

INDEX
Upper Darby Township Committee Meeting
July 6, 2022

Pledge of Allegiance to the flag of the United States of America	1
Moment of Silence	
 Opening of Meeting	1
 Roll Call	1
 Rules for Meeting Decorum	1
 Community Engagement Committee Awards Presentation	1
Chair: Hafiz Tunis Jr.	
Members: Danyelle Blackwell, Laura A. Wentz, Michelle Billups	
 <u>AWARDEES</u>	
 Jewish Heritage Month Award - Katherine M. Keevill	
Pride Month Award - Kyle McIntyre	
Asian Heritage Award - Arthur Tung	
 Public Forum	2
 The Honorable Mayor Barbarann Keffer	2
 President of Council, Brian K. Burke	3
 <u>COMMITTEE REPORTS</u>	
 Finance and Appropriations Committee	
Chair: Laura A. Wentz	
Members: Matt Silva, Meaghan R. Wagner, Brian Andruszko	
 Resolution No. 26-22, 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 2022 Byrne Justice Assistance Grant Program Award;repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date	3 7-12
 Approval of Resolution No. 26-22	3
 Public Safety Committee	3
Chair: Lisa Faraglia	
Members: Andrew Hayman, Danyelle Blackwell, Meaghan R. Wagner	
 Planning, Zoning and Building Code Committee	3
Chair: Laura A. Wentz,	
Members: Lisa Faraglia, Meaghan R. Wagner, Andrew Hayman	
 Municipal Services, Licensing and Public Works Committee	3-4
Chair: Hafiz Tunis Jr.	
Members: Michelle Billups, Andrew Hayman, Brian Andruszko	

Parks and Recreation Committee	4
Chair: Matt Silva	
Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups	
Law and Government & Rules and Procedures Committee	4
Chair: Matt Silva	
Members: Meaghan R. Wagner, Laura A. Wentz, Andrew Hayman	
Public Health and Environmental Affairs Committee	4
Chair: Danyelle Blackwell	
Members: Hafiz Tunis Jr., Sheikh M. Siddique, Matt Silva	
Community Engagement Committee	4
Chair: Hafiz Tunis Jr.	
Members: Danyelle Blackwell, Laura A. Wentz, Michelle Billups	
Cultural Competency Committee	5
Chair: Michelle Billups	
Members: Matt Silva, Danyelle Blackwell, Sheikh M. Siddique	
Community Development Committee	5
Chair: Sheikh M. Siddique	
Members: Hafiz Tunis Jr., Brian Andruszko, Laura A. Wentz	
Solicitor	5
Old Business	5
New Business	5-6
Motion to adjourn at 9:09 p.m.	6

MINUTES
Committee Meeting
July 6, 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),
Matt Silva (MS), Brian K. Burke (BB), Michelle Billups, (MB), Meaghan Wagner (MW),
Hafiz Tunis Jr. (HT), Laura Wentz (LW)

Lisa Faraglia (LF), via ZOOM

Present at the Meeting

Barbarann Keffer, Mayor
Vincent A. Rongione, CAO, via ZOOM
Chief Municipal Clerk, Alexis Cicchitti, via ZOOM
Mike Galante, Township Engineer, via ZOOM
Solicitor Sean Kilkenny
Solicitor Courtney Richardson
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.” Public Forum should not exceed thirty (30) minutes.”

Community Engagement Committee Awards Presentation

Chair: Hafiz Tunis Jr.
Members: Danyelle Blackwell, Laura A. Wentz, Michelle Billups

The members of the Committee presented the awards.

AWARDEES

Jewish Heritage Month Award - Katherine M. Keevill
Pride Month Award - Kyle McIntyre
Asian Heritage Award - Arthur Tung

Public Forum

Tom Wagner, 1006 Childs Avenue, very upset that 2 Council members were harassed and confronted after a Council meeting. He is very concerned about security.

Kyle McIntyre, 1040 Drexel Avenue, thanked Council for the award that he received, upset that Roe v Wade was overturned. Fears for the LGBTQIA+ Community

Gerald Harrison, 29 S. Kirklyn Avenue, concerned about conduct at the meetings and proper use of the gavel
Tyson Combes, 6833 Ludlow Street, wants parking permits for residents near 69th Street and wants gun violence addressed

John Vizzari, Kirks Lane, believes ARPA funds were misappropriated

Olivia Taylor, 204 Kent Road, unhappy with Councilman Siddique, Solicitor Kilkenny, Councilman Tunis Jr.

Brian Taylor, 7258 Lamport Road, Veterans events in the area

David Bantoe, 520 Millbank Road, thanked Mayor Keffer and the Township for their support after the recent shooting

Yahoob Swinton, 7215 Guilford Road, feels that everyone needs to come together

Becky Duggan, 129 N. Pennock Avenue, was accosted by 2 people after the last meeting, feels that the Mayor should go along with Council regarding the dismissal of the CAO

Tiffany Taylor, 508 Millbank Road, concerns about security

Tina Hamilton, 4715 Woodland Avenue, spoke of Councilwoman Wagner being threatened after the last meeting. She believes everyone should respect each other.

Nate Goodson, 231 Hampden Road, spoke of the recent shooting and that there has been a surge in unproductive youth activity. Listen to community leaders.

Renee Warring, 562 Millbank Road, proud that the Stonehurst Hills Neighborhood Association has been formed. There will be a Community Meeting at 6 p.m. on July 11 at 434 Millbank Road at the Holy Ghost Jesus House of Prayer.

Michelle Schofield, 519 Millbank Road, Stonehurst Hills Neighborhood Association was formed to restore community engagement and to empower individuals. Meetings are to share concerns and solutions.

The Honorable Mayor Barbarann Keffer

MAYOR'S MESSAGE

JULY 6, 2022

Good Evening.

July is Parks and Recreation month and we have two great upcoming recreation programs. The Upper Darby Youth Police & Fire Academy, which is held from July 11-15th, from 9 am to 12 noon each day, still has open registration. Kids will be instructed by members of the Upper Darby Police and Fire Departments, and Medics. They will meet the K-9 team, and learn about fire fighting and fire prevention. There is also a Bike with a Cop event on bicycle safety for children being held in Naylor's Run Park on July 19th. You can find more information on both events by visiting www.upperdarby.org or checking our Facebook page, Upper Darby Township - Government, or call 610.789.3656.

I'd also like to extend my thanks to the Police, Fire, Public Works, and L&I departments who helped set up (and clean up) an amazing night of fireworks for our community. They're a great team and we couldn't have done it without their hard work.

Thank you and have a good evening.

President of Council, Brian K. Burke

Council President Burke thanked the Community Engagement Committee for all of their hard work. He also thanked Kyle McIntyre for the Ordinances that he submitted and will send it to the proper Committee. BB also asked that Superintendent Bernhardt give an update regarding the shooting at the next meeting

COMMITTEE REPORTS

Finance and Appropriations Committee

Chair: Laura A. Wentz

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

Resolution No. 26-22, 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 2022 Byrne Justice Assistance Grant Program Award; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Resolution No. 26-22

Motion to approve: LW/DB

Moved and seconded. All in favor. Resolution No. 26-22 is approved.

Nothing for the July 20, 2022 Council Meeting

Public Safety Committee

Chair: Lisa Faraglia

Members: Andrew Hayman, Danyelle Blackwell, Meaghan R. Wagner

MW will speak to Mike Galante regarding the multiple concerns of the resident who lives at 678 Burmont Road. She will also reach out to Community Affairs Officer Anthony Bateman.

She also asked if there is anything new with the Police contract and Mayor Keffer stated that it is in arbitration.

AH asked the Chair about traffic calming measures for State Road and Garrett Road, as there was recently a bad car accident

**Councilwoman Blackwell: survey submitted to establish "No Parking of Trucks or Commercial Vehicles" on the 900 block of St. Joseph Drive.*

***If approved, this item will be placed on the July 20, 2022 Council Meeting Agenda*

Planning, Zoning and Building Code Committee

Chair: Laura A. Wentz,

Members: Lisa Faraglia, Meaghan R. Wagner, Andrew Hayman

LW stated that she received land development plans from Joshua Chast, Assistant Director of L&I and will review them.

Nothing for the July 20, 2022 Council Meeting

Municipal Services, Licensing and Public Works Committee

Chair: Hafiz Tunis Jr.

Members: Michelle Billups, Andrew Hayman, Brian Andruszko

Council President Burke asked for an update on the trash trucks. Mayor Keffer stated that the new trucks should be here in August. She added that the Vehicle Maintenance Department is doing a great job and out of 18 current trucks, 16 are on the road. The trucks were ordered a year

ago.

Mayor Keffer stated there was a neighborhood meeting on Bradford Road. The speed study should be almost finished and a street light will be installed at Bradford and Springton Roads. An extra street light will be installed at Patterson off of 69th Street.

HT stated he will schedule another meeting for the Committee regarding permit parking.

Nothing for the July 20, 2022 Council Meeting

Parks and Recreation Committee

Chair: Matt Silva

Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups

LW asked if the PAL program could be up and running by next year to occupy children in the community.

Mayor Keffer stated that is part of the plan for the Community Center. She also said that rehabilitating the parks is in the works and that they met earlier today with the firm that is working on the Administration's master plan for all of the parks and open spaces. Public meetings will follow in the coming months. They are hoping to add pavilions, updated playground equipment and updated fields to the larger parks. Also, there is hope of having a basketball clinic next year. There will be 2 Bike with the Cops events and Summer Stage scholarships for Upper Darby residents between the ages of 10-18. Approximately 300 children have signed up.

LW stated that National Night out would be on August 2, 2022.

Nothing for the July 20, 2022 Council Meeting

Law and Government & Rules and Procedures Committee

Chair: Matt Silva

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

Council President Burke reiterated that this Committee, the Cultural Competency Committee and the Solicitors get together to review Kyle McIntyre's Ordinances.

Nothing for the July 20, 2022 Council Meeting

Public Health and Environmental Affairs Committee

Chair: Danyelle Blackwell

Members: Hafiz Tunis Jr., Sheikh M. Siddique, Matt Silva

LW believes the dog Ordinance is very much out of date, as it is from the 1970's. At this time, there is only one vet in the Township for dogs to be taken to. She also spoke of additional issues.

Nothing for the July 20, 2022 Council Meeting

Community Engagement Committee

Chair: Hafiz Tunis Jr.

Members: Danyelle Blackwell, Laura A. Wentz, Michelle Billups

HT asked the Solicitors to prepare a Resolution for the Committee to review and possibly vote on that is centered on representation on Council Committees with themes of diversity and inclusion.

Solicitor Kilkenny stated that if the Committee directs it, they will draft a Resolution.

MW stated that the Monsignor Bonner Baseball Team won the Catholic League Championship this year. On that same day, the Archbishop Prendergast Crew Team also won the Nationals. She would like to honor them at an upcoming Council Meeting in the near future.

HT requested that the Mayor, Councilwoman Wagner and State Representative Mike Zabel work on that together.

MB reminded everyone about National Night Out on August 2, 2022.

HT will be holding a filled book bag giveaway at the 69th Street Field on August 6, 2022 from 12-2 p.m. The rain date will be August 7.

Nothing for the July 20, 2022 Council Meeting

Cultural Competency Committee

Chair: Michelle Billups

Members: Matt Silva, Danyelle Blackwell, Sheikh M. Siddique

There was a brief discussion regarding safety leaving the meetings.

Nothing for the July 20, 2022 Council Meeting

Community Development Committee

Chair: Sheikh M. Siddique

Members: Hafiz Tunis Jr., Brian Andruszko, Laura A. Wentz

Mayor Keffer stated that the International Festival would be on September 24, 2022.

She also mentioned that bids went out for the bridges that will cross Darby Creek near the Swedish Cabin and Gillespie Park, which will provide more connectivity to the Darby Creek Trail.

Nothing for the July 20, 2022 Council Meeting

Solicitor

Nothing to report

MW referenced the shooting of Montgomery County Deputy Foster who was shot at the Philadelphia fireworks. Solicitor Kilkenny, who is the Montgomery County Sheriff thanked MW for her concern and stated that Deputy Foster was doing well.

Old Business

HT stated that at the last meeting, LW mentioned a court date on June 22, 2022 and he was not aware that Council was going through any litigation. He has concerns that Solicitor Boggs would be going outside of his scope of the engagement letter. He stated that Mr. Boggs' last correspondence was that he was communicating with Council President Burke and he was supposed to forward the information to everyone. HT, and 4 other Council members, have received no information in the last 60-70 days. He asked how litigation was taken without a public vote and wanted to know who is representing the Council.

Council Vice-President Wentz stated that HT was referring to the fact that Council had made a Motion that the CAO had forfeited his position, and the litigation was in reference to going to the Courts to have them make an injunction on that ruling. It got postponed from June 22 and there will be a phone call conference scheduled for July 7, 2022.

MW clarified that a Motion was made for the CAO to forfeit his office which the Council was present for. As Mr. Rongione refused to abide by the Motion, it is in front of a Common Pleas Judge. She added that the Solicitor Kilkenny has stated several times that the Mayor's position is that he is going to remain until that litigation is determined. MW stated that HT was aware of the litigation, as it has been said at multiple meetings that there was litigation.

New Business

AH stated that he had a comment regarding the previous conversation. He stated that the Council is facing a court date for litigation that the Council did not approve in a public meeting. If Council is filing a Court action to compel the Administration to comply with an action, and he believes that this is not legitimate. Council, as a body, is supposed to vote in a public meeting on litigation. He added that never occurred.

Council President Burke stated that it is going to Court and when the hearing comes through, the reports will be given.

AH asked who authorized the Solicitor and who is paying for the Solicitor to take this Court action, as it was not authorized in a public meeting. He asked Solicitor Kilkenny if it was correct that this would have needed to be held at a public meeting.

Solicitor Kilkenny stated that he recused himself from this matter and that normally, the Mayor initiates litigation, per the Home Rule Charter, on anything where the Township is a party. He stated that he could not speak to exactly what would be the proper procedure for that and they should speak to Solicitor Boggs to ask whether or not a public vote would be required.

AH asked if anyone communicated and/or director Solicitor Boggs to take this Court action.

Council President Burke asked if Council was aware of everything regarding lawsuits that come before Solicitors Kilkenny and Richardson. He also asked if there had been a vote.

AH replied that a private person filed a lawsuit against Council and that does not require a public vote. He added that a public vote should be on the record for litigation.

Council President Burke added that everyone has Solicitor Boggs' phone number and email address.

Adjournment

Motion to adjourn: BB/LW The meeting was adjourned at 9:09 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. 26-22

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 2022 BYRNE JUSTICE ASSISTANCE GRANT (JAG) 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, 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 \$107,069.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant ("JAG") for fiscal year 2022; and,

WHEREAS, the County is ineligible for direct JAG funding in FY 2022, 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; and,

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

Chester City	\$ 54,268
Darby Borough	\$ 20,387
Upper Darby Township	\$ 32,414

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.

SECTION 7. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.


SECTION 8. 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 9. 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.


Approved this 6th day of July, 2022, at the regularly scheduled and advertised meeting of Upper Darby Township Council, Delaware County, Pennsylvania.

ADOPTED and RESOLVED this 6th day of July, 2022

BY: _____


BRIAN K. BURKE
President of Council

ATTEST:


MICHELLE BILLUPS
Secretary of Council

Resolution No. 26-22 is hereby approved this 6th day of July, 2022

BY


BARBARANN KEFFER
Mayor

ATTEST:


VINCENT A. RONGIONE, ESQ.
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**

2022 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 \$107,069.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2022; and,

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

Chester City	\$ 54,268
Darby Borough	\$ 20,387
Upper Darby Township	\$ 32,414
County of Delaware	*

*While ineligible for direct JAG funding in FY 2022, 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

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Approved this 6th day of July, 2022, at the regularly scheduled and advertised meeting of Upper Darby Twp. Council, Delaware County, Pennsylvania.



President/Chairman

Attest: 



Upper Darby Township Police

2022 Edward J. Byrne Justice Assistance Grant

Program Narrative

Award: \$32,414.00

Verizon Wireless Internet (Air) Cards..... \$15,600.00

The Upper Darby Police Department utilizes a record management system that 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 \$15,600.00 which will provide service for a one-year period.

Police Overtime..... \$15,841.00

The remaining funds of the 2022 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 2021, 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..... \$973.00

3% adjusted for NIBRS