

A regular meeting of Upper Darby Township Council was held on Wednesday evening, March 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.

Roll Call

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

Marc Manfre, excused

Present at the Meeting

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

Mayor Micozzie

Presentation of the Award for the 2018 Dennis McNamara Officer of the Year

Mayor Micozzie and Police Superintendent Michael Chitwood presented Detective William Sminkey with the 2018 Dennis McNamara Award for Officer of the Year

Mayor Micozzie spoke of Detective Sminkey's background and accomplishments

Audience applause

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

Audience applause

Approval of the Minutes

Motion to approve the Minutes for the Committee Meeting of February 6th, 2019

Mr. Wagner: So moved.

Mr. Bierling: Second.

Minutes approved; 6 in favor, 1 excused

Motion to approve the Minutes for the Council Meeting of February 20th, 2019

Mr. Wagner: So moved.

Mr. Spellman: Second.

Minutes approved; 6 in favor, 1 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.

Gerald Harrison, 24 S. Kirklyn Ave
Budget

Olivia Taylor, 204 Kent Road
Parking

Heather Boyd, 315 Upland Way
Facility fee

Richard Blye, 274 Kent Road
6th District

Their comments are filed on tape.

Committee Reports

Planning, Zoning & Building Code Committee

Thomas P. Wagner, Chairman

Resolution No. 13-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of 41 South Union, LLC for subdivision and land development to redevelop 7.024 acres with a 29,702 square foot three-story self-storage building located east of the intersection of South Union and Nyack Avenues

Moved: Councilman Bierling

Second: Councilman Wagner

Resolution No. 13-19 is adopted. 10 in favor, 1 excused

Resolution No. 14-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Kevin Toto, Enterprise Holdings for land development to redevelop .3646 acres with a 680 square foot one story addition located at the southeast corner of Garrett Road and Kingston Road

Moved: Councilman Bierling

Second: Councilman Wagner

Resolution No. 14-19 is adopted. 10 in favor, 1 excused

Resolution No. 15-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Philly's Best Steak Company, Inc. for land development to redevelop 1.479 acres with a 792 square foot addition located at the terminus of Industrial Park Drive

Moved: Councilman Bierling

Second: Councilman Wagner

Resolution No. 15-19 is adopted. 10 in favor, 1 excused

Resolution No. 16-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Radhe 321, LLC for land development to redevelop .43 acres with a one story, 152 square foot addition located on the southwest corner of West Chester Pike and South Pennock Avenue

Moved: Councilman Bierling

Second: Councilman Gwin

Resolution No. 16-19 is adopted. 10 in favor, 1 excused

Public Hearing for 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

Moved: Councilman Bierling

Second: Councilwoman Wentz

Council President Bonnett opened a Public Hearing

Speakers

Heather Boyd, 315 Upland Way

Ms. Boyd: I just had a few questions. The fee schedule for the rental of Township facilities, Section 2, B for the indoor facilities; Section 2, 3, 4, and 5? When the application goes in for the use of the facilities, it does say in Section 2 that payment is due at the time of the submitting the application. When an organization applies for multiple dates, like once a month kind of dates, how will the payment be accepted? All at once or will you have to apply for them every month?

Mr. Bonnett: Mr. Judge, will you answer that question please?

Mr. Judge: It would be every month because if you cancel then you wouldn't need it. So, while you're locking the date in for the year, you would pay on the month as you go because if you cancel a month, there wouldn't be a fee.

Ms. Boyd: So, you would have to come in and pay each month before the meeting?

Mr. Judge: You can pay ahead of time but we're going to require it each month. But, if you want to pay in the beginning of the year and then you cancel a meeting, we will issue you a refund. That's fine. You can do that.

Ms. Boyd: But the alternative if you do it monthly would be to come in to the office?

Mr. Judge: Or mail it.

Ms. Boyd: OK. And then number 3, the \$25 additional fee for the fraction of the next hour. What's the fraction of the next hour? Any fraction?

Mr. Judge: Fifteen minutes.

Ms. Boyd: I ask that you include that in the Ordinance so it's clear.

Mr. Judge: I don't believe that is necessary but if the Solicitor feels it's an incidental, we can make that change to it.

Solicitor: I don't believe that would be a substantial change which would require re-advertising and a second Public Hearing so if Council as a whole makes a Motion to amend the Ordinance to specify a fraction to be defined as 15 minutes we can do that.

Ms. Boyd: I just wondered if it meant \$25 for each fraction or once you get to that fraction, there is an additional \$25.

Mr. Bonnett: Ms. Boyd, specifically what Section is that?

Ms. Wentz: Page 10.

Ms. Boyd: Thank you Laura. Section 3, rental fee for adult groups is \$50 for up to 2 hours and \$25 additional fee for thereof next hour.

Ms. Wentz: So, it is a \$25 fee for an hour?

Mr. Judge: It would be \$25 for an hour or a fraction thereof. So, if you stayed 5 minutes, there is no charge. If you stayed 15 minutes, we're charging you \$25 so you might as well stay a half hour. If you stay for the 2nd hour after that, it's an additional \$25.

Ms. Wentz: Third hour.

Mr. Judge: The fourth hour. For the third hour; you rent for 2 hours and you stay for 5 minutes, that is no big deal. If you stay for 10 minutes, no big deal. If you get to the 15 minutes, that's an additional \$25. If you stay for 30 minutes, it's still the same \$25. If you stay for 45 minutes, it's still the same \$25. Now if you go into it and you stay for 66 minutes, you're going to have to pay another \$25. Does that answer your question?

Ms. Wentz: Yes.

Ms. Boyd: Yes. And how does that additional fee get charged? Is it something that you get a bill for?

Mr. Judge: You would have to be invoiced. It would be mailed to the individual or organization of record who made the submission to use the facility.

Ms. Boyd: So, for the first 2 hours it would be the \$50 when you apply and if you apply for multiple dates throughout the year, you would come in or mail the \$50.

Mr. Judge: Or you could pay it all up front, whichever you prefer.

Ms. Boyd: And then \$25 would be additional if anything over 15 more minutes of the 2 hours would give you that 1 additional hour. OK, thank you.

Mr. Bonnett: So, just so I understand it correctly. Fifteen minutes constitutes an hour basically at full charge?

Mr. Judge: Fifteen minutes constitutes a fraction of the hour where you get an additional charge. What I'm saying is if you leave at 20 minutes, there is no more charge. If you leave at 55 minutes, there is no more charge. Our problem is that we have maintenance folks there and we would have to pay them.

Mr. Bonnett: Once you commit to an additional 15 minutes, that's \$25.

Solicitor: I think Ms. Boyd just said that once you have committed to that 15 minutes, you have committed to that full hour.

Mr. Judge: I'm not saying that a fraction is a full hour. I'm saying a fraction is 15 minutes.

Ms. Boyd: Just how would that be transmitted back to the Township like if you're using the facility in the evening?

Mr. Judge: Our employees are there and they would send either an email or a note to their supervisor stating that these individuals did not disperse and leave...

Ms. Boyd: If there is a dispute over that time, who would you take that dispute to?

Mr. Judge: The supervisor who issues the invoice.

Ms. Boyd: OK. And that would come by mail to the organization?

Mr. Judge: It would be the Director of Leisure Services who issues the invoice; that's where you would have the dispute and then we would question the individual. If you have stragglers who aren't leaving, that's not the organization. If the meeting continues, that's the organization. If the basketball game continues, that's the organization and our employees are instructed to make sure that it is an organization's addition and not a straggler's addition. Make sense?

Ms. Boyd: Yes. OK, thank you.

Mr. Spellman: So with that being clear, we don't have to change the verbiage.

Mr. Bonnett: Well, when we come to a vote, we'll ask for an amendment today. Does anyone else wish to address Council on Ordinance No. 3055? Seeing no one at this time, the Public Hearing is closed and I will turn it back over to you, Councilman Bierling.

Mr. Bierling: Thank you, Mr. Bonnett. At this time, I move for the adoption of Ordinance No. 3055 as amended.

Mr. Bonnett: Mr. Judge, would you state for the record again the language that the Administration would be comfortable with regard to this amendment?

Mr. Judge: I would like to run this by the Solicitor; a fraction of an hour is defined as 15 minutes or more within that hour.

Solicitor: Add that to?

Mr. Judge: Article 2, Section 2, Sub-Paragraph B3.

Solicitor: So there is a Motion to approve the Ordinance with the amendment to B3 to say that a fraction of the hour is defined as 15 minutes or more.

Mr. Bonnett: Mr. Bierling, is that consistent with your Motion?

Mr. Bierling: Yes. It is consistent with my Motion.

Ms. Wentz: Yes. Second.

Mr. Bonnett: Motion has been made and seconded to approve Ordinance No. 3055 as amended. Mr. Secretary, please take a roll call vote.

A Roll Call vote was taken.

10 in favor, 1 excused. Ordinance No. 3055 was unanimously approved.

Public Safety Committee

Jacob A. Bierling Jr., Chairman

Public Hearing for 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

Council President Bonnett opened a Public Hearing.

Mr. Bonnett: Seeing no one, the Public Hearing is closed. I turn this back to you, Mr. Bierling

Moved: Councilman Bierling
Second: Councilwoman Wentz

A Roll Call vote was taken.

10 in favor, 1 excused. Ordinance No. 3054 was unanimously approved.

Resolution No. 17-19, a Resolution to establish “No Parking from 7am until 7pm” on the 100 block of Wiltshire Road

Moved: Councilman Bierling
Second: Councilwoman Coles

Resolution No. 17-19 is adopted. 10 in favor, 1 excused

Resolution No. 18-19, a Resolution to **REMOVE** the “No Parking” restriction on the north side of the 7000 block of Walnut Street

Moved: Councilman Bierling
Second: Councilman Wagner

Resolution No. 18-19 is adopted. 10 in favor, 1 excused

Resolution No. 19-19, a Resolution to establish “Parking Monday through Friday from 7am until 7pm” on the 7000 block of Walnut Street on the north side

Moved: Councilman Bierling
Second: Councilman Wagner

Resolution No. 19-19 is adopted. 10 in favor, 1 excused

Resolution No. 20-19, a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on the 7000 block of Walnut Street on the north side

Moved: Councilman Bierling
Second: Councilwoman Coles

Resolution No. 20-19 is adopted. 10 in favor, 1 excused

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

Resolution No. 21-19, to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount \$89,168.00.

Moved: Councilman Spellman

Second: Councilman Bierling

Resolution No. 21-19 is adopted. 10 in favor, 1 excused

Public Health & Environmental Affairs Committee

Sekela Coles, Chairwoman

Introduction of Ordinance No. 3056, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania providing regulations for Farmers' Markets

Motion to introduce: Councilwoman Coles

Second: Councilman Spellman

Motion approved. 10 in favor, 1 excused.

Proposed Ordinance No. 3056 will be duly advertised and placed on the Agenda for the April 17th, 2019 Council Meeting.

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Resolution No. 22-19, a Resolution of Upper Darby Township, Delaware County, Pennsylvania supporting the Administration's application to the Department of Conservation and Natural Resources for a grant to purchase open space that will enhance natural resources and recreational opportunities in Upper Darby Township

Moved: Councilman Wagner

Second: Councilman Spellman

Resolution No. 22-19 is adopted. 10 in favor, 1 excused

Solicitor

Nothing to report

Adjournment

Motion to adjourn: Councilman Bierling; Second: Councilman Gwin

Motion approved: 10 in favor, 1 excused.

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

Richard G. Nolan
Chief Municipal Clerk

RGN/akc