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March 15th, 2017

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Public Hearing for Ordinance No. 3035, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to execute an easement agreement with 4000 Bridge Street Associates and the County of Delaware and further authorizing the Township to accept the dedication of a parcel of property located on Bridge Street and further identified as Delaware County Tax Folio Number 16-13-00913-00 (the "Property");

Adoption of Ordinance No. 3035

Resolution No. 14-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging intent to continue to participate in the collaborative planning project for certain management aspects of Storm water Management.

Adoption of Resolution No. 14-17

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

Public Hearing for Ordinance No. 3036, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, providing for the regulation and licensing of dumpsters, open-top containers, portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.

Adoption of Ordinance No. 3036

Introduction of Ordinance No. 3037, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2926, by amending the hours peddling, soliciting and off-street sales are limited to.

Motion to introduce Ordinance No. 3037 approved
Introduction of Ordinance No. 3038, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, pursuant to Article VI of the Pennsylvania Municipalities Planning Code, amending the Upper Darby Township Zoning Ordinance by establishing certain new use definitions in Section 1301 of the Upper Darby Township Zoning Ordinance and further establishing and regulating smoke shops/smoking parlors and medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further establishing and regulating smoke shops/smoking parlors as special exceptions in the C-4 Zoning District and further regulating and establishing medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District.

Motion to introduce Ordinance No. 3038 approved

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 15-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging and supporting the planning work on trails in the Philadelphia Region being done by the Delaware Valley Regional Planning Commission, Delaware County Planning Department, Friends of the Upper Darby Trails and the Philadelphia Circuit trails program in their effort to complete 500 miles of trails in the region by 2025.

Adoption of Resolution No. 15-17

Solicitor

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, March 15th, 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 3rd grade Hillcrest Elementary School Student Mayor, Harmony Kulp.

Roll Call

Donald P. Bonnett, Thomas P. Wagner, Edward E. Monaghan, Sekela Coles, Robert Gwin, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman

Jacob A. Bierling Jr., excused

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Kelly Sullivan, Esquire
Scott C. Gottel, Esquire
Richard G. Nolan, Chief Municipal Clerk

Mr. Bonnett: Ladies and gentlemen, Members of Council, before we get into the Agenda this evening, I would like to turn the meeting over to our Mayor, the Honorable Thomas N. Micozzie who has several special Proclamations to deliver this evening.

Mayor Micozzie

Police Superintendent Michael Chitwood presented Detective Christopher Karr with the 2016 Dennis McNamara Award for Officer of the Year

Mayor Micozzie spoke of Detective Karr’s background and accomplishments

Audience applause

Presentation of Proclamation to Bernard J. Boyce
PROCLAMATION

Whereas, Barney was born and raised in Ballymore, Milford, Donegal, Ireland, before migrating to Upper Darby where he has lived for 60 years. After arriving in the USA in 1957, he came to reside with his Aunt Bridget Lashley on Kingston Rd, in the Bywood Section of Upper Darby Township. Whereas, Barney was drafted into the United States Army where he served in Germany for two years. Upon his return, he met Isabelle Carmel Crossan aka “Carmel” of Trentagh, Letterkenny, Donegal. The Donegal natives married in 1965 and settled in their current home in the Kirklyn section where they raised their six children: Brian, John, Jimmy, Colleen, Michael and Karen. All six children have been heavily involved in Irish music and dance and are proud ambassadors for the Irish heritage and culture promoted by their parents.

Whereas, Barney operated his own roofing company for over 50 years in Upper Darby Township. He has held over thirty positions on a variety of organizational boards in the Irish community and has been involved with the Irish Immigration Center for the past 25 years.

Whereas, Upper Darby and its surrounding area has housed one of the largest populations of immigrant people from Ireland in the United States for over 150 years.

Whereas, St. Charles Parish in Drexel Hill was one of the first parishes founded in the Archdiocese by immigrant Irish people in 1849. Ironically, its founder, Charles Kelly, was also from County Donegal supporting the long history of the Irish in Upper Darby Township.

Whereas, Barney was selected by committee in November 2016 to be the Grand Marshal of the Philadelphia Saint Patrick’s Day parade in honor of his years of service to the Irish community.

Now, Therefore, I, Thomas N. Miccozie, Mayor of Upper Darby Township, along with Township Council proclaim Wednesday, March 15, 2017, as

BERNARD J. BOYCE DAY
in Upper Darby Township. I extend our sincere congratulations in honoring this dedicated individual in his service to the community. We wish Bernard success in all his future endeavors.

Thomas N. Micozze
Thomas N. Micozze, Mayor
Upper Darby Township

Audience applause.

Councilwoman Sekela Coles presented awards to the winners of the Black History Month Poetry Contest

1st place, Angeles Peralta, Charles Kelly Elementary School
2nd place, Harris Ghuroman, Garretford Elementary School
3rd place, Andrea Garcia-Castillo, Garretford Elementary School

Honorable Mentions:

Leni Vergese, Bywood Elementary School
Kaziah Brewington, Bywood Elementary School
Alice Dobbins, Garretford Elementary School
Madison Dubuisson, Garretford Elementary School
Meerab Nasir Qazi, Stonehurst Elementary School
Lilly Clarke, Highland Park Elementary School
Paris Holiday, Garretford Elementary School

Audience applause

Mayor Micozze presented Harmony Kulp an award for Honorary Student Mayor for the Day

Five minute break

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting of February 15th, 2017.
Mr. Wagner: So moved.

Mr. Spellman: 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.

Tabb Sullivan, 309 Windermere Avenue Trails

Olivia Taylor, 204 Kent Road Parking and lighting in the Park

Their comments are filed on tape.

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

Mr. Bonnett: Thank you Ed.

Council President Donald P. Bonnett acknowledged the efforts of all those involved in the Township-wide clean-up during the most recent snowstorm.

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

Committee Reports

Finance & Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 11-17, the tax appeal of Elias Pantelidis, 301 S. Fairview Avenue, Upper Darby Township. Tax Folio No: 16-07-00470-00

Mr. Wagner: Will the Solicitor please give us a brief on Resolution No. 11-17?
Solicitor: Certainly. Resolution No. 11-17 is the tax appeal of Elias Pantelidis, 301 S. Fairview Avenue, Upper Darby Township. Tax Folio No: 16-07-00470-00. This is a tax appeal for year 2017 and it is currently under appeal in Delaware County under Docket # 16-10685. We are requesting that Council approve a Resolution this evening to reduce the assessment to $72,150.00. This has already been reviewed and approved by the Upper Darby School District and is being recommended by the Solicitor’s office.

Mr. Wagner: Thank you, Mr. Solicitor. The Finance Committee has reviewed this and recommends it as well. With that, I move for the adoption of Resolution No. 11-17.

Mr. Spellman: Second.

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

Mr. Wagner: That concludes our report, Mr. President.

Mr. Bonnett: Thank you Tom. The next Committee is the Public Safety Committee, Councilman Monaghan please.

Public Safety Committee
Edward E. Monaghan, Chairman

Resolution No. 12-17, a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on the 3400 block of Randolph Street

Mr. Monaghan: Thank you, Mr. Bonnett. Will the Solicitor please give us a brief on Resolution No. 12-17?

Solicitor: Yes. Resolution No. 12-17 is a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on the 3400 block of Randolph Street

Mr. Monaghan: I move for the adoption of Resolution No. 12-17.

Ms. Keffer: Second.

Mr. Bonnett: Moved and seconded. Any comments? All those in favor signify by saying aye. Opposed? The ayes have it.
Resolution No. 13-17, a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on State Road between Windermere Avenue and Eaton Road

Mr. Monaghan: Will the Solicitor please give us a brief on Resolution No. 13-17?

Solicitor: Yes. Resolution No. 13-17, is a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on State Road between Windermere Avenue and Eaton Road

Mr. Monaghan: I move for the adoption of Resolution No. 13-17.

Mr. Wagner: Second.

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

Mr. Monaghan: That concludes our report.

Mr. Bonnett: Thank you, Ed. The next Committee is Municipal Services, Licensing and Public Works Committee, Councilman Wagner, will you take that Committee please?

Municipal Services, Licensing and Public Works Committee
Jacob A. Bierling Jr., Chairman

Public Hearing for Ordinance No. 3035, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to execute an easement agreement with 4000 Bridge Street Associates and the County of Delaware and further authorizing the Township to accept the dedication of a parcel of property located on Bridge Street and further identified as Delaware County Tax Folio Number 16-13-00913-00 (the “Property”);

Mr. Wagner: Will the Solicitor please give us a brief on proposed Ordinance No. 3035?

Solicitor: Certainly. Ordinance No. 3035 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania authorizing the Township Administration to execute an easement agreement with 4000 Bridge Street Associates and the County of Delaware and further authorizing the Township to accept the dedication of a parcel of property located on Bridge Street and further identified as Delaware County Tax Folio Number 16-13-00913-00 (the “Property”);

Mr. Wagner: Thank you. Will the Chair please conduct a Public Hearing?
Mr. Bonnett: Thank you, Mr. Wagner. We will now convene a Public Hearing on Ordinance No. 3035. If you wish to speak on this proposed Ordinance, please come to the podium and state your name and address for the record.

Mr. Bonnett: Seeing no one this Public Hearing is closed. I will turn this back to you Councilman Wagner for action.

Mr. Wagner: Thank you Sir. I hereby move for the adoption of Ordinance No. 3035.

Mr. Bonnett: Is there a second?

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Mr. Secretary, please take a roll call vote.

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<th>In favor of Ord No. 3035</th>
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Mr. Monaghan: That gives us 10 in favor and 1 excused.

Mr. Bonnett: Ordinance No. 3035 is adopted. We’ll go back to you, Councilman Wagner.

Resolution No. 14-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging intent to continue to participate in the collaborative planning project for certain management aspects of Storm Water Management.

Mr. Wagner: Thank you, Sir. Will the Solicitor please give us a brief on Resolution No. 14-17?
Solicitor: Yes, Resolution No. 14-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging intent to continue to participate in the collaborative planning project for certain management aspects of Storm Water Management.

Mr. Wagner: Thank you. I move for the adoption of Resolution No. 14-17.

Ms. Coles: Second.

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

Mr. Wagner: That completes our report, Sir.

Mr. Bonnett: Thank you, Tom. Planning, Zoning & Building Code Committee, Mr. Spellman please take this Committee.

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

Public Hearing for Ordinance No. 3036, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, providing for the regulation and licensing of dumpsters, open-top containers, portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.

Mr. Spellman: Will the Solicitor please give us a brief on proposed Ordinance No. 3036?

Solicitor: Yes. Ordinance No. 3036 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, providing for the regulation and licensing of dumpsters, open-top containers, portable storage containers and compaction containers maintained and located on a public street within Upper Darby Township for the collection and/or storage of trash, debris or other solid waste materials and providing penalties for the violation of this Ordinance.

Mr. Spellman: Thank you. Will the Chair please conduct a Public Hearing?

Mr. Bonnett: Thank you, Mr. Spellman. We will now convene a Public Hearing on Ordinance No. 3036. If you wish to speak on this proposed Ordinance, please come to the podium and state your name and address for the record.

Mr. Bonnett: Seeing no one this Public Hearing is closed. I will turn this back to you Councilman Spellman for action.
Mr. Gwin: Can I ask a question? The Ordinance as it is presented here has lines through areas that need to be removed? Do we correct that?

Mr. Bonnett: Well the format is such so that the lines indicate that that part will in fact be removed.

Solicitor: It is to show the changes that are being made.

Mr. Gwin: That’s fine.

Mr. Spellman: At this time I would like to make a motion for the adoption of Ordinance No. 3036.

Ms. Coles: Can I make one quick comment? I just want to thank the members of the Planning, Zoning & Building Code Committee for allowing me to sit in on some of the meetings and in discussing the amending of the Ordinance regarding the pods. As you know, I had some issues and complaints from constituents about the regulations and the time that pods were sitting on public streets and taking up parking spaces so we are very appreciative and anxious to get this Ordinance passed. Thank you.

Mr. Spellman: Very good. At this time I would like to make a motion for the adoption of Ordinance No. 3036.

Mr. Bonnett: Is there a second?

Mr. Gwin: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Mr. Secretary, please take a roll call vote.

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Mr. Monaghan: That gives us 10 in favor and 1 excused.

Mr. Bonnett: Ordinance No. 3036 is adopted.

**Introduction of Ordinance No. 3037, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2926, by amending the hours peddling, soliciting and off-street sales are limited to.**

Mr. Spellman: The second item on the list is the Introduction of Ordinance No. 3037. I will ask the Solicitor to give us a brief.

Solicitor: Ordinance No. 3037 is an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2926, by amending the hours peddling, soliciting and off-street sales are limited to.

Mr. Spellman: Thank you. I hereby move that the proposed Ordinance No. 3037 be duly advertised and placed on the agenda for the April 19th, 2017 regular Council Meeting.

Mr. Bonnett: Is there a second?

Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. Any discussion? Councilman Gwin?

Mr. Gwin: I agree that the Ordinance in terms of its closing time should be shortened. I question whether 7PM is a reasonable time particularly for the summer months where there is a great deal of light for the individuals to be out there.

Mr. Bonnett: I believe there was a great deal of discussion about that and I think a lot of that may fall back on some legal issues as well as far as the rights of.... Madam Solicitor, can you address that?

Solicitor: Ordinances such as this always come with a lot of questions. You can place limitations on door to door solicitations as long as they have reasonable times---------there are certain categories that are exempt from this Ordinance such as political or religious. As long as there are avenues available to the commercial solicitors, 8am until 7pm has been upheld in some district courts to be a reasonable time limitation because that is where that time limit came from.

Ms. Coles: Madam Solicitor, in terms of the commercial solicitors coming to someone’s house after 7pm if this goes forth, how does a person go about reporting it? Let’s say, you know how they come to your door asking about switching your electric, is there going to be more information as to how a family or resident can......
Solicitor: I believe that they have to register with the Township so that if somebody does come after the designated hours, the resident can call 9-1-1 and report it. The person should try to get their name. I'm not sure how willing they will be to give their name at that point but they should be registered with the Township anyway and if not, they can always call License & Inspections the following day to let them know that somebody came in violation of the Ordinance.

Ms. Coles: Thank you.

Mr. Judge: Excuse me. The initial complaint during the day should be made to 9-1-1 so the police will know that they have registered or not registered and if it's after 7pm they'll know it is a violation and they will ask them to leave. There will not be a citation on the first incident. Citations will be issued on continuing incidents.

Mr. Bonnett: Any further discussion? Seeing none, a motion has been made and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. Ordinance 3037 is duly introduced.

Mr. Judge: Will you please make a note on the record that Harmony did vote yes on that?

Audience laughter

**Introduction of Ordinance No. 3038, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania,, pursuant to Article VI of the Pennsylvania Municipalities Planning Code, amending the Upper Darby Township Zoning Ordinance by establishing certain new use definitions in Section 1301 of the Upper Darby Township Zoning Ordinance and further establishing and regulating smoke shops/smoking parlors and medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further establishing and regulating smoke shops/smoking parlors as special exceptions in the C-4 Zoning District and further regulating and establishing medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District**

Mr. Spellman: Next is the Introduction of Ordinance No. 3038. I will ask the Solicitor to give us a brief.

Solicitor: Ordinance No. 3038 is an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania,, pursuant to Article VI of the Pennsylvania Municipalities Planning Code, amending the Upper Darby Township Zoning Ordinance by establishing certain new use definitions in Section 1301 of the Upper Darby Township Zoning Ordinance and further establishing and regulating smoke shops/smoking parlors and medical marijuana dispensary facilities as special exceptions in the C-3 Zoning District and further establishing and regulating
smoke shops/smoking parlors as special exceptions in the C-4 Zoning District and further regulating and establishing medical marijuana dispensaries and medical marijuana grower/processor facilities as a permitted principle use in the C-4 Zoning District.

Mr. Spellman: Thank you. I hereby move that the proposed Ordinance No. 3038 be duly advertised and placed on the agenda for the April 19th, 2017 regular Council Meeting.

Mr. Bonnett: Is there a second?

Ms. Faraglia: Seconded.

Mr. Bonnett: Moved and seconded. Any discussion? All those in favor signify by saying aye. Opposed? The ayes have it. Ordinance No. 3038 is duly introduced.

Mr. Spellman: That concludes our report.

Mr. Bonnett: Thank you. The next Committee is the Leisure Services Committee, Councilman Manfre please.

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 15-17, a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging and supporting the planning work on trails in the Philadelphia Region being done by the Delaware Valley Regional Planning Commission, Delaware County Planning Department, Friends of the Upper Darby Trails and the Philadelphia Circuit trails program in their effort to complete 500 miles of trails in the region by 2025.

Mr. Manfre: Thank you, Mr. Bonnett: Resolution No. 15-17 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania acknowledging and supporting the planning work on trails in the Philadelphia Region being done by the Delaware Valley Regional Planning Commission, Delaware County Planning Department, Friends of the Upper Darby Trails and the Philadelphia Circuit trails program in their effort to complete 500 miles of trails in the region by 2025.

Mr. Bonnett: Thank you Councilman Manfre. Is there a motion?

Mr. Manfre: I move for the adoption of Resolution No. 15-17.

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

Mr. Manfre: That concludes our report.

Mr. Bonnett: Thank you Marc.

Mr. Bonnett: Does the Solicitor have any comments this evening?

Solicitor: No Sir.

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

**Adjournment**

Mr. Wagner: So moved.

Mr. Spellman: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully submitted,

[Signature]

Richard G. Nolan
Chief Municipal Clerk

RGN/ake
UPPER DARBY TOWNSHIP
RESOLUTION NO. 11-17

In Re: Appeal Of: 301 S Fairview Avenue

Owner: Elias Pantelidis

Property Address: 301 South Fairview Avenue
Upper Darby Township, PA
Tax Folio No.: 16-07-00470-00

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. 16-10685;

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>2017</td>
<td>$72,150</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 15th day of March, 2017.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 11-17 above is hereby approved this 15th day of March, 2017.

BY: Thomas N. Micoczie, Mayor

ATTEST: Thomas J. Judge, Jr.,
Chief Administrative Officer
RESOLUTION NO. 12-17

WHEREAS, ORDINANCE NO. 449 OF THE TOWNSHIP OF UPPER DARBY 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 AS FOLLOWS:

ESTABLISH "NO PARKING OF TRUCKS OR COMMERCIAL VEHICLES" ON THE 3400 BLOCK OF RANDOLPH STREET

RESOLVED, THIS 15TH DAY OF MARCH, A.D., 2017.

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. 13-17

WHEREAS, ORDINANCE NO. 449 OF THE TOWNSHIP OF UPPER DARBY 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 AS FOLLOWS:

ESTABLISH "NO PARKING OF TRUCKS OR COMMERCIAL VEHICLES" ON STATE ROAD BETWEEN WINDERMERE AVENUE AND EATON ROAD

RESOLVED, THIS 15TH DAY OF MARCH, A.D., 2017.

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

Ordinance No. 3035

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP ADMINISTRATION TO EXECUTE AN EASEMENT AGREEMENT WITH 4000 BRIDGE STREET ASSOCIATES AND THE COUNTY OF DELAWARE AND FURTHER AUTHORIZING THE TOWNSHIP TO ACCEPT THE DEDICATION OF A PARCEL OF PROPERTY LOCATED ON BRIDGE STREET AND FURTHER IDENTIFIED AS DELAWARE COUNTY TAX FOLIO NUMBER 16-13-00913-00

Whereas, 4000 Bridge Street Associates is the owner of certain real property identified as 4000 Bridge Street, Upper Darby Township, Delaware County Tax Folio Number 16-13-01480-00 (the “Property”);

Whereas, Delaware County (the “County”) is the owner of Kent Park which is a public park situate generally adjacent to and to the east of the Property;

Whereas, the County, the Township and 4000 Bridge Street Associates entered into an easement agreement in February 2009 in which 4000 Bridge Street Associates granted the County an easement on the Property for the creation of a walking path along the Northern bank of Darby Creek and further granted Upper Darby Township an access and parking easement on the Property for the access to and use of a dog park at Kent Park and associated walking trails; and

Whereas, the County, the Township and 4000 Bridge Street Associates desire to amend the 2009 Easement to expand the walking trail easement area and to further dedicate an irregular parcel of land located on Bridge Street and more specifically identified as Delaware County Tax Folio Number 16-13-00913-00 to the Township and the Township desires to accept the dedication of Delaware County Tax Folio Number 16-13-00913-00, as more specifically described in the Easement Agreement which is attached hereto as Exhibit “A”; and

Whereas, in connection with the expanded easement rights set forth in Exhibit “A”, the County has agreed to reduce the real estate assessment of the Property by the value of $77,006.00 resulting in an Assessed Value of $750,440.00 effective January 1, 2017.

Now, therefore, be it resolved that:

1. The Township is hereby authorized to and hereby accepts a perpetual easement from 4000 Bridge Street Associates to the County and Township to construct, maintain and repair a walking trail along the stream bank of Darby Creek running along the southern portion of the Property adjoining the north side of Darby Creek and extending into the Property at
varying distances and running the entire length of the Property along Darby Creek, being approximately 19,750 square feet or 0.4534 acres in total area. The aforesaid perpetual easement shall be utilized to permit public access and use of a walking, jogging and biking trail as well as to permit access for the installation, maintenance, services and repair and replacement of the trail, fence and bridge ("Trail Easement").

2. The Township is further authorized to and hereby accepts a perpetual easement over the Property, including the unopened paper street known as Bridge Road, for access, ingress and egress to and from Kent Park, the trail easement and parking easement ("Access Easement").

3. The Township is also authorized to and hereby accepts a perpetual easement over a portion of the Property, including the unopened paper street known as Bridge Road, and a portion of the existing parking lot located at the Property along the Property’s eastern border with Kent Park and specifically including that portion of the parking lot along the existing concrete wall located along the eastern border of the Property and along a portion of the southern boundary along Darby Creek, such portion of the parking lot being approximately 11,061 square feet or 0.2539 acres. ("Parking Easement").

4. In connection with the Easements, the Township is further authorized to accept dedication of that certain parcel of land located on Bridge Street and identified as Delaware County Tax Folio Number 16-13-00913-00. Said parcel shall be dedicated to the Township via deed of dedication within thirty (30) days of the execution of the Easement Agreement.

5. The Mayor, or his designee, is hereby empowered to take all actions and execute all documents he deems necessary or convenient toward achieving the purpose of this Ordinance, and all actions taken heretofore in that regard are hereby ratified.

6. All Ordinances, Resolutions or parts of Ordinances or Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

ENACTED and ORDAINED this 15th day of March 2017.

EDWARD E. MONAGHAN
Secretary of Council

DONALD BONNETT
President of Council

Ordinance No. 3035 is hereby approved this 15th day of March 2017.
THOMAS J. JUDGE, JR.
Chief Administrative Officer

THOMAS N. MIECOZIE
Mayor
EASEMENT AGREEMENT

This Easement Agreement (hereinafter the “Easement Agreement”) between 4000 BRIDGE STREET ASSOCIATES (hereinafter “Grantor”) and DELAWARE COUNTY (hereinafter “County”) and UPPER DARBY TOWNSHIP (hereinafter “Township”) (County and Township are hereinafter collectively “Grantees”).

WITNESSETH

WHEREAS, Grantor is legal owner and record title holder of that certain parcel of land located in Upper Darby Township, Delaware County, Pennsylvania commonly known as 4000 Bridge Street and being Folio No. 16-13-01480-00 and more particularly described in Exhibit “A” attached hereto, incorporated herein and made a part hereof (hereinafter called the “Premises”); and,

WHEREAS, the County is the owner of Kent Park (hereinafter “Kent Park”) which is a public park situate generally adjacent to and to the east of the Premises; and,

WHEREAS, County wishes to create a walking path along the northern bank of Darby Creek as it passes through the Premises owned by Grantor, and,

WHEREAS, the County and the Township wish to create a dog park in conjunction with associated amenities at Kent Park on the eastern boundary of Premises; and,

WHEREAS, in consideration of the above, the parties hereto entered into that certain Easement Agreement dated February 26, 2009, recorded in the Office of the Recorder of Deeds in and for Delaware County on 03/11/2009 in Book 04505, Page 0595 (the “Original Easement Agreement”); and

WHEREAS, since the recording of the Original Easement Agreement, the parties have reached agreement on expansion of the easement areas as set forth therein, the consideration therefore and various other matters and, accordingly, the parties hereto wish to amend the Original Easement Agreement in its entirety by replacement thereof with the within Easement Agreement; and

WHEREAS, Grantor has determined that it will grant an easement twenty (20) feet in width to the County and Township to construct, maintain and repair a paved walk way of ten (10) feet in width, plus or minus, along with grass shoulder of approximately
five (5) feet on either side of the paved walkway, which easement shall run along the stream bank of Darby Creek, and which easement and walkway will enter the Premises at its the western border and proceed to the eastern border of Premises, and, Grantor will further grant an easement of access over the property for purposes of access and for parking on the eastern portion of the existing parking lot and for maintenance and repair of the walk way and parking lot; and,

WHEREAS, the County had agreed to and did reduce the real estate assessment of the Premises by the value of one (1) acre in accordance with the current allocation of assessed value for building and grounds at the Premises, as set more fully in the Original Easement Agreement; and

WHEREAS, the County has agreed to further reduce the real estate assessment of the Premises by an additional $77,006, as set more fully herein; and

WHEREAS, the Township has agreed to provide additional security and maintenance in the area of the dog park to be created at Kent Park,

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein by reference hereto, and such other good and valuable consideration as the parties have agreed, the sufficiency of which is hereby acknowledged, the parties intending to be legally bound, agree as follows:

1. In consideration of the sum of Seventy Nine Thousand Dollars ($79,000.00) paid by County to Grantor, of which is hereby acknowledged by Grantor, Grantor hereby grants unto the Grantees, and the successors and assigns of each, a perpetual easement and right-of-way over that portion of Premises running along the southern portion of such Premises adjoining north side of Darby Creek and extending into the Premises at varying distances and running for the entire length of such of the Premises along Darby Creek, being approximately 19,750 square feet or 0.4534 acres in total area, more or less, as described more fully in Exhibit "B" attached hereto and made a part hereof (the "Trail Easement") and also being designated as "Proposed 20' Wide Trail Easement" on the Amended Easement Plan of Property (4000 Bridge Street Associates) for the County of Delaware prepared by Kelly and Close Consulting Engineers and Surveyors and dated December 16, 2016 attached hereto as Exhibit "C" and incorporated herein by reference hereto (the "Plan"), subject to the terms, covenants and conditions stated in this Easement Agreement.

2. County may construct within the Trail Easement a path, walkway or trail, constructed of such material as determined by the County (the "Trail"), which such Trail may be up to ten (10) feet in width and run the entire
length of the Trail Easement. County may construct within the Trail Easement shoulders, constructed of such material as determined by the County (the “Shoulders”), which such Shoulders may be up to five (5) feet in width on each side of the Trail and run the entire length of the Trail Easement.

3. The said Trail Easement shall be for the following purposes:

(a) To permit public access and use of the Trail for walking, jogging, running, biking and other suitable purposes as determined by Grantees; and

(b) To permit access for the installation, maintenance, services, repair and replacement of the Trail and Trail Easement, as well as the Fence and bridge referred to herein.

4. County will construct a six (6) foot high see-through chain link fence (the “Fence”) along the northern border of the Trail Easement opposite the creek bank in order to provide some separation between the Trail Easement and the remainder of the Premises. Such Fence is shown on the construction plans and designated as “Proposed 6’ Chain Link Fence”.

5. Any bridge which may be constructed spanning Darby Creek which joins the Trail Easement and Trail shall be part of this grant of easement to the extent that the Grantor has any right, title or interest in such bridge.

6. County shall install a gate in the Fence at an accessible point to allow convenient access for emergencies, maintenance and repair. Said Fence shall be locked by the Grantees and opened by Grantees only for appropriate use.

7. Grantor further grants unto the Grantees, and the successors and assigns of each, a perpetual easement and right-of-way over the Premises, including the unopened paper street known as Bridge Road, for access, ingress and egress to and from Kent Park, the Trail Easement and the Parking Easement (the “Access Easement”).

8. Grantor further grants unto the Grantees, and the successors and assigns of each, a perpetual easement and right-of-way over that portion of Premises, including the unopened paper street known as Bridge Road, and that portion of the existing parking lot located at the Premises along its eastern border with Kent Park and specifically including that portion of the said parking lot along the existing concrete wall located along the
eastern border of the Premises and along a portion of the southern boundary along Darby Creek, such portion of the parking lot being approximately 11,061 square feet or 0.2539 acres in total area, more or less and designated as “Proposed Parking Easement” or “Prop. Parking Easement” on the Plan attached hereto as Exhibit “C” and as described more fully in Exhibit “D” attached hereto and made a part hereof (the “Parking Easement”), subject to the terms, covenants and conditions stated in this Easement Agreement.

9. The said Access Easement and Parking Easement shall be for the following purposes:

(a) To permit public access to, public parking for and public use of the dog park, walk way and other amenities at Kent Park and for the Trail and Trail Easement.

10. County will further reduce the assessed valuation for real estate tax purposes of the Premises for 2017 from the current 2016 assessment. The current assessment of the entire Premises is Eight Hundred Twenty-Seven Thousand Four Hundred Forty-Six Dollars ($827,446.00). County shall reduce the assessment by Seventy Seven Thousand Six Dollars ($77,006.00), thereby causing the total assessed value of the Premises for real estate tax purposes to be Seven Hundred Fifty Thousand Four Hundred Forty Dollars ($750,440.00). At the current total millage rate, the actual reduction in annual real estate taxes for 2017 would be Four Thousand Seven Hundred Twelve Dollars ($4,712.00). Grantor agrees and acknowledges that the real estate taxes imposed on the Premises will now be based on the total assessment Seven Hundred Fifty Thousand Four Hundred Forty ($750,440.00) multiplied by the actual millage rates established the applicable taxing entities (the County, the Township and Upper Darby School District) each taxing year.

11. Grantees, at their expense, shall provide all maintenance and repair of the Fence and Trail and shall provide all maintenance and repair to the Access Easement and Parking Easement used for public purposes.

12. Grantees shall and will and hereby do release, indemnify, defend, protect and save harmless Grantor from and against any and all claims, demands, liability, damages, costs and expenses, resulting from any and all loss of life or property, or from injury or damage to the person or property of any person, firm, corporation or entity, arising out of (a) Grantees’ and/or the publics’ use for public purposes of the Trail Easement, Trail, and/or Access Easement and Parking Easement and/or (b) the use of the

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Premises for parking and/or access by an individual member or members of the public in connection with the use by such member or members of the public of the Trail Easement, Trail, and/or Access Easement and Parking Easement. Grantees’ obligation to indemnify Grantor under this paragraph shall arise only if the particular claim, demand, liability, damage, cost, expense, loss of life or property, injury or damage did not result in whole or in part from Grantor’s negligent, intentional or reckless act or omission, including but not limited to Grantor’s failure to maintain the Premises.

13. In conjunction with the Trail Easement project, County agrees to raze, demolish and remove the existing one-story block building structure designated on the Plan as the “Existing Building (To Be Removed)(3,155 Sq. Ft.)” (the “Demolition”).

14. Grantor further grants unto the Grantees a temporary easement for access generally to, through and across the Premises and for the purpose of parking of vehicles and parking and storage of construction vehicles, machinery and equipment in conjunction with the undertaking of the construction and improvement of the aforementioned dog park project in Kent Park, the erection of the Fence, the Demolition project and/or the construction of the Trail and Shoulders, said easement to include the areas on the construction plans supplied to Grantor designated as “Temporary Staging Area”, and Grantor authorizes the entry and re-entry of employees, agents and contractor of the County upon said area to do any and all work necessary for the completion of the aforementioned dog park, Trail, Shoulders, Fence, Demolition projects, including removal of any structures located on the area covered by the easement; provided, however, that, upon completion of the project, the County shall be obligated to restore the area covered by the easement to a condition commensurate the condition of same prior to the grant hereof, such restoration to include removal of debris. The estimated completion date of the construction of the Trail Easement project, including Trail, Shoulders, Fence and Demolition is December 31, 2018.

15. The existing trail easement designated on the Plan as “Ex. Trail Easement (to be removed)(9,721 sq. ft.)” and the existing parking easement designated on the Plan “Ex. Parking Easement (to be removed)(903 sq. ft.)” which were granted by the Original Easement are being removed and replaced respectively with the Trail Easement and Parking Easements granted as part of this Easement Agreement.
16. It is the intention of the parties hereto that the Original easement is replaced by this Easement Agreement.

17. By separate deed of transfer, Grantor shall donate to the Township, and Township agrees to accept the donation of, that certain parcel of real property and any improvements thereon located in the Township of Upper, County of Delaware and Commonwealth of Pennsylvania being folio number 16-13-00913-00. Such deed shall be delivered and recorded within 30 days of the date hereof.

18. The parties agree that this Easement Agreement shall be recorded and enforceable against the parties' signatory hereto.

19. The Easement rights and privileges herein granted shall be used for all legal purposes permitted including but not limited to recreational use.

20. The Easement rights and privileges herein granted shall be perpetual and shall run with the land. The Grantor hereby binds Grantor, its principals, successors, assigns, heirs and legal representatives to warrant and forever defend the above described easements and rights unto Grantees, and the successors and assigns of each against every person or entity whomsoever lawfully claiming or to claim the same or any part thereof. The terms "Grantor" and "Grantee" hereunder shall include their respective heirs, successors and assigns.

21. The Easement rights and privileges granted herein are exclusive and Grantor covenants that it will not convey any other easement or conflicting rights within the areas covered by this grant and/or this Easement Agreement.

22. This instrument shall be binding on the heirs, executors, administrators, successors and assigns of the parties hereto.

23. Grantor, while remaining the owner of the property in fee herein, covenants that Grantor, the heirs, executors, administrators, successors and assigns of Grantor shall not interfere with the quiet enjoyment of the premises included in this Easement by Grantees or the public.

24. The Easement Agreement shall not be altered, modified, amended or terminated (except as specifically set forth herein) unless by a written instrument, in recordable form, duly executed by Grantor and Grantee.
25. The provisions of this Easement Agreement shall be deemed independent and severable, and the invalidity or unenforceability of any provision or portion thereof shall not affect the enforceability or validity of any other provisions or portion thereof.

26. This Easement Agreement shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Pennsylvania.

27. The Easement Agreement shall be recorded of public record at County cost.

IN WITNESS WHEREOF, the parties intending to be legally bound hereby, the parties set their hands and seals this day of , 2017.

Witness:

Grantor:
4000 BRIDGE STREET ASSOCIATES,
A Pennsylvania general partnership

By: ________________________________
General Partner

Witness:

Grantee:
DELaware COUNTY

By: ________________________________

Witness:

Grantee:
UPPER DARBY TOWNSHIP

By: ________________________________
ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF DELAWARE

ON THE day of 2017, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared known to me satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it for the purposes therein contained.

Notary Public
EXHIBIT "A"

[legal description of 4000 Bridge Street, Folio No. 16-13-01480-00]
COMMITMENT
SCHEDULE A
(continued)

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected,
Hereditaments and Appurtenances, Situate in the Township of Upper Darby, County of Delaware,
Commonwealth of Pennsylvania, described in accordance with a Plot Plan of New Office and
Manufacturing Building, made for AVA Electronics by J. Lee Thorne, Registered Architect, Upper
Darby, Pennsylvania, dated February 9, 1977 as follows, to wit;

BEGINNING at an angle point at the intersection of the title line of the bed of Creek Road and
Bridge Street; thence along the title line of Bridge Street North 38 degrees, 50 minutes East, 78.38
feet to a point; a corner, thence leaving said Bridge Street, North 28 degrees, 32 minutes West,
crossing over a corner of a stone wall as shown on said plan, 104.24 feet to a point, a corner, thence
North 61 degrees, 28 minutes East, 06.15 feet to a point, a corner, thence North 32 degrees, 14
minutes, 04 seconds West, 13 feet to a point, a corner, thence North 61 degrees, 28 minutes East,
71.49 feet to a point, thence 55 degrees, 19 minutes East, 148.80 feet to a point, a corner, thence
South 67 degrees, 49 minutes 09 seconds East, 38 feet to a point in the title line of the bed of Bridge
Street, aforesaid; thence along the title line of the bed of Bridge Street South 38 degrees, 50
minutes East, 45 seconds East, crossing over a stone wall as shown on said Plan and crossing over the bed of
Darby Creek, 216 feet to a point in the bed of said creek; thence along the bed of said Darby Creek,
The following two courses and distances: (1) South 54 degrees, 48 minutes, 19 seconds West, 115.14
feet to a point, and (2) in a Southwesterly direction along the bed of said creek being the line
dividing the Borough of Clifton Heights and Township of Upper Darby, the distance of 935 feet,
more or less, to a point, a corner, thence leaving said creek, North 70 degrees, 53 minutes, 45
seconds East, 234 feet, more or less, to a point in title line of the bed of Creek Road, aforesaid;
thence along title line of the said Creek Road, the following three courses and distances: (1) South
10 degrees, 18 minutes, 30 seconds East, 09.35 feet to an angle point in said road; (2) South 35
degrees, 09 minutes, 13 seconds East, 103.00 feet to an angle point in said road; and (3) South 77
degrees, 45 minutes East, 346.70 feet to and angle point, the intersection of Creek Road and Bridge
Street, aforesaid, the first mentioned point and place of beginning.

TOGETHER WITH perpetual easements and rights of way for ingress and egress and Regents and
for location and use of utility lines and conduit over or in a certain strip of property approximately 17
feet wide along the Southerly boundary line of property adjacent to the above described property,
which adjacent property was granted and conveyed by Joseph S. Turaba and Helen M. Turaba, his
wife, to John Turaba in fee simple dated the 15th day of May 1978, and recorded in the Office for
Recording Deeds in and for Delaware County, Pennsylvania, in Deed Book 2648, page 557, and is
known as 3935-3941 Bridge Street, Upper Darby Township, Delaware County, Pennsylvania
("Adjacent Property"), This grant of easement and right of way is intended to give Grantee and its
successors and assigns the above mentioned rights over portions of that strip of property located
on the Adjacent Property, which strip consists of what is designated as Bridge Street and Creek Road
on the above described Plot Plan made for AVA Electronics by J. Lee Thorne, Registered Architect,
(whether or not such streets are now or hereafter vacated or removed from any official plan).

Your File No. 01-335063 Commitment No. 01-335063
This commitment is invalid unless the Securing Provisions and Schedules A and B are attached.

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BEING the same premises which John Mustico, by Indenture bearing date the 13th day of September, A.D. 1962 and recorded in the Office of the Recorder of Deeds in and for the County of Delaware, aforesaid, in Volume 37 page 1178, granted and conveyed unto Delaware County Industrial Development Authority, in fee.

BILING Felia Number 16-13-01480-00.

EXCEPTING THEREOUT AND YHEREFROM (IF ANY) THE PREMISES AS MORE FULLY DESCRIBED IN THE FOLLOWING DEED: NONE.

END OF REPORT
6/11/03 @ 05:15 PM
Trail Easement (20 Foot Wide)
BEGINNING along the eastern property line along lands of N/L County of Delaware, said point being located South 21° 21' 45"
East, a distance of 186.05 feet from the title line corner in Bridge Street, thence the following thirty-six (36) courses and
distances:
1. South 21° 21' 45" East, a distance of 20.20 feet to a point,
2. South 60° 19' 27" West, a distance of 120.83 feet to a point,
3. Along the arc of a circle, turning to the left, with a radius of 90.00 feet, arc length of 26.40 feet, chord bearing of
South 51° 55' 20" West and a chord length of 26.30 feet to a point,
4. South 43° 31' 13" West, a distance of 51.39 feet to a point,
5. Along the arc of a circle, turning to the right, with a radius of 410.00 feet, arc length of 60.85 feet, chord bearing of
South 47° 46' 20" West and a chord length of 60.80 feet to a point,
6. South 52° 01' 27" West, a distance of 45.67 feet to a point,
7. Along the arc of a circle, turning to the right, with a radius of 90.00 feet, arc length of 94.19 feet, chord bearing of
South 82° 00' 25" West and a chord length of 89.95 feet to a point,
8. North 68° 00' 38" West, a distance of 158.82 feet to a point,
9. Along the arc of a circle, turning to the right, with a radius of 110.00 feet, arc length of 9.31 feet, chord bearing of
North 65° 35' 11" West and a chord length of 9.30 feet to a point,
10. North 63° 09' 45" West, a distance of 161.54 feet to a point,
11. Along the arc of a circle, turning to the right, with a radius of 110.00 feet, arc length of
22.97 feet, chord bearing of
North 57° 10' 47" West and a chord length of 22.93 feet to a point,
12. North 51° 11' 49" West, a distance of 45.39 feet to a point,
13. Along the arc of a circle, turning to the right, with a radius of 210.00 feet, arc length of
39.30 feet, chord bearing of
North 45° 50' 07" West and a chord length of 39.25 feet to a point,
14. North 40° 28' 24" West, a distance of 38.60 feet to a point,
15. Along the arc of a circle, turning to the right, with a radius of 75.00 feet, arc length of 73.42 feet, chord bearing of
North 12° 25' 38" West and a chord length of 70.53 feet to a point,
16. North 15° 37' 08" East, a distance of 44.93 feet to a point,
17. Along the arc of a circle, turning to the left, with a radius of 53.00 feet, arc length of 9.74 feet, chord bearing of
North 10° 21' 22" East and a chord length of 9.72 feet to a point,
18. North 70° 52' 45" East, a distance of 21.60 feet to a point,
19. South 02° 43' 12" West, a distance of 5.84 feet to a point,
20. Along the arc of a circle, turning to the right, with a radius of 73.00 feet, arc length of 16.43 feet, chord bearing of
South 09° 10' 10" West and a chord length of 16.40 feet to a point,
21. South 15° 37' 08" West, a distance of 44.93 feet to a point,
22. Along the arc of a circle, turning to the left, with a radius of 55.00 feet, arc length of 53.84 feet, chord bearing of
South 12° 25' 38" East and a chord length of 51.72 feet to a point,
23. South 40° 28' 24" East, a distance of 38.60 feet to a point,
24. Along the arc of a circle, turning to the left, with a radius of 190.00 feet, arc length of 35.56 feet, chord bearing of
South 45° 50' 07" East and a chord length of 35.51 feet to a point,
25. South 51° 11' 49" East, a distance of 45.39 feet to a point,
26. Along the arc of a circle, turning to the left, with a radius of 90.00 feet, arc length of 18.80 feet, chord bearing of
South 57° 10' 47" East and a chord length of 18.76 feet to a point,
27. South 63° 09' 45" East, a distance of 161.54 feet to a point,
28. Along the arc of a circle, turning to the left, with a radius of 90.00 feet, arc length of 7.62 feet, chord bearing of
South 65° 35' 11" East and a chord length of 7.61 feet to a point,
29. South 68° 00' 38" East, a distance of 158.82 feet to a point,
30. Along the arc of a circle, turning to the left, with a radius of 70.00 feet, arc length of 73.26 feet, chord bearing of
North 82° 00' 25" East and a chord length of 69.96 feet to a point,
31. North 52° 01' 27" East, a distance of 45.67 feet to a point,
32. Along the arc of a circle, turning to the left, with a radius of 390.00 feet, arc length of 57.88 feet, chord bearing of
North 47° 46' 20" East and a chord length of 57.83 feet to a point,
33. North 43° 31' 13" East, a distance of 51.39 feet to a point,
34. Along the arc of a circle, turning to the right, with a radius of 110.00 feet, arc length of 32.26 feet, chord bearing of
North 51° 55' 20" East and a chord length of 32.15 feet to a point,
35. North 60° 19' 27" East, a distance of 122.29 feet to a point,
36. Along the arc of a circle, turning to the right, with a radius of 73.00 feet, arc length of 1.46 feet, chord bearing of
North 60° 53' 48" East and a chord length of 1.46 feet to a point, said point being the first mentioned point and place of beginning.

CONTAINING 19,750 square feet or 0.4534 acres, more or less.
Parking Easement
BEGINNING along the eastern property line along lands of N/L County of Delaware, said point being located South 21° 21' 45"
East, a distance of 186.05 feet from the title line corner in Bridge Street, thence the following ten (10) courses and distances:
1. Along the arc of a circle, turning to the left, with a radius of 73.00 feet, arc length of 1.46 feet, chord bearing of
   South 60° 53' 48" West and a chord length of 1.46 feet to a point,
2. South 60° 19' 27" West, a distance of 122.29 feet to a point,
3. Along the arc of a circle, turning to the left, with a radius of 110.00 feet, arc length of 10.29 feet, chord bearing of
   South 51° 55' 20" West and a chord length of 10.29 feet to a point,
4. North 35° 02' 00" West, a distance of 70.22 feet to a point,
5. North 59° 12' 37" East, a distance of 11.50 feet to a point,
6. North 60° 18' 22" East, a distance of 48.21 feet to a point,
7. Along the arc of a circle, turning to the left, with a radius of 14.24 feet, arc length of 12.68 feet, chord bearing of
   North 34° 48' 43" East and a chord length of 12.26 feet to a point,
8. Along the arc of a circle, turning to the right, with a radius of 14.79 feet, arc length of 13.10 feet, chord bearing of
   North 34° 40' 45" East and a chord length of 12.67 feet to a point,
9. North 54° 09' 39" East, a distance of 71.67 feet to a point,
10. South 21° 21' 45" East, a distance of 89.09 feet to a point, said point being the first mentioned point and place of
   beginning.

CONTAINING 11,061 square feet or 0.2539 acres, more or less.
UPPER DARBY TOWNSHIP

Resolution No. 14-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA ACKNOWLEDGING INTENT TO PARTICIPATE IN THE COLLABORATIVE ACTION PLANNING PROJECT ON CERTAIN MANAGEMENT ASPECTS OF STORMWATER MANAGEMENT

WHEREAS, representative of Upper Darby Township have participated with other municipalities in Eastern Delaware County, Delaware County Planning Department and Delaware County Conservation District to identify and review joint programs on certain management actions relating to storm water which the municipalities must implement under the regulation of the United States Environmental Protection Agency and the Pennsylvania Department of Environment Protection; and

WHEREAS the municipalities have determined that specific activities can be performed more efficiently by joint programs than by acting separately and the municipalities have signed an agreement entitled "Eastern Delaware County Stormwater Intergovernmental Agreement" (the Agreement); and

WHEREAS, the Agreement provided the terms of this joint action on selected tasks and for five years expiring November 15, 2011: and

WHEREAS the Agreement in Article XI section 11.1 provides for a five year term of this agreement, expiring November 15, 2016. This section also provides for the agreement to be extend for an addition period of five years upon the approval of such an extension resolution of Upper Darby Township Council; and

WHEREAS Upper Darby Township administration recommends the extension of this agreement: and

NOW, THEREFORE, BE IT RESOLVED THAT the Upper Darby Township Mayor is hereby authorized to notify the Eastern Delaware County Stormwater committee of the Townships plan to extend this agreement for an additional five years, with the new agreement expiring March 15, 2022, unless sooner canceled by the parties.
RESOLVED THIS 15th DAY OF MARCH, 2017

TOWNSHIP OF UPPER DARBY

By: DONALD P. BONNETT
   President of Council

Attest: EDWARD E. MONAGHAN
        Secretary of Council

Resolution No. 14-17 above is hereby approved this 15th day of March 2017

APPROVED: THOMAS N. MICOZZIE
          Mayor

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

ORDINANCE NO. 3036

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION AND LICENSING OF DUMPSTERS, OPEN-TOP CONTAINERS, PORTABLE STORAGE CONTAINERS AND COMPACTION CONTAINERS MAINTAINED AND LOCATED ON A PUBLIC STREET WITHIN UPPER DARBY TOWNSHIP FOR THE COLLECTION AND/OR STORAGE OF TRASH, DEBRIS OR OTHER SOLID WASTE MATERIALS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

SECTION 1. Definitions.

As used in this Ordinance the following terms shall have the meanings given therein:

a. Dumpsters: Any covered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, trash materials.

b. Open-top Containers: Any uncovered receptacle utilized for the storage and/or collection of refuse, trash, debris or other solid waste materials.

c. Compaction Container: Any receptacle designed or utilized for the purpose of crushing, compressing, storage and/or collection of refuse, trash, debris or other solid waste materials.

d. Portable Storage Containers: Any movable container utilized for temporary storage.

e. Container: The types of receptacles defined in Section 1(a), (b), (c) and (d) of this Ordinance.

SECTION 2. Any person, firm or corporation who maintains or utilizes any dumpster, open-top container, portable storage container or compaction container must first obtain a permit from the Department of Licenses and Inspection for such use before allowing it to be located on a public street within Upper Darby Township.

SECTION 3. No dumpster, open-top container, portable storage container or compaction container may be placed on a public street within Upper Darby Township unless the container has reflectors or some other type of fluorescent materials attached to all four of its
sides and no permit shall be issued for the use of any such container which does not have such reflectors or fluorescent materials attached to all four of its sides. All such reflectors or fluorescent materials must be located on areas of the container which are readily visible to vehicular and pedestrian traffic.

SECTION 4. Every person, firm or corporation desiring to utilize any dumpster, open-top container or compaction container on a public street within the Township shall apply for the permit required by this Ordinance by submitting an application on a form prepared and furnished by the Department of Licenses and Inspection. The application shall set forth the name of the owner and operator, if not the same, the location and size of the container, the dates of use and such other information as the Department of Licenses and Inspection may require.

SECTION 5. The permit shall be issued only for the actual period of use not to exceed thirty (30) days from the date of issuance. An applicant may apply for one (1) extension not to exceed thirty (30) days by applying for another permit. Applicants may request for an extension to this maximum sixty (60) day time period by submitting in writing the time extension requested along with demonstrated justifiable cause for the extension to the Director of Licenses & Inspection. In the event any permit expires while the container is still in use, the applicant on or before the expiration date must apply for and receive a new permit for another thirty (30) day period. At the time any application is filed a permit fee in the amount specified in the Township Fee Ordinance shall be paid and if the container is to be placed in a metered parking area, the applicant must also pay the prevailing rate for rental of the parking meters which will be out of service as a result of the location of the container.

SECTION 6. All containers within the terms of this Ordinance shall be maintained so as not to create a public nuisance including but not limited to the timely and proper removal of any refuse, trash, debris or other solid waste materials. Dumpsters shall be emptied as soon as practicable. No hazardous materials or organic waste shall be placed in containers. All containers can only be placed in areas where vehicles are permitted to be legally parked and in no way can they create a nuisance to vehicle or pedestrian safety.

SECTION 7. Temporary dumpsters, open-top containers or portable storage containers are permitted to be placed on private property for a maximum of six (6) months. If the
placement is directly associated with a valid construction permit, the placement is permitted for
the duration of the permit.

SECTION 8. Any person, firm or corporation violating any of the provisions of this
Ordinance shall be subject to a fine of not more than One Thousand Dollars ($1,000) per
container and upon default of the payment thereof, be sentenced to undergo imprisonment for a
period not exceeding thirty (30) days. Each violation of the provisions of this Ordinance shall
constitute a separate offense for each day a violation exists.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are hereby
repealed.

ENACTED and ORDAINED this 15th day of MARCH, A.D., 2017

TOWNSHIP OF UPPER DARBY

DONALD P. BONNETT
PRESIDENT OF COUNCIL

EDWARD E. MONAGHAN
SECRETARY OF COUNCIL

ORDINANCE NO. 3036 ABOVE IS HEREBY APPROVED THIS
15TH DAY OF MARCH, A.D., 2017

APPROVED: THOMAS N. MICOZZIE
MAYOR

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

Resolution No. 15-17

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA ACKNOWLEDGING AND SUPPORTING THE PLANNING WORK ON THE TRAILS IN THE GREATER PHILADELPHIA REGION BEING DONE BY THE DELAWARE VALLEY PLANNING COMMISSION, DELAWARE COUNTY PLANNING DEPARTMENT, FRIENDS OF THE UPPER DARBY TRAILS AND THE PHILADELPHIA CIRCUIT TRAILS PROGRAM IN THEIR EFFORT TO COMPLETE 500 MILES OF TRAILS IN THE REGION BY 2025.

WHEREAS, the Circuit Trails are a connected system of multi-purpose trails (largely off road) located in the nine (9) counties that comprise the Delaware Valley Regional Planning Commission (DVRPC) region, including Philadelphia, Bucks, Montgomery, Chester, Delaware, Mercer, Burlington, Camden, and Gloucester Counties; and

WHEREAS, the building of the Circuit Trails is considered to be one of the largest metropolitan-wide, multi-use trail building efforts in the country and very significant regional accomplishment; and,

WHEREAS the DVRPC set a long term regional goal in the Connections 2040 Plan to complete the Circuit Trails by 2040, and to meet this goal, 180 new miles of Circuit trails need to be completed by 2025 to reach 500 miles (2/3’s complete); and

WHEREAS, the Circuit Trails provide equitable transportation options for all users and will connect communities to places of work, places to shop, places to worship, places to play, places of historic significance, and places to teach our children; and;

WHEREAS, the Circuit Trails Coalition, DVRPC, the Pennsylvania Department of Transportation, the Pennsylvania Department of Conservation and Natural Resources, New Jersey Department of Transportation, the New Jersey Department of Environmental Protection and other agencies have committed to complete non-motorized options for transportation and recreation; and

WHEREAS, the Circuit Trails will provide safe facilities separated from vehicular traffic to encourage be bicyclists, walkers, the physically challenged, and other non-motorized users of all ages to be more active and spend time outdoors, thereby improving their fitness and health; and

WHEREAS, when communities in other areas of the United States and abroad provide for non-motorized transportation options they thrive as places to live and work; and

WHEREAS, the Circuit Trails, by offering both residents and tourists access to natural, cultural and historical sites, will bring health and economic benefits to counties, municipalities and businesses in the region such as revenues to local economies, healthcare savings, enhanced real estate values, and increased activity; and

WHEREAS, 5.4 million people reside in Greater Philadelphia and 85 percent of those surveyed support building more trails in their counties. Furthermore, 70 percent favor spending $2 per person in public dollars annually to pay for new connected trails.
WHEREAS, Upper Darby Township is one of the 385 municipalities in the DVRPC region that is part of the Circuit; and

NOW, THEREFORE BE IT RESOLVED that Upper Darby Township hereby endorses the concept of the nine county region completing 180 miles of Circuit Trails by 2025 in order to achieve 500 miles of completed Circuit trails and the Circuit Trails passage through Upper Darby Township and Delaware County and encourages our neighboring communities to do the same and Upper Darby Township supports the existing trails along the alignment.

Resolved this 15th day of March, 2017.

TOWNSHIP OF UPPER DARBY

By: DONALD P. BONNETT
    President of Council

Attest: EDWARD E. MONAGHAN
        Secretary of Council

Resolution 15-17 above is hereby approved this 15th day of March, 2017

APPROVED: THOMAS N. MICCOZZIE
          Mayor

Attest: THOMAS A. JUDGE JR.
        Chief Administrative Officer