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**June 23, 2021**

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**COMMITTEE REPORTS**

**Public Safety Committee**

Co-Chairs: Danyelle Blackwell & Brian K. Burke

Members: Hafiz Tunis Jr., Matt Silva

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**Finance and Appropriations Committee**

Co-Chairs: Robert S. Gwin Jr. & Matt Silva

Members: Danyelle Blackwell, Brian Burke

<b>Resolution No. 31-21, a Resolution of Upper Darby Township to enter into an Intermunicipal Cooperation Agreement between the County of Delaware, the city of Chester, and the borough of Darby regarding the 2021 Byrne Justice Assistance Grant Program Award; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date</b>	<b>3</b> <b>9-15</b>
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<b>Adoption of Resolution 31-21</b>	<b>3</b>
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**Public Health and Environmental Affairs Committee**

Co-Chairs: Hafiz Tunis Jr. & Matt Silva

Members: Michelle Billups, Sheikh M. Siddique

<b>Public Hearing for Ordinance No. 3097</b> , an Ordinance of Upper Darby Township amending Chapter 222, "Animals" The Upper Darby Township Code to add a new Article V entitled "domesticated chickens," allowing residents of Upper Darby Township to keep no more than four (4) female chickens, requiring residents to obtain a permit in order to keep said chickens, imposing certain regulations and requirements for keeping chickens and imposing penalties for violations of such regulations	3-4 16-21
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## MINUTES FOR JUNE 23, 2021 COUNCIL MEETING

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://youtube.com/upperdarby.org)\*\*\*

### **Pledge of Allegiance to the flag of the United States of America**

Moment of Silence

Opening of Meeting

### **Roll Call**

Hafiz Tunis Jr. (HT), Bob Gwin (RG), Michelle Billups (MB), Matt Silva (MS), Danyelle Blackwell (DB), Brian K. Burke (BB), Sheikh Siddique (SS), Lisa Faraglia (LF), Donald P. Bonnet (DPB), Laura A. Wentz (LW)

Thomas P. Wagner (TW), excused

### **Rules for Meeting Decorum**

**“Upper Darby Township Council and Residents will maintain professional respect for each other. Council encourages free speech, however, civility is required which would prohibit threats, profanity, scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting”**

### **Approval of the Minutes for the Committee Meeting of May 5, 2021**

**Moved and seconded: HT/MS A roll call vote was taken. 10 in favor. 1 excused (TW)**

**The Minutes are approved.**

### **Approval of the Minutes for the Council Meeting of May 26, 2021**

**Moved and seconded: MB/DB A roll call vote was taken. 10 in favor. 1 excused (TW)**

**The Minutes are approved.**

### **Public Forum**

Terry Bradley, 1213 Morgan Ave, hazardous trees

Kyle McIntyre, 1040 Drexel Avenue, UDTJ Pride Events

Dave Schaffer, 734 Ormond Avenue, transparency regarding monthly expense reports

Joanne Harris, 3827 Berkley Avenue, problems with absentee landlords

Marilyn Marcella, 727 Montgomery Avenue, fire pits, vehicles parked on sidewalk, blocked driveways

Lee Jordan, 90 Pilgrim Lane, speeding cars on Twp. Line Rd, ATV's and dirt bikes increasing, increase 3 minute time limit for Public Forum

Robert Choate, 248 Coverly Road, absentee landlord issues, garbage behind houses

Faye Gilliard, 236 Guilford Road, illegal parking

Ken Scott, 1103 Providence Road, rats

Sharann Long, Ordinances are not being enforced

Marybeth Stoltz, 744 Primos Avenue, blight, overgrown grass, abandoned buildings

Faith Zerby, 379 Upland Way, appreciates transparency and composting

**The Honorable Mayor Barbarann Keffer**

June 23, 2021

Good evening everyone. A couple of updates...

Superintendent Tim Bernhardt and I swore in 10 new officers of the Upper Darby Police Department yesterday. Combined with the first wave of new officers sworn in earlier this year, these officers represent the most qualified and most diverse group in Upper Darby history. We welcome all of them to our Upper Darby team. All of these officers will be valuable additions to our renowned Police Department, and they are setting a great example for others who aspire to public service. Many of them already have deep roots in Upper Darby, with five officers who are graduates of Upper Darby High School and one who is a graduate of Monsignor Bonner & Archbishop Prendergast Catholic High School.

In other good news, the Fire Investigator Division of the Upper Darby Fire Department has been awarded a FM Global Grant in the amount of \$3,544 to purchase fire prevention equipment, including a new desktop computer and digital cameras. Congratulations to Chief Derrick Sawyer and his team on their continued efforts in fire risk reduction.

This past Saturday, we celebrated Juneteenth at Upper Darby High School with a youth football camp hosted by Philadelphia Eagles' safety Rodney McLeod and his wife Erika, as well as the inaugural Juneteenth Observance and Community Fair. The Fair included free health care screenings from Crozer Health, COVID-19 vaccines courtesy of Delaware County, and a variety of presentations and performances by local artists that celebrated the significance of Juneteenth as the end of slavery in the United States.

This upcoming weekend, there are several events happening in Upper Darby in honor of LGBTQ+ Pride Month; please visit [www.ud-pride.com](http://www.ud-pride.com) for the schedule and other details. On Friday, July 2nd, we are pleased to be hosting a fireworks display at the Upper Darby High School baseball field. The fireworks will begin at 9:30 pm, and residents are encouraged to watch them from the high school parking lots. The rain date for this event is Friday, July 9th.

Here is a friendly reminder about the weekly yard waste collection: Yard waste is defined as leaves, garden residues, shrubbery and tree trimmings (4 inches or less in diameter and less than 3 feet long), and similar material. Please note that grass clippings are NOT considered yard waste. Please do not use plastic bags to recycle yard waste or single-stream recycling; instead, place your yard waste in biodegradable paper bags, which are available at local hardware stores, or place the yard waste loosely in trashcans without bags. Lastly, please note that yard waste is collected only on your regular recycling pick-up day, not on trash pick-up days.

Coming into your mailboxes soon is a township newsletter, which provides the trash and recycling schedule for the rest of the year as well as other important information on township programs and events. Please note that Monday, July 5 is a township holiday and no trash or recycling will be collected on Monday, July 5.

Thank you

### Appointments

**Resolution No. 30-21**, a Resolution of Upper Darby Township, Delaware County, appointing Rita LaRue to the Fire Pension Board; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

**Motion to adopt: DB/MB Roll call vote. 10 in favor, one excused (TW) Resolution No. 30-21 is adopted.**

**Superintendent of Police, Timothy Bernhardt:**

**\*\*There were technical difficulties with sound. Therefore, Superintendent Bernhardt agreed to come to the July 7, 2021 Committee Meeting to give his updates.**

**President of Council, Laura A. Wentz**

**\*\*There was no sound from Council President Wentz's microphone.**

**Treasurer's Report:** David Haman, Treasurer

**\*See attached**

**Motion to approve: MS/HT A roll call vote was taken. 10 in favor, 1 excused (TW). Motion approved.**

## **COMMITTEE REPORTS**

### **Public Safety Committee**

Co-Chairs: Brian K. Burke & Danyelle Blackwell

Members: Matt Silva, Hafiz Tunis Jr.

**Resolution No. 21-21**, a Resolution to install stop signs at the intersection of Chapman Avenue and Powelton Avenue

**Motion to adopt: HT/MB A roll call vote was taken. 10 in favor, 1 excused (TW)**

**Resolution 21-21 is adopted**

### **Finance and Appropriations Committee**

Co-Chairs: Robert S. Gwin Jr. and Matt Silva

Members: Danyelle Blackwell & Brian K. Burke

**Resolution No. 31-21**, a Resolution of Upper Darby Township to enter into an Intermunicipal Cooperation Agreement between the County of Delaware, the city of Chester, and the borough of Darby regarding the 2021 Byrne Justice Assistance Grant Program Award; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

**Motion to adopt: DB/HT A roll call vote was taken. 10 in favor, 1 excused (TW)**

**Resolution No. 31-21 is adopted**

### **Public Health and Environmental Affairs Committee**

Co-Chairs: Hafiz Tunis Jr. & Matt Silva

Members: Michelle Billups, Sheikh M. Siddique

**Public Hearing for Ordinance No. 3097**, an Ordinance of Upper Darby Township amending Chapter 222, "Animals" The Upper Darby Township Code to add a new Article V entitled "domesticated chickens," allowing residents of Upper Darby Township to keep no more than four (4) female chickens, requiring residents to obtain a permit in order to keep said chickens, imposing certain regulations and requirements for keeping chickens and imposing penalties for violations of such regulations

Solicitor Richardson gave a brief on Ordinance No. 3097.

Council President Wentz convened a public hearing.

Speakers:

Olivia Taylor, Kent Road, opposed to chicken Ordinance

Matthew Hutchinson, 338 Shadeland Avenue, enthusiastic support for Chicken Ordinance

Geraldine Goldman, opposed to chicken Ordinance

Bonnie Hallam, 4719 Woodland Avenue, supports Chicken Ordinance

Danielle Holt, 48 Blanchard Road, supports Chicken Ordinance  
Lee Jordan, 90 Pilgrim Lane, opposed to Chicken Ordinance  
Sheera Alberts, Glendale Road, supports Chicken Ordinance  
Faith Zerby, 379 Upland Way, supports Chicken Ordinance  
Ken Scott, 1103 Providence Road, opposes Chicken Ordinance  
Kyle McIntyre, 1040 Drexel Avenue, supports Chicken Ordinance  
Marilyn Marcella, 727 Montgomery Avenue, opposes Chicken Ordinance

As there were no more speakers, the Public Hearing was closed.

**Motion to adopt: MS/ No second was heard. Ordinance No. 3097 is therefore TABLED.**

### **Solicitor**

Solicitor Richardson stated that they have been working on various project and have been working with the Township engineer, Mike Galante. They have also been working on finalizing the purchase of St. Eugene's in addition to other projects coming up, including right-to-know requests. Solicitor Richardson added that the St. Eugene's project had some delays due to COVID and also that the County's system was hacked and that caused a problem with the title. All issues are being resolved and they hope to have the agreement of sale by the end of the summer.

### **Old Business**

HT thanked the Mayor and Administration for organizing the Habitat for Humanity "Rock the Block" event. Several Council members participated in the event. He also thanked Mayor Keffer for going door-to-door to encourage people to participate.

Council President Wentz stated that she did not check to see if Councilmen Gwin and Siddique made a second to the Motion for Ordinance 3097. Councilman Gwin stated that he did make a second. Solicitor Richardson stated that they couldn't just go back because LW didn't check the zoom. LW stated that she would bring it up at another meeting.

### **New Business**

LF asked if Council could be notified earlier when there is a swearing-in, etc. so that they are able to attend. Mayor Keffer stated that the Administration is always working on communication and it was not intentional to exclude anyone.

HT stated that there would be a street clean-up this Saturday on the 200-300 block of Huntley Road at 9am. BB asked if the information regarding the planned fireworks would be included in the mailer. Mayor Keffer replied that the information is available in the trash and recycling calendar which is being went out. The CAO added that the stadium will not be open but the parking lots will be available.

**MS questioned the reason why Ordinance No 3097 had to be tabled when it was discovered that RG made a second but it was not heard due to zoom.**

Solicitor Richardson stated that it was a timing issue; Council President Wentz moved on from the matter after she saw no second. It was found out later that a zoom participant made a second. There can be an option to re-open the Agenda.

CAO Rongione stated that it is Council's option to do that.

LW asked for a Motion to RE-OPEN the Agenda to vote on Ordinance No. 3097

**Moved and seconded: MS/RG**

DPB stated that Solicitor Richardson stated that by moving forward, Council would be violating Robert's Rules of Order. Robert's Rules of Order was adopted by Ordinance in 1976 governs everything that this Council does. Therefore, if this violates Robert's Rules of Order, Council should not move forward with this.

LW stated that it wasn't appropriate to "go back" but they could "re-open" the Agenda.

**A roll call vote was taken. 5 in favor, 5 opposed (HT, MB, BB, LF, DPB)**

**Mayor Keffer was the tie-breaking vote for opposing the Motion. The Motion failed.**

Council President Wentz stated that her microphone was off during her time to speak so she wanted to repeat the information for two events.

She stated that there was going to be a Movie Night this Friday at UDHS at 7:30 p.m. and Drag Queen Storytime this Saturday at Sellers Library.

### Adjournment

**Motion to adjourn: DB/LF Meeting adjourned at 9:36 pm.**

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](https://youtube.com/upperdarby.org)\*\*\*



**UPPER DARBY TOWNSHIP**  
**DELAWARE COUNTY, PENNSYLVANIA**  
**RESOLUTION NO. 30-21**

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, APPOINTING RITA LARUE TO FIRE PENSION BOARD; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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**WHEREAS**, Section 403 of the Home Rule Charter of Upper Darby Township ("Home Rule Charter") provides that the Mayor appoints and removes, with the approval of Council, all members of authorities, boards, and commissions; and

**NOW, THEREFORE**, be it, and it is hereby **RESOLVED** by the Upper Darby Township Council, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

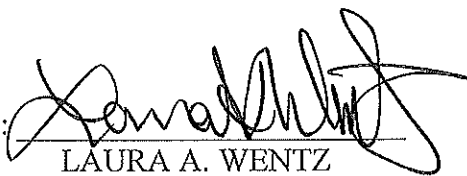
Ms. Rita LaRue is hereby appointed to the Fire Pension for an indefinite term to serve at the pleasure of the Mayor with approval by Council.

**REPEALER.** All Resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

**SEVERABILITY.** If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

**EFFECTIVE IMMEDIATELY.** This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

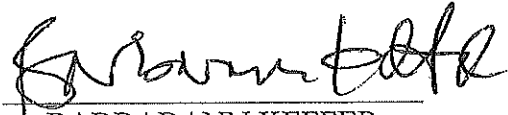
**ADOPTED and RESOLVED this 23<sup>rd</sup> day of June, 2021**

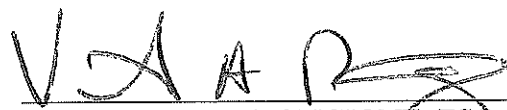
BY:   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council



Resolution No. 30- 21 is hereby approved this 23<sup>rd</sup> day of June, 2021

BY:   
BARBARANN KEFFER  
Mayor

ATTEST:   
VINCENT A. RONGIONE, ESQ.  
Chief Administrative Officer

**RESOLUTION NO. 21-21**

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

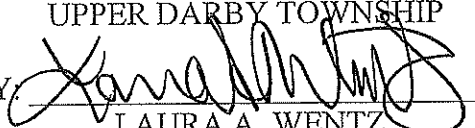
**INSTALLING STOP SIGNS AT THE FOLLOWING LOCATION:**

**AT THE INTERSECTION OF CHAPMAN AND POWELTON AVENUES**


**RESOLVED THIS 23<sup>rd</sup> of June, A.D., 2021**

UPPER DARBY TOWNSHIP

BY:

  
LAURA A. WENTZ  
PRESIDENT OF COUNCIL

ATTEST:

  
MICHELLE BILLUPS  
SECRETARY OF COUNCIL

**APPROVED THIS 23<sup>rd</sup> DAY OF JUNE, A.D., 2021**

BY:

  
BARBARANN KEFFER, MAYOR

ATTEST:

  
VINCENT A. RONGIONE, ESQ.  
CHIEF ADMINISTRATIVE OFFICE

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 31-21**

**A RESOLUTION OF UPPER DARBY TOWNSHIP TO ENTER INTO AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF DELAWARE, THE CITY OF CHESTER, AND THE BOROUGH OF DARBY REGARDING THE 2021 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, this Agreement is made and entered into and between the County of Delaware, acting by and through its governing body, the Delaware County Council ("County"), the City of Chester, Borough of Darby (collectively the "municipalities"), and Township of Upper Darby, acting by and through their respective governing bodies; and

**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 agreed to be the recipient of funding in the amount of \$110,045.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant ("JAG") for fiscal year 2021; and,

**WHEREAS**, the County, the Township, and the Municipalities believe it to be in their best interests to reallocate the JAG funds as follows:

Chester City \$54,838  
Darby Borough \$17, 703  
Upper Darby Township \$37,504  
County of Delaware \*

**WHEREAS**, the County is ineligible for direct JAG funding in FY 2021, for JAG purposes the County remains a partner with the municipalities receiving JAG funding, and must be a signatory on the Memorandum of Understanding ("MOU") required of disparate jurisdictions;

**NOW, THEREFORE**, it is hereby **RESOLVED** by the Upper Darby Township Council that the following shall govern the Intermunicipal Cooperation Agreement between the Township, the County, and the Municipalities, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

**SECTION 1.** Upper Darby Township accepts \$37,504 in JAG funds, as stated above.

**SECTION 2.** Upper Darby Township 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, 42 Pa. C.S. § 8541, *et seq.*

**SECTION 4.** Upper Darby Township is 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.

**SECTION 7.** Council authorizes the Mayor, or her designee, to execute the Intermunicipal Cooperation Agreement between the County of Delaware and the City of Chester, Borough of Darby, and the Township of Upper Darby for the 2021 Byrne Justice Assistance Grant

(JAG) Program Award.


**SECTION 8. REPEALER.** Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

**SECTION 9. SEVERABILITY.** If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

**SECTION 10. EFFECTIVE IMMEDIATELY.** This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

**ADOPTED and RESOLVED** this 23<sup>rd</sup> day of June, 2021.

BY:

  
LAURA A. WENTZ  
President of Council

ATTEST:

  
MICHELLE BILLUPS  
Secretary of Council

Resolution No. 31-21 is hereby approved this 23<sup>rd</sup> day of June, 2021

BY:

  
BARBARANN KEFFER  
Mayor

ATTEST:

  
VINCENT A. RONGIONE, ESQ.  
Chief Administrative Officer



OFFICE OF THE DISTRICT ATTORNEY  
DELAWARE COUNTY COURTHOUSE  
MEDIA, PENNSYLVANIA 19063

(610) 891-4168

JACK STOLLSTEIMER  
DISTRICT ATTORNEY

June 10, 2021

Mr. Sean Kilkenny  
Upper Darby Township Solicitor  
519 Swede Street  
Norristown, PA 19401

Dear Mr. Kilkenny:

Once again, your municipality has been identified as one of the municipal governments, along with the County of Delaware, which is eligible to apply for funding from the Edward Byrne Justice Assistance Grant (JAG). Please be advised that the total amount of the 2021 allocation to be awarded to the County of Delaware is \$110,045. In conjunction with County Council, I have agreed to distribute these funds to the eligible municipalities as set forth in the proposed Inter-Municipal Cooperation Agreement.

As part of the 2021 joint application, the City of Chester, Borough of Darby and Township of Upper Darby must all approve a joint Intermunicipal Cooperation Agreement. This proposed Agreement allows the County of Delaware to act as the applicant and distribute the grant funds to eligible municipalities. Enclosed please find the required Inter-Municipal Cooperation Agreement for your review.

As a full participant of this program, I will require the following documents returned to me as soon as possible:

1. Fully signed and executed MOU by your municipality;
2. Program Narrative prepared by Upper Darby Township Police Department; and
3. Budget Narrative/Detail of Upper Darby's proposed budget requests.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

Jack Stollsteimer  
District Attorney

cc: Harold Lazarus, Executive Director



**Upper Darby Township Police**

**2021 Edward J. Byrne Justice Assistance Grant**

**Program Narrative**

**Award: \$37,504.00**

**Verizon Wireless Internet (Air) Cards..... \$17,400.00**

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 \$17,400.00 which will provide service for a one-year period.

**Police Overtime..... \$18,978.00**

The remaining funds of the 2021 JAG will supplement police overtime as this will provide personnel deployment in key areas. This especially pertains to high crime areas during intervals when criminal activity peaks, such as the summer months. In 2020, the police department answered in excess of 12,000 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..... \$1,126.00**

3% adjusted for NIBRS



**INTERMUNICIPAL COOPERATION AGREEMENT  
BETWEEN THE COUNTY OF DELAWARE AND THE CITY OF CHESTER, BOROUGH OF  
DARBY, AND THE TOWNSHIP OF UPPER DARBY**

**2021 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 \$110,045.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2021; and,

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

Chester City	\$ 54,838
Darby Borough	\$ 17,703
Upper Darby Township	\$ 37,504
County of Delaware	*

\*While ineligible for direct JAG funding in FY 2021, 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.

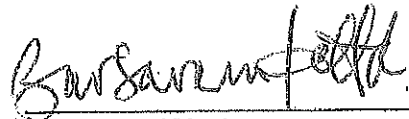
Section 5

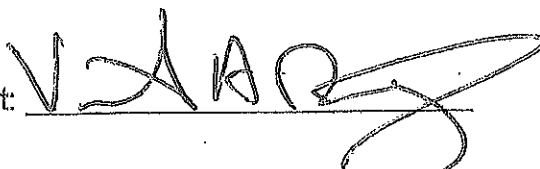
The parties to this Agreement do not intend for any third party to obtain any right by virtue of this agreement.

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 23<sup>rd</sup> day of June, 2021, at the regularly scheduled and advertised meeting of Upper Darby Twp. Council, Delaware County, Pennsylvania.

  
\_\_\_\_\_  
President/Chairman

Attest:   
\_\_\_\_\_

UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3097

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TABLED  
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AN ORDINANCE OF UPPER DARBY TOWNSHIP AMENDING CHAPTER 222, "ANIMALS" THE UPPER DARBY TOWNSHIP CODE TO ADD A NEW ARTICLE V ENTITLED "DOMESTICATED CHICKENS," ALLOWING RESIDENTS OF UPPER DARBY TOWNSHIP TO KEEP NO MORE THAN FOUR (4) FEMALE CHICKENS, REQUIRING RESIDENTS TO OBTAIN A PERMIT IN ORDER TO KEEP SAID CHICKENS, IMPOSING CERTAIN REGULATIONS AND REQUIREMENTS FOR KEEPING CHICKENS AND IMPOSING PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS

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**WHEREAS**, the Township Council adopted Ordinance No. 2843 on October 2, 1996, codified at Chapter 222-28, et seq. of the Upper Darby Code, which regulates the maintenance, keeping, raising and housing of certain domestic and wild or semi-wild animals in order to protect the health, safety and general welfare of the inhabitants of Upper Darby Township;

**WHEREAS**, Chickens were listed as "Domestic Animals" which were defined as "[a]ny bird or fowl or lagomorph mammal or any equine animal or bovine animal, sheep, goat, pig or poultry or any wild or semi-wild animal held in captivity;"

**WHEREAS**, Township Council ("Council") desires to provide specific provisions pertaining to keeping chickens in the Township;

**WHEREAS**, Council desires to permit residents of the Township to keep no more than four (4) female chickens for purposes of supporting a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs;

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the  
Upper Darby Township Council as follows:

Section 1. Domesticated Chickens. Chapter 222 of the Upper Darby Township Code is hereby amended by adding the following new Article V thereof, entitled "Domesticated Chickens."

Section 2. Definitions. As used in this article, the following terms shall have the meanings indicated:

CHICKEN RUN - shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

HENHOUSE - shall mean a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it meets the standards contained in this Article V including the required distance from property lines.

Section 3. Purpose. The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents of the Township to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Township recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This Article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Section 4. Permit Required. An annual permit is required for the keeping of any domesticated chickens in the Township.

Section 5. Fees. The initial fee for a permit to keep chickens shall initially be \$60.00 and the annual renewal fee shall be \$25.00 but such fee may be adjusted from time to time by resolution adopted by the Township Council.

Section 6. Number and Type of Chickens Allowed.

- A. The maximum number of chickens allowed is four (4) per lot.
- B. Only female chickens are allowed. There is no restriction on chicken species. Male chickens, or roosters, may be removed by a Township Animal Control Officer.

Section 7. Requirements for the Keeping of Domestic Chickens

- A. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.

B. It shall be unlawful for the owner of chickens to allow the same to run at large upon any public land, including, but not limited to, sidewalks, streets, roads, alleys, parks, or upon another person's private property.

C. Chickens must be maintained in a fully enclosed shelter with a covered fenced enclosure which may only be located in the rear yard. The shelter must provide a minimum of two square feet per hen and meet all applicable setback requirements required by the Township's Zoning Ordinance. The fenced enclosure must have a minimum of four square feet per hen.

D. Residents keeping chickens shall provide a henhouse. Henhouses shall comply with the following standards and regulations:

1. All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placed in the trash for collection unless composted as provided for in this subsection.
2. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces does accumulate on private property, the Code Enforcement Officer or his designee may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by registered mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

Section 8. Composting. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the Township any chicken manure. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens or yards.

#### Section 9. Permits.

A. General Requirements. Every applicant for a permit to keep domesticated chickens shall:

1. Complete and file an application on a form prescribed by the Code Enforcement Officer;
  2. Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed;
  3. Provide a copy of a Master Chicken Keeper Certificate evidencing that the applicant has successfully completed a master chicken keepers training course;
  4. Schedule an inspection by the Code Enforcement Officer or his designee of the henhouse and chicken run for purposes of ensuring compliance with the requirements of this Article; and
  5. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
- B. Approval. The Code Enforcement Officer shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.
- C. Denial, suspension or revocation of permit. The Code Enforcement Officer shall conduct an annual inspection of the property of the person who has applied for a permit to confirm that the conditions set forth in this Article have been complied with. The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article. In addition, a permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- D. Appeal. A person appealing the issuance, denial, suspension or revocation of a permit by the Code Enforcement Officer may appeal to Director of Licenses and Inspection within thirty (30) days of the decision.

## Section 10. Penalties and Enforcement.

### A. Penalties

1. The penalty for violation of this Article shall be a fine not to exceed \$500. Each day that a violation continues shall be treated as a separate offense.

1. The penalty for violation of this Article shall be a fine not to exceed \$500. Each day that a violation continues shall be treated as a separate offense.
  2. In addition to the penalty available to the Township hereunder or at law or in equity, any violation of the provisions of this article shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken related structures.
  3. A Code Enforcement Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.
- B. Enforcement. This ordinance may be enforced by a Code Enforcement Officer. The Code Enforcement Officer is hereby empowered to issue citations or otherwise enforce this ordinance.

**Section 11. Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

**Section 12. Severability.** If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

**Section 13. Effective Date.** This ordinance shall be effective immediately.

**ENACTED and ORDAINED** this 23<sup>rd</sup> day of June, 2021.

BY: \_\_\_\_\_  
LAURA A. WENTZ  
President of Council

ATTEST: \_\_\_\_\_  
MICHELLE BILLUPS  
Secretary of Council



**Approved this 23<sup>rd</sup> day of June, 2021.**

BY: BARBARANN KEFFER  
Mayor

ATTEST: VINCENT A. RONGIONE, ESQ.  
Chief Administrative Officer

Treasurer's Report to Upper Darby Township Council

Presented June 23, 2021

For Month-Ended May 31, 2021

This report summarizes the Township's financial condition as of May 31, 2021. It reviews revenues and expenses for the month, ending cash balances, with a performance comparison to May 31, 2020.

Our current Operating budget includes 4 governmental funds, the General Fund, Sewer Fund, Highway Fund, and Sinking Fund.

On May 31st, our Operating funds cash balance was \$38,960,565. Our cash position decreased \$4,214,360 from May 30th and maintains a year-to-date surplus of \$33,566,136.

May revenues totaled \$5,976,890 against expenses of \$4,225,505, resulting in a \$4,225,505 deficit for the month.

May Real Property Tax collections were \$1,580,808 below the monthly forecast as these revenues were already collected; we are \$2,627,609 ahead of forecasted year-to-date property tax collections.

Comparing the 2021 year-to-date results to 2020, 2021 total revenues exceed 2020 revenues by \$7,629,038 while YTD 2021 total expenses are \$3,949,938 below YTD 2020. With 42% of the year on the books, we have collected 80% of our expected total revenue for the year and expended 43% of our total budget. We are tracking better than we budgeted and better compared to a year ago, hence, our financial health is good.