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MINUTES
Council Meeting
January 18, 2023

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) via Zoom, Sheikh M. Siddique, (SS), Lisa Faraglia (LF), Matt Silva (MS), Brian K. Burke (BB), Michelle Billups (MB), Meaghan Wagner (MW), Hafiz Tunis Jr., (HT), via Zoom, Laura Wentz (LW)

Present at the Meeting

Barbarann Keffer, Mayor
Chief Municipal Clerk, Alexis Cicchitti
Solicitor Sean Kilkenny
Solicitor Colleen Marsini
David Haman, Treasurer
Joseph Martin, Director of Public Works
Sergeant of Arms, Officer Bateman
Sergeant of Arms, Officer Colella

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.”

Approval of the Minutes from December 2022

Approval of the Minutes from the Committee Meeting of December 7, 2022
Approval of the Minutes from the Council Meeting of December 14, 2022
Approval of the Minutes from the Council Meeting of December 21, 2022
Approval of the Minutes from the Special Meeting of December 28, 2022

Motion to approve the Minutes: LW/DB

Moved and seconded. All in favor. The December 2022 Minutes are approved.

Public Forum

Speakers:

John Vizzari, 353 Kirks Lane, spoke about Resolution No. 01-23. Spoke of Councilman Hayman’s actions at the last meeting regarding a “white supremacist social media site” and that a resident who attends and

participates in Public Forum at the Council meetings has an account on this website implying that the resident is a white supremacist. He believes that AH should apologize & publicly retract his implied accusation of said resident.

Joanne Nommavong, 133 N. Pennock Ave, referred to Councilman Hayman's slanderous comments from the last meeting regarding a White Supremacist social media hate group and feels that Resolution No. 01-23 is not an effective way to promote inclusivity and kindness

Becky Duggan, 129 N. Pennock Avenue, asked why discussions about parking enforcement procedures need to be discussed at an Executive Session as it only makes it seem suspicious

Judy Duggan, 141 N. Pennock Avenue, asked everyone to use their microphones, as it is difficult to hear without them. She feels that Councilman Hayman's comments were slanderous

Jennifer Toof, 309 Edmonds Ave, in favor of Resolution No. 01-23 as she feels that it brings unity and is a powerful statement to condemn hateful expressions of intolerance that harm the Township and its residents

Myron McNeely, 7116 Hilltop Road, feels that everyone should have free speech and stated that because there is racial bias, there is not a black Council president

Nicholas Hoyt, 300 Edmonds Avenue, spoke of the decrease in violent crime during major sports events and the need for kids to have an outlet. He handed out a directory of numerous organizations and Little Leagues where kids can participate

LouAnn Merkel, 4008 Pilgrim Road, supports Resolution No. 01-23. She stated that she was from the "Colonial Era Anti-Racism and Social Equity Alliance.

Kyle McIntyre, 1040 Drexel Avenue, spoke of harm reduction and the incident regarding the unhoused woman named Karen. He spoke of regulating the Zoning Code where during an Emergency Declaration any Transit facility that serves more than 5000 commuters daily, would serve as an emergency shelter for the unhoused.

Joseph Kelly, 6914 Chestnut Street, thanked everyone who helped out at the American Legion for Music Bingo

Richard Blye, 7258 Lamport Road, spoke of hate speech and Resolution No. 01-23

Justin Cohen, 7218 Brent Road, asked about sewer and trash fee exemptions for 100% disabled veterans

Colleen Kennedy, 8723 West Chester Pike, upset about the Zoning Board nominations that took place at a previous meeting, spoke of the Gab website

Brian Taylor, 7258 Lamport Road, spoke of Project Jimmy and spoke of Veteran's programs. He stated that Post 214 is now a warming center and hosts monthly veteran meetings that concentrate on suicide prevention, survivor remorse and other veteran programs

Paulann Sabatino, 3726 Garrett Road, spoke of Resolution No. 01-23 and that she feels that Councilman Hayman was "grandstanding" with his comments

Councilman Hayman stated that someone brought this issue to him, as they felt that they were concerned for his safety and he was fearful.

Tina Hamilton, 4715 Woodland Avenue, spoke of the unhoused woman named Karen who died on the street and of the people on the streets who need shelter. She believes that the Administration needs to help with this situation.

The Honorable Mayor Barbarann Keffer

Good evening.

I wanted to note that today is Councilor Michelle Billups' birthday. Happy Birthday, Michelle.

This afternoon, we held the ribbon cutting ceremony for the all new Upper Darby One Center. The Center opened on the ground floor of the Municipal Building facing Garrett Road and is a great new resource for our

In addition, tomorrow, January 19th, we will be hosting a public meeting in the One Center from 7-9pm for community input on the all-wheels, ADA accessible skate park planned for Observatory Hill. We want to hear ideas from any Upper Darby residents who would like to come join us for a friendly discussion with 5th Pocket skate parks, and Upper Darby Township.

Lastly, tonight, we will be voting on the acquisition of a property on Wycombe Avenue. I encourage council to vote yes on this Ordinance, as it will be a much needed public works location. Joe Martin, our Director of Public Works, is here tonight to speak on why this acquisition is so important.

That concludes my message. Thank you.

Director of Public Works, Joseph Martin

“I would like to thank the Mayor and the members of Council for letting me speak tonight on the possible purchase of the property on Wycombe Avenue, Ordinance No. 3133.

In July of 2021, the Sanitation Division moved into 8511 Lansdowne Avenue, which the Highway Department occupied. The Highway Division moved down by the Watkins Center.

8511 Lansdowne Avenue used to have about 30 employees and 15 trucks. It also houses our Sewer Division and Construction Division. It also was where we store the Township salt. We currently have a temporary salt bin at the Marshall Road Field.

8511 Lansdowne Avenue now has 75 employees and over 40 trucks. That number goes up in the summer when we hire seasonal employees, not to mention the personal vehicles the employees drive to and from work. The acquisition of the property at Wycombe Avenue would make it possible to move several Public Works Divisions to the new yard.

I would like to thank all of the employees that have worked in this tight space for the last 18 months. I believe this new property would help us better serve the residents of Upper Darby. Thank you for your time.”

President of Council, Brian K. Burke

Council President Burke spoke of the benefits of the acquisition of 0 Wycombe Avenue.

He asked if the Administration had an idea of when the Audit for 2021 would be available

Mayor Keffer stated that everyone is working very hard and there will be a meeting with Maille this week. She added that there is currently a conversion from the AS400 to OpenGov with training planned for future dates.

Council President Burke asked the Solicitor what happens when certain Ordinances are not followed.

Solicitor Kilkenny stated that Ordinances are laws enacted by Upper Darby Township. Council and the Administration should do their best to follow those laws, but if anyone believes that those laws are not being followed, they should bring it to the attention of Council and the Administration. If that does not result in the issue being cleared up, the Solicitor recommends that the aggrieved party can file a mandamus action in the Delaware County Court of Common Pleas asking the Court to say that Upper Darby should follow their law. Solicitor Kilkenny stated that his role is legal advisor for the Township and when asked to review Ordinances, the Charter and the Code, he gives the best opinion that he can.

Treasurer's Report: Treasurer, David Haman

There was no Treasurer's Report

COMMITTEE REPORTS

Finance and Appropriations Committee

Chair: Laura A. Wentz

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

Public Hearing for Ordinance No. 3133, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing the purchase by the Township of 0 Wycombe Avenue, Lansdowne (Upper Darby Township), Delaware County, Pennsylvania, 19050. Tax Parcel Numbers 116-02-02245-00 and 16-02-02246-00, by the Township, contingent upon authorization of such purchase

Council Vice-President Wentz stated that there was an Executive Session earlier this evening where real estate and personnel issues were discussed.

Solicitor Kilkenny gave a brief on Ordinance No. 3133

Council President Burke convened the Public Hearing.

Speakers:

There were no speakers.

Council President Burke closed the Public Hearing.

Council comments and questions:

HT wanted to confirm that no trash trucks would be parked at the property.

MS wanted to confirm that there were no liens on this property and Solicitor Kilkenny stated that there are not.

Solicitor Kilkenny gave details about the sale.

Solicitor Marsini stated that any outstanding taxes would all be resolved before the sale

LW asked for clarification as to what exactly would be going there.

Joe Martin stated that some of the smaller divisions such as Sewer, Construction or Street Cleaning could go down there, along with one of the salt bins.

Motion to adopt Ordinance No. 3133: LW/AH

Moved and seconded. All in favor. Ordinance No. 3133 is adopted.

Community Engagement Committee

Chair: Hafiz Tunis Jr.

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

Chair Tunis asked Council members for bios or recommendations for March awards for Irish Heritage and Women's History Month. He would like to set up a meeting for the Committee next week.

Resolution No. 01-23, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, rejecting and condemning hateful expressions of intolerance that are contradictory to the values that define the people of Upper Darby Township

Solicitor Kilkenny gave a reading of Resolution No. 01-23.

Motion to approve Resolution No. 01-23 as amended: AH/SS

LW stated that as Chair of the Finance Committee, she has great concerns that the Resolution talks about appropriating funds for security without any clarification of what the security is , the amounts for the security and where the funds would be coming from.

LW made a Motion to TABLE this Resolution as she feels that it needs more discussion.

MW seconded the Motion.

Council President Burke stated that because there is a Motion to table this Resolution, he would end the debate and there would be a vote.

Solicitor Kilkenny stated that the vote to table the Motion should be taken.

AH stated that this was never done before.

Council President Burke stated that he has spoken to the Solicitor about this and if something is tabled, the discussion ends.

Mayor Keffer called for a point of order and asked where that is cited.

Solicitor Kilkenny clarified that it is in Roberts Rules of Order and not the Home Rule Charter or the Administrative Code. He added that Council has never followed that exactly.

Council President Burke stated that it would be followed at this meeting.

Moved and seconded.

A roll call vote was taken. 5 in favor: (BA, LF, BB, MW, LW) 5 opposed: (AH, DB, SS, MS, HT)

A five-minute recess was taken to allow Secretary Billups to decide on her vote.

Secretary Billups voted no on tabling the Motion as it was decided during the recess that some of the language in the Resolution would be changed. Therefore, the vote was five in favor and six opposed.

The Motion to table FAILS.

Solicitor Kilkenny stated that if someone wants to amend the Motion, then the people who made the Motion and the second would have to accept those amendments to the Resolution as read.

BA made a Motion to amend the Resolution by having the 5th "Whereas" clause stricken and in the 4th "Whereas" clause where it says, "Whereas, nationally various acts of intimidation and violence have been motivated by white supremacy," Council would like to change that to just "racially motivated attacks."

DB seconded the Motion.

AH, who made the original Motion and SS, who seconded the original Motion agreed to the amendments. SS referenced the attack in New Zealand and Upper Darby of Muslim Mosques and wanted to add that to the Motion in the 4th "Whereas" clause.

LW and MS asked for additional word changes to the beginning of the 4th "Whereas" clause to read "Whereas", nationally and locally, various acts of intimidation and violence have been motivated by hate groups....

AH stated that he is comfortable with removing the last sentence in the 5th "Whereas" clause but feels that the rest of the clause should remain.

LW stated that she had concerns with the Resolution, including the cost of increasing security and stated that there are currently three Police officers at the meetings when there used to be one.

Moved and seconded.

A roll call vote was taken. 10 in favor. 1 abstained (MW)

Resolution No. 01-23 is approved.

Solicitor

Nothing to report

Old Business

MW spoke of the very successful Music Bingo event at the American Legion and thanked everyone involved. HT thanked a number of people for their participation in the event and is looking forward to working together on future events.

New Business

HT reminded Council about the submission of names for the Irish Heritage Month and Women's History Month. He stated that there would be more information at the next meeting regarding the Black History Month Poetry Contest.

MB added that the 25th is the cutoff date for the poetry submissions and awards will be presented at the February 15, 2023 Council Meeting.

HT stated that if anyone has any CYO connections, they would like to involve the Catholic schools this year.

Adjournment

Motion to adjourn: HT/LW Moved and seconded. All in favor. The meeting adjourned at 8:52 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
ORDINANCE NO. 3133**

AN ORDINANCE OF UPPER DARBY TOWNSHIP , DELAWARE COUNTY, PENNSYLVANIA, AUTHORIZING THE PURCHASE BY THE TOWNSHIP OF 0 WYCOMBE AVENUE LANSDOWNE (UPPER DARBY TOWNSHIP) DELAWARE COUNTY, PENNSYLVANIA 19050; TAX PARCEL NUMBERS 116-02-02245-00 AND 16-02-02246-00, BY THE TOWNSHIP, CONTINGENT UPON AUTHORIZATION OF SUCH PURCHASE.

Upper Darby Township hereby ordains:

WHEREAS, Upper Darby Township desires to acquire the property located at 0 Wycombe Avenue, Lansdowne (Upper Darby Township) Delaware County Pa 19050. Tax Parcel numbers 116-02-02245-00 and 16-02-02246-00 , approximately 1.02 acres (combined) with a single story light industrial building containing 5,088 square feet of gross building area for the benefit of the residents of Upper Darby Township. for the sum of six hundred and twenty thousand dollars (\$620,000.00) and any reasonable costs associated with this purchase.

WHEREAS, Section 701(C) (6) of the Townships Home Rule Charter requires the Township Council to enact an ordinance to purchase any real property and

WHEREAS, the Township Council desires to enact this Ordinance to authorize and approve the acquisition of this property.

NOW THEREFORE be it and it is hereby ORDAINED by the Township Council of Upper Darby and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. AUTHORIZATION

A. The Township Council of Upper Darby hereby authorizes and approves the acquisition of a fee simple interest in the property, pursuant to an agreement of sale to be entered into between the Township and the owner and hereby approves the acquisition price for the property of six-hundred and twenty thousand Dollars (620,000.00)

B. The Mayor of Upper Darby Township is hereby empowered to execute all documents required to acquire the property.

II. REPEALER

All ordinances or resolution or parts thereof inconsistent or in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts are hereby specifically repealed

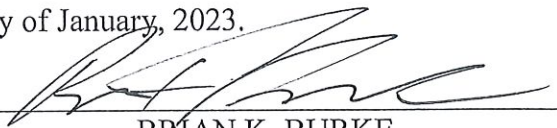
III. SEVERABILITY

In the event that any section, sentence, clause or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction such declaration shall not prevent or otherwise foreclose the validity of the remaining portions of this Ordinance

IV. EFFECTIVE DATE

This ordinance shall go into effect immediately

ENACTED AND ORDAINED this 18th day of January, 2023.

By: 
BRIAN K. BURKE
President of Council

Attest: 
MICHELLE BILLUPS
Secretary of Council

Ordinance No. 3133 above is hereby approved this 18th day of January, 2022

By: 
BARBARANN KEFFER
Mayor

Attest: 
ALEXIS CICCHITTI
Chief Municipal Clerk

RESOLUTION NO. 01-23

UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, REJECTING AND CONDEMNING HATEFUL EXPRESSIONS OF INTOLERANCE THAT ARE CONTRADICTORY TO THE VALUES THAT DEFINE THE PEOPLE OF UPPER DARBY TOWNSHIP

WHEREAS, Upper Darby Township (the "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 embodies its motto, "*The World in One Place.*" The Township is, and endeavors to remain, welcoming and safe for residents of all faiths, nationalities, ethnicities, sexual orientations, and gender expressions and,

WHEREAS, the Township Council ("Council") condemns racism, antisemitism, Islamophobia, xenophobia, homophobia, transphobia, and other forms of discrimination. Council finds these hateful expressions of intolerance contradictory to the values that define the people of Upper Darby Township and the ideals of the United States of America, established in 1776 just a few miles from this Township under the principle, "all men are created equal." In 1848, this principle was updated in 1848 to include all people explicitly; and,


WHEREAS, nationally and locally, various acts of intimidation and violence have been motivated by hate groups, including the shooting that killed nine (9) African-American worshippers at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, on June 17, 2015, and the perpetrator of the shooting that killed eleven (11) Jewish worshippers at Tree of Life synagogue in Pittsburgh, Pennsylvania, on October 27, 2018; and, the 2019 New Zealand Mosque shooting and the anti-Muslim rhetoric and signs at the Upper Darby Mosque in 2017

WHEREAS, Council recognizes and supports the right of its residents to attend and participate in public meetings. Council also embraces inclusive patriotism and welcomes immigrants worldwide who have continuously enriched our Township. In furtherance of these rights, Council explicitly rejects hateful expressions of intolerance,

NOW, THEREFORE, BE IT RESOLVED, Upper Darby Township Council rejects any and all hateful expressions of intolerance that are contradictory to the values that define the people of the United States and this Township and

BE IT FURTHER RESOLVED that Township Council supports appropriating resources or funds to increase security at all community meetings, as needed. It encourages all members to stand up to hate whenever and wherever it makes its presence known.


ADOPTED and RESOLVED this 18th day of January, 2023

BY: 
BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 01-23 is hereby approved this 18th day of January, 2023

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICCITTI
Chief Municipal Clerk