. 03-17 is a Resolution to REMOVE the “All Night” Parking restriction from 12:00am until 6:00am on Woodland Avenue from 4300 to 4314.

Ms. Coles: Thank you. I move for the adoption of Resolution No. 03-17.

Mr. Bierling: Seconded.

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

**Resolution No. 04-17, a Resolution to REMOVE parking meter #1138 on the 4300 block of Woodland Avenue**

Ms. Coles: Thank you. Will the Solicitor give us a brief on Resolution No. 04-17?

Solicitor: Yes. Resolution No. 04-17 is a Resolution to REMOVE parking meter #1138 on the 4300 block of Woodland Avenue

Ms. Coles: Thank you. I move for the adoption of Resolution No. 04-17.
Mr. Bierling: Seconded.

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

Resolution No. 05-17, a Resolution to install a LOAD/UNLOAD zone on the 4300 block of Woodland Avenue where meter # 1138 was formerly situated

Ms. Coles: Thank you. Will the Solicitor give us a brief on Resolution No. 05-17?

Solicitor: Yes. Resolution No. 05-17 is a Resolution to install a LOAD/UNLOAD zone on the 4300 block of Woodland Avenue where meter # 1138 was formerly situated

Ms. Coles: Thank you. I move for the adoption of Resolution No. 05-17.

Mr. Bierling: Seconded.

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

Ms. Coles: That concludes our report.

Mr. Bonnett: Thank you, Sekela. The next Committee is the Finance & Appropriations Committee, Mr. Wagner, please.

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

Motion for Council to authorize the Mayor to sign the settlement agreement based on arbitration between the Delaware County Lodge 27 of the Fraternal Order of Police and Upper Darby Township

Mr. Wagner: Thank you, Mr. President. Before our meeting, we met in Executive Session and we were presented with a briefing and copies of the Memorandum of Understanding which relates to the agreement which has been reached with the Fraternal Order of Police and Upper Darby Township so unless there is any discussion, I would like to move for Council to authorize the Mayor to sign the settlement agreement between the Delaware County Lodge 27 of the Fraternal Order of Police and Upper Darby Township.

Mr. Bonnett: Moved and seconded. Any comment?
Mr. Wagner: I will make the comment that it is my belief that the Mayor and the Administration have reached a good and fair agreement with the Police whose services are so vital to us. I will note further that in the absence of an agreement which was reached after negotiation we would have to then submit to arbitration and have no control over the outcome of that. So, it is my belief that this should certainly be approved by Council.

Mr. Bonnett: Thank you. Comments well made. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: That concludes our report.

Mr. Bonnett: Thank you Tom.

Mayor Micozzie: I would just like to recognize some of the officers that are here and thank them for their efforts, particularly Dan Oliveri.

Mr. Wagner: I think it deserves a round of applause.

Audience applause.

Mr. Bonnett: Does the Solicitor have anything this evening.

Solicitor: I have nothing.

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

**Adjournment**

Mr. Wagner: So moved.

Mr. Gwin: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

[Signature]

Richard G. Nolan
Chief Municipal Clerk

RGN/ake
UPPER DARBY TOWNSHIP

Resolution No. 01-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF DREXELBROOK ASSOCIATES LLC FOR AN AMENDED FINAL LAND DEVELOPMENT PLAN TO DEVELOP APPROXIMATELY 49.7 +/- ACRES WITH A 6 STORY, 100 ROOM HOTEL TOTALING APPROXIMATELY 85,834 SQUARE FEET LOCATED ON THE SOUTH SIDE OF DREXELBROOK DRIVE, ALONG THE UPPER DARBY AND SPRINGFIELD TOWNSHIP LINE AND BEING SUBJECT TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, Drexelbrook Associates, LLC ("LLC") has submitted for approval its amended Final Land Development Plan to further develop 49.7 +/- acres with a 6 story, 100 room hotel totaling approximately 85,834 square feet, prepared by T & M Associates, said plans consisting of twenty five (25) sheets each dated July 11, 2011 and last revised January 6, 2017 (collectively “Final Plans”); and

WHEREAS, Applicant has requested certain waivers/modifications from the provisions of the Delaware County Subdivision and Land Development Ordinance, which has been adopted by Upper Darby Township and Upper Darby Township Council has found that the applicant has met the requisite standards under the Delaware County Subdivision and Land Development Ordinance for granting relief from the enumerated requirements; and

WHEREAS, based upon the granting of the requested waivers/modifications and adherence to the various Conditions of Approval as listed herein, the Final Plans are found to be in conformity with the Delaware County Subdivision and Land Development Ordinance and the Upper Darby Township Zoning Code; and
NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved, including granting of waivers/modifications from the following sections of the Delaware County Subdivision and Land Development Ordinance ("SALDO"): (1) SALDO Section 806.C(1)(c) Table 8-3, (to allow for a minimum two-way aisle width to be less than 24 feet.); (2) SALDO Section 817.E(2), (to allow building perimeter landscape specimen deciduous trees located on-site, away from the building perimeter.); subject to certain Conditions of Approval including the following:

1. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption therefrom, Storm Water Management approvals and Delaware County Conservation District approvals;

2. Approval by the Township Solicitor and execution by LLC, the owner of the 49.7+/- acres being the subject of the Final Plans, and, where applicable, it’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. Providing to the Township keys, whether physical or electronic, to the Emergency Access Gate near the intersection of Bloomfield Avenue;

4. The 49.7+/- acre parcel shall contain a deed restriction pursuant to Section 703-G.4 of the Upper Darby Township Zoning Ordinance preventing future development of the required thirty (30) percent of common open space, which such deed restriction shall contain a provision that if the Zoning Ordinance is amended in the future reducing the 30% open space requirement, that the Drexelbrook deed restriction shall be modified by amendment executed by
LLC (or it successor-in-interest to the 49.7+/- acre parcel) and the Township, in recorded form, reducing the amount of open space to that set forth in the amended Ordinance;

5. Ferne Boulevard shall be designated as the Main Entrance for vehicular access to the site and shall be designated as such in all advertising and promotional material, provided that the Township grants to Drexelbrook a permit for an off-premises directional and identification sign within the Township right-of-way of Ferne Boulevard at its intersection with Burnmont Road, as provided in Section 703-J.5 of the Upper Darby Zoning Ordinance at least two months prior to the opening of the hotel. If the sign permit is not issued within two months, Drexelbrook shall have the right to open the hotel. Drexelbrook shall be responsible for the cost of the design, construction and maintenance and repair of the sign, improvements within the right-of-way upon which the sign will be located directly related exclusively to the Drexelbrook sign, and electricity for the sign;

6. Formal recording of the recording sheets of the Final Plans (the "Record Plans") following Township execution of the Record Plans;

7. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision dated December 22, 2016, which decision is incorporated herein by reference hereto.”

8. 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]
Jacob A. Bierling Jr.
Acting Secretary of Council

By:
[Signature]
Donald P. Bonnett
President of Council
Resolution No. 01-17 above is hereby approved this 18th day of January, A.D., 2017.
Attest:

Thomas J. Judge, Jr.
Chief Administrative Officer

Approved: Thomas N. Micozzie
Mayor
UPPER DARBY TOWNSHIP

Resolution No. 02-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF ERIC AND ZUZEL OSNER OF OSCO INC. FOR LAND DEVELOPMENT TO DEVELOP .407 ACRES WITH THE CONSTRUCTION OF TWO STORY ADDITIONS TOTALING 1,257 SQUARE FEET AND A SECOND STORY ADDITION TOTALING APPROXIMATELY 11,858 SQUARE FEET ON THE SOUTH SIDE OF WEST CHESTER PIKE AND BEING SUBJECT TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, ERIC AND ZUZEL OSNER OF OSCO INC. ("Applicant") has submitted for approval its Final Land Development Plan to develop .407 acres with the construction of two story additions totaling 1,257 square feet and a second story addition totaling approximately 11,858 square feet to be used for indoor self storage, prepared by T+ Associates, Inc. Architects, said plans consisting of one (1) sheet each dated November 10, 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, where applicable.

2. Approval by the Township Solicitor and execution by OSCO Inc., 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 obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

4. Formal recording of the Land Development Plan (the "Record Plans") following Township execution of the Record Plans;

5. Applicant shall comply with all conditions and approvals applicable to zoning variances granted by the Upper Darby Township Zoning Hearing Board by decision dated September 29, 2016, which decision is incorporated herein by reference hereto."

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]

Jacob A. Bierling Jr.
Acting Secretary of Council

By:

[Signature]

Donald P. Bonnett
President of Council

Resolution No. 02-17 above is hereby approved this 18th day of January, A.D., 2017.

Attest:

[Signature]

Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:

[Signature]

Thomas N. Micozzie
Mayor
RESOLUTION NO. 03-17

WHEREAS, ORDINANCE NO. 464 OF UPPER DARBY TOWNSHIP PROVIDED THAT NO PERSON SHALL PERMIT A VEHICLE TO BE PARKED FOR THE ENTIRE NIGHT ON ANY HIGHWAY IN THE TOWNSHIP OF UPPER DARBY. Ave FOR THE PURPOSE OF THIS ORDINANCE “ALL NIGHT” IS DEFINED TO BE THE HOURS FROM 12:00AM TO 6:00AM

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 464, THE SAME IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

REMOVAL OF THE “ALL NIGHT” PARKING RESTRICTION FROM 12:00AM TO 6:00AM ON WOODLAND AVENUE FROM 4300 TO 4314

RESOLVED, THIS 18TH DAY OF JANUARY, A.D. 2017

UPPER DARBY TOWNSHIP

Donald P. Bonnett
President of Council

ATTEST: Jacob A. Bierling Jr.
Acting Secretary of Council

Thomas N. Micozzie
Mayor

ATTEST: Thomas J. Judge Jr.
Chief Administrative Officer
RESOLUTION NO. 04-17

WHEREAS, ORDINANCE NO. 482 OF THE TOWNSHIP OF UPPER DARBY, COMMONLY KNOWN AS "THE PARKING METER ORDINANCE" PROVIDES FOR INSTALLATION, OPERATION, MAINTENANCE, REGULATION AND CONTROL OF THE USE OF PARKING METERS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 482 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY THE FOLLOWING:

TO REMOVE PARKING METER NO. 138, THAT IS SITUATED ON THE 4300 BLOCK OF WOODLAND AVENUE

RESOLVED THIS 18TH DAY OF JANUARY, A.D., 2017.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

JACOB A. BIERLING JR.
ACTING SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 05-17

WHEREAS, ORDINANCE NO. 449 OF THE UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING 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 15 THEREFORE THE FOLLOWING:

INSTALL A LOAD/UNLOAD ZONE AT THE FOLLOWING LOCATION:

ON THE 4300 BLOCK OF WOODLAND AVENUE WHERE METER #138 WAS FORMERLY SITUATED.


UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:
JACOB A. BIERLING, JR.
ACTING SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

ATTEST:
THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER