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February 16, 2022

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Chair: Matt Silva

Members: Meaghan R. Wagner, Laura A. Wentz, Andrew Hayman

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requesting changes to the proposed 2022 Magisterial Court Redistricting

Approval of Resolution No. 06-22 **5**

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MINUTES
Council Meeting
February 16, 2022

The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org

Pledge of Allegiance to the flag of the United States of America
Moment of Silence

Opening of Meeting

Roll Call

Andrew Hayman (AH), Danyelle Blackwell (DB), Brian Andruszko (BA), Sheikh M. Siddique, (SS),
Lisa Faraglia (LF), Matt Silva (MS), Brian K. Burke (BB), Michelle Billups, (MB), Meaghan Wagner (MW),
Hafiz Tunis Jr. (HT), Laura Wentz (LW)

Present at the Meeting

Barbarann Keffer, Mayor
Vincent A. Rongione, CAO
Alison Dobbins, Deputy CAO
Chief Municipal Clerk, Alexis Cicchitti
Solicitor Sean Kilkenny
Solicitor Courtney Richardson
Treasurer David Haman
Sergeant of Arms, Officer Anthony Bateman

Rules for Meeting Decorum

“Upper Darby residents have the opportunity to speak for three (3) minutes. Residents are prohibited from making threats, using profanity, or acting in a manner that would impede or prevent the conduct of the business of the meeting”

Approval of the January Minutes

Approval of the Re-Organization Meeting Minutes of January 3, 2022	LF/LW
Approval of the Committee Meeting Minutes of January 5, 2022	SS/LW
Approval of the Council Meeting Minutes of January 19, 2022	MB/LF

Moved and seconded. All in favor. The January 2022 Minutes were approved.

Public Forum

Don Fields, 834 Blythe Avenue, spoke of his view of good leadership
Peggy Wilson, 824 Drexel Avenue, RTK for President Burke’s texts during the meeting

David Haman, 727 Stanbridge Rd, stated that the current bad situation could have been avoided as he could have provided information that would settle this

Paulann Sabatino, 4715 Woodland Avenue, feels that the \$6 million was put back

Laura Anderson, 2403 Bond Avenue, stands with Paulann Sabatino

Olivia Taylor, 204 Kent Road, refuted the Treasurer's comments

Janice Haman, 727 Stanbridge Rd, asked about the cost of the upcoming investigation and the hiring of a Solicitor, as she believes that this will cost the taxpayers a lot of money

Brian Taylor, 7258 Lamport Rd, would like the POW/MIA flag flown regularly. Also stated there would be an upcoming meeting for Veterans and families of Veterans at Philadelphia Navy Yard

Bonnie Hallam, 4719 Woodland Avenue, asked everyone to work together for the good of the Township

Jen Hallam, 4719 Woodland Avenue,

Marion Minick, 1204 Wilde Avenue, stated that Council President Burke threatened an employee

Gerald Harrison, 29 S. Kirklyn Ave, asked when the position of Finance Director would be filled. He added that the audits need to be completed, and then decide if a forensic audit is needed

Daveda Graham, 3439 Verner St, ARPA funds need to be allocated

George Badey, 236 Wilde Avenue, Res No. 07-22

Stacey Hawley, 1017 Mason Avenue, PECO needs to fix areas where they worked in the Township.

Joanne Nammavong, 133 N. Pennock Ave, concerned about over-spending in the budget and procedures in the Finance Department

Becky Duggan, 129 W. Pennock Ave, thanked the Finance Committee for protecting the money and wants to know where the money went. She also asked if the CAO's position is an appointed position

Tim Tunstra, 610 Foss Avenue, stated that the last 2 meetings have been an embarrassment and believes that there should be an independent forensic audit. He is against the investigation as he believes it is a waste of time and money

Tina Hamilton, 4715 Woodland Avenue, ARPA funds should not have been touched

David Dryden, 1114 Burmont Road, believes that there was a misappropriation of funds

The Honorable Mayor Barbarann Keffer

Mayor's Message

February 16th, 2022

Good evening.

My administration remains dedicated to upholding the principles of transparency with the public and Council. As promised, we have contracted the services of both an independent, third party forensic accountant through Marcum LLP, a top national CPA firm specializing in tax, audit & advisory services and ARPA Administrator Services from UHY/Meridian Consulting, another top national CPA firm with extensive experience in Rescue Plan administration, to help oversee the spending of ARPA funds awarded to Upper Darby in order to demonstrate to our community that we have nothing to hide from them and that the Rescue Plan money allocated for Upper Darby will be very carefully stewarded and invested in our community going forward. *I would like to allow CAO Rongione to give the details on these developments...*

Council President Burke interjected and asked if the Mayor moved forward with a forensic audit without Council approval.

Solicitor Kilkenny stated that per the Home Rule Charter, the Mayor has the right to contract, not Council. He further stated that the Mayor asked the CAO to give a report about the two companies and he is being denied.

Council President Burke stated that he got his answer from the Solicitor and the CAO could not speak.

CAO Rongione stated that the Administration would have liked to have participated in a good faith collaborative process that was aimed at ascertaining the truth about what happened but the Administration has not been given that opportunity. He stated that the Administration understands that Council would like to seek a partisan investigation based on personal vendettas and animosity. Therefore, the Administration did choose to engage one of the top CPA firms in the world, as they believed it to be critically important for both Council and the public to be provided with absolute assurances that the ARP money was handled appropriately and is intact.

CAO Rongione further stated that the process was broken into three parts.

The first part is what happened in the past with the ARP funds and Marcum LLP has been engaged to deliver an answer to residents and the Council.

The second part is what will happen going forward with the ARP allocation that was made to Upper Darby Township. The initial disbursement was \$20.8 million. That money, which is in a single, segregated bank account, will be administered going forward by UHY Meridian, another top International accounting firm. This firm has developed extensive expertise representing municipalities across the county in the administration of ARP funding. They have a proven process and formula to engage the public and the Council, to create plans and to ensure that those plans are in perfect compliance with the final rule as administered and issued by the US Department of the Treasury. UHY Meridian was recommended by PFM, which is the Township's incumbent financial advisor for this Administration and the previous Administration.

Marcum LLP will deliver a certain answer as to what happened in the past with the ARP funding and UHY Meridian will deliver certainty going forward that the funds are handled and dispersed properly in accordance with the final rule as issued by the US Department of Treasury.

The third aspect of this plan is the day-to-day finance operations. There have been many questions as to why the position of the Finance Director has not been filled and why the 2020 Audit has not yet been completed. The CAO stated that they were very close to a highly qualified applicant for the position of Finance Director. Unfortunately, because the environment has become so publicly toxic, that person was not able to be retained. Therefore, the Administration had to seek another route to provide these services. There is a very well respected regional accounting firm based in Springfield, PA called Brinker Simpson, who represents many municipalities in their day-to-day financial operations, and the Administration is in the final stages of conversations with them to play the role of Finance Director. They will provide cash flow analysis, budget analysis, reporting data, etc.

That is the three-part plan to engage the most experienced and respected experts in the finance industry to provide absolute clarity and absolute surety to both the Council and the public that all funds and operations are being handled and managed appropriately.

There is now a draft of the 2020 Audit and it is close to completion. The hope is that the Auditor will appear at a public Council meeting in March to deliver a report on the 2020 Audit.

CAO Rongione added that he hears the residents' concerns about PennDOT and is aware that there is a vast difference between what state roads look like in Haverford Township, and what they look like in Upper Darby Township. He assured residents that the attitude of "what is good enough for Upper Darby is not good enough anymore" and that PennDOT will continue to hear that until Upper Darby Township gets the service that they deserve.

Council President Burke asked if Brinker Simpson would have a Finance Director in the building for 40 hours per week or if it would be outsourced.

CAO Rongione stated that the details have not yet been finalized

BB asked if Council would have to approve this as they do all other Directors.

The CAO stated that they are not appointing an individual but they are engaging in a professional service contract.

Vice President Wentz stated that the Council approved Portnoff and E-Collect in the past.

Solicitor Kilkenny stated that he would review the Home Rule Charter to be certain.

Mayor Keffer continued with her message.

We are excited to launch a new partnership to keep Summer Stage supported and local. Upper Darby Township is offering full tuition to the Summer Stage program for up to 400 students between the ages of 10 to 18 who are residents of Upper Darby Township (regardless of what school the student attends).

Construction on the One Center is still underway in the Township building. It is located on the ground level in the old library and is ADA accessible. The project is anticipated to be completed and serving our community this spring for residents to easily pay taxes, get permits, or ask questions all in one place.

The abatement phase at the location of the UD Community Center has started and here is a quick update on the Drexeline development: MCB is in the process of recording the land development project and getting their bonds together, as they begin the abatement and remediation phase of their Drexeline property.

COVID-19 vaccination clinics are still being held at the Watkins Senior Center each Tuesday through March 29, from 9 a.m. to 3 p.m., and each Friday through April 1, from 2 p.m. to 7 p.m. Walk-ins are accepted, but appointments are encouraged and can be made by visiting delcopa.gov/watkins or by phone through the Delaware County Wellness Line at (484) 276-2100.

There will be a clean-up at Sellers Hall on Sunday, February 27, at 10 am. We are hoping for good weather, so we do not have to reschedule it again.

The Township is working with Habitat for Humanity to organize a tree-planting event as part of our Earth Day-Arbor Day weekend, April 23rd & 24th. Trees will be planted along the streets, as well as in Chapman Park. This event will help in our continuing efforts to revitalize Upper Darby by greening our streets and increasing the Township's tree coverage.

Finally, Upper Darby Township has been awarded nearly \$500,000 in grant funding through the Multimodal Transportation Fund towards construction on the Cardington-Newtown trail. We are very excited to use this money to continue to reinvest in our outdoor public spaces.

Thank you and good evening.

President of Council, Brian K. Burke

BB thanked the Administration for having a 3-part form set up.

He added that regarding potholes, they are filled in and then we get a storm and they collapse. It is very difficult to patch streets when the temperatures are below 32 degrees.

He added that with the warmer weather coming, more street work can be completed.

BB also stated that they are here for the Township workers and that they have a responsibility to residents, taxpayers, business owners and stakeholders of this Township.

COMMITTEE REPORTS

Law and Government & Rules and Procedures Committee

Chair: Matt Silva

Members: Meghan R. Wagner, Laura A. Wentz, Andrew Hayman

Resolution No. 05-22, a Resolution of Upper Darby Township, Delaware County, adopting Rules of Decorum for public meetings; providing for a severability clause and providing for an effective date

Solicitor Kilkenny gave a brief on Resolution No. 05-22.

Motion to approve: LW/MW

Moved and seconded. All in favor. Resolution No. 05-22 is approved

Resolution No. 06-22, a Resolution of Upper Darby Township, Delaware County, requesting changes to the proposed 2022 Magisterial Court Redistricting

Solicitor Kilkenny gave a brief on Resolution No. 06-22

Motion to approve: LW/MB

LW and MS expressed their support for this Resolution.

Moved and seconded. All in favor. Resolution No 06-22 is approved.

Council President Burke asked Solicitor Richardson to read the letter of support by Council that would accompany the Resolution.

Resolution No. 07-22, a Resolution of Upper Darby Township invoking an investigation under Section 314 of the Upper Darby Township Home Rule Charter of Township's use of the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds; repealing inconsistent Resolutions or parts thereof; providing for a severability clause and providing for an effective date

MW commented that as a point of procedure, the next Resolution is 07-22. The Council has been informed that Solicitor Kilkenny stated that they have been advised that he has a conflict and cannot advise Council as to 07-22. She believes it to be more appropriate to vote on 08-22 first.

Solicitor Richardson stated that the current order is correct. MW asked that if questions arise out of 07-22 that have not been answered, if it does pass, Council could bring it up again under 08-22. Solicitor Richardson stated that they could.

Solicitor Kilkenny explained why it would be a conflict of interest for him to represent Council in an investigation

Solicitor Richardson gave a brief on Resolution No. 07-22

Chair Silva asked if the Committee members wanted to move this forward. MS, LW and MW were in favor. AH was opposed to this moving forward

Motion to approve: MW/LW

DB stated that not everyone on the Committee has reviewed this Resolution so it should not move forward. HT stated that the new leadership has set a precedent that things have to go through Committee before being brought forward but there are members of the Committee who have never seen the document. He also stated that if transparency was the goal, then there are different avenues to find out the answers. He believes that the forensic audit that the Mayor spoke of is the best course and that there should be a 5-10 year look back because residents need to know the condition of the Township over the last 10 years. HT added that the focus at this meeting should be on the ARP funds, not an investigation.

BB reiterated that Solicitor Kilkenny stated he had a conflict and could not advise Council.

AH took issue with the fact that the full Law and Government Committee did not have an opportunity for input with engaging a Solicitor. He further questioned BB about his displeasure with the Administration engaging a firm without Council input, yet the Law and Government Committee is moving this Resolution ahead without his input. He added that he did not see the engagement letter until this meeting. AH asked to hear Treasurer's comments as the Treasurer now states that there is no need for an investigation. He has concerns that Council wants to spend unbudgeted funds for another Solicitor when the Treasurer stated there is no need.

BB stated that they are discussing the Resolution at this point in time.

He added that there is a line item for Municipal Solicitor.

LW added that she believed that the line item for Municipal Solicitor would represent the Administration, Mayor and Council.

Motion to TABLE: DB/MB

Moved and seconded.

A roll call vote was taken. In favor: HT, MB, DB, AH, SS Opposed: MS, BB, LF, MW, BA, LW

MOTION TO TABLE FAILS

Solicitor Kilkenny stated that if this goes forward, Mayor Keffer intends to veto the Resolution.

There was discussion about budget line items in the 2022 budget.

CAO Rongione stated that he participated in the budget negotiations and the discussion was never in this

context that the money in the budget would be used for a purpose such as this. At that time, everyone was working in a collaborative fashion and agreed that it would send the wrong message to allocate separate funds for a separate Solicitor.

He added that in full disclosure, if Resolution No. 07-22 does pass, the Administration will seek special Counsel to defend itself against these allegations and that will add significant costs. The Administration will not put the Kilkenny Law Firm in the middle of this vendetta and they are committed to the truth.

MW stated that she finds it baffling that moving forward with this investigation will cost taxpayers money. She asked why UHY Meridian was not engaged prior to this, as she believes that there was a problem and that the residents deserve to know how their money is being spent. She felt that it was deplorable that the Resolution was vetoed.

Motion to call the question to move to the vote: DB/LW

Moved and seconded. A roll call vote was taken. 10 in favor, 1 opposed (MS) Motion to call the question is approved.

Moved and seconded for the vote to approve Resolution No. 07-22.

A roll call vote was taken. 6 in favor (MS, BB, LF, MW, BA, LW) 5 opposed (HT, MB, DB, AH, SS) Resolution No. 07-22 is approved.

Mayor Keffer VETOED Resolution 07-22 and stated that an independent third-party firm is coming in to conduct an investigation as to what happened in the Finance Department

Solicitor Kilkenny stated that Council could override the Mayor's veto with seven votes.

Motion to override: LW/MS

MS urged Council members to vote yes in order to move forward.

AH stated that this was unprecedented and unnecessary. He added that he would be bringing up a Resolution under New Business to invoke an investigation into the motives of some of the people who brought this forward.

HT asked why this Resolution was not brought before the Committee.

BB stated that Solicitor Kilkenny got back to him 4 days after the meeting and Council did not receive a draft of the Resolution until February 15 (yesterday) at approximately 6:30 p.m. Therefore, as Solicitor Kilkenny stated that he had a conflict of interest, the Council "did what they had to do."

Moved and seconded. A roll call vote was taken. 6 in favor (MS, BB, LF, MW, BA, LW)

5 opposed (HT, MB, DB, AH, SS)

Motion to override the Mayor's veto FAILS, as it required seven votes.

Resolution No. 08-22, a Resolution of the Township of Upper Darby, Delaware County, appointing a Special Solicitor for Council to conduct an investigation under Section 314 of the Upper Darby Township Home Rule Charter; repealing inconsistent Resolutions or parts thereof; providing for a severability clause and providing for an effective date

Motion to TABLE: DB/MS

Moved and seconded.

A roll call vote was taken. In favor: HT, MB, MS, DB, AH, SS, LF, BA Opposed: BB, MW, LW Resolution No. 08-22 is TABLED.

Finance and Appropriations Committee

Chair: Laura A. Wentz

Members: Matt Silva, Meaghan R. Wagner, Brian Andruszko

Ordinance No. 3113, an Ordinance of Upper Darby Township, Delaware County amending Chapter 302 Fire

Code, Article III, "Alarm Systems" to include a response fee for false alarms; providing for a severability clause and providing for an effective date

Motion to introduce and advertise: LW/MS

Moved and seconded. A roll call vote was taken. All in favor. Motion to introduce and advertise Ordinance No. 3113 is approved.

Solicitor

Solicitor Kilkenny stated that they have been working hard with the Administration and the Council on various issues

Old Business

MW wants it on record that she is an attorney. She stated that she believes that Solicitor Kilkenny at the Emergency Meeting incorrectly advised her that she could not call for Section 314 because it was not on the Agenda. She also believes that it was incorrect that it was forced to be put on the Agenda in the form of a Resolution. Therefore, she will call for it again.

MW called for a motion to invoke the investigation. LF seconded.

Solicitor Kilkenny clarified that the Home Rule Charter is silent as to whether it needs to be in the form of a Resolution, Ordinance or a Motion and that when he was appointed, it was by Resolution. He asked BB at the Agenda Call if he would prefer that it would be a Resolution and also suggested that the Council look at that specifically and check the Home Rule Charter and the Code.

CAO Rongione reiterated that on the Agenda call, it was asked if it should be presented as a Resolution and Council President Burke agreed that it should be. The CAO added that it was not forced by the Solicitor. He further stated that it has been the pattern and practice of this Administration to do things by Resolution in order to document things by Council action.

Moved and seconded. A roll call vote was taken.

In favor: MS, BB, LF, MW, BA, LW Opposed: HT, MB, DB, AH, SS

6 in favor, 5 opposed. The Motion to invoke the investigation is approved.

HT made a Motion to pass Ordinance No. 3111 tonight to free the ARPA Funds. AH seconded the Motion.

Solicitor Kilkenny stated that it was not on the Agenda so it cannot be voted on tonight. He stated that a Motion could be made to put it on the next Agenda.

HT made a Motion to add it to the next Agenda. AH seconded the Motion.

BB confirmed that it would be put on the March 2, 2022 Agenda to come out of the Finance Committee

Moved and seconded. A roll call vote was taken. In favor: HT, MB, DB, AH, SS, LF, BA

Opposed: MS, BB, MW, LW

7 in favor, 4 opposed. The Motion is approved.

LW made a Motion to UN-TABLE Resolution No. 08-22 now that 314 has passed. LF seconded.

Moved and seconded. A roll call vote was taken.

In favor: MS, BB, LF, MW, BA, LW Opposed: HT, MB, DB, AH, SS

6 in favor, 5 opposed. The Motion is approved.

LW made a Motion to approve Resolution No. 08-22. LF seconded.

Solicitor Kilkenny stated that it should be a Motion to appoint Special Counsel.

HT asked if a decision has already been made to appoint a Solicitor without input from the entire Council. BB confirmed that the Solicitor has already been chosen.

CAO Rongione stated that he is not clear that Council has the power to sign an engagement letter with a service provider under the Home Rule Charter. He stated that the Mayor is the head of the governing body and is given the sole authority to enter into contracts and agreements on behalf of the Township.

MW replied that it was Solicitor Kilkenny who told the Council to get their own Counsel.

Solicitor Kilkenny again explained that he has a conflict of interest and he believes that the Council would have to be provided the ability to have their own Counsel.

LW stated that the Motion would be to appoint the Law Office of Mark Much, Esq. as Special Solicitor for Council.

Moved and seconded. A roll call vote was taken.

**In favor: MS, BB, LF, MW, BA, LW Opposed: HT, MB, DB, AH, SS
6 in favor, 5 opposed. The Motion is approved.**

DB stated that the Health Fair will be on May 14 and the Job Fair will be on May 21, 2022. She added that based on the Mayor's initiative, there will be upcoming clean-ups beginning on February 27.

MB added that the Health Fair is a Mental Health Awareness Day from 10-3 on May 14, 2022 at the 69th Street Rec Center.

The location for the Job Fair has not been finalized.

Details of events are on the website.

MB added that she sits on a Committee for the Del Co Re-Entry Coalition and has met Lauren William, the new Warden for the George Hill Prison. MB stated that there are several sub-committees that are looking for people to join. They are also looking for a secretary. Contact MB for information.

New Business

AH stated that he sent Resolution 09-22 to invoke Section 314 to the Council before the meeting, but recognizes that there is essentially no chance of it being added to the Agenda for the next meeting. He stated that he believes that there have been violations of Section 306 of the Home Rule Charter regarding Council interference with the function of government and the Administration.

Motion to place it on the next Agenda under Law and Government: AH/HT

AH stated that he believes that an investigation is warranted regarding the conduct of Council President Burke and that Vice-President LW spoke to an online news station, Broad and Liberty, stating that she has proof that the money has been spent. He asked for the proof at this meeting.

AH again stated his Motion to place it on the next Agenda under the Law and Government Committee.

There was no reading of the Resolution as it was not on the Agenda.

HT stated that Resolution No. 09-22 is to protect each side of the government and if the finances are being looked into, then the conduct of Council leadership should be looked into.

HT asked that the Council member involved should abstain from the vote.

BB clarified that this is simply a vote as to whether or not to place this on the Agenda and not to vote on the Resolution.

AH asked to amend the Motion to change the wording to "Office of the Council President."

BB stated that he could not, but he could re-write it and send it to the Committee.

MS made a Motion to TABLE this Motion, as he believes that AH has a personal vendetta against the Law and Government Committee.

Motion to TABLE Councilor Hayman's Motion to add Resolution No. 09-22 to the next Agenda: MS/LW Moved and seconded. In favor: MS, BB, MW, LF, BA, LW Opposed: HT, MB, DB, AH, SS 6 in favor, 5 opposed, Resolution No. 09-22 is tabled.

MB stated that the Black History Poetry Month Contest Awards would be on March 2, 2022.

Adjournment

Motion to adjourn: LW/MB

Moved and seconded. All in favor. The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

Chief Municipal Clerk

The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 05-22

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, ADOPTING
RULES OF DECORUM FOR PUBLIC MEETINGS; PROVIDING FOR A
SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the primary purpose of Upper Darby Township Council ("Council") is to provide Councilors and the Administration the opportunity to conduct Township business; and

WHEREAS, the Upper Darby Home Rule Charter ("Charter") provides that Council shall meet regularly at least twice in each month at such times and places as Council may prescribe by rule; and

WHEREAS, the Charter also provides that public meetings shall be held regularly at least once in each month and up to the first half hour of all public meetings shall be devoted to "a public forum where concerned persons may address the Council;" and

WHEREAS, persons who wish to address the Council during the public forum shall be given the opportunity to sign their names to a sign-in sheet which Council shall make available immediately preceding its public meeting; and

WHEREAS, Council wishes to adopt Rules of Decorum for public participation to assure an orderly framework within which the business of the Township can be conducted by setting basic ground rules, and prohibiting inappropriate behavior; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Upper Darby Township Council as follows:

SECTION 1. Rules of Decorum for Public Meetings, "Upper Darby Residents have the opportunity to speak for three (3) minutes. Residents are prohibited from making threats, using profanity, or acting in a manner that would impede or prevent the conduct of the business of the meeting."

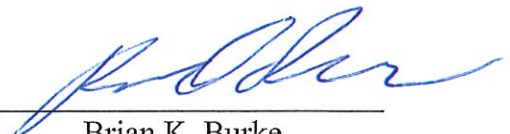
SECTION 2. All Resolutions and parts thereof inconsistent with the provisions of this Resolution are hereby repealed.

SECTION 3. The terms, conditions and provisions of this resolution are hereby declared to be severable, and should any portion, part or provision of this resolution be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Upper Darby Township Council hereby declares its intent that the resolution shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part or provision of this resolution.

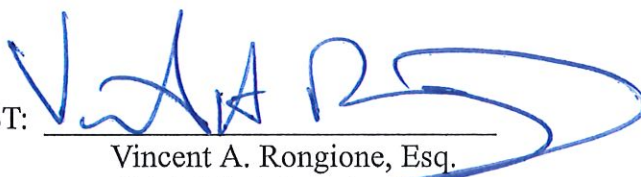
SECTION 4. This resolution shall become effective immediately.

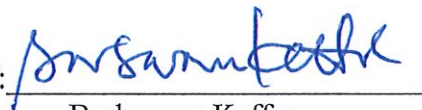
RESOLVED ON THIS 16th DAY OF FEBRUARY, 2022.

ATTEST: 
Michelle Billups
Secretary of Council

BY: 
Brian K. Burke
President of Council

APPROVED ON THIS 16th DAY OF FEBRUARY, 2022

ATTEST: 
Vincent A. Rongione, Esq.
Chief Administrative Officer

BY: 
Barbarann Keffer
Mayor

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 06-22

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
REQUESTING CHANGES TO THE PROPOSED 2022 MAGISTERIAL COURT
REDISTRICTING**

WHEREAS, Upper Darby Township ("Township") is the sixth largest municipality in the Commonwealth of Pennsylvania ("Commonwealth"). The Township is culturally diverse with 85,000 residents speaking over 70 languages; and

WHEREAS, the Township is the most culturally and linguistically diverse of all of its surrounding municipalities and as a result, its issues and by logical extension, the issues of its courts are also different from those of the surrounding municipalities; and

WHEREAS, the Magisterial District Court is the first level of judicial authority in the Commonwealth and is the court where most people experience the judicial system for the first time; and

WHEREAS, the Commonwealth requires that every ten (10) years, in the year following the delivery of the Federal Census data, the Magisterial District Courts must undergo a redistricting process; and

WHEREAS, the Supreme Court of Pennsylvania directed the President Judge of each Judicial District in the Commonwealth to provide a recommendation to the Supreme Court relating to the redistricting process; including input from stakeholders by February 28, 2022;

WHEREAS, President Judge of the 32nd Judicial District of the Commonwealth of Pennsylvania, which encompasses Delaware County, Kevin F. Kelly, has submitted a recommendation regarding 2022 Magisterial District Court Reestablishment ("Proposed Realignment Plan") and public comment regarding the plan may be submitted no later than February 22, 2022; and

WHEREAS, the Proposed Realignment Plan, *inter alia*, proposes that Upper Darby must be significantly redrawn to balance the Workloads, combining sections of the Township with other, smaller municipalities, which will invariably complicate cases because it has been shown that having a member of the community serve as the finder of fact most often promotes public safety, justice with mercy, and common-sense solutions to help establish the sense of trust that enables faith in the judicial system; and

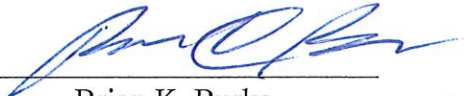
WHEREAS, the Magisterial District Courts provide Township residents access to justice and as a result, the courts need to be physically accessible to the residents, the police department, the municipality, the school district, and businesses of Upper Darby Township; and

WHEREAS, for these reasons, Upper Darby Township Council ("Council") finds it is the most equitable to keep the court districts inside the confines of Upper Darby Township; and

NOW THEREFORE, be it resolved by the Upper Darby Township Council requests that the President Judge of the 32nd Judicial District of the Commonwealth of Pennsylvania Kevin F. Kelly reconsider the Proposed Realignment Plan, and redraw Magisterial Districts which are accessible to all residents of Upper Darby Township, respectful of school district and municipal boundaries, and ensure the communities served by these courts are being judged by a member of their community.

BE IT FURTHER RESOLVED, that this Resolution be delivered to President Judge Kevin Kelly to serve as the Township's submission for public comment.

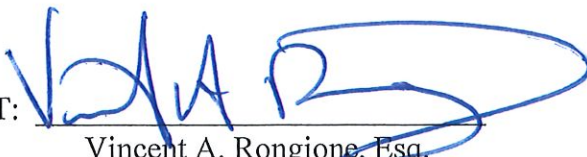
RESOLVED ON THIS 16th DAY OF FEBRUARY, 2022.

BY: 
Brian K. Burke
President of Council

ATTEST: 
Michelle Billups
Secretary of Council

APPROVED ON THIS 16th DAY OF FEBRUARY, 2022

BY: 
Barbarann Keffer
Mayor

ATTEST: 
Vincent A. Rongione, Esq.
Chief Administrative Officer