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Upper Darby Township Council Meeting

August 21st, 2019

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**Resolution No. 37-19**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an Inter-municipal Cooperative Agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice’s 2019 Edward Byrne Memorial Justice Grant Program 200-214

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Introduction of Ordinance No. 3060, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, replacing Ordinance No’s 839, 875, 1028, 2103 and 2701 collectively known as “The Upper Darby Township Noise Ordinance” and repealing any Ordinances or Resolutions Inconsistent herewith

Introduction of Motion approved

Public Safety Committee
Jacob A. Bierling Jr., Chairman

Motion to authorize the Administration to write to PENNDOT to request the installation of “No Parking” signs on Township Line Road from Old Lane to approximately 25 feet from the driveway of Craig’s Tavern, 3110 Township Line Road

Motion approved

Resolution No. 38-19, a Resolution to prohibit the operation of commercial vehicles on Drexel Avenue from Garrett Road to Bloomfield Avenue EXCEPT for local deliveries

Adoption of Resolution No. 38-19

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 39-19, a Resolution to file an application to participate in the Delaware County Open Space and Greenways Municipal Grant Program

Adoption of Resolution No. 39-19

Solicitor

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, August 21st, 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, Thomas P. Wagner, Jacob A. Bierling Jr., Sekela Coles, Robert S. Gwin Jr., Barbarann Keffer, Marc Manfre, Patrick Spellman, Laura Wentz

Sheikh M. Siddique, excused
Lisa Faraglia, excused

**Present at the Meeting**

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

**Approval of the Minutes**

Motion to approve the Minutes for the Committee Meeting of July 10th, 2019

Mr. Wagner: Moved.

Mr. Bierling: Second.

Minutes approved; 9 in favor

Motion to approve the Minutes for the Council Meeting of July 17th, 2019

Mr. Wagner: Moved.

Mr. Bierling: Second.

Minutes approved; 9 in favor

Council President Bonnett turned the meeting over to the Mayor for the presentation of Proclamations.
Mayor Micozzie

Mayor Micozzie presented the Mayor’s Service Award to Bill Dillon and John Schmidt on behalf of Liberty Property Trust Company in recognition and appreciation for their outstanding volunteer efforts in enhancing Naylor's’ Run Park in June 2019.

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.

David Neill, 432 Burmont Road
LGBTQ+CODE

Barbara DiLossi, 8 Oakley Road
Historic Commission

Arnold Jones, 422 Winfield Ave
Community issue with youth

Olivia Taylor, 204 Kent Road
Council

Bonnie Hallam, 4719 Woodland Avenue
LGBTQ+

Bart Everts, 7543 Parkview
Tower Theater

Brian S. Taylor, 7258 Hampden Rd.
Community

Sandra Johnson, 414 Croyden Road
Trash & front yards

Richard Blye, 274 Kent Road
Minutes

Their comments are filed on tape.

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

Resolution No. 37-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the Mayor to sign an Inter-Municipal Cooperative Agreement with the County of Delaware which will allow the Upper Darby Township Police Department to participate and receive funds from the United States Department of Justice’s 2019 Edward Byrne Memorial Justice Grant Program

Moved: Mr. Wagner
Second: Mr. Spellman

Resolution No. 37-19 is adopted; 9 in favor

Law and Government & Rules & Procedures Committee
Lisa Faraglia, Chairwoman

Public Hearing for Ordinance No. 3059, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2507, commonly known as the Upper Darby Township Administrative Code, Article VI, Personnel Rules, to broaden the equal employment opportunity provisions set forth in Section 6.02A and repealing any Ordinances or Resolutions inconsistent herewith

A Public Hearing was convened.

Speakers: David Neil, 432 Burmont Road
LGBTQ+ Code

Bonnie Hallam, 4719 Woodland Avenue
LGBTQ+

Cora Linehan, 22 Valley Road
LGBTQ+

Damien Christopher Warsavage, 7112 Penarth Avenue
LGBTQ+

Richard Blye, 274 Kent Road

Mr. Neil: David Neil, 432 Burmont Road. I’m standing here today as a proud member of the LGBTQ+ community. There are many residents in our Township that are part of this inclusive
community; from gay to lesbian residents, transgender to ally residents. Residents of this community deserve more than this Ordinance. As I was speaking, a child under the age of 18 in the U.S. just attempted suicide. This Ordinance only covers Township workers and our Chief Administrative Office, Tom Judge, was quoted in a recent PGN article that the Township will only be addressing issues as they come forward. Is this what we expect from our local government; a government that is only re-active to our issues, a government that only responds to community despair only on Facebook? We deserve a government that is pro-active and that will diligently fight for the minorities of our community. Another child under the age of eighteen has just attempted suicide. We deserve to be heard through our leaders; we deserve to have our leaders to be representative of that diverse community. When children do not see themselves represented in the community, they are more prone to depression, isolation, to suicidal thoughts. Suicide is the 2nd leading cause of death among young people. Why am I so concerned about what some of you may consider as a non-existent issue? Another child under the age of 18 just attempted suicide. When I was young, before anyone knew the real me, the me that you see standing before you that I’m proud to be. I at one time considered suicide. I considered who I was to be wrong. I kept what I knew to be myself and no one else. If I shared with others my sexuality, would I be the next Matthew Sheppard? Would I be left to hang and die on a fence or in some park? Eventually, with support from my family and friends, I found out that my sexuality was not wrong. My mere existence was not blasphemy. Who I am is nothing to be ashamed about. Another child under the age of 18 just attempted suicide. With permission from the Council President, I would like to address the Mayor of the Township. You say you are an advocate for the LGBTQ+ community, but you only act when pressure is applied. We are not an afterthought. You should be proactive. Another child under the age of 18 has just attempted suicide. We need pro-active means to find solutions to problems that haven’t even begun yet. We need a proactive government to fight and support all the residents. We need proactive leaders to support our community when the cameras are off and no one is videotaping. Another child under the age of 18 has just attempted suicide. According to the _______, out of the 6 attempted suicides during my speech, 5 of them were from the LGBTQ+ community. The rate at which youth attempted suicide during my speech is from the Jason Foundation. Think about that. An LGBTQ+ child is 5 times more likely to commit suicide.

LOST AUDIO DUE TO CHANGING TAPE

.........no right to exist, no place in the world, afraid to walk down the streets by themselves because they look at the community leaders and it not welcoming to who they are. I ask the Council to support this Ordinance because it is better than what we had and it’s better than nothing. But, that should not be a standard at which we hold this community to. We can do better. We should do better and we will do better. Thank you.

Mr. Judge: Mr. Bonnett, may I address this? Thank you Mr. Neil for your comments but I do want to make a comment. You don’t know me. You don’t know anything about me. You don’t know anything about my family. You do not know anything about what I actively engage in or work to put forward and my comment because you made no ask when you were up here degrading what this Council is trying to do. You did not make an ask so I don’t know what
you’re asking the Township Administration to do and I don’t know what you’re asking the Council to do. So, don’t make comments about people that you have no idea what they’re working for and you have no idea what I stand for and move forward with.

Mr. Neil: So, they quoted you incorrectly.

Mr. Judge: No sir. I don’t know what the issue is. You didn’t even bring an issue to us. You just said that we need to do more. But, what is more?

Mr. Neil: To include all residents and not just the Township workers.

Mr. Judge: I don’t understand that.

Mr. Bonnett: Mr. Neil, if I may. This particular Ordinance is very focused. It has to do with our personnel rules. That’s why we’re doing this, to broaden our personnel rules to include everything that you said, specifically for that purpose.

Mr. Neil: I support it but I think you can add a little bit more.

Mr. Judge: I want to make sure of one thing. You made a comment to the Mayor that he does it only under pressure. That’s not true. In 2011, the Mayor gave same sex benefits to the Township employees. So, there was no pressure, there was no fanfare, there was nothing. It just happened under the Mayor’s decision. So, please when you make statements, make sure you understand the statements that you’re following forward on because there was no pressure for that.

Could not hear comment.

Mayor Micozzie: Excuse me. Hold on a second. You can do a lot of things but do not insult my integrity. I never brought that up once. He just brought that up or else it would have never come up. It happened because Delaware approved the marriage law and Pennsylvania didn’t. They met me in my office. They were married and I signed the benefits because it was the right thing to do. And that’s usually what I do is the right thing to do. Keep the politics out of it, ok? I was asked to do this. You were the first person who asked me. I researched it over the weekend and I spoke to Dave Edgar and he gave me language to use and as a matter of fact, our language is better than the language that he gave me to use. And, that’s your advocate, that I understand. I spoke to him so I did what I thought was right. The reason it’s not in the contract is because this Township didn’t have an issue. I do negotiations. Most things are in contracts because there are problems or issues. There was no issue with the workers they’re in front of and there was no issue with the last contract we dealt with. Last week, I had a conversation with my staff which you don’t know who has empathy for the issue and we researched it and I spoke to the attorneys and at the 11th hour that night, we finally received the OK. We got in touch with the attorney for that union in New York and at the 11th hour we agreed to do it because it was the right thing to do. That’s what I stand by.
Mr. Bonnett: Thank you Mayor. Does anyone else wish to address Council on this issue?

Ms. Hallam: Good evening. Bonnie Hallam, 4719 Woodland Avenue, Drexel Hill, PA. I’m speaking on behalf of my daughter, Jennifer Hallam, who is not able to be here tonight.

Over the past 5 years, I have been making an independent film with a group of trans teenagers. I have also more recently produced segments for a PBS digital tool kit for an LGBTQ+ identity for students and educators. During this time, I have worked hard to understand issues of concern to gay, trans and queer people. More importantly, I have formed strong bonds with individual who identify across and beyond the spectrum of sexual orientation and gender. A policy to protect LGBTQ+ municipal workers is certainly important. However, the reach of such a policy is woefully and unacceptably short. If we are a Township that truly believes in equality and human rights, then it is incumbent upon us to protect all of our LGBTQ+ neighbors, not just the ones who are fortunate enough to have municipal jobs. As an ally of trans youth, it is especially concerning to me that we do not have policies in place to protect these very vulnerable members of our community. Unfortunately, we live in a state that does not currently have laws protecting LGBTQ+ individuals against discrimination. Not only would a Township-wide anti-discrimination policy go a long way toward making our community a safe and inclusive one for our LGBTQ+ neighbors that would also send a loud and clear message to our state legislature that we, the people of Upper Darby do not tolerate discrimination and Pennsylvania shouldn’t either. The ACLU of PA cites 40 local governments in the Commonwealth that have already sent this message by passing Ordinances prohibiting discrimination on the basis of sexual orientation or gender identity in employment, housing and public accommodations. We must add our voices to this chorus. I call on your, our elected officials, to demonstrate your commitment to the cause of equality by taking real substantive action to protect the rights of all LGBTQ+ members of our community.

Jennifer Hallam

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

Ms. Linehan: My name is Cora Linehan, 22 Valley Road. I am a transgender woman. I use “she” and “her” pronouns. I am here before the Council to urge you to adopt a comprehensive non-discrimination Ordinance for LGBTQ+ residents of Upper Darby, not just municipal employees but all residents. I, like Mr. Neil, read the quote that you’re addressing these issues as they come forward, so consider this me coming forward bringing them forward. I was struck a couple of months ago by something that the Mayor said, saying that queer and trans people in Upper Darby already enjoy federal and state protections. That is, in my experience, completely incorrect. Here’s some basic facts about life as a trans person that you may not be aware of. Fifty percent of trans people are harassed at work because of their gender. One in four have been fired because of their gender. One in five have lost their homes. If you --------- you don’t often pass around the hat for somebody. How often we have to scramble so somebody can make their rent next month. How often people, including me, have had to take people into their homes because they had nowhere else to go. This happens in this community. This happens all over the
state. This happens all over the country. Recently, the Administration in the White House has made it very clear that they are stripping one of the protections that we do enjoy. They are recent regulations aimed to permit discrimination of transgender people in public housing and in homeless shelters. They permit health care providers to deny us health care and this past weekend, they made a motion in Supreme Court saying that transgender people did not deserve protection under the Civil Rights Act of 1964. So, I hope you can understand, Mr. Mayor and members of the Council, why we consider local protection against anti-discrimination so important for everybody in the community; not just employees, but everybody. There are as Ms. Hallam said, there are 40 municipalities in Pennsylvania that ban discrimination on the basis of sexuality and gender identity. That’s not just Philadelphia. That’s Haverford, Springfield, Lansdowne who passed their anti-discrimination Ordinance in 2006. It’s been 13 years since then and I don’t know why Upper Darby isn’t ready to do the same. I don’t know why we’re talking about something so limited when the crisis is real and the crisis is here. We need relief now. Thank you.

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

Mr. Warsavage: My name is Damien Christopher Warsavage and I reside at 7112 Penarth Avenue. I totally didn’t expect to have to respond or make comment this evening about everything that’s going on. I am really jazzed and excited about the change to the Administrative Code. I regret that it is a reactionary maneuver based upon feedback that the Mayor had started to receive on social media based in part around that union contract. I just wanted to read some remarks that I had on my person because again, I stand in solidarity with my brothers and sisters who have gotten up here and spoken this evening. They touched on practically everything else that I did. There is, among other things, one thing that the Mayor had said in particular that struck me at about 5 minutes ago. He said “keep politics out of it.” Well I want to draw attention to something that I think deserves a greater conversation. I’m very glad that the Philadelphia Gay News is covering part of the LGBT movement here in Upper Darby. But, we need to be clear on what got us to this point and how much further we have to go. All of this that we’re here for would not have been possible without certain other elected officials, along with a group consisting of myself and other LGBT advocates pushing for equity in all forms for every single one of our LGBT brothers and sisters both in a recently passed union contract and also this proposed change in the Administrative Code. To put things in perspective about keeping politics out of it, shortly after midnight on June 20, 2019, Mayor Tom reached out to me on Facebook Messenger in regards to how the vote for the actual union contract unfolded. He felt that the situation was characterized in such a way that did not give credit to where it was due at the time; that being to the members of the Republican party who had voted in favor of moving the contract forward as opposed to certain other individuals who didn’t make that decision in the affirmative. He made a strong point of saying that the GOP was united in voting it through while mis-characterizing why Councilwoman Keffer, Coles and Wentz voted how they did. If we are going to whole-heartedly embrace recognizing good acts so that others can become inspired and empowered by themselves, then we must be honest with everyone’s intentions. Every one of the Council women that I just mentioned, at one point or another, have either helped me with an LGBT issue or have sought my input and guidance on issues that affect
the LGBT population I was born into and love with all my heart. Ever since I’ve been politically engaged earlier this decade, not once has a GOP executive or legislative official in Upper Darby or Delaware County, current or former, ever offered to make LGBT protections and non-discriminatory practices a priority or a reality outside of the Mayor granting same sex benefits to Township employees in 2011, which seems to be a convenient calling card when he needs to assuage himself. If anything, I have been rebuffed, discouraged or ignored until fairly recently. I do not consider that a coincidence. That same evening, Mayor Tom also found fault with the fact that I wasn’t as doggedly attacking my school district for their lack of LGBT discrimination protection, lack thereof. In the form of a Township Council meeting, Mayor Tom and his Administration would be very quick to tell me and others that there is a clear separation of power between the 2 entities and that we can’t discuss issues with the school district at Township Council meetings. Makes sense. My mom and I remember this very well when we spoke at a Township meeting back in the “Save the Upper Darby Arts” days, but I digress. To Mayor Tom’s point, I am very happy to share that there are LGBT anti-discrimination policies in place that are in school district policy at least since May 8, 2018. The Upper Darby School District policy manual, Section 100, Coded Programs, Code 104, Sub-Sections Authority and Definitions Discriminatory Harassment reads in part as follows: The Board declares it to be the policy of this district to provide all persons equal access to all categories of employment in this district regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy and handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities consistent with the requirements of federal and state laws and regulations. Harassment by students, employees or third parties of the basis of race, age, color, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy and/or handicap/disability as a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his or her own behalf. In full transparency, like I mentioned before, Mayor Tom has offered same-sex benefits to Upper Darby Township workers before marriage equality became the official law of the land as determined by the Supreme Court. However, even in my most recent back and forth with him on the subject, he and many others, still do not fully really understand or realize that the LGBT folks, normal people, could still be fired or kicked out of their homes, denied housing or have adoptions or fosters stymied simply because the individuals are gay, lesbian, transgender, bi-sexual, asexual, demi sexual, pansexual, gender-queer or anything else under the LGBT umbrella. This is a point I made abundantly clear the other month at the Township meeting when I spoke up for enhanced LGBT protections that didn’t exist previously and this is something that the growing LGBT community in Upper Darby Township will not stop fighting for regardless of the borders and barriers that might separate us otherwise. As to Mr. Judge’s point of the PGN article and quoting or misquoting or whatever the case may be, Pennsylvania Youth Congress had originally promoted the article that you are referencing. I contacted them and gave them the full story on what it took to get us to that point and they said something to the effect of “any news article that does not properly depict the struggle and the contribution of the LGBT community is factually inaccurate” and I stand by that. Thank you.
Mayor Micozzie: One point of clarification; I am fully aware of the policies of the Upper Darby School District just like we have policies. Policies are different than employment contracts. Employments contracts are grievable. Policies need to go to court to be able to receive the grievance status that they were potentially discriminated against. What this policy does for all employees is there is a grievance process through the contract procedures. That’s what I had asked you to do if the school board would adopt a policy and open up the contracts of the school district employees just like I did here. That’s what I was asking for. I think that’s the mechanism to give the best protection for the employees, the 1100 or so employees in the Upper Darby School District family. That’s what I was referring to. We have policies and you need to go to court on policies. You just said, you get fired, you have to go to court. I think the employment contract that what I was asking the 2 school board members is use that mechanism and I’ll support that and I’ll send you a letter of support and that contract would have the same protections of all the employees working in Upper Darby government, school board, Township, County, whatever. I support that.

Mr. Warsavage: I know comments go back and forth but it’s disingenuous to then go on to say that you’re doing this magnanimously because it is the right thing to do because it is the right thing to do. Don’t get me wrong. We appreciate that. But, I’m not going to kneel and kiss anyone’s ring……

Mayor Micozzie: Never asked you to.

Could not understand. Multiple people speaking at same time.

Mr. Warsavage: …First off, you really shouldn’t be conducting as much official Township business…..

Mr. Bonnett: Mr. Warsavage, if you’re going to continue to speak in your portion of the hearing, please come to the podium. Please come to the podium.

Mr. Warsavage: My voice is loud enough. You can’t hear me?

Mr. Bonnett: Not for the tape.

Mr. Warsavage returned to the podium.

Mr. Warsavage: The point being; we all want to do good. We want to recognized for those works. So does the LGBT community. The article that was put out did not recognize that at all. That is unacceptable. Thank you for your time.

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

Mr. Blye: Richard Blye, 274 Kent Road. I am a father of an openly gay son and I have members of the lesbian community living in my home right now. I want to say something because I have
heard this argument so many times from so many different people. I’m going to put it to you and you can dismiss it all you want. Part of the problem is that there is not enough education about what your points are. Part of the problem is that there is never any -------that you come forward with to get people to understand. We keep having this problem for one reason and one reason only. Everybody keeps pressing the issue. I’ve been discriminated against, I’ve been ------- against, I’ve been -------the 1964 Civil Rights Law doesn’t apply to me. I’m a black man who is 52 years old, that’s lived in Philadelphia, that’s grown up going through several types of persecutions. I’m a black man that has been the stigma of social injustice. I’m a person who has been discriminated against as far as employment, housing, things of that nature. But, what I did was is that I educated myself and I sought the help of people to understand my situation to further my situation to make it better and that comes through people coming together so that we can understand each other. There’s a book called Understanding Yourself and Others. I’m a straight black man. I can’t tell you what it’s like to live in the gay community, the LGBTQ+ community. But, you know what I do? If I don’t know something, I ask. If I want to understand something, I make sure that I ask. Let me tell you something about the Civil Rights Movement. Everybody knew that there was discrimination but nobody came up and spoke about it. The agenda was pushed. The agenda kept pushing until things change. So, some of the things that have to be done have to be brought to the attention of people. It’s not that they’re disregarding anybody. That’s the whole reason why I came to Council in the first place 3 years ago, to bring the agenda forward. We need to stop fighting against each other and stop playing with each other with all of these issues and situations and get this thing together because guess what? Everybody is taking sides and staying divided about a whole bunch of stuff. This Ordinance if it’s going to work, let’s make it work and -------let it be approved. Let’s stop fighting!

Mr. Bonnett: Does anyone else wish to address Council? Seeing none, therefore at this time, this concludes the Public Hearing. I will turn this back over to Councilman Manfre for action.

Mr. Manfre: Mr. President, I move for the adoption of Ordinance No. 3059 and ask for a roll call vote.

Ms. Wentz: Second.

Mr. Bonnett: Moved and seconded. This will be a roll call vote. When your name is called signify by saying aye. Opposed say no.

A roll call vote was taken.

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Mr. Bonnett: That’s 9 in favor, 2 excused. Ordinance No. 3059 is adopted.

Public Health and Environmental Affairs Committee
Sekela Coles, Chairwoman

Introduction of Ordinance No. 3060, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, replacing Ordinance No’s 839, 875, 1028, 2103 and 2701 collectively known as “The Upper Darby Township Noise Ordinance” and repealing any Ordinances or Resolutions inconsistent herewith.

Motion to introduce: Ms. Coles
Second: Mr. Bierling

Motion approved; 9 in favor

Proposed Ordinance No. 3060 will be duly advertised and placed on the Agenda for the September 18th, 2019 Council Meeting.

Public Safety Committee
Jacob A. Bierling, Chairman

Motion to authorize the Administration to write to PENNDOT to request the installation of “No Parking” signs on Township Line Road from Old Lane to approximately 25 feet from the driveway of Craig’s Tavern, 3110 Township Line Road

Moved: Mr. Bierling
Second: Mr. Spellman

Motion approved, 9 in favor

Resolution No. 38-19, a Resolution to prohibit the operation of commercial vehicles on Drexel Avenue from Garrett Road to Bloomfield Avenue EXCEPT for local deliveries

Moved: Mr. Bierling
Second: Mr. Bonnett
Resolution No. 38-19 is adopted; 9 in favor

Leisure Services Committee
Marc Manfre, Chairman

Resolution No. 39-19, a Resolution to file an application to participate in the Delaware County Open Space and Greenways Municipal Grant Program

Moved: Mr. Manfre
Second: Mr. Bierling

Resolution No. 39-19 is adopted; 9 in favor

Solicitor

Nothing to report

Adjournment

Motion to adjourn: Councilman Bierling; Second: Councilman Wagner

Motion approved: 9 in favor

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

RGN/akc

Richard G. Nolan
Chief Municipal Clerk
UPPER DARBY TOWNSHIP

Resolution No. 37-19

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA AUTHORIZING THE MAYOR TO SIGN AN INTERMUNICIPAL COOPERATIVE AGREEMENT WITH THE COUNTY OF DELAWARE WHICH WILL ALLOW THE UPPER DARBY TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE AND RECEIVE FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE’S 2019 EDWARD BYRNE MEMORIAL JUSTICE GRANT PROGRAM.

Whereas the township along with the City of Chester and the Borough of Darby, have been invited by the County of Delaware to participate in the 2019 Edward Byrne Memorial Justice assistance Grant program;

Whereas, by participating in this program, the Township would receive an award presently estimated to be in the amount of $36,198.00

Whereas, the Council deems it in the Township’s best interest to participate in this program, and to enter into an intermunicipal cooperation agreement in a form substantially similar to the attaché hereto as Exhibit A, in order to effectuate its participation.

Now, therefore, BE IT RESOLVED, that:

1. The Township shall participate in the 2019 Edward Byrne Memorial Justice Grant Program, as outlined above.

2. The Mayor is hereby authorized to execute any agreements he deems necessary or appropriate incident to the Township’s participation in the 2019 Edward Byrne Memorial Justice Assistance Grant program, including, but not limited to, an intermunicipal cooperation agreement a form substantially similar to the attached hereto as Exhibit A.
3. All Resolutions or parts of Resolutions inconsistent herewith are repealed to the extent of such inconsistency.

Resolved this 21st day of August, 2019

UPPER DARBY TOWNSHIP

By:  
Donald P. Bonnett  
President of Council

Attest:  
Jacob A. Bierling, Jr.  
Secretary of Council

Resolution No. 37-19 is hereby approved this 21st day of August, 2019

Attest:  
THOMAS J. MICCOZZIE  
Mayor

Attest:  
THOMAS J. MICCOZZIE  
Chief Administrative Officer
INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF DELAWARE AND THE CITY OF CHESTER, BOROUGH OF DARBY, AND THE TOWNSHIP OF UPPER DARBY

2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into as the date stated below by and between the County of Delaware, acting by and through its governing body, the Delaware County Council, hereinafter referred to as "County", and the City of Chester, Borough of Darby, and Township of Upper Darby, acting by and through their respective governing bodies. Witnesseth:

WHEREAS, this Agreement is made under the authority of the Home Rule Charter of Delaware County, the Home Rule Charter of Upper Darby Township, the Pennsylvania Third Class City Code, the Pennsylvania First Class Township Code and the Pennsylvania Borough Code, as applicable to each municipality; and,

WHEREAS, each governing body in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each governing body finds that the performance of this agreement is in the best interest of each party, that the undertaking will benefit the public, and, that the division of costs fairly compensates the performing party for the services or functions under this agreement, and,

WHEREAS, the County agrees to be the recipient of funding in the amount of $111,870.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2019; and,

WHEREAS, the County and each municipality believe it to be in their best interests to reallocate the JAG funds as follows:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chester City</td>
<td>$ 52,514</td>
</tr>
<tr>
<td>Darby Borough</td>
<td>$ 23,158</td>
</tr>
<tr>
<td>Upper Darby Township</td>
<td>$ 36,198</td>
</tr>
<tr>
<td>County of Delaware</td>
<td>*</td>
</tr>
</tbody>
</table>

*While ineligible for direct JAG funding in FY 2019, for JAG purposes this County remains a partner with the city/cities receiving JAG funding, and must be a signatory on the MOU required of disparate jurisdictions.
NOW THEREFORE, the County and each municipality agree as follows:

Section 1

The County agrees to pay to each municipality the amount of JAG funds, as stated above.

Section 2

Each municipality agrees to use the JAG funds allocated to it for the program in accordance with all federal, state and local laws and as described in the JAG application and will utilize those funds during the four year period following the award of the grant.

Section 3

Nothing in the performance of this agreement shall impose any liability for claims against the County or any municipality other than claims for which liability may be imposed by the Pennsylvania Political Subdivisions Tort Claims Act.

Section 4

Each party to this agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.

Section 5

The parties to this Agreement do not intend for any third party to obtain any right by virtue of this agreement.

Section 6

By entering into this Agreement, the parties do not intend any obligations, express or implied, other than those set out herein: further, this Agreement should not create any rights in any party not a signatory hereto.

Approved this 21st day of August, 2019, at the regularly scheduled and advertised meeting of Upper Darby Township Council, Delaware County, Pennsylvania.

Thomas N. Micozza, Mayor

Thomas J. Judge, Jr.
Chief Administrative Officer
Upper Darby Township Police

2019 Edward J. Byrne Justice Assistance Grant

Program Narrative

Award: $36,198.00

Verizon Wireless Internet (Air) Cards.................................................................$16,397.68

The Upper Darby Police Department utilizes a record management system which is accessed by police officers in their vehicles via wireless internet access cards. These cards have allowed police officers to produce incident reports, identify persons engaging in criminal behavior, and efficiently share justice information with other agencies. Naturally, a cost is associated with these cards and it is an expense that the department cannot afford to fund alone. The police department seeks $16,900.00 which will provide service for a one year period.

Police Overtime..................................................................................................$18,715.12

The remaining funds of the 2019 JAG will supplement police overtime as this will provide personnel deployment in key areas. This especially pertains to high crimes areas during intervals when criminal activity peaks, such as the summer months. In 2018, the police department answered in excess of 11,000 calls for service from June through August. Using the available funds to supplement manpower would assist us in our efforts to increase public safety during this summer season as well as throughout the year.

Other / NIBRS................................................................................................. $ 1,085.20

3% adjusted for NIBRS
UPPER DARBY TOWNSHIP

ORDINANCE 3059

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2507 COMMONLY KNOWN AS THE UPPER DARBY TOWNSHIP ADMINISTRATIVE CODE, ARTICLE VI, PERSONNEL RULES, TO BROADEN THE EQUAL EMPLOYMENT OPPORTUNITY PROVISIONS SET FORTH IN SECTION 6.02A AND REPEALING ANY ORDINANCES OR RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Upper Darby Township Administrative Code was adopted on December 30, 1976 and is commonly referred to as Upper Darby Township Ordinance 2507;

WHEREAS, the Upper Darby Township Administrative Code, Article VI, Section 6.02 establishes Personnel Rules governing the appointment, promotion, performance review and residency requirements for employment in Upper Darby Township;

WHEREAS, at the request of the Honorable Thomas N. Miccozie, Mayor of Upper Darby Township, the Upper Darby Township Council Law and Government Committee has reviewed Article VI of the Upper Darby Township Administrative Code and recommends amendments be made to Section 6.02A of the same;

NOW THEREFORE, Upper Darby Township hereby ordains:

SECTION 1. Section 6.02 Appointment; Promotion; Performance Review; and Residency Requirement, is deleted in its entirety and amended to read as follows:

Section 6.02 Appointment; Promotion; Performance Review; and Residency Requirement:

In order to insure that the most qualified persons are employed by the Township, appointment, promotion or demotion shall be based on merit considerations and personal fitness for a job and shall be free of personal, religious, racial and political bias. The Township of Upper Darby is an equal opportunity employer and shall not discriminate against any applicant or employee based on an individual’s age, race, sex, color, religious creed, political affiliation, national origin or an individual’s actual or perceived sexual orientation, gender identity or gender expression. All new employees shall be regarded as probationary employees for a period of six (6) months following the date their employment began. Such employee may be discharged during his or her probationary period by the Township in its absolute discretion.

SECTION 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions, sentences, clauses, sections, or parts of this
Ordinance. It is hereby declared as the intent of the Upper Darby Township Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. EFFECTIVE IMMEDIATELY. This ordinance shall become effective immediately after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of the Upper Darby Township.

SECTION 4. REPEALER. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ENACTED AND ORDAINED this 21st day of August 2019

ATTEST: JACOB A. BIERLING JR.
Secretary of Council

BY: DONALD BONNETT
President of Council

Ordinance No. 3059 is hereby approved this 21st day of August 2019

BY: THOMAS N. MICOLLIE, MAYOR

ATTEST: THOMAS J. JUDGE JR., CAO
Resolution No. 38-19

UPPER DARBY TOWNSHIP

WHEREAS, ORDINANCE NO. 765 OF THE TOWNSHIP OF UPPER DARBY REGULATES THE KIND AND CLASSES OF TRAFFIC IN AND UPON CERTAIN HIGHWAYS; PROHIBITING THE OPERATION OF COMMERCIAL VEHICLES ON DESIGNATED STREETS; AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF;

NOW THEREFORE, BE IT RESOLVED,

THAT ORDINANCE NO. 765 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 1 THE FOLLOWING STREET:

PROHIBIT OPERATION OF COMMERCIAL VEHICLES ON DREXEL AVENUE FROM GARRETT ROAD TO BLOOMFIELD AVENUE EXCEPT FOR LOCAL DELIVERIES

RESOLVED, THIS 21ST DAY OF AUGUST, A.D. 2019

TOWNSHIP OF UPPER DARBY

By: DONALD P. BONNETT
President of Council

Attest: JACOB A. BIERLING JR.
Secretary of Council

Resolution No. 38-19 above is hereby approved this 21st day of August 2019

Approved: THOMAS N. McCOZZIE
Mayor

Attest: THOMAS J. JUDGE, Jr.
Chief Administrative Officer
RESOLUTION NO. 39-19

A RESOLUTION TO FILE AN APPLICATION TO PARTICIPATE IN THE DELAWARE COUNTY OPEN SPACE AND GREENWAYS MUNICIPAL GRANT PROGRAM

WHEREAS, DELAWARE COUNTY COUNCIL HAS ESTABLISHED AN OPEN SPACE AND RECREATION MUNICIPAL GRANT PROGRAM TO BE UTILIZED BY THE MUNICIPALITIES OF DELAWARE COUNTY; AND

WHEREAS, THE GRANTS MAY BE USED BY THE MUNICIPALITY FOR THE IMPROVEMENT OR ACQUISITION OF MUNICIPAL RECREATION LAND; AND

WHEREAS, THE MUNICIPALITY OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA DESIRES TO PARTICIPATE IN THE DELAWARE COUNTY OPEN SPACE AND GREENWAYS MUNICIPAL GRANT PROGRAM IN ORDER TO HELP FUND THE CONSERVATION OF OPEN SPACE AT ST. EUGENE’S SCHOOL, PILGRIM PARK AND ENHANCEMENTS AT GUILFORD, ABERDEEN AND MICHELLE PARKS, AND FOR PROFESSIONAL SERVICE SUPPORT FOR PARKVIEW, WESTVIEW, MCKINLEY & OXFORD PARKS.

WHEREAS, THE MUNICIPALITY WILL HAVE AVAILABLE $210,000.00 FOR ITS REQUIRED MATCH TO COMPLETE THIS PROJECT,

NOW, THEREFORE, BY THE GOVERNING BODY OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, AS FOLLOWS:

1. THAT THE MUNICIPALITY OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA HEREBY APPROVES THE FILING OF AN APPLICATION FOR DELAWARE COUNTY MUNICIPAL GRANT PROGRAM ASSISTANCE.

2. THAT THE ADMINISTRATION IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND FILE THE APPROPRIATE FORMS WITH THE DELAWARE COUNTY PLANNING DEPARTMENT.

DULY PRESENTED AND ADOPTED BY THE GOVERNING BODY OF UPPER DARBY TOWNSHIP IN PUBLIC MEETING HELD THIS 21ST DAY OF AUGUST, 2019.
RESOLUTION NO. 39-19
AUGUST 21ST, 2019
PAGE 2

UPPER DARBY TOWNSHIP

BY: DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: JACOB A. BIERLING JR.
SECRETARY OF COUNCIL

BY: THOMAS N. MICOZZIE
MAYOR

ATTEST: THOMAS J. JUDGE JR.
CHIEF ADMINISTRATIVE OFFICER