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Upper Darby Township Council Meeting

April 18th, 2018

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Adoption of Resolution No. 15-18

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Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, April 18th, 2018 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 Upper Darby High School Cheerleaders

Roll Call

Donald P. Bonnett, Thomas P. Wagner, Jacob A. Bierling Jr., Sekela Coles, Robert Gwin, Barbarann Kefler, Marc Manfre, Lisa Faraglia, Sheikh Siddique, Patrick Spellman, Laura Wentz

Present at the Meeting

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

Mr. Bonnett: Ladies and gentlemen, before we get into our busy Agenda this evening, we have the pleasure of having with us this evening some special guests. First, we have the cheerleader squads from Upper Darby High School and I believe our middle schools and also we have some of the contestants that participated in the Black History Month Poetry Contest. So at this point I am going to turn the meeting over to our Mayor to present a Proclamation and awards to the cheerleaders.

Mayor Micozzie

Mayor Micozzie recognized the Upper Darby High School Junior Varsity Cheerleaders who won the UCA Nationals - 5th in the Nation Award

Mayor Micozzie recognized the Upper Darby High School Varsity Cheerleaders who were the 2018 UCA 1st Place Garden State Championship Division Winners

Mayor Micozzie presented a Proclamation for Children’s Mental Health Week

PROCLAMATION

WHEREAS, good mental health is a key component in a child’s healthy development and Children’s Mental Health Week provides the opportunity to focus on this important matter, while celebrating the accomplishments of children and families affected by health concerns, and
WHEREAS, according to the United States Department of Health and Human Services, one in five children is diagnosed with a mental health condition; and

WHEREAS, research has shown early identification and appropriate treatment of mental health disorders among children and adolescents provide them better opportunities to lead full and productive lives; and

WHEREAS, children and youth with mental health challenges and their families benefit from access to timely services and supports that are family-driven, youth-guided and culturally appropriate; they also benefit from the integration of behavioral health in primary care, education and child welfare, and

WHEREAS, it is important that children and adolescents, along with their families and communities, learn about warning signs of mental health disorder and where to obtain necessary assistance and treatment, and

WHEREAS, obtaining a full and accurate diagnosis of a child requires gathering information from diverse sources, including the family, school and others involved with the child; and

NOW, THEREFORE I, Thomas N. Miccozie, Mayor of Upper Darby Township, along with my fellow members of Upper Darby Council, do hereby proclaim May 7 – 13, 2018 as

Children’s Mental Health Awareness Week

in Upper Darby Township and urge my fellow citizens to recognize and participate in its observance.

Thomas N. Miccozie, Mayor
Thomas N. Miccozie, Mayor
Upper Darby Township
Delaware County, Pennsylvania

Councilwoman Sekela Coles recognized the winners of the Black History Month Poetry Contest.

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting on March 21st, 2018.

Mr. Wagner: So moved.
Mr. Spellman: Second

Ms. Wentz: I have a correction. So on the first page after the Indexes for my comment at the last meeting isn’t quite correct. I pointed out that in the February Index Agenda it included the approval of the Re-Organizing Meeting of January 2nd and that it wasn’t actually approved which is not quite what it says here.

Mr. Bonnett: OK, Mr. Nolan would you re-visit the tape on that and then correct it?

Mr. Nolan: If we can understand the tape, then we’ll correct it.

Mr. Gwin: What should it have been?

Ms. Wentz: It should have been the approval of the Minutes for Re-Organization Meeting of January 2nd, 2018 for February’s meeting. We did not approve those Minutes in February.

Mr. Bonnett: Duly noted. A motion has been made and seconded for the approval of the Minutes of the Council Meeting of March 21st, 2018 noting that there is a comment on correcting those Minutes. All those in favor signify by saying aye. Opposed say no. The ayes have it. The Minutes are approved subject to correction.

**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.

Gerald Harrison, 29 S. Kirklyn Ave
Tree trunks/stumps/sinking fund

Terry Bradley, 1213 Morgan Avenue
Dead tree removal

Olivia Taylor, 204 Kent Road
Voting poll

Jeanne Mann, 706 Foss Avenue
FDPA

Janice Haman, 727 Stanbridge Road
FDPA

Bonnie Hallam, 4719 Woodland Avenue
FDPA
Grady Lights, 15 Garrett Road
FDPA

Michael Kearney, 124 Walnut Avenue
FDPA

Judy Gentile, 461 Lombardy Road
Library

Nancy Hallowell, 1702 S. State Road
Library

Rich Blye, 274 Kent Road
Voter polling/follow-up with Juneteenth

Their comments are filed on tape.

*Mayor Micozzie commented on the upcoming Shred Day on Saturday, April 21, 2018 and on the mailer that was sent out to residents.*

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

**Committee Reports**

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

Mr. Wagner: Thank you, Mr. Bonnett. We have 3 tax appeals to deal with and for the benefit of the members of the public who are still here, it sounds boring but it is very important to the Township. This represents resolutions/settlements of appeals of assessments. With that, I ask the Solicitor for a brief on Resolution No. 11-18.

**Resolution No. 11-18, the tax appeal of Upper Darby School District & Upper Darby Township, Longford Road, Upper Darby Township.**
**Tax Folio No: 16-13-02336-01**

Solicitor: Thank you, Councilman Wagner. Resolution No. 11-18 is the tax appeal of Upper Darby School District & Upper Darby Township in regard to the property on Longford Road, which is the New Orleans Court Apartments in Upper Darby Township. The Tax Folio No: is
16-13-02336-01. The current assessment in this matter is $2,300,490.00. Upon petition of the School District and the Township, we are recommending a resolution for an increase in the assessment to tax year 2017 of $3,000,094.00 and for tax year 2018 an increase to $3,240,700.00. This has been approved by the District at this point and has been recommended by the Solicitor’s office this evening.

Mr. Wagner: Thank you. And, I am going to deal with these collectively so will you please give us a brief on Resolution No. 12-18?

Resolution No. 12-18, the tax appeal of Sunny Realty, LLC, 75 S. State Road, Upper Darby Township. Tax Folio No: 16-05-01319-00

Solicitor: Yes. Resolution No. 12-18 is the tax appeal of Sunny Realty, LLC, 75 S. State Road, Upper Darby Township. Tax Folio No: 16-05-01319-00. The current assessment is $67,210.00 and the recommended resolution is for a decrease to an assessment of $58,660.00. Again, this has been approved by the Upper Darby School District and also recommended by the Solicitor’s office this evening.

Mr. Wagner: Thank you very much. And finally, will you please give us a brief on Resolution No. 13-18?

Resolution No. 13-18, the tax appeal of Chris Graziola, 2801 Eldon Avenue, Upper Darby Township. Tax Folio No: 16-09-00372-00

Solicitor: Yes. Resolution No. 13-18 is the tax appeal of Chris Graziola, 2801 Eldon Avenue, Upper Darby Township. Tax Folio No: 16-09-00372-00. The current assessment is $100,815.00. The recommended resolution is for an assessment for tax year 2018 of $80,960.00. Again this has already been approved by the Upper Darby School District and is being recommended by the Solicitor’s office this evening.

Mr. Wagner: Thank you very much. So, Council members, these are 3 Resolutions of assessment appeals and you just heard that they have already been approved by the School District and are being recommended by the Solicitor’s office along with the Finance and Appropriations Committee. So with that, I move for the adoption of Resolution No. 11-18, 12-18 and 13-18.

Mr. Gwin: Second.

Ms. Keffer: I have a question. So the County is doing a Countywide re-assessment so what happens with all of these re-assessments that we’re voting on? Is there a re-set button?
Solicitor: You are correct. The County is doing a Countywide re-assessment which will go into effect January 1st, 2021 so all property values will be subject to change January 1st, 2021. If I recall correctly, notices of the new values will be generated in Fall of 2020.

Ms. Keffer: Thank you.

Mr. Bonnett: And the taxes will be adjusted accordingly.

Mr. Wagner: So that will include the ones that we’re voting on right now?
Solicitor: Correct.

Mr. Gwin: And it could go up or down?
Solicitor: Correct.

Mr. Bonnett: OK. It has been moved seconded for the adoption of Resolutions 11-18, 12-18 and 13-18. All those in favor, signify by saying aye. Opposed say no. The ayes have it. The Resolutions are approved.

Mr. Wagner: Thank you Sir. Now, would the Solicitor please give us a brief on Ordinance No. 3045?

Public Hearing for of Ordinance No. 3045, an Ordinance approving collection procedures and adopting interest and schedule of attorney fees and charges to be added to the amount collected as part of unpaid sewer and trash fees for delinquent accounts

Solicitor: Certainly. Ordinance No. 3045 is an Ordinance approving collection procedures and adopting interest and schedule of attorney fees and charges to be added to the amount collected as part of unpaid sewer and trash fees for delinquent accounts.

Mr. Wagner: Mr. President, I request that the Chair conduct a Public Hearing.

Mr. Bonnett: I will do that. At this time, we will convene a Public Hearing for proposed Ordinance No. 3045. Anyone wishing to address Council about this Ordinance, please come to the podium and state your name and address for the record.

Ms. Hallam: Bonnie Hallam, 4719 Woodland Avenue, Drexel Hill, PA 19026. The only reason that I’m coming up here is because I don’t understand this and I’m asking for an explanation of why this would happen. I guess I’m making an assumption that most people are responsible and will pay their taxes if they can and that the people who don’t pay their taxes are either irresponsible or they can’t afford it and adding to their burden of paying their taxes if they can’t afford it by putting attorney fees and other fees on top of that doesn’t seem like it’s going to be a way to get people to pay their taxes. I don’t understand it.
Mr. Bonnett: Well Bonnie, people have the responsibility. Every one of us regardless of our financial wherewithal has that responsibility. But, in the process of trying to collect that money, which we have an obligation to do that to those taxpayers that do pay their bills and it would not be fair to those taxpayers for us as a Township to absorb that cost of collection which we’re really passing on to the taxpayers who do pay their bills. So,

LOST AUDIO DUE TO CHANGING TAPE

Mayor Micozzie: They may not be able to pay but they have programs that they offer them. They are not going to throw them out of their house. This is just strictly for sewer and trash. It falls in line with the County. The County does it in 3 years where you go in front of a sheriff so that’s an automatic process with the County. We send to the County and it’s not the taxes. It’s the sewer and trash fees. When they get involved with that, there’s also a letter that will go out. I believe it’s 30 days of offering some relief in that first 30 days that they communicate and then after that they will work with them. If they have a legitimate, not a phone call like “hey, I can’t pay,” if they have a legitimate reason and sit down and talk to them, they will work with them through a program to make sure that they can help them along not only for the past but also for the future. So, they have a very good reputation of doing that. We emphasize that we do not want to throw people out of their houses or cause people to have very grave concerns about what they’re paying or not paying in their electric bill, that kind of stuff. So, they are very familiar with our community, the demographics of our community and Tom will keep in touch with them, I’m sure, but we have to do something. We have debt out there that we are obligated to collect and like Don said, it’s not fair that you’re paying your bill every year and then some of these people owe five years and they just snub their nose at it. So, we have an obligation. I believe the gentleman earlier said about our budget; they are real dollars that can offset your tax bill next year. So, we’ve done everything else about trimming jobs and trying to bring businesses in here and getting increases in our assessment for $2.5 million but somewhere along the line, the money has got to come in here. If we don’t do it and someone else thinks twice about it then those trash trucks cost a lot of money every day to go out and pick that trash up. So, I hear your concern. I feel your concern because I do receive calls from those residents and I made sure that that was included in this.

Ms. Hallam: OK, thank you.

Mr. Bonnett: Anyone else? Bob?

Mr. Gwin: I was going to ask. Do you want to tell what the time period is that some people have with these fees and charges?

Mayor Micozzie: It would begin in 30 days, right Tom?

Mr. Judge: The fees go but they’ll send a letter out and when the letter is sent out then they have 30 days to come in and pay without any fees and then after that there is a process of when the fees will come in. So, we’re probably talking 60-90 days before the consultants start enforcing
the fees. Let me be real clear Bob. The people who owe this money know it. They’re not hiding from us. They know that they owe us this money and they’re doing it on purpose. There is a small percentage of folks that can’t for a certain period of time but the majority of these people know they owe the money.

Ms. Hallam: My only concern was for those people who really can’t afford to do this that they would in some way be protected and helped.

Mayor Micozzi: One of our top concerns when we went in this direction.

Ms. Coles: And I do have people in my community who have reached out to me and are aware that they can go the Finance Department and talk to Jim Smith about payment plans because there are people in my area that aren’t in the affluent parts of Upper Darby Township that do struggle to meet that $435 each year because that’s one of the taxes that is not included in the mortgage. So, they aren’t penalized because they are currently paying something, even if it is a small portion. But, my understanding is this is meant to address people who might own multiple properties who are kind of thumbing their noses at paying.

Mr. Judge: A lot of people on this list are landlords who are not paying and they will be highlighted and go after big time because some of them owe big time dollars and that’s not fair.

Ms. Hallam: Thank you.

Mr. Gwin: That’s why these fees are as onerous are they are in terms of relative to the cost of the trash removal, like the $800 for ————

Mr. Judge: If you come cooperative you don’t have to pay them. If you aren’t cooperative, you have to pay them.

Mr. Bonnett: And, if we don’t do something to enforce these bad debts, they are going to continue to grow. Thank you for your comments.

Mayor Micozzi: Just to be clear. Sekela, in the future, they’ll go directly to Portnoff for arrangements.

Ms. Coles: Was my understanding correct at the March meeting when we introduced this Ordinance that this is at no charge to the Township; that this is like a pass-through?

Mr. Gwin: They are making their money off of these fees.

Mr. Alberts: Good evening. My name is Scott Alberts, 212 Glendale Road, Township Treasurer. I’m looking forward to seeing the Minutes and how they will record (noise). I’m curious to see that. (Audience laughter)
Mr. Alberts: My question that occurs to me is we’re doing this for sewer and trash fees which I applaud because it is a great idea. I’m curious as to why we’re not also doing it; I’m sure we have delinquent taxes that are probably a much larger number that we could be collecting. Was there a discussion of that? Is there a reason why not to implement that for taxes at this time?

Solicitor: Because the real estate taxes are handled by the County Tax Claim Bureau; they are handed over to them after they are delinquent for 2 years, I believe, and then they have to enforce…

Mr. Alberts: So, it’s handled by a public agency.

Solicitor: Exactly.

Mr. Alberts: OK. Thank you.

Mr. Bonnett: Does anyone else wish to address Council on this proposed Ordinance? Seeing no one and having no further comments from Council the Public Hearing for proposed Ordinance No. 3045 is therefore closed and I turn this back over to you Councilman Wagner.

Mr. Wagner: Thank you Sir. With that, I hereby move for the adoption of Ordinance No. 3045 and I believe it requires a roll call vote.

Mr. Bonnett: It does. Is there a second?

Ms. Coles: Second.

Mr. Bonnett: Moved and seconded. Mr. Secretary, will you please take a roll call vote?

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Mr. Bierling: That gives us 11 in favor and none opposed.
Mr. Bonnett: Thank you Jack. Ordinance No. 3045 is adopted.

Mr. Wagner: Thank you Mr. President. That completes our report.


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

**Resolution No. 14-18, a Resolution to declare April of 2018 “Fair Housing Month” and urge all Township residents to continue the observance of all Fair Housing Laws where all Americans can benefit from non-discriminatory housing practices.**

Mr. Bierling: At this time, I would ask the Solicitor for a brief on Resolution No. 14-18.

Solicitor: Yes. Resolution No. 14-18 is a Resolution to declare April of 2018 “Fair Housing Month” and urge all Township residents to continue the observance of all Fair Housing Laws where all Americans can benefit from non-discriminatory housing practices.

Mr. Bierling: Thank you. I think at the Committee Meeting, the Department Head of L&I, Jeff Gentile, went into what this was about. At this time, I’d like to make a motion to pass Resolution No. 14-18.

Mr. Spellman: Second.

Ms. Wentz: I have a question. At the end of the first “whereas” paragraph, the paragraph says “whereas the United States Fair Housing Act sets national policy for fair housing throughout the United States of America prohibiting discrimination in housing on the basis of race, color, religion, sex, family, status, disability, national origin, age and ancestry. I would like it to add LGBTQ? because they are not part of the current.....

Mr. Spellman?: Wouldn’t sex be....

Ms. Coles: No, it would be sexual orientation.

Mr. Judge: We’re following the model provided to us by the......

Ms. Wentz: We have the right to change that model to include all of our residents.

Mr. Judge: Did the Federal Government change that model. Is that what you’re saying?
Mr. Manfre: I have a question. What does that stand for? I’m sorry; the initials you just read?

Ms. Wentz: Lesbian, Gay, Bi-Sexual, Trans-Gender, ? (question). Some people questions their sexual identity also -------- and the “?” is part of the question aspect. Not everyone identifies as a male or female.

Mr. Manfre: Thank you. And that’s not implemented in this?

Ms. Wentz: No. It is not.

Ms. Coles: Why wouldn’t it be listed though as sexual orientation as opposed to those initials? I’m just asking because normally when I see things in the EEOC stuff they list it as sexual orientation.

Ms. Wentz: I don’t know. I mean, it’s not here.

Ms. Coles: Oh no, it’s not here at all but I’m just saying that my assumption was that the proper terminology would be sexual orientation.

Ms. Wentz: Well, I think it’s relative to sexual orientation does not necessarily relate to who you love and the LGBTQ side of the equation relates.....

Mr. Judge: I guess my question is, does the Fair Housing Act set that national policy? And, if we change these words, are we changing what the Fair Housing Act says? I don’t disagree that sexual orientation should be in that parameter. I 100% agree with you on that but this is “whereas the United States Fair Housing Act sets national policy for fair housing including and prohibiting” and it reads there, that’s what the Act says. So, if we change that, we’re changing what the Act itself says prohibiting and that’s a question that I can’t answer. I would have to go back and research.

Mayor Micozzi: I was just going to ask the Solicitor to give us a brief or that particular Act because if we amend it, if I’m correct, we cannot enforce it, is that correct?

Solicitor: Right now, my understanding is that Federal Fair Housing Act does not include that as a protected class, the LGBTQ community has--------So, to change that first “whereas” paragraph would not work in this situation because that specifically represents the Federal Act.

Mr. Gwin: What other area could we put it in that would allow it to stand if not part of the Federal Fair Housing?
Solicitor: The Resolution is not an Ordinance. If you wanted to add another “whereas” clause to the Resolution.......

Mr. Judge: Here is where the Internet comes to save you. It says the Fair Housing Act does not specifically include sexual orientation and gender identity as prohibited basis. However, discrimination against lesbian, gay, bisexual or transgender person may be covered by the Fair Housing Act if it is based on non-conformity with gender stereotypes. So, we just went to the lesbian, gay, bisexual, transgender individuals and their families and it’s on the Equal Housing Opportunity website, the HUD website. So, it includes it in a roundabout way.

Solicitor: Your Resolution is adopting that Act.

Mr. Judge: It is adopting the Act. That’s the point.

Ms. Wentz: Is there any way to include that aspect into the Resolution so that’s very clear for our LGBTQ community?
Mr. Bonnett: What I’m hearing is that we ought to stand by the way the Federal Government has advised us all to.

Mr. Judge: I would stand by that you’re approving the Act and make a commitment that we will go to the Federal Government, their local Housing and Urban Development Committee and ask them for a comment on why it doesn’t include transgender. If you change it and include it in here, you’re saying that the Housing Act sets forth national policy so we’re no longer setting what the Housing Act says and that’s my concern. I don’t have a problem with the concept.

Mr. Bonnett: Well, can we ask the Administration to follow through with that? So, at this time there is a motion on the floor. Did I hear, excuse me, I did hear a second, I believe.

Ms. Wentz: Can we table it until we get clarification from the...

Mr. Bonnett: No. We’re going to act on this and then let’s see where the vote goes. All those in favor of the adoption of Resolution No. 14-18, signify by saying aye. Let’s take a roll call vote on this please.

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Mr. Bierling: That gives us 11 in favor and none opposed.

Mr. Bonnett: Thank you Jack. Resolution No. 14-18 is adopted.

*Councilwoman Coles voted yes with the understanding that Council would be looking into incorporating or amending sexual orientation to be covered in the Township Resolution as well

*Councilman voted yes under the same basis that Ms. Coles stated.

*Councilwoman Keffer voted yes under the same basis that Ms. Coles stated

*Councilwoman Wentz agreed ONLY with the inclusion of the LGBTQ.

Council President Donald Bonnett and Council Secretary Jacob Bierling told Ms. Wentz that it was a yes or no vote. She replied that she was saying yes representing the same concerns with the inclusion of the LGBTQ community.

Mr. Bierling?: We’re missing the point here.

Mr. Judge: And, I’m going to say it. We either approve this Resolution or you vote against this Resolution. If we come back and we amend this Resolution later on because of new information, that’s fine. But, this Resolution either goes up or down on a vote. Now, this is the Resolution. We are not changing this Resolution. If we come back with a different one, we would be putting a new Resolution out, not this Resolution.

Mr. Bonnett: Correct.

Ms. Wentz: So, how do you amend a Resolution?

Mr. Judge: You don’t. You put a new one out and it cancels the other one.

Mr. Manfre: Is it a vote or what? Are we voting on this?
Mr. Bierling: Read down to the 3rd paragraph where it says “whereas “the proper Township officials have undertaken and will consider to undertake certain activities to promote April of 2018 Fair Housing Month. So, we’re doing this right now. If you want to look into getting it changed, that could be done in April 2019.

Mr. Bonnett: Laura, you have 3 choices, yes, no or abstain.

Ms. Wentz: I agree to it. I think it’s great but I...

Mr. Bonnett: You can’t qualify your vote on this.

Ms. Wentz: But everyone else did....

Mr. Bonnett: No, they didn’t qualify it. They asked the Administrative to carry through with....

Ms. Wentz: So, they’re not asking the Administration to carry through on the....

Mr. Bonnett: But, it’s not part of this Resolution. It’s going to be done independent of this Resolution. We have a commitment from the Administration to do that. So, are you a “yes or a no?”

Ms. Wentz: I’m a “yes” ...

Mr. Bonnett: OK. That’s it then.

Ms. Wentz: ....with verification of the Administration.

Mr. Bonnett: Therefore, Resolution No. 14-18 is adopted.

Mr. Bierling: That concludes our report.

Ms. Coles: I’m sorry to belabor the point. I just want to emphasize just that I’m voting “yes” also because I would hate for April not to be considered Fair Housing Month for people who have suffered racial discrimination especially in the past that weren’t even allow to buy homes in certain neighborhoods. So, there are things in there to me that are very important so I understand the importance of passing it now while we are already in April to recognize that and I’m asking just to clarify just in case there was any misunderstanding with my “yes.” I’m asking the Administration to look into the future Resolution including sexual orientation.

Mr. Bonnett: I’m going to ask the members of Council, remind them, that they get these Resolutions in advance of our Council meetings.
Ms. Keffler: We got them this afternoon.

Mr. Bonnett: All right. The point is, give me a call. If there is an issue, I’m not saying that I would have pulled this from the Agenda, but maybe we could have pulled it from the Agenda or have it looked at in greater detail and would have been prepared to address this in greater detail. So, I ask that anybody who wants to comment on these and we’ll do our best to get these out earlier when we can. But, the point is, give us a heads-up if you can before the meeting so we can be prepared with a response.

Mayor Micozzie: Let me be clear about something. Jeff Gentile sat there and explained last Committee so if there were concerns on this……let me be clear; we use these letters and Resolutions to be able to secure Federal funding. So, it’s the announcement for the community to partake in it but also, it’s the first requirement they walk in the door is show us that your Council and your Administration and your Township supports, defends and enforces Fair Housing in Upper Darby Township. That letter will be signed and be in the files because they’ll be in here in April or May, whenever they show up.

Mr. Bonnett: Mr. Nolan, when you have these Minutes typed up, will you put in bold lettering what I just said?

Mr. Nolan: Yes.
Mr. Bonnett: OK. Public Safety Committee, Councilman Bierling.

Public Safety Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 15-18, a Resolution to install a 20-minute Load/Unload Zone in front of 297 Fairfield Avenue

Mr. Bierling: Thank you, Mr. Bonnett. I will ask the Solicitor for a brief on Resolution No. 15-18.

Solicitor: Yes. Resolution No. 15-18 is a Resolution to install a 20-minute Load/Unload Zone in front of 297 Fairfield Avenue.

Mr. Bierling: I move for the adoption of Resolution No. 15-18.

Ms. Coles: Second.
Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed say no. The ayes have it. Does the Solicitor have anything this evening?

Solicitor: I have nothing for Council this evening.

Mr. Bonnett: Mr. Siddique, you said that you have an announcement to make?

Mr. Siddique: Yes. The Bangladeshi community is celebrating their Bengali New Year on Sunday, April 22nd. Since you’re not allowed to use the sound system at Cardington Field, they moved it to Millbourne Borough. So, Sellers Avenue in front of Millbourne Borough Hall. All are invited; Mayor, Council & Township officials. Please come and join with them. The lunch will be served from 1-3 and program will start from 12 to sunset.

Ms. Coles: Is it really starting at 1? Siddique, I have to ask (laughter)

Mr. Siddique: Yes. It will start at 1.

Mr. Bierling: Mr. Bonnett, I would just like to say one thing and I’d like to address all the members of Council and I know everybody has a busy schedule. Last year I sat here and we did the same thing. You sat across there and said “hey, by the way, Sunday I have an event.” I actually have an event on Sunday but I might not have taken that event if I had known about this a month ago. I don’t think you would have planned this thing last week. It is a big event. I’ve been there before. But, I think if this is something that is planned down the road, I would appreciate it if you could give me a week, two weeks, maybe a month if you’re going to plan an event and I certainly will try to make it. I do try and make as many as I can. But, I’d just like it for all members of Council to have respect for each other and give us time. We have families and stuff to do.

Mr. Manfre: Mr. Bonnett, may I make an announcement as well?

Mr. Bonnett: I’m sorry, Mr. Siddique.

Mr. Siddique: I’m sorry. It’s my fault -----

Mr. Manfre: No problem, you’re excused. With all the talk of trees, re-districting, Fair Housing, I’d like to make an announcement of something that is near and dear to my heart and that’s the Upper Darby Police Athletic League. The reason I’m bring this up is some things were brought up tonight that touched a nerve with me. I’ve been President of the Police Athletic League for over 10 years. There are over 700 children that are involved in this organization. I’ve been a key fund-raiser for this organization along with my friends, black and white, and have supported it to the hilt. I just want to let the general public and this Council know that it’s a wonderful program. There is no black, white, orange or green. It’s a wonderful program and it’s supported
by our Police Department and it’s supported by some members of this Council. I would ask all members of this Council to get involved and come to Beverly Hills Middle School and see what a wonderful, wonderful community program this is and something I’m proud of. I want to thank our Administration for all their support. But, with all this talk of re-districting, Fair Housing, trees; I think that the real issue in the community is our children and the Police Athletic League is a great example of what the community is all about. You talk about diversity, it’s diverse. Big time. Thank you, Mr. President.

Mr. Bonnett: Marc, give us some dates. Do you have some dates?

Mr. Manfre: Right now, there are sign-ups going on and I will let you know; the league will probably start in the middle of May. All through the summer. Thank you.

Mr. Bonnett: A motion would be in order for adjournment. Excuse me. Everybody stay in their seats please. Matt Verdi has a request of us. He would like to take a picture. So anyhow, let’s adjourn this meeting.

Ms. Wentz: I have a reminder of the West Chester Pike Business Association having a social next Thursday the 26th at McGillicuddy’s from 6-9. We’d love everyone from Council there.

Mr. Bonnett: I’m sorry, what night?

Ms. Wentz: Thursday night.

Mr. Manfre: And it’s a Business Association meeting.

Ms. Wentz: It is a Business Association meeting and we’re asking those from Council and the Mayor to attend.

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

**Adjournment**

Mr. Bierling: So moved.

Mr. Gwin: Seconded.

Mr. Bonnett: This meeting stands adjourned.

Respectfully Submitted,

Richard G. Nolan
Chief Municipal Clerk

RGN/akc
UPPER DARBY TOWNSHIP
RESOLUTION NO. 11-18

In Re: Appeal of: Upper Darby School District and Upper Darby Township re: Longford Road

Owner: LSREF4 New Orleans Park, LLC

Property Address: Longford Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-13-02336-01

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. 16-010891;

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

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$3,000,094</td>
</tr>
<tr>
<td>2018</td>
<td>$3,240,700</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 18th day of April, 2018.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 11-18 above is hereby approved this 18th day of April, 2018.
UPPER DARBY TOWNSHIP
RESOLUTION NO. 12-18

In Re: Appeal Of: 75 S. State Road

Owner: Sunny Realty, LLC

Property Address: 75 S. State Road
Upper Darby Township, PA 19082
Tax Folio No.: 16-05-01319-00

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. 2017-010229;

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

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$58,660</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 18th day of April, 2018.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 12-18 above is hereby approved this 18th day of April, 2018.

BY:  
Thomas N. Micozzie, Mayor

ATTEST:  
Thomas J. Judge, Jr.,  
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 13-18

In Re: Appeal Of: 2801 Eldon Avenue

Owner: Chris Graziola

Property Address: 2801 Eldon Avenue
Upper Darby Township, PA 19082
Tax Folio No.: 16-09-00372-00

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. 2017-010405;

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

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$80,960</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 18th day of April, 2018.

UPPER DARBY TOWNSHIP
BY: [Signature]
Donald P. Bonnett, President of Council
Resolution No. 13-18 above is hereby approved this 18th day of April, 2018.

BY:
Thomas N. Miceli, Mayor

ATTEST:
Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP

Ordinance No. 3045

ORDINANCE APPROVING COLLECTION PROCEDURES AND ADOPTING INTEREST AND SCHEDULE OF ATTORNEY FEES AND CHARGES TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID SEWER AND TRASH FEES FOR DELINQUENT ACCOUNTS

WHEREAS, to be fair to all property owners in Upper Darby Township (the "Township"), it is necessary for the Township to recover promptly unpaid, delinquent sewer and trash fees (the "Unpaid Claims"), if necessary, by legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, et seq. (the "Act"), authorizes the addition of attorney fees, charges, costs, expenses, commissions and fees to the total payable with respect to the Unpaid Claims, but only if the municipality involved has approved by ordinance a schedule of such fees; and

WHEREAS, the Township has determined that it is in the best interest of all property owners and other residents to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act, except in cases of serious hardship, which the Township will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, the Township has reviewed the subject of interest and attorney fees for collection matters, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE TOWNSHIP AS FOLLOWS:

1. **Fees to be Added to the Unpaid Claims.** The Township hereby approves the following fee schedule for the collection of the Unpaid Claims, which fees shall be added to the Unpaid Claims.

   (a) Notice of Fee Shifting Expense. A charge of $40.00 plus applicable postage shall be added to the Unpaid Claims for providing notice of fee shifting pursuant to § 7106 of the Act. The Township may hire a private company to perform this service and add the amount of this charge to the Unpaid Claims.
(b) Legal Fees.

Initial review and sending first demand letter $160.00
File lien and prepare satisfaction $250.00
Prepare Writ of Scire Facias $250.00
Obtain re-issued writ $ 30.00
Prepare and mail letter under Pa. R.C.P. 237.1 $ 30.00
Prepare Motion for Alternate Service $250.00
Obtain vehicle identification number (VIN) for mobile home $ 35.00
Prepare discovery in preparation for trial $100.00
Prepare Pre-Trial Memorandum $150.00
Prepare Motion for Judgment for Want of Sufficient Affidavit of Defense pursuant to 53 P.S. § 7271 $150.00
Prepare Default Judgment $175.00
Prepare Writ of Execution $800.00
Attendance at sale; review schedule of distribution and resolve distribution issues $400.00
Continue sheriff sale $ 50.00
Prepare Petition to Assess Damages $ 50.00
Prepare Petition for Free and Clear Sale $400.00
Services not covered above At an hourly rate between

$60.00-$275.00 per hour

(c) Collection Fees.

Bookkeeping fee for payment plan of 3 months or less $ 25.00
Bookkeeping fee for payment plan of more than 3 months $ 50.00
Guaranteed payoff fee $ 25.00
Handling fee for returned check Bank charge, if any

2. **Costs to be Added to the Unpaid Claims.** In addition to the fees set forth in section 1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, including, but not limited to, postage, title searches, prothonotary fees and charges, and sheriff fees, shall be added to the Unpaid Claims.

3. **Credit Card and Debit Card Charges.** The Township authorizes any attorney or private collector collecting the Unpaid Claims on behalf of the Township to accept payment of the Unpaid Claims by credit card or debit card. Where payment is made by credit card or debit card, any fees charged by the credit card or debit card company and/or the credit card or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, telephone, over the internet, or in person.

4. **Interest.** Interest will be assessed upon the Unpaid Claims at a rate of 10% per annum and added to the Unpaid Claims.

5. **Collection Procedures.** The following collection procedures are hereby established in accordance with the Act:

   (a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Unpaid Claim account, the Township or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (the “Property Owner”).

   (b) If the certified mail notice is undelivered, then, at least ten (10) days prior to assessing or imposing such attorney fees, the Township or its designee shall mail or cause to be mailed, by first class mail, a second notice to the Property Owner.

   (c) All notices required by this Ordinance shall be mailed to the Property Owner’s last known post office address as recorded in the records or other information of the Township or such other address obtained by the Township from the county tax assessment office.

   (d) Each notice as described above shall include the following:
(i) The type of municipal claim or other charge, the year that it became
due and the amount owed, including penalty and interest;

(ii) A statement of the Township's intent to impose or assess attorney
fees no earlier than thirty (30) days after receipt of the first notice, or no earlier than ten (10) days
after receipt of the second notice;

(iii) The manner in which the assessment or imposition of attorney fees
may be avoided by payment of the account; and

(iv) The place of payment for accounts and the name and telephone
number of the Township's representative designated as responsible for collection matters.

6. **Related Action.** The proper officials of the Township are hereby authorized and
empowered to take such additional action as they may deem necessary or appropriate to implement
this Ordinance.

7. **Appointment of Solicitor.** The Township appoints Michelle R. Portnoff, Esquire,
as Solicitor for the limited purpose of collecting the Unpaid Claims and hereby authorizes her, and
attorneys under her supervision, to sign any and all documents, including municipal claims and
liens, on behalf of the Township.

8. **REPEALER**
Except as specifically hereby amended, the General Laws of the Township of Upper Darby
are hereby ratified and confirmed in their entirety. Any ordinance or part of ordinance to the extent
that it is inconsistent herewith is hereby repealed.

9. **SEVERABILITY**
If any provision or part of this Ordinance is held invalid, the remaining provisions or parts
of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its
provisions or parts to any persons, property or circumstances is held invalid, the application of this
Ordinance to other persons, property or circumstances shall not be affected thereby.
10. **Effective Date.** This Ordinance shall become effective thirty (30) days following final adoption by the Township Council and publication as required by law.

ENACTED and ORDAINED this 18th day of April, A.D. 2018

Attest:  
Jacob A. Bierling Jr.  
Secretary of Council

By:  
Donald P. Bonnett  
President of Council

Ordinance No. 3045 above is hereby approved this 18th day of April A.D., 2018

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

Approved:  
Thomas N. Micozzi  
Mayor
RESOLUTION NO. 14-18

WHEREAS, JUSTICE, FAIRNESS, IMPARTIALITY AND EQUITABLENESS LAY THE FOUNDATION OF THE AMERICAN WAY OF LIFE AND REFLECT THE MEANING OF FAIR HOUSING; AND

WHEREAS, THE UNITED STATES FAIR HOUSING ACT SETS NATIONAL POLICY FOR FAIR HOUSING THROUGHOUT THE UNITED STATES OF AMERICA PROHIBITING DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS, DISABILITY, NATIONAL ORIGIN, AGE AND ANCESTRY; AND

WHEREAS, A COMMITMENT TO FAIR HOUSING IN UPPER DARBY TOWNSHIP HAS BEEN MADE BY THE MAYOR AND COUNCIL TO PROMOTE FAIR HOUSING OPPORTUNITIES AND TO ADDRESS FAIR HOUSING ISSUES IN UPPER DARBY TOWNSHIP.

WHEREAS, THE PROPER TOWNSHIP OFFICIALS HAVE UNDERTAKEN AND WILL CONTINUE TO UNDERTAKE CERTAIN ACTIVITIES TO PROMOTE APRIL OF 2018 AS “FAIR HOUSING MONTH”.

NOW, THEREFORE, BE IT RESOLVED, THAT UPPER DARBY TOWNSHIP HEREBY DECLARES APRIL OF 2018 TO BE “FAIR HOUSING MONTH” AND URGES ALL TOWNSHIP RESIDENTS TO CONTINUE THE OBSERVANCE OF ALL FAIR HOUSING LAWS, IN ORDER THAT ALL AMERICANS CAN BENEFIT FROM NON-DISCRIMINATORY HOUSING PRACTICES.

RESOLVE, THIS 18th DAY OF APRIL, A.D., 2018

UPPER DARBY TOWNSHIP

[Signature]
DONALD P. BONNETT
PRESIDENT

ATTEST:
[Signature]
JACOB A. BIERLING, JR.
SECRETARY OF COUNCIL

[Signature]
THOMAS N. MICOLLE, MAYOR

ATTEST:
[Signature]
THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 15-18

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 20 MINUTE LOAD/UNLOAD ZONE AT THE FOLLOWING LOCATION:

IN FRONT OF 297 FAIRFIELD AVENUE WHICH IS CURRENTLY THE S&S DELI

RESOLVED, THIS 18TH DAY OF APRIL A.D., 2018.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:
JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

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

THOMAS N. MICOZZIE, MAYOR