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**September 7, 2022**

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Members: Michelle Billups, Andrew Hayman, Brian Andruszko

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Chair: Laura A. Wentz

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

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**MINUTES**  
**Committee Meeting**  
**September 7, 2022**

\*\*\*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**

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  
Chief Municipal Clerk, Alexis Cicchitti, via ZOOM  
Solicitor Courtney Richardson  
Solicitor Colleen Marsini  
Derrick Sawyer, Fire Chief, via Zoom  
Timothy Bernhardt, Superintendent of Police, via Zoom  
Michael Galante, Township Engineer  
Sergeant of Arms, Officer Anthony Bateman  
Sergeant of Arms, Officer James Friel

**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.”**

**Comments from Councilman Hafiz Tunis Jr. and Council Brian Andruszko regarding community unity following the event at the UDHS & Bonner/Prendie football game**

*On behalf of Township Council, Councilman Hafiz Tunis Jr. and Council Brian Andruszko, thanked multiple people for their actions taken regarding the issue on the night of the Upper Darby and Bonner/Prendie Football game and in the days following.*

*They thanked the Upper Darby Police Department for their swift action in getting the crowd under control and also thanked the surrounding Township and Borough Police Departments for their support.*

*Council was also made aware of numerous athletes and members of staff from both schools who acted selflessly and courageously to assist young children and others get to safety.*

*The Councilmen thanked both teams, coaches and staff for their display of unity and sportsmanship in the days following the event to bring the two teams together to shake hands and speak about the incident. This action represents the kind of unity that is desired to be seen in the Upper Darby community. They thanked everyone for setting an example for the community and for their service to the community.*

## **Public Forum**

Kyle McIntyre, 1040 Drexel Avenue, spoke of a 22 year old who killed himself in Yeadon & of Town Halls Ed Brown, 7111 Pennsylvania Avenue, encouraged about the future of UDT and the upcoming projects, including the Community Center. Releasing the ARPA funds is very beneficial for the Township.

Olivia Taylor, 204 Kent Road, stated that people should not be allowed to sign others in on the sheet for Public Forum. She also wanted to know why the work stopped at the 2nd Ward Playground.

John Vizzari, 353 Kirks Lane, concerned about the gun buy-back program and would like the statistics for this.

Becky Duggan, 129 N. Pennock Avenue, asked the Mayor about abolishing the Health Department.

Colleen Kennedy, 8723 West Chester Pike, wants everyone to work together and stop the drama

Marion Minick, 1204 Wilde Avenue, stated that the Sunshine Act was violated by the "Micozzie 6"

Brian Taylor, 7258 Lamport Road, disagrees with the gun buy-back program. He also questioned why the 2nd Ward Playground is not finished. He wants the POW flag flown every day to show respect for the veterans and their families and not to satisfy a grant.

Joanna Nommavong, 133 N. Pennock Avenue, feels that the police contract needs to be settled and also asked why the 2nd Ward Playground was not completed

Tina Hamilton, 4715 Woodland Avenue, stated that police have no contract and that their pay has been lowered. She is tired of the six on Council being called racists for standing up for what they believe.

## **The Honorable Mayor Barbarann Keffer**

### **Mayor's Message**

Good evening.

We received word today that the DCNR has awarded the township a grant of just over \$174,000 towards the engineering of a trail from Marshall Road to Garrett Road through the Beverly Hills Recreation area. I would like to thank the PEC, the Pennsylvania Environmental Council, for all their work on this application and the work they continue to do with my administration to make this recreation trail, which runs from Chapman Park almost to Township Line Road, a reality.

Upper Darby Tree Tenders are doing an amazing job maintaining the newly planted trees in Gillespie Park. This Sunday, September 11th, from 9am-1pm the Tree Tenders are holding a volunteer event to help clear invasive species from the next section of Gillespie Park to make room for more trees. You can visit our Facebook page, Upper Darby Township - Government for the link to sign up. Even an hour of your time makes a big difference!

One of our residents has spearheaded a fundraiser to construct an observatory on the new Community Center and, also, to build astronomy programming for Upper Darby residents of all ages. Under the umbrella of 12th

House Productions, this "Reach for the Stars" fundraiser will be held at the Drexel Hill United Methodist Church, on Burmont Road, this September 17th from 2-9pm.

We received word today that the DCNR has awarded the township a grant of just over \$174,000 towards the engineering of a trail from Marshall Road area through the Beverly Hills Recreation area. I would like to thank the PEC, the Pennsylvania Environmental Council, for all their work on this application and the work they continue to do with my administration to make this trail, which runs from Chapman Park almost to Township Line Road.

Included on tonight's agenda are a hearing for three ARPA ordinances and a vote for final passage. These include:

- Ordinance 3119 - \$3 million for the Upper Darby Community Center
- Ordinance 3122 - \$2.5 million for the Upper Darby Fire Department
- Ordinance 3120 - \$2 million for the Upper Darby Police Department, \$150,000 for Gun Violence Prevention, and \$5 million for Flood Mitigation and Sewer Upgrades

I urge Council to pass these ordinances for our community tonight.

The following ARPA ordinances were tabled on August 16 and have not yet been introduced and advertised:

- Ordinance 3121 - \$4.5 million for Parks and Public Spaces which will help fund the upkeep and acquisition of green spaces in Upper Darby and bring about more park improvements such as those being completed at 2nd Ward Playground and Observatory Hill
- Ordinance 3123 - \$5.7 million for COVID Relief & Negative Economic Impacts, which contains grants for small businesses and nonprofits, as well as COVID premium, pay for our hardworking employees who kept our township running throughout the pandemic.
- Ordinance 3124 - \$11.7 million for Revenue Replacement for 2020 and 2021 that will help bolster the township's fund balances and improve our credit rating.

These funds belong to the community. I would ask Council for a motion to untable Ordinances 3121, 3123, and 3124 and then a motion to introduce and advertise them.

Thank you.

#### **Motion to UN-TABLE Ordinance Nos. 3121, 3123 & 3124: HT/AH**

LW stated that the Finance Committee met and discussed the process of looking into getting more specific details and breakdowns on those Ordinances. Without those details, the Committee does not feel comfortable moving forward.

AH and HT expressed their desire to un-table these Ordinances.

BA stated that he was not comfortable un-tabling the Ordinance the Lost Revenue and if the other two Ordinances are un-tabled at this meeting, they can meet with the Administration to get more details. If Council does not feel comfortable at the next meeting, a Motion can be made to table them again

Council President Burke stated that it has been seven days and now Mayor Keffer comes to the meeting to un-table something without one phone call to him or anyone on the Finance Committee. He stated that questions were asked and they got some answers, but there are still questions from the Finance Committee on at least two out of the three Ordinances. He added that the answers that were asked and answered allowed them to vote on three Ordinances at tonight's meeting and that they need to get together on the other three Ordinances.

Council President Burke stated that three or four months ago, the Finance Committee brought an Ordinance in front of everyone and they were told that they were not allowed to bring that Ordinance. That Ordinance was the COVID money for all employees. He again stated that they need to sit down and talk and not just come to a meeting saying that Ordinances should be un-tabled.

Mayor Keffer stated that she has every right to un-table things.

Council President Burke reiterated that the Finance Committee still needs their questions answered.

He stated that Council does not make decisions regarding the Unions, but the Administration does. He also stated that three or four months ago, the "shameful six" brought an Ordinance to take care of the workers, but were told that they were not allowed.

MW elaborated on what BB said and added that she believes that all of the Council wants to give the essential workers the COVID pay. The Ordinance was brought forward to release the money, as Council President Burke stated, and that they were "shot down" by the Solicitor's office who indicated that it needed to be part of collective bargaining. Therefore, they could not bring the Ordinance forward and there has been no follow-up. DB stated that the Ordinance should be un-tabled tonight.

SS stated that this is a "once in a lifetime opportunity" and there needs to be clarification on where the money is going and what it is being used for.

Council President Burke asked Mayor Keffer if she would like to reconsider un-tabling three Ordinances to two Ordinances.

Mayor Keffer stated that to not un-table the Ordinances is just stalling. She added that the Ordinances would not spell many things out specifically. For example, Parks and Public Spaces, \$4.5 million, it is not known how much it will cost to acquire property or how much a rehab of a park would cost. In addition, there is an agreement with two of the bargaining units and they are working with the other two on the COVID relief and the vaccine incentives that are built into it.

Mayor Keffer also stated that as far as calls go, there were Agenda calls before every meeting between the Council President, the Mayor, the Chief Municipal Clerk and the Solicitors. However, since the February 2nd meeting, one thing was said on the Agenda call and then afterwards, BB would call the CMC a couple of hours later to change the Agenda. She now prefers to have conversations in public as she no longer has any faith in the phone calls. In addition, according to the Home Rule Charter, the Mayor has the right to introduce Ordinances and Resolutions and a right to participate in this meeting. Mayor Keffer stated that she would like things to move on as some members of Council have collectively stalled after accusing her Administration of mishandling \$6 million, and that this has been going on since February. There have been three ARPA Town Halls, which some of the Council has participated in and some who have participated in none of them. She reiterated that she would like the discussions to be held publicly, which is why she had the Town Halls.

HT would like the Ordinances to be un-tabled tonight and MB agreed.

AH added that the COVID bonuses for employees is absolutely urgent. He urged the Council members to un-table the Ordinances as there will be a month to get the answers needed. Then, if they still do not have the answers needed, they can vote no.

Council Vice-President Wentz confirmed that the Finance Committee did meet last night and there were some concerns that the \$1.7 million that has been listed in the Ordinance is not enough. They want to make sure that this is not only for the essential workers within the Township, but all of the volunteer firefighters, as they are not included in that number. LW also thinks that the number should be equal across the board for all essential workers. She added that her understanding is that there are not any signed agreements with any of the unions and that the number keeps dropping. There is not enough specific information to introduce and advertise the Ordinances.

Mayor Keffer stated that if specifics are needed regarding the negotiations with the four collective bargaining units, the CAO has that information. He is not on Zoom and has not been present at the meetings because Mayor Keffer does not want any excuses to shut down the meetings early as this has already happened.

The Mayor further explained that regarding the cost of projects, the Second Ward Playground improvements are funded from CDBG. There was a lump sum designated, then the grants are written, and the RFP's are put out. There is no way to know exactly so that is a ballpark in the Ordinance.

Mayor Keffer stated that it was said that the Ordinance for the essential workers was “shot down”, but several members of Council went collectively on their own and met with the bargaining units to come up with a number. That is not in Council’s jurisdiction according to the Home Rule Charter and Council has no authority to sign or write up any contract with them.

LF asked Mayor Keffer which two unions agreed to the COVID money and the Mayor stated that the CAO has that information, but Council does not want him participating in the meetings and she does not have that information.

MS stated that it is a very positive thing that details were provided to Council and taxpayers of the Township regarding the Ordinances so that it is understood where the money is being spent and what it is being spent on.

Council President Burke asked for a roll call to un-table the three existing Ordinances.

**Moved and seconded. A roll call vote was taken. Eleven in favor. The Motion is approved.**

**Council President Burke made a Motion to introduce and advertise the Ordinances on December 7, 2022 but later retracted that Motion.**

A discussion ensued and the Solicitor stated that the Ordinances were un-tabled for the purpose of discussion at the next meeting.

**AH made a Motion that the Ordinances would be introduced and advertised at the next meeting. HT seconded.**

**A roll call vote was taken. 5 in favor (AH, DB, SS, MB, HT) 6 opposed. (BA, LF, MS, BB, MW, LW) The Motion to introduce and advertise FAILS.**

**President of Council, Brian K. Burke**

**Council President Burke thanked BA and HT for their acknowledgement of all those who worked together at the Upper Darby/Prendie-Bonner football game.**

**Mike Galante, Township Engineer gave an update on the 2nd Ward Playground project. He will provide any additional information to Mayor Keffer**

## **COMMITTEE REPORTS**

### **Municipal Services, Licensing and Public Works Committee**

Chair: Hafiz Tunis Jr.

Members: Michelle Billups, Andrew Hayman, Brian Andruszko

**Introduction of Ordinance No. 3125**, an Ordinance of Upper Darby Township, Delaware County, adopting the Delaware County-Wide Stormwater Management Model Ordinance; Repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

Solicitor Richardson gave a brief on Ordinance No. 3125.

Mr. Galante explained how the Ordinance was tailored for Upper Darby Township.

**Motion to introduce and advertise: LW/AH**

**All in favor. Introduction and advertising of Ordinance No. 3125 is approved.**

**Councilman Tunis presented the Ordinance for Parking Permits with an amendment.**



He acknowledged that Council President Burke told him that this Ordinance has to go through the Public Safety Committee and the Municipal, Licensing and Public Works Committee. HT stated that he spoke to his Committee and they are OK with it. There has been discussion about adding streets but not of streets where residents did not want it.

The Public Safety Committee will meet prior to the next meeting for discussion.

**HT made a Motion to put the Parking Permit Ordinance on the September 21, 2022 Council Meeting Agenda to be introduced and advertised. DB seconded the Motion.**

**All in favor. Motion to introduce and advertise is approved.**

**LW made a point of order. The Agenda did not include all of the Committees. This is a Committee Meeting and all Committees must be listed in order to do their monthly report.**

### **Finance and Appropriations Committee**

Chair: Laura A. Wentz

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

**Resolution No. 37-22**, a Resolution authorizing application to the Multimodal Transportation Fund through the Pennsylvania Department of Community & Economic Development

Solicitor Richardson gave a brief on Resolution No. 37-22.

**Motion to approve: LW/MB**

Council President Burke asked where the \$900,000 was coming from.

Mr. Galante stated that the estimate for the project is \$3 million, so that grant requires a 30% match, which can be found through multiple sources.

LW inquired whether funds allocated in the last budget to be used as grant matching had been utilized. Mr. Galante stated that he personally has not used them. However, there are other departments who have other projects who may have used them.

Mr. Galante added that if this grant were awarded, it would have to go through a survey process and a design process. He has put together a conceptual plan and an estimate for this grant, but that is not enough to go to bid with, so there would be time to get permits and work through the state, which may possibly take a year or two to get the project off the ground.

Mike Galante provided details about the Grant, matching the Grant and the timeframe of Grants.

Mayor Keffer stated that this Resolution pertains to 69th Street from Walnut to Marshall. In the 1980's, the Township signed an agreement with PennDOT taking back that stretch of road. The road has buckled significantly and needs to be repaired, hopefully, with concrete so that the road could last approximately 30 years.

Solicitor Richardson added that PennDOT was asked to take the road back and PennDOT refused.

**Moved and seconded. All in favor. Resolution No. 37-22 is approved.**

**Vice President Wentz stated that a Motion was made at the last meeting to have a combined Public Hearing for Ordinance No. 3119, 3120 and 3122. Therefore, a Public Hearing was convened. There were no speakers. Therefore, the Public Hearing was closed.**

**Solicitor Richardson clarified that a brief synopsis of each Ordinance with the allocations should be read before the Public Hearing is closed so that the public is very clear about what is in front of them for the Public Hearing.**

**Vice-President Wentz re-convened the Public Hearing.**

**Solicitor Richardson gave a brief of each Ordinance.**

**Speakers:**

Colleen Kennedy, 8723 West Chester Pike, asked for unanimous support for the three Ordinances  
Olivia Taylor, 204 Kent, asked where the stormwater management construction would start. Mike Galante gave a brief summary on plans for lining pipes and mitigating repairs.  
Brian Taylor, 7258 Lamport Road, wanted clarification on what an “essential worker” is

Vice-President Wentz stated that a section that appears on Ordinance No. 3119 and Ordinance No. 3120 should also be included in Ordinance No. 3122. This was communicated via e-mail.

Solicitor Richardson stated that the change was not added to Ordinance No. 3122, as it was not in the YouTube video of the meeting and she did not feel comfortable adding those sections to the Ordinance. As long as the changes are not substantive, Council is welcome to make those amendments. If the Council found that they were substantive, they would need to re-advertise. Solicitor Richardson stated that she does not believe them to be substantive because the other ones do follow, but that is ultimately Council’s decision to make. She suggested dealing with the two Ordinances that are good to go, and then deal with the amendments that Council deems to be not substantive in a separate Motion.

**Public Hearing for Ordinance No. 3119**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Community Center; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**Motion to adopt: LW/AH**

**Moved and seconded. A roll call vote was taken. All in favor. Ordinance No. 3119 is approved.**

**Public Hearing for Ordinance No. 3120**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Upper Darby Township Police and for Flood Mitigation & Sewer Upgrades for the Township; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**Motion to adopt: LW/AH**

**Moved and seconded. A roll call vote was taken. All in favor. Ordinance No. 3120 is adopted.**

**Public Hearing for Ordinance No. 3122**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Upper Darby Fire Department; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**LW made a Motion to amend Ordinance No. 3122 and to add the following:**

That from Section 1, Section B, C & D to stay consistent with the previous Ordinances.  
MS seconded the Motion.

LW clarified the amendments:

- b) The 3<sup>rd</sup> Party Company (herein referred to as the Compliance Officer) will make any needed adjustment to the ARPA allocations among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury;*
- c) The Compliance Officer will bring any such adjustments to these allocations that are made to comply with ARPA guidelines to Mayor Keffer, Chief Administrative Officer and the Upper Darby Township Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,*
- d) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of this Ordinance.*

Moved and seconded. A roll call vote was taken. All in favor. The Motion to amend Ordinance No. 3122 is approved.

**Motion to approve the amended version of Ordinance No. 3122: LW/MW**

A roll call vote was taken. All in favor. Ordinance No. 3122 is adopted as amended.

Mayor Keffer thanked Council for adopting these Ordinances. She also thanked Superintendent Bernhardt and Chief Sawyer for zooming into the meeting.

Vice President Wentz continued with the report from the Finance and Appropriations Committee. The Committee has met and have talked about the next set of Ordinances. They have also started talking about the 2023 Budget. She stated that she would send an email to the Mayor and CAO to work out a time where the Committee can meet with the Department Heads to start the conversation so that the Department Heads' needs are known. September is the best time to do this, as it is before the Budget is presented to the Council and the public in the beginning of October.

#### **Community Engagement Committee**

Chair: Hafiz Tunis Jr.

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

**Resolution No. 34-22**, a Resolution that the makeup of the Township Council Committees reflect the diversity in Upper Darby Township

Solicitor Richardson gave a brief on Resolution No. 34-22

**Motion to approve: DB/MB**

Moved and seconded. All in favor. Resolution No. 34-22 is approved.

#### **Law and Government & Rules and Procedures Committee**

Chair: Matt Silva

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

**Resolution No. 38-22**, a Resolution to honor America's POW's and those MIA by flying the POW/MIA flag above the Upper Darby Township Municipal Building

Chair Matt Silva stated that his Committee has not had an opportunity to meet as they just received this Resolution a couple of days ago. He polled his Committee as to whether or not they want to move forward with this Resolution.

MS, MW, LW do not want this Resolution to move forward in its current form as the changes would be substantive.

MS stated his strong support of flying the POW/MIA flag and honoring our veterans, prisoners of war and those missing in action.

MW stated that she made a Motion at the last meeting to fly the flag 365 days a year and that this Resolution does not reflect that. She believes that the Township needs to fly the flag to thank our veterans for all that they have done. Seeing the American flag and the POW/MIA flag flying together is a reminder of the freedom that we all have and of those who provided it for us.

Solicitor Richardson stated that this Resolution was styled after the Federal Resolution, which was passed in 1976 or thereabout. In Pennsylvania, there is no mandate and the Federal Government can only mandate what is flown at federal buildings. A couple of different Ordinances were melded together to create this Resolution. The Marine Corp League actually flies the flag 365 days per year. Council is more than welcome to make amendments to the Resolution and there can be a conversation to make changes.

Solicitor Richardson added that the Solicitor's office was not invited to the Law and Government Committee's meetings.

LW added that she believed it to be clear that the Committee wanted the flag to be flown 365 days a year. She added that because the Council could not force the Township to fly the flag, as a Council, they started to acknowledge the POW/MIA's during the Moment of Silence because that is where they had the power to acknowledge and respect them.

MB stated that the Solicitor asked for Committee comments before this Resolution was sent out and no one responded. Therefore, the Solicitor needs to be at the meetings.

**Motion to take Resolution No. 38-22 back to Committee: LW/MW**

**Moved and seconded. The Motion is approved.**

LW asked about the LGBTQ+ Ordinance. Solicitor Richardson stated that there should be a discussion at the next meeting with the Law and Government Committee.

**LW made a Motion to amend the Agenda to add the missing Committees from the Agenda.**

**LF seconded.**

**All in favor. Motion to amend the Agenda is approved.**

### **Public Safety Committee**

Chair: Lisa Faraglia

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

LF stated that two weeks ago, the Public Safety Committee had a meeting with the Finance and Appropriations Committee, Chief Sawyer and a representative from the Volunteers from each fire company to see what needs they had. She met with the Public Safety Committee to let them know what was discussed.

LF stated that they still need to get together with the Solicitor regarding the Ordinance for the parking permits.

Solicitor Richardson stated that Township Engineer Mike Galante and Fire Chief Sawyer have been working on fire map routes to work on the parking issues in terms of the streets. Unfortunately, Upper Darby does not have a route map to determine what is the best course of action for going to a fire based on the width of certain streets. A map could be folded into the Ordinance to give a "road map" of what streets can have what on it in terms of parking and width. She will provide an email update.

Mayor Keffer stated that seven new police officers were sworn in and two officers who resigned to work somewhere else, have come back to Upper Darby.

### **Parks and Recreation Committee**

Chair: Matt Silva

Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups

Nothing to report

### **Planning, Zoning and Building Code Committee**

Chair: Laura A. Wentz

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

Chair Wentz stated that the Committee would be meeting to discuss upcoming land developments Council President Burke stated that there might be a small land development at one of the schools in the near future.

MB stated that she and HT spoke about issues that neighbors are having with smoke shops in the Township. A department in the Township has recently closed four. She encouraged people to send tips regarding issues with the smoke shops.

HT asked if an Ordinance could prevent them from being in school zones and HT stated that was not originally addressed.

LW added that the Ordinance passed last year would only affect new smoke shops and the ones that already existed are "grandfathered in."

AH stated that it is very important to keep bad actors out of school zones.

HT asked if the Solicitor could work with the Zoning Committee to look into whether any municipalities have had any regulations with Air BNB's or perhaps an Ordinance that Upper Darby Township can mirror.

Solicitor Richardson stated that this is definitely a conversation that could be had.

Mayor Keffer stated that the Planning Commission is meeting this coming Monday at 7 pm in this room and one of the items that will be discussed is the new Starbucks development on State Road and Lansdowne Avenue. This is an open meeting where people can give input and the developer will have a presentation.

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

Chair: Danyelle Blackwell

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

Chair DB stated that they had a clean-up in nine various locations in the Township to clean-up before children return to school. Numerous volunteers worked at various locations. DB thanked all of the volunteers for their hard work.

### **Cultural Competency Committee**

Chair: Michelle Billups

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

Chair MB stated that the International Festival would take place on September 24, 2022 from 12-5 p.m.

SS stated that the Bangladeshi Parade would take place on Sunday, September 18, 2022 at 1:30 p.m., with the Honorable Mayor Barbarann Keffer as the Grand Marshall.

## **Community Development Committee**

Chair: Sheikh M. Siddique

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

Nothing to report

### **Solicitor**

Solicitor Richardson introduced Solicitor Colleen Marsini who was sitting in for Solicitor Sean Kilkenny.

### **Old Business**

Nothing to report

### **New Business**

SS spoke again of the upcoming Bangladeshi Parade on Sunday, September 18, 2022.

AH spoke of the upcoming anniversary of 911 and asked for a Moment of Silence at the next meeting. He also wanted to give a shout-out to the firefighters who responded to early medical calls at the Friday night UD/ Bonner Football game and for assisting with crowd control.

HT stated that the email was sent regarding a Special Meeting on September 14 but he did not receive an email first asking about his availability. He asked that all of the Council be asked about their availability in the future. LW reiterated that there would be a Special Meeting on September 14 at 7 p.m. for a report of the final findings of the investigation into the mishandling of the ARPA funds with a breakdown of numbers so that everyone can follow along.

HT stated that State Representative Gina Curry is having an event for young women in the 164th Legislative District. You may call her office at 610-259-7016 to sign up and you can follow on social media.

### **Adjournment**

**Motion to adjourn: HT/AH The meeting was adjourned at 10:04 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](https://youtube.com/upperdarby.org)\*\*\*

**Upper Darby Township  
Delaware County, Pennsylvania**

**RESOLUTION NO. 37-22**

A RESOLUTION AUTHORIZING APPLICATION TO THE MULTIMODAL TRANSPORTATION FUND  
THROUGH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

---

**WHEREAS**, Upper Darby Township, desires to apply for the Multimodal Transportation Fund grant through the Pennsylvania Department of Community & Economic Development (DCED) to fund improvements to 69th Street between Walnut Street and Marshall Road; and

**WHEREAS**, Upper Darby Township, recognizes that the Multimodal Transportation Fund grant funding for road and pedestrian safety improvements to 69th Street would be an asset to the township; and

**WHEREAS**, Upper Darby Township, desires to request funding from the Commonwealth Financing Authority to improve 69th Street between Walnut Street and Marshall Road; and

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Township is hereby authorized to apply for, execute, and submit an application to DCED's Multimodal Transportation Fund grant for up to \$3,000,000.
2. The Township shall provide matching funds totaling up to \$900,000 in order to provide the required 30% match.
3. Barbarann Keffer, the Mayor of the Township, or her designee, is authorized to execute all documents and agreements needed to facilitate and assist in obtaining the requested grant.
4. The Township is authorized to provide such assurances, certificates, application fees, and supplemental data or revised data that may be requested in connection with the application and administration of the Multimodal Transportation Fund grant.

**ADOPTED and RESOLVED this 7<sup>th</sup> day of September, 2022**

BY: \_\_\_\_\_

BRIAN K. BURKE  
President of Council

ATTEST: \_\_\_\_\_

MICHELLE BILLUPS  
Secretary of Council

**Resolution No. 37-22 is hereby approved this 7<sup>th</sup> day of September, 2022**

BY: \_\_\_\_\_

BARBARANN KEFFER  
Mayor

ATTEST: \_\_\_\_\_

ALEXIS CICCHITTI  
Chief Municipal Clerk

**ORDINANCE NO. 3119  
UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2022 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND FOR THE COMMUNITY CENTER; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, Upper Darby Township Council ("Council") adopted a budget for the calendar year 2022 on December 20, 2021; and,

**WHEREAS**, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and,

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and,

**WHEREAS**, the U.S. Department of Treasury calculated Upper Darby Township's direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively "ARPA funds" or "American Rescue Plan Allocation"); and,

**WHEREAS**, the Mayor submitted to Council a proposed spending structure, as prepared by Township staff in conformity with the Interim Final Rule released by the U.S. Department of Treasury, for the first \$20.8 million; and,

**WHEREAS**, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; and,

**WHEREAS**, the current projected cost for the Community Center is between \$9 million and \$11 million with anticipated funding from a combination of state and federal grants, ARPA, and Upper Darby Township's approved Capital Budget ("funding"); and,

**WHEREAS**, on August 15, 2022, the Administration hosted a Town Hall where a detailed breakdown of said funding was provided; and,



**WHEREAS**, the Administration has engaged a third-party administrator to assist in the administration of the ARPA funds and compliance with the ARPA guidelines established by the U.S. Department of the Treasury; and,

**NOW, THEREFORE BE IT ORDAINED AS FOLLOWS**, Upper Darby Township Council makes the following supplemental appropriations for the Upper Darby Community Center from the American Rescue Plan Allocation:

**SECTION 1.**

- a.) Program Allocation. Upper Darby Township Council makes the supplemental appropriation of \$3,000,000 for the Upper Darby Community Center from the American Rescue Plan Allocation;
- b.) The 3<sup>rd</sup> Party Company (herein referred to as the Compliance Officer) will make any needed adjustment to the ARPA allocations among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury;
- c.) The Compliance Officer will bring any such adjustments to these allocations that are made to comply with ARPA guidelines to Mayor Keffer, Chief Administrative Officer and the Upper Darby Township Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,
- d.) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of this Ordinance.

**SECTION 2.** All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

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

**SECTION 4.** This ordinance shall become effective immediately.

**ENACTED and ORDAINED** this 7<sup>th</sup> day of September, 2022.

BY:   
BRIAN K. BURKE  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**APPROVED** this 7<sup>th</sup> day of September, 2022

BY:   
BARBARANN KEFFER  
Mayor

ATTEST:   
ALEXIS CICHITTI  
Chief Municipal Clerk

**ORDINANCE NO. 3120**  
**UPPER DARBY TOWNSHIP**  
**DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2022 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND FOR THE UPPER DARBY TOWNSHIP POLICE AND FOR FLOOD MITIGATION & SEWER UPGRADES FOR THE TOWNSHIP; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Upper Darby Township Council ("Council") adopted a budget for the calendar year 2022 on December 20, 2021; and

**WHEREAS**, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and

**WHEREAS**, the U.S. Department of Treasury calculated Upper Darby Township's direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively "ARPA funds" or "American Rescue Plan Allocation"); and,

**WHEREAS**, the Mayor submitted to Council a proposed spending structure, as prepared by Township staff in conformity with the Interim Final Rule released by the U.S. Department of Treasury, for the first \$20.8 million; and,

**WHEREAS**, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; and,

**WHEREAS**, on August 15, 2022, the Administration hosted a Town Hall where a detailed breakdown of said funding was provided; and,

**WHEREAS**, the Administration has engaged a third-party administrator to assist in the administration of the ARPA funds and compliance with the ARPA guidelines established by the U.S. Department of the Treasury; and,

**NOW, THEREFORE BE IT ORDAINED AS FOLLOWS,** Upper Darby Township Council makes the following supplemental appropriations for Upper Darby Township Police and Sewer from the American Rescue Plan Allocation:

**SECTION 1.**

- a) Program Allocation. Upper Darby Township Council makes the supplemental appropriation of \$5,000,000.00 for sewer upgrades, \$2,000,000.00 for police, and \$150,000.00 gun violence prevention from the American Rescue Plan Allocation as follows;

<b>POLICE DEPARTMENT</b>	
<b>Item</b>	<b>Projected Cost</b>
New Police Vehicles + Equipment	\$1,200,000.00
Police Athletic League	\$50,000.00
Records Storage System Upgrade, Technology, and Data Improvements and Upgrades, etc.	\$750,000.00
<b>Total</b>	<b>\$2,000,000.00</b>

<b>GUN VIOLENCE PREVENTION</b>	
Gun Buyback Program	\$50,000.00
Gun Prevention Education & Training	\$50,000.00
Gun Lock Program	\$50,000.00
<b>Total</b>	<b>\$150,000.00</b>

<b>FLOOD MITIGATION AND SEWER UPGRADES</b>	
<b>Item</b>	<b>Projected Cost</b>
The Fernwood Interceptor	\$1,000,000.00
Cobbs Creek interceptor	\$2,000,000.00
Other Sewer Improvements	\$1,000,000.00
Naylor's Run Streambank Stabilization	\$1,000,000.00
<b>Total</b>	<b>\$5,000,000.00</b>

- b) That a 3<sup>rd</sup> Party Company (herein referred to as the "Compliance Officer") will make any needed adjustment to the ARPA allocation among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury; and,
- c) That the Compliance Officer will bring any such adjustments to these allocations that are made to comply with the ARPA guidelines to Mayor Keffer, the Chief Administrative Officer, and the Upper Darby Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,
- d) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of the Ordinance.

**SECTION 2.** All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

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

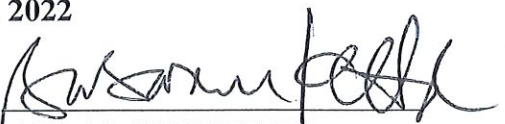
**SECTION 4.** This ordinance shall become effective immediately.


**ENACTED** and **ORDAINED** this 7<sup>th</sup> day of September, 2022.

BY:   
BRIAN K. BURKE  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**APPROVED** this 7<sup>th</sup> day of September, 2022

BY:   
BARBARANN KEFFER  
Mayor

ATTEST:   
ALEXIS CICHITTI  
Chief Municipal Clerk

**ORDINANCE NO. 3122  
UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2022 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND FOR THE UPPER DARBY FIRE DEPARTMENT; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, Upper Darby Township Council ("Council") adopted a budget for the calendar year 2022 on December 20, 2021; and

**WHEREAS**, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and

**WHEREAS**, the U.S. Department of Treasury calculated Upper Darby Township's direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively "ARPA funds" or "American Rescue Plan Allocation"); and,

**WHEREAS**, the Mayor submitted to Council a proposed spending structure, as prepared by Township staff in conformity with the Interim Final Rule released by the U.S. Department of Treasury, for the first \$20.8 million; and,

**WHEREAS**, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; and,

**NOW, THEREFORE BE IT ORDAINED AS FOLLOWS,** Upper Darby Township Council makes the following supplemental appropriations for the Upper Darby Fire Department from the American Rescue Plan Allocation:

**SECTION 1.**

**a.) Program Allocation**

<b>Fire Apparatus #1</b>	<b>\$ 1,000,000.00</b>
<b>Fire Apparatus #2</b>	<b>\$ 1,000,000.00</b>
<b>Water Rescue</b>	<b>\$ 250,000.00</b>
<b>Self-contained Breathing Apparatus (SCBA)</b>	<b>\$ 250,000.00</b>
<b>TOTAL</b>	<b>\$ 2,500,000.00</b>

- b.) The 3<sup>rd</sup> Party Company (herein referred to as the Compliance Officer) will make any needed adjustment to the ARPA allocations among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury;
- c.) The Compliance Officer will bring any such adjustments to these allocations that are made to comply with ARPA guidelines to Mayor Keffer, Chief Administrative Officer and the Upper Darby Township Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,
- d.) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of this Ordinance.

**SECTION 2.** All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

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

**SECTION 4.** This ordinance shall become effective immediately.

**ENACTED and ORDAINED** this 7<sup>th</sup> day of September, 2022.

BY:



BRIAN K. BURKE  
President of Council

ATTEST:



MICHELLE BILLUPS  
Secretary of Council



APPROVED this 7<sup>th</sup> day of September, 2022

ATTEST:



ALEXIS CICHITTI  
Chief Municipal Clerk

BY:



BARBARANN KEFFER  
Mayor

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 34-22**

**WHEREAS**, Upper Darby Township ("Township") is the 6th most populated municipality in the Commonwealth of Pennsylvania and home to a diverse community of approximately 85,000 residents, 24% of which are foreign-born; and,

**WHEREAS**, the Township is the true embodiment of its motto, "The World in One Place." Based on the 2020 Census, the racial demographics of Upper Darby are 45.9% White, 34.2% African American, 12.8% Asian, 0.1% Native American, 0.1% Pacific Islander, and 4.3% from two (2) or more races. One-fourth of Upper Darby households have a language other than English is spoken; and,

**WHEREAS**, the Township recognizes and welcomes the contributions of residents of every race, religion, national origin, age, ability, gender, sexual orientation, gender identity, and socioeconomic status, and the members of Township Council ("Council") as their elected representatives, and

**WHEREAS**, the Township recognizes the importance of fostering a forward-thinking environment that fosters a healthy community dialogue and acceptance of all people, and the Township recognizes that representation by traditionally underrepresented populations is a crucial component of effectively governing and addressing issues of diversity, equity, and inclusion, and


**WHEREAS**, Council is committed to ensuring that the Township remains a welcoming, inclusive, and safe community for all who live, work, worship, and visit, and

**WHEREAS**, the Township Council ("Council") desires to have its Committees be more reflective of the community; and,


**NOW, THEREFORE, BE IT RESOLVED**, that the makeup of the Township Council committees will be reflective of the diversity of the Township community. Township Council encourages the Council President to consider fairness, diversity, equity, and inclusion creating the composition of the Council committees.

**RESOLVED** this 7th day of September, 2022.


BY: \_\_\_\_\_

  
BRIAN K. BURKE  
President of Council

ATTEST: \_\_\_\_\_

  
MICHELLE BILLUPS  
Secretary of Council

**APPROVED this 7th day of September, 2022**

BY:   
BARBARANN KEFFER  
Mayor

ATTEST:   
ALEXIS CICCHITTI  
Chief Municipal Clerk