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Upper Darby Township Council Meeting

February 20th, 2019

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Adoption of Resolution No. 09-19

Resolution No. 10-19, the tax appeal of Mahendra S. Patel and
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Jacob A. Bierling Jr., Chairman

Resolution No. 11-19, to remove a load and unload zone from in
front of 107 State Road and install the same in front of 109 State Road.

Adoption of Resolution No. 11-19

Resolution 12-19, to remove parking meter 900 from in front of 109 State
Road and install the meter in front of 107 State Road.

Adoption of Resolution No. 12-19

Introduction of Ordinance No. 3054, an Ordinance authorizing Upper Darby
Township ("Upper Darby") to enter into an intergovernmental service
agreement between East Lansdowne Borough and Upper Darby Township
pursuant to which, among other matters, (i) East Lansdowne Borough will
lease from Upper Darby parking meters located along the north side of the
Baltimore Avenue border between East Lansdowne Borough and Upper Darby,
(ii) East Lansdowne Borough will undertake the responsibility for enforcement
of Ordinances relating to the maintenance of sidewalks between the curb line and
the front building facades on the North side of Baltimore Avenue between the
600 block and the 900 block, and (iii) East Lansdowne Borough will assume
certain obligations under the Tort Claims Act

Introduction of Motion approved

Motion to authorize the Administration to write to PENNDOT to request
a school zone on Marshall Road between Gilpin Road and Springfield Road
Motion approved

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

Introduction of Ordinance No. 3055, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania fixing the fees charged by certain departments of the Township and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith

Introduction of Motion approved

Solicitor

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, February 20th, 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 led by the Marine Corps League Upper Darby Detachment #884 Color Guard.

**Marine Corps League Annual Award Presentation**

*Council President Donald P. Bonnett introduced Commandant Jim Cooke of the Marine Corps League #884 for the presentation of the Awards.*

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

**Dave Maslo was presented with the 2018 Marine of the Year Award.**

Audience applause

Commandant Jim Cooke: Our next award is the 2018 Police Officer of the Year Award.

**Sergeant Anthony Vaughn was presented with the 2018 Police Officer of the Year Award. Sergeant Glenn Monkman was presented with the 2018 Police Officer of the Year Award.**

Audience applause

Commandant Jim Cooke: Our next award is the 2018 Upper Darby Firefighter of the Year Award.

**Fire Captain David J. Gallagher was presented with the 2018 Albert Darmiento Firefighter of the Year Award**

Audience applause

Commandant Jim Cooke: Our next and final award is the 2018 Upper Darby Citizen of the Year Award. I will turn it over to Councilman Pat Spellman

**Citizen John Keenan was presented with the 2018 Citizen of the Year Award**

Audience applause
Roll Call

Donald P. Bonnett, Jacob A. Bierling Jr., Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh M. Siddique, Patrick Spellman, Sekela Coles, Laura Wentz

Thomas P. Wagner, excused
Robert Gwin, 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

Motion to approve the Minutes for the Committee Meeting of November 14th, 2018

Mr. Bierling: So moved.

Ms. Faraglia: Second.

Minutes approved; 9 in favor, 2 excused

Motion to approve the Minutes for the Special Meeting of November 14th, 2018

Ms. Wentz: So moved.

Mr. Spellman: Second.

Minutes approved; 9 in favor, 2 excused

Motion to approve the Minutes for the Committee Meeting of January 2nd, 2019.

Mr. Bierling: So moved.

Mr. Spellman: Second.

Minutes approved; 9 in favor, 2 excused

Motion to approve the Minutes for the Council Meeting of January 16th, 2019.

Mr. Spellman: So moved.
Mr. Bierling: Second.

Minutes approved; 9 in favor, 2 excused

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 three minutes.

Daniel Pope, 88 Baltimore Avenue
Upper Darby Rec Karate

Sgt. Patrick Fisher, 318 Gramercy Drive
Upper Darby Rec Karate

Tom Martinicchio, 4 Springhouse Lane
Upper Darby Rec Karate

Baltazar Rubio, 1414 Bywood Avenue
Upper Darby Rec Karate

Olivia Taylor, 204 Kent Road

Rich Blye, 274 Kent Road
BHM & 6th District

Tina Hamilton, 4715 Woodland Avenue
Recovery without barriers

Nicholas Hoyt, 300 Edmonds Avenue
Little League & litter

Their comments are filed on tape.

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 05-19, the tax appeal of Victoria Clark & Mark Robinson,
505 Beverly Boulevard, Upper Darby Township. Tax Folio No: 16-05-00051-00
Resolution No. 06-19, the tax appeal of Clifton Heights PA, LLC, 5300 Baltimore Pike, Upper Darby Township. Tax Folio No: 16-13-00323-00

Resolution No. 07-19, the tax appeal of John P. Williamson and Edward J. Meehan, 11 Oakley Road, Upper Darby Township. Tax Folio No: 16-06-00791-00

Resolution No. 08-19, the tax appeal of Mihir Patel, 7038 Clover Lane, Upper Darby Township. Tax Folio No: 16-02-00521-00

Resolution No. 09-19, the tax appeal of Sunny Realty, LLC 736 Derwyn Road, Upper Darby Township. Tax Folio No: 16-09-00219-00

Resolution No. 10-19, the tax appeal of Mahendra S. Patel and Kashmira M. Patel, 177 Springton Road, Upper Darby Township. Tax Folio No: 16-04-02066-00

Moved: Councilman Bierling  
Second: Councilman Spellman

Resolutions No. 05-19 through 10-19 were adopted. 9 in favor, 2 excused.

Public Safety Committee  
Jacob A. Bierling Jr., Chairman

Resolution No. 11-19, to remove a load and unload zone from in front of 107 State Road and install the same in front of 109 State Road.

Moved: Councilman Bierling  
Second: Councilman Manfre

Resolution No. 11-19 is adopted. 9 in favor, 2 excused

Resolution 12-19, to remove parking meter 900 from in front of 109 State Road and install the meter in front of 107 State Road.

Moved: Councilman Bierling  
Second: Councilman Spellman

Resolution No. 12-19 is adopted. 9 in favor, 2 excused.

Introduction of Ordinance No. 3054, an Ordinance authorizing Upper Darby Township (“Upper Darby”) to enter into an intergovernmental service agreement between East Lansdowne Borough and Upper Darby Township pursuant to which, among other matters, (i) East Lansdowne Borough will lease from Upper Darby parking meters located along the north side of the Baltimore Avenue border between East Lansdowne Borough and Upper Darby, (ii) East
Lansdowne Borough will undertake the responsibility for enforcement of Ordinances relating to the maintenance of sidewalks between the curb line and the front building facades on the North side of Baltimore Avenue between the 600 block and the 900 block, and (iii) East Lansdowne Borough will assume certain obligations under the Tort Claims Act.

Motion to introduce: Councilman Bierling  
Second: Councilman Spellman

Motion approved. 9 in favor, 2 excused.

Proposed Ordinance No. 3054 will be duly advertised and placed on the Agenda for the March 20th, 2019 Council Meeting.

Motion for the Administration to write to PENNDOT to request a school zone on Marshall Road between Gilpin Road and Springton Road.

Motion approved: Councilman Bierling  
Second: Ms. Coles

Motion approved. 9 in favor, 2 excused.

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

Introduction of Ordinance No. 3055, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania fixing the fees charged by certain departments of the Township and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith.

Motion to introduce: Councilman Bierling  
Second: Councilwoman Faraglia

Motion approved. 9 in favor, 2 excused.

Proposed Ordinance No. 3055 will be duly advertised and placed on the Agenda for the March 20th, 2019 Council Meeting.

Solicitor

Nothing to report
Adjournment

Motion to adjourn: Councilman Bierling; Second: Councilman Spellman

Motion approved: 9 in favor, 2 excused.

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

Richard G. Nolan
Chief Municipal Clerk
UPPER DARBY TOWNSHIP
RESOLUTION NO. 5-19

In Re: Appeal Of: 505 Beverly Boulevard
Owner: Victoria Clark and Mark Robinson
Property Address: 505 Beverly Boulevard
Upper Darby Township, PA
Tax Folio No.: 16-05-00051-00

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. 2017-10521;

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>$109,980</td>
</tr>
<tr>
<td>2019</td>
<td>$104,580</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 execute a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 20th day of February, 2019.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 5-19 above is hereby approved this 20th day of February, 2019.

BY: 
Thomas N. Miccuzie, Mayor

ATTEST:
Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 6-19

In Re: Appeal Of: Clifton Heights PA, LLC
Owner: Clifton Heights PA, LLC
Property Address: 5300 Baltimore Pike
               Upper Darby Township, PA
               Tax Folio No.: 16-13-00323-00

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. 2017-9869;

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>$21,659,950</td>
</tr>
<tr>
<td>2019</td>
<td>$20,596,450</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 20th day of February, 2019.

UPPER DARBY TOWNSHIP
BY: Donald P. Bonnett, President of Council
Resolution No. 6-19 above is hereby approved this 20th day of February, 2019.

BY: 
Thomas N. Miccozie, Mayor

ATTEST: 
Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 7-19

In Re: Appeal Of: 11 Oakley Road

Owner: John P. Williamson and Edward J. Meehan

Property Address: 11 Oakley Road
Upper Darby Township, PA
Tax Folio No.: 16-06-00791-00

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. 2017-10560;

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>$44,000</td>
</tr>
<tr>
<td>2019</td>
<td>$44,000</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 20th day of February, 2019.

UPPER DARBY TOWNSHIP

BY: Donald P. Bonnett, President of Council
Resolution No. 7-19 above is hereby approved this 20th day of February, 2019.

BY:

Thomas N. Micozzie, Mayor

ATTEST:

Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 08-19

In Re: Appeal Of: Mihir Patel
Owner: Mihir Patel
Property Address: 7038 Clover Lane
Upper Darby Township, PA
Tax Folio No.: 16-02-00521-00

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. 2018-009367;

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>2019</td>
<td>$26,000</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 20th day of February, 2019.

UPPER DARBY TOWNSHIP
BY: Donald P. Bonnett, President of Council
Resolution No. 08-19 above is hereby approved this 20th day of February, 2019.

BY:

Thomas N. Micossie, Mayor

ATTEST:

Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 09-19

In Re: Appeal Of: Sunny Realty, LLC
Owner: Sunny Realty, LLC
Property Address: 736 Derwyn Road
Upper Darby Township, PA
Tax Folio No.: 16-09-00219-00

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. 2018-009292;

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>2019</td>
<td>$48,000</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 20th day of February, 2019.

UPPER DARBY TOWNSHIP
BY: Donald P. Bonnett, President of Council
Resolution No. 09-19 above is hereby approved this 20th day of February, 2019.

BY:  
Thomas N. Micorzie, Mayor

ATTEST:  
Thomas J. Judge, Jr.,
Chief Administrative Officer
UPPER DARBY TOWNSHIP
RESOLUTION NO. 10-19

In Re: Appeal Of: Mahendra S. Patel and Kashmira M. Patel
Owner: Mahendra S. Patel and Kashmira M. Patel
Property Address: 177 Springer Road
Upper Darby Township, PA
Tax Folio No.: 16-04-02066-00

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. 2018-009364;

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>2019</td>
<td>$29,000</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 20th day of February, 2019.

UPPER DARBY TOWNSHIP
BY: Donald P. Bonnett, President of Council
Resolution No. 10-19 above is hereby approved this 20th day of February, 2019.

BY:  
Thomas N. Micozzie, Mayor

ATTEST:  
Thomas J. Judge, Jr.,  
Chief Administrative Officer
RESOLUTION NO. 11-19

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:

REMOVE THE LOAD AND UNLOAD ZONE IN FRONT OF 109 STATE ROAD AND

INSTALL A LOAD/UNLOAD ZONE AT THE IN FRONT OF 107 STATE ROAD.

RESOLVED, THIS 20TH DAY OF FEBRUARY A.D., 2019.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 12-19

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 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY THE FOLLOWING:

TO REMOVE PARKING METER NO. 900 THAT IS SITUATED IN FRONT OF 107 STATE ROAD AND

INSTALL THE METER 900 IN FRONT OF 109 STATE ROAD.

RESOLVED THIS 20TH DAY OF FEBRUARY A.D., 2019.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

THOMAS N. MICOLZIE, MAYOR

THOMAS JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER