INDEX

Upper Darby Township Council Meeting

January 16th, 2019

Call of the meeting 4
Roll call 4
Approval of Minutes 4-6
Public Forum 6

Mayor Micozzie 7

Appointments

The appointment of Bonnie Hallam to serve on the Upper Darby Township Environmental Advisory Committee for a three-year term expiring 12/31/21 7

Approval of Motion 7

The appointment of Jamie Santora to serve on the Upper Darby Township Environmental Advisory Committee for a three-year term expiring 12/31/21 7

Approval of Motion 7

The appointment of Michael Benson to serve on the Darby Creek Joint Authority Board for a three-year term expiring 12/31/21 7

Approval of Motion 7

Committee Reports

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

Resolution No. 01-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of OD Investments, LLC for land development to redevelop .41 acres with an 1,810 square foot contractor garage located east of the intersection of Lansdowne and Harwood Avenues, and being subject to certain conditions of approval 7

Adoption of Resolution 8
Public Safety Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 02-19, to remove parking meters located on Baltimore Avenue adjacent to the Borough of East Lansdowne. (See Exhibit “A”) 8
Adoption of Resolution 8

Municipal Services, Licensing & Public Works Committee
Patrick J. Spellman, Chairman

Resolution No. 03-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania supporting the Administration’s application to amend traffic signal agreements with the Pennsylvania Department of Transportation (PENNDOT) at the location noted in this Resolution 8
Adoption of Resolution 8

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 04-19, a Resolution closing out Community Conservation Partnerships Grant Project (BRC-TAG-18-162) 8
Adoption of Resolution 8

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

Public Hearing for of Ordinance No. 3053, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2619, the Upper Darby Township Police Pension Ordinance and Plan to remove and amend provisions regarding the payment of pension monies to alternate payees under qualified Domestic Relation orders and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith 9-10
Adoption of Ordinance No. 3053 10
Solicitor

Nothing to report

Councilwoman Faraglia announced that there will be an Upper Darby Township Addiction Awareness Seminar at Drexelbrook on February 4th, 2019 at 5:30pm

Adjournment

Motion to adjourn

Approval of Motion to adjourn
A regular meeting of Upper Darby Township Council was held on Wednesday evening, January 16th, 2019 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.

**Roll Call**

Donald P. Bonnett, Edward E. Monaghan, Jacob A. Bierling Jr., Robert Gwin, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman, Sekela Coles

Thomas P. Wagner, excused

**Present at the Meeting**

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

**Approval of the Minutes**

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Committee Meeting of November 14th, 2018.

Mr. Wagner: So moved.

Mr. Bierling: Second.

*After much discussion about the Minutes, Councilwoman Coles moved to TABLE the Minutes.*

Ms. Wentz: Second

Mr. Bonnett: It has been moved and seconded to TABLE the Minutes for the Committee Meeting of November 14th, 2018.

**Council President Bonnett took a voice vote and there were 6 in favor of tabling the Minutes and 5 against.**

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Special Meeting of November 14th, 2018.
Cont’d

Mr. Wagner: So moved.

Mr. Spellman: Second.

Councilwoman Wentz again disputed the Minutes and after much discussion, Council President Bonnett suggested that she make another motion to table these Minutes also.

Councilwoman Wentz made a motion to TABLE the Minutes.

Councilwoman Keffer seconded the motion.

Mr. Bonnett: It has been moved and seconded to TABLE the Minutes for the Special Meeting of November 14th, 2018. All those in favor signify by saying aye. Opposed? The Minutes of the Special Meeting of November 14th, 2018 are TABLED.

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Regular Meeting of December 5th, 2018.

Mr. Spellman: So moved.

Mr. Bierling: Second.

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

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Committee Meeting of December 12th, 2018.

Mr. Spellman: So moved.

Mr. Bierling: Second.

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

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Regular Meeting of December 19th, 2018.

Mr. Wagner: So moved.

Mr. Bierling: Second.

Ms. Wentz wanted another correction in the Minutes on page 528 regarding the Minutes of 11-14-18 and requested a Word version sent to her of the December Minutes for editing.
Mr. Bonnett: It has been moved and seconded with the appropriate amendments. 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.

Bonnie Hallam, 4719 Woodland Ave

Gerald Harrison, 29 S. Kirklyn
Budget

Sid Feldman, 818 Childs Avenue
Life

John Reardon, 89 Houston Road

James Santora, 5228 Apache Lane
Fire Department reimbursement

Hazel Johnson, 66 Hartley Road
Private driveway sign

Gaius Jenkins, 77 Lamport Road

Carl Hemphill, 29 Pilgrim Lane

Mike Hemphill, 5219 Bella Vista Road

Olivia Taylor, 204 Kent Road

Rich Blye, 274 Kent Road
Ongoing issues

Sara Corbett, 251 S. Bayberry Lane
Child safety

Theresa Smith, 56 South Keystone Avenue
Street issues

Their comments are filed on tape.
Mayor Micozzie

Mayor Micozzie read the trash and recycling schedule for the week including Martin Luther King Day.

Appointments

The appointment of Bonnie Hallam to serve on the Upper Darby Township Environmental Advisory Committee for a three-year term expiring 12/31/21

Motion to approve: Mr. Wagner
Second. Ms. Coles

Motion approved, 11 in favor, none opposed

The appointment of Jamie Santora to serve on the Upper Darby Township Environmental Advisory Committee for a three-year term expiring 12/31/21

Motion to approve: Mr. Spellman
Second. Mr. Bierling

Motion approved, 11 in favor, none opposed

The appointment of Michael Benson to serve on the Darby Creek Joint Authority Board for a three-year term expiring 12/31/21

Motion to approve: Mr. Wagner
Second. Mr. Spellman

Motion approved, 11 in favor, none opposed

Committee Reports

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

Resolution No. 01-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of OD Investments, LLC for land development to redevelop .41 acres with an 1,810 square foot contractor garage located east of the intersection of Lansdowne and Harwood Avenues, and being subject to certain conditions of approval

Moved: Councilman Bierling
Second: Councilman Wagner

Resolution No. 01-19 is adopted. 11 in favor, none opposed.

Public Safety Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 02-19, to remove parking meters located on Baltimore Avenue adjacent to the Borough of East Lansdowne. (See Exhibit “A”)

Moved: Councilman Bierling
Second: Councilwoman Wentz

Resolution No. 02-19 is adopted. 11 in favor, none opposed.

Municipal Services, Licensing & Public Works Committee
Patrick J. Spellman, Chairman

Resolution No. 03-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania supporting the Administration’s application to amend traffic signal agreements with the Pennsylvania Department of Transportation (PENNDOT) at the location noted in this Resolution

Moved: Councilman Spellman
Second: Councilman Gwin

Resolution No. 03-19 is adopted. 11 in favor, none opposed.

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 04-19, a Resolution closing out Community Conservation Partnerships Grant Project (BRC-TAG-18-162)

Moved: Councilman Manfre
Second: Councilman Spellman

Resolution No. 04-19 is adopted. 11 in favor, none opposed.

Finance and Appropriations Committee
Thomas P. Wagner, Chairman
Public Hearing for Ordinance No. 3053, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2619, the Upper Darby Township Police Pension Ordinance and Plan to remove and amend provisions regarding the payment of pension monies to alternate payees under qualified Domestic Relation orders and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith

Council President Bonnett opened a Public Hearing.

Speaker: Bonnie Hallam

Ms. Hallam: Bonnie Hallam, 4719 Woodland Avenue, Drexel Hill, PA. Can you just please clarify, I’m not sure how to read this. So, they want to remove and amend provisions regarding the payment of pension monies to alternate payees under qualified domestic relations orders. Can you clarify what that means?

Solicitor: The Police Pension Plan as written has provisions that will permit a lump sum payment to an alternate payee. An alternate payee is usually an ex-spouse of a police officer. As written, it contemplated that that payment to be made before the officer was retired which can’t work under the Pension Plan because the pension can’t be calculated until the individual retires. So, we needed to remove that provision and provide that it can be paid only after the retirement. Also, it cannot be paid in a lump sum amount.

Ms. Hallam: I was just wondering if they were trying to clarify who those alternate persons were.

Solicitor: No.

Ms. Hallam: OK. Thank you.

Mr. Bonnett: Does anyone else wish to address Council?

Speaker: Colleen Kennedy

Ms. Kennedy: Colleen Kennedy, 8723 West Chester Pike. Please stop me if this is not the appropriate time for my question. But, I noticed before coming here tonight, trying to remember what time the meetings starts and on the website when you click on the calendar at the list of events, it doesn’t state the time. So, I just wanted to make note of that in case that is something that could be added to the new website. And then, the other thing I just bring up every once in a while is it would be really cool as a community and as a Council and Municipal Government if we could figure out different ways to get more......
Mr. Bonnett: Ms. Kennedy, are you speaking on this Ordinance? This is a Public Hearing for this Ordinance.

Ms. Kennedy: OK.

Mr. Bonnett: Does anyone else wish to address Council on Ordinance No. 3053? Seeing no one, this concludes the Public Hearing for Ordinance No. 3053 and I bring this back to you Councilman Wagner.

Moved: Councilman Wagner
Second: Councilman Spellman

A Roll Call vote was taken.

11 in favor, 0 opposed. Ordinance No. 3053 was unanimously approved.

Solicitor
Nothing to report

Councilwoman Faraglia announced that there will be an Upper Darby Township Addiction Awareness Seminar at Drexelbrook on February 4th, 2019 at 5:30pm

Adjournment
Motion to adjourn: Councilman Bierling; Second: Councilwoman Coles

Motion approved. 11 in favor, none opposed.

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

RGN/akc

Richard G. Nolan
Chief Municipal Clerk
UPPER DARBY TOWNSHIP

Resolution No. 01-19

A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF OD
INVESTMENTS, LLC FOR LAND DEVELOPMENT
TO REDEVELOP .41 ACRES WITH AN 1,810
SQUARE FOOT CONTRACTOR GARAGE LOCATED
EAST OF THE INTERSECTION OF LANSDOWNE
AND HARWOOD AVENUES. AND BEING SUBJECT
TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, OD Investments, LLC ("Applicant") has submitted for approval its Final
Land Development Plan to redevelop .41 acres with an 1,810 square foot contractor garage,
prepared by H. Gilroy Damon Associates, Inc, said plans consisting of one (1) sheet dated
November 16, 2018 (collectively "Final Plans"); and

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

1. Applicant has obtained approval by the Pennsylvania Department of
Transportation of all necessary permits, including but not limited to any required highway
occupancy permit, where applicable.
2. Approval by the Township Solicitor and execution by OD Investments, LLC and
where applicable, Applicant’s lender, of all necessary and appropriate documentation where
applicable including Developer’s Agreement and Improvement Security Agreement, and such
other documentation as acceptable to the Solicitor, including but not limited to documentation
concerning the ongoing maintenance, operation and repair of the common site improvements, if
any, which are not to be dedicated to the Township;
3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals where applicable;

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

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

TOWNSHIP OF UPPER DARBY

Attest:

Jacob A. Bierling
Secretary of Council

By: Donald P. Bonnett
President of Council

Resolution No. 01-19 above is hereby approved this 16th day of January, A.D., 2019.

Attest:

Thomas J. Judge, Jr.
Chief Administrative Officer

Approved: Thomas N. Mieczko
Mayor
DELAWARE COUNTY PLANNING COMMISSION

1055 E. Baltimore Pike
Media, PA 19063
Phone: (610) 891-5200
Email: planning_department@co.delaware.pa.us

December 20, 2018

Mr. Jeffrey N. Gentile
Upper Darby Township
100 Garrett Road, Room 206
Upper Darby, PA 19082-3135

RE: Name of Dev’t: OD Investments, LLC
DCPD File No.: 47-7399-18
Developer: Lawrence and Kevin O'Donnell
Location: East of intersection of Lansdowne and Harwood Avenues
Recvd in DCPD: November 27, 2018

Dear Mr. Gentile:

In accordance with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on December 20, 2018, the Commission took action as shown in the recommendation of the attached review.

Please refer to the DCPD file number shown above in any future communications related to this application.

Very truly yours,

Linda F. Hill
Director

cc: Lawrence and Kevin O'Donnell
H. Gilroy Damon Associates, Inc.
Date: December 20, 2018
File No.: 47-7399-18

OD Investments, LLC
November 16, 2018
Lawrence and Kevin O'Donnell
East of intersection of Lansdowne and Harwood Avenues
Upper Darby Township
Land development
C-1
County
Further develop 0.41 acre with an 1,810 sq. ft. contractor garage
Public
Approval, with variance granted
Michael A. Leventry

The applicant proposes to expand a building by adding a two-bay garage.

The site is located on an arterial roadway and in the vicinity of a mix of multi-family and single-family attached development.
REMARKS (continued):

APPLICABLE ZONING

The proposal is located within the C-1 district and is subject to applicable regulations set forth in the Township zoning code.

NONCONFORMITIES

The site's proposed rear setback does not appear to comply with the regulations established in the Township zoning code. It should be noted that the applicant received a variance for this nonconformity.

COMPLIANCE

The proposal appears to comply with the C-1 district zoning with variances granted.

SEWAGE FACILITIES

The developer should contact the Pennsylvania Department of Environmental Protection regarding the need for sewage facilities planning approval.

The Township should confirm receipt of any necessary Pennsylvania Department of Environmental Protection planning approval prior to final approval.

STORMWATER MANAGEMENT

The Township Engineer must verify the adequacy of all proposed stormwater management facilities.
REMKS (continued):

HIGHWAY OCCUPANCY PERMIT

In accordance with Section 508(6) of the Pennsylvania Municipalities Planning Code, the plan will need a highway occupancy permit(s) for access onto Lansdowne Avenue (S.R. 2005).

RECORDING

In accordance with Section 513(a) of the Pennsylvania Municipalities Planning Code (MPC), final plans must be recorded within ninety (90) days of municipal approval.
APPLICATION NUMBER 2-4 of 18

Application of O D Investments, LLC for a Use Variance to permit property to be used as a contractor’s office, shop and showroom for roofing, siding, window and door sales as well as storage of materials with erection of garages for the parking of vehicles and storage. Additional Variance for relief from minimum side yard setback requirement of fifteen feet and Variance for relief from minimum rear yard setback requirement of fifteen feet.

On the above application of O D Investments, LLC., A Public Hearing was held on Thursday, February 22, 2018, and upon motion duly made and adopted, the application was granted, and the Board enters the following Order.

ORDER

AND NOW, TO WIT, this 22nd day of February 2018, the above application of O D Investments, LLC., Variance is hereby granted subject to the following conditions:

1. Non-compliance or a violation of any of the following conditions will void the Variance herein granted.

2. The Variance will expire and become void unless the approved use is begun within one (1) year of this Order.

3. All construction, installation, plans and Certificate of Occupancy are subject to the direction and approval of the Director of the Department of Licenses & Inspection and the Fire Marshall, and must be in conformity with the applicable statutes of the United States and the Commonwealth of Pennsylvania and the various Ordinances of the Township of Upper Darby and all necessary permits obtained.

4. Applicant shall provide appropriate drainage from the premises in question so as to avoid undue accumulation on the property, the neighboring properties or in the public streets. Said drainage plans shall be subject to approval by the Township Engineer.

5. Applicant, or if he/she is not the real party in interest, then the real party in interest shall abide by all conditions agreed to during the course of the Public
Hearing and reflected in the notes of testimony of said Hearing, and the same are herein incorporated by reference.

6. The Board reserves the right to change, alter or amend any condition of this Order upon application to it by applicant and without the need for a Public Hearing if, in the opinion of the Board, such change, alteration or amendment is consistent with this order as whole.

7. There will be no use of the rear exit into the PECO Right-of-Way except as needed to access the Right-of-Way as required by the Utility Easement.

8. The Applicant will block access to the rear exit into the PECO Right-of-Way as much as practicable.

The Applicant will plant arborvitae along the rear of the property along the PECO Right-of-Way as much as practicable.

It is the decision of the Board that each and every condition aforesaid is an integral part of the Variance granted and if any condition is removed or violated in any way then the Variance would not have been granted.

THE ZONING HEARING BOARD OF UPPER DARBY TOWNSHIP

[Signature]

BY: ________________________
RESOLUTION NO. 02-19

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

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 482 AND ASSOCIATED RESOLUTIONS AND ORDINANCES HEREBY BE AMENDED AND SUPPLEMENTED BY THE FOLLOWING:

TO REMOVE PARKING METERS ON THE ATTACHED EXHIBIT “A” LOCATED ON BALTIMORE AVE ADJACENT TO THE BOROUGH OF EAST LANSDOWNE.

RESOLVED THIS 16TH DAY OF JANUARY, A.D., 2019.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

THOMAS N. MCGOWIE, MAYOR

THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
| EXHIBIT “A” TO UPPER DARBY TOWNSHIP RESOLUTION 02-19 |
|--------------------------------------|------------------|------------------|------------------|
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UPPER DARBY TOWNSHIP

Resolution No 03-19

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA SUPPORTING THE ADMINISTRATION’S APPLICATION TO AMEND TRAFFIC SIGNAL AGREEMENTS WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT) AT THE LOCATION NOTED IN THIS RESOLUTION.

WHEREAS Upper Darby Township ("Applicant") desires to continue to own, operate and maintain the traffic control devices located at the intersection name within;

WHEREAS, the applicant desires to receive concurrence from Pennsylvania Department of Transportation.

WHEREAS, the applicant understands they must submit the proper TE-160 application for signal approval to the Pennsylvania Department of Transportation. Signal improvements are part of the Re-development project of the Drexelfive shopping center.

WHEREAS, Upper Darby Township plans to submit a TE-160 application for the following location:

1. State Road and Entrance to Drexelfive Shopping center
2. Township Line Road and State Road

NOW THEREFORE, it is resolved that On behalf of the Upper Darby Township the applications can be signed by the MAYOR, Upper Darby Township.

Resolved this 16th day of January 2019

TOWNSHIP OF UPPER DARBY

By: Donald P. Bonnet
President of Council

Attest: Jacob A. Bierling Jr.
Secretary of Council

Resolution 03-19 above is hereby approved this 16th day of January 2019

APPROVED: Thomas N. Micoozie
Mayor

Attest: Thomas J. Judge Jr.
Chief Administrative Officer
RESOLUTION NO. 04-19

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT (BRC-TAG-18-162)

WHEREAS, the Upper Darby Township has prepared a FEASIBILITY STUDY For the PILGRIM PARK TRAIL area; and,

WHEREAS, the purpose of the Plan is to study the segment of Darby Creek From Rosemont Avenue to Pilgrim Park; and

WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-18-162.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE UPPER DARBY TOWNSHIP COUNCIL OF THE UPPER DARBY TOWNSHIP THAT:

a. The project was completed in accordance with the Grant agreement.

b. All project expenditures have been made and were in accordance with the Grant Agreement.

c. The Plan and related materials are acceptable to the Upper Darby Township Council.

d. The Plan and related materials will be used to guide future recreation and conservation decisions.

ADOPTED THIS 16TH DAY OF JANUARY, 2019 BY UPPER DARBY TOWNSHIP
Attest:

Jacob A. Bierling Jr.
Secretary of Council

By: Donald P. Bonnett
President of Council

Resolution No. 04-19 above is hereby approved this 16th day of January, A.D., 2019.

Attest:

Thomas J. Judge, Jr.
Chief Administrative Officer

By: Thomas N. Micozzie
Mayor
UPPER DARBY TOWNSHIP

ORDINANCE NO. 3053

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AMENDING ORDINANCE 2619, THE UPPER DARBY TOWNSHIP POLICE PENSION ORDINANCE AND PLAN TO REMOVE AND AMEND PROVISIONS REGARDING THE PAYMENT OF PENSION MONIES TO ALTERNATE PAYEES UNDER QUALIFIED DOMESTIC RELATION ORDERS AND REPEALING ALL ORDINANCES, RESOLUTIONS AND PARTS OF ORDINANCES OR RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Township Council of Upper Darby Township adopted Ordinance 2619 which restated the provisions of the Upper Darby Police Pension Plan and repealed all prior ordinances on the subject; and

WHEREAS, the Upper Darby Township Police Pension Board of Trustees voted to revise the Police Pension Plan by amending Section 17.11(c)(1); and

WHEREAS, in order to effectuate the Police Pension Plan amendment approved by the Police Pension Board of Trustees, Upper Darby Township Council must enact an Ordinance to approve and adopt such amendment; and

NOW THEREFORE, Upper Darby Township Council does hereby ordain as follows:

ARTICLE I: Section 17.11(c)(1) of the Upper Darby Township Police Pension Plan is amended to read as follows:

(c) Provisions Relating to Alternate Payees. (1) Except as otherwise specifically provided in the DRO, all benefits payable to an Alternate Payee shall commence no later than sixty (60) days following the close of the Plan Year in which the Plan Administrator determines that an order is a DRO, and shall be paid in the form of a single-
sum distribution. If the DRO specifies an alternate method of distribution and/or alternate Benefit Commencement Date, all benefits paid to Alternate Payee shall be paid in accordance with the provisions of Article VIII and shall commence no earlier than the later of the Member's earliest retirement age, as defined in Section 414(p)(4) of the Code, or sixty (60) days following the close of the Plan Year in which occurs the latest of (i) the date on which the Member attains the earlier of Age 65 or the Normal Retirement Age (if earlier than Age 65) or (ii) the Member terminates service with the Township. the Plan Administrator determines the order to be a DRO.

ARTICLE II: 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.

ARTICLE III: 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.

ENACTED and ORDAINED this 16th day of January, A.D. 2019.

Attest:

Jacob A. Bierling Jr.
Secretary of Council

By:
Donald P. Bonnett
President of Council

Ordinance No. 3053 above is hereby approved this 16th day of January, A.D., 2019.
Attest:

Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:

Thomas N. Micozzie
Mayor