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January 27, 2021

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MINUTES FOR JANUARY 27, 2021 COUNCIL MEETING

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 for those that have been lost

Opening of Meeting

Roll Call

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

Present at the Meeting

Barbarann Keffer, Mayor
Vincent A. Rongione Esq., CAO
Sean P. Kilkenny, Esquire
Courtney N. Richardson, Esquire
Alison Dobbins, Director of Special Projects
Alexis Cicchitti, Chief Municipal Clerk
Mike Galante, Township Engineer
David Haman, Treasurer

Rules for Meeting Decorum

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

Approval of the Minutes for December 2020

Approval of the Minutes from the Council Meeting of 12-9-20	RG/SS Eleven in favor
Approval of the Minutes from the Council Meeting of 12-16-20	RG/SS Eleven in favor
Approval of the Minutes from the Special Meeting of 12-31-20	RG/SS Eleven in favor

The December 2020 Minutes are approved.

Public Forum

Frank Kefferson, 11 College Avenue, concerns about Fire Department
CAO Rongione stated that he will speak with the Fire Chief for more information and added that the Township has not given up on volunteer firefighting. The individual fire companies are individual non-profits that recruit and manage their own volunteers. Decisions regarding distribution of apparatus were made years ago by the former Administration for different houses to divide the apparatus and have different houses provide different functions. He stated that he is not aware of any changes made by this Administration of that type although the

Mayor did engage DCED to do a study of our entire Fire Department and all our fire operations. The research portion of that has been completed and the Administration is waiting for the final report from DCED. At that point, there will be information from the state government on how they think our Fire Department is organized and how they think it is running and what the best practices are.

Charles and Mary Marvil, 614 Orchard Way, against change in zoning for the Thompson Tract
CAO Rongione stated that it is important to know that anyone is free to apply for a zoning variance or special exception. The fact that someone has submitted an application does not indicate anything one way or the other about the application's likelihood of succeeding or the Administration or Council's support or opposition to an individual application. Although the resident has the right to voice concerns, objecting to the "consideration" of the application is a little bit problematic as people have a right to put applications before the Zoning Hearing Board and neither the Administration nor the Council can stop them from that.

Rob Hughes, 308 Shadeland Avenue, concerns with Resolution No. 04-21
Solicitor Kilkenny stated that on an annual basis, fees are reviewed to approximate the cost of implementation of those fees to determine if they are appropriate. It was decided that it would be appropriate to put all of the various fees in one document rather than in all separate Resolutions.

Mary and John Hatfield, 11 Arbor Lea Road, reservations regarding the proposed sale of the Thompson Tract
The CAO stated that the Township does not own the Thompson Tract. It is privately owned land and the owner desires to develop that land or sell it to someone else to develop it.

LF suggested that the Administration have the Solicitor at the next Zoning Hearing to defend the Ordinance for the RFC Zoning Code for Upper Darby for the Thompson Tract to oppose the 249-unit apartment complex

Andrew Menta, 820 Shadeland Avenue, against Resolution No. 04-21

Patrick Cameron, 509 Maine Avenue, opposed to zoning change for Thompson Tract
Jacques and Emile Latini, 715 Elm Tree Road, against zoning change for Thompson Tract

Tom Tauber, Interim Vice-President, Roselawn Civic Association, 135 Hilldale Road, opposed to re-zoning of Thompson Tract

The CAO stated that neither the Administration nor Council hears zoning applications so the decision is made by the Zoning Hearing Board. These concerns are valid and should be heard by the Zoning Hearing Board when there is a pending application. There is no pending application for the development of this property. An application was submitted for January but was pulled from the Agenda. The Administration's understanding is that the development has agreed to meet with the group and certain members of Council.

BB asked if the apartment complexes across the street are in the RC zone from 1985 or if they were built before 1985.

CAO Rongione replied that he was not sure if they are in the zone or if it is a pre-existing non-conforming use.

Terry Bradley, 1213, concerned about diseased tree

TW stated that he has limited knowledge of this. He stated that the original tree was removed but this is another tree on another neighbor's property that is now the issue

LW stated that the Shade Tree Commission's role is finding places in the Township where trees can be planted and helping the facilitation of that. Hazardous trees go through the Township and not the Shade Tree Commission.

Solicitor Richardson stated that she has spoken to the constituent on Monday. If two homeowners have a dispute regarding any trees on the property that are not considered hazards, that is a civil matter and should be addressed in court. The Township has two reports in their possession, neither of which have stated that the tree needed to be taken down. In addition, L&I has not issued any demand letters regarding this particular property. In addition, included in the report that was submitted by both property owners, one that is affected and one that the tree is actually on their property, the report actually says there are no signs of rot or deterioration. Those are the “key and magic words” that are important for the Township as the Township does not litigate or get involved in personal property disputes between two owners. Regarding the Right-to-Know request, the right to know in Pennsylvania does not recognize FOIA. The requests that were received and docketed on Monday have a five-business days response time. However, from those 5 days, the Township will probably need an additional 30 days as the Township is still operating under COVID protocol, which does allow for an additional 30 days. The Township is more than willing to provide the requested documents.

BB asked the Solicitor if a homeowner had the right to cut down tree limbs that go on their property and the CAO responded that they could.

TW stated that the resident was extremely concerned about the condition of the tree and he wondered if the Township could send an arborist out to examine the tree.

Solicitor Richardson stated that both property owners submitted reports from arborists and neither of those reports stated that there was tree rot or decay in a manner that would cause the tree to fall.

Richard D’Ulisse Jr., 318 Childs Avenue, opposed to Resolution No. 04-21

Joseph and Christy Troy, 507 Maine Avenue, opposed to zoning change to the Thompson Tract

LW asked if Council would feel comfortable with receiving the comments but not reading all of them this evening as nothing can be voted on in reference to the comments.

Motion to approve: RG/DB

Solicitor Kilkenny recommended not doing that as people have a right to petition their government and that all comments should be read.

LW withdrew her Motion along with RG

Frank Devers, 611 Orchard Way, opposed to zoning change to the Thompson Tract

Joe Clark and Sadie Thomas⁷⁵, Houston Road, concerns about Resolution No. 04-21

Solicitor Kilkenny reiterated that all of these fees were already on the books and that only three were adjusted. This is a consolidation of existing Resolutions and Ordinances that have already been passed.

BB suggested that there was never a permit for fencing. Solicitor Richardson replied that the fencing fees were included in Ordinance No. 3055, which was passed in March 2019 and that the only fees that were included were the property maintenance and the vacant property license in Section 5 and 6 of the Resolution.

Spero Pappas, 2423 Cedar Lane, opposed to Resolution No. 04-21

Donald Procopio, 514 Montana Avenue, opposed to zoning variance for the Thompson Tract

Nicole Kelly, 500 California Avenue, opposed to zoning variance for the Thompson Tract

Helen Wilson, 903 W. Penn Pines Blvd, opposed to the development of the Thompson Tract

Larry and Anita Mellon, 511 Maine Avenue, opposed to the development of the Thompson Tract

Frances Russel, 725 Roselawn Avenue, opposed to the development of the Thompson Tract

Joanne Boyle, 12 Arbor Lea Road, opposed to the development of the Thompson Tract

(Tamuno) Emmi Nwosu, 754 East Providence Road, opposed to zoning changes

LW stated that the developers plan on meeting with the residents and encouraged the residents to express their concerns at the Zoning Board Hearing

LF requested that if this goes before the Zoning Hearing Board, she requests that the Administration have the Solicitor to defend the Ordinance for the RC3 Zoning Code of Upper Darby Township for the Thompson Tract to oppose the apartment complex.

BB believed it would be on the February 25th Zoning Hearing.

Mayor Keffer stated that the Agenda for that meeting is usually set approximately 2 weeks in advance and she is not sure if it is on the Agenda. She added that the Administration has to decide whether or not to step in by sending the Solicitor to the Zoning Hearing Board Meeting.

The Honorable Mayor Barbarann Keffer

Mayor's Message

January 27, 2021

Good evening everybody,

A couple of updates:

After the court mandated county reassessment, the Township was required to adjust the millage rate to ensure that there was not an increase in revenue based on the new assessment values. The tax millage rate was originally passed at 13.25 by Council to give us some flexibility if the County Reassessment totals continued to change. I am now pleased to announce that my administration was able to FURTHER adjust the millage rate down to 13.14. The tax millage rate has been fixed at 13.14, which is less than our comfort-projection of 13.25. Tax bills are being processed now and will be mailed soon. I appreciate your patience as we worked through the county reassessment and took this opportunity to do some quality control within our own data.

I would like to go over some details of our residential recycling program. Upper Darby has an unfunded state mandate to have a residential recycling program. Due to a legacy contract, we taxpayers pay \$150 per ton for contaminated recycling and \$90 per ton for regular recycling. According to Waste Management, our recycling handler, 90% of the contamination of UD's recycling is caused by plastic bags. Please place your recyclables

loosely into a recycling container and not in bags. Please do not recycle pizza boxes. Recyclables in plastic bags and pizza boxes will be treated like regular trash and **will not be collected** in the recycling truck. If you need a recycling container, please call or email the Mayor's Request Line at 610-734-7625 or requests@upperdarby.org. Thank you for doing your part to ensure that we are not being charged for contaminated recycling.

A trash and recycling newsletter detailing our recycling program and outlining the Township Trash and Recycling holidays should arrive at your home this week. There are no changes to your trash and recycling schedule and the next Township Trash & Recycling Holiday is Monday, February 15th.

We have started the process of attaining SolSmart designation for our township. SolSmart is a national program run through the Department of Energy and it provides official recognition that a community has worked to remove obstacles to solar energy development, which helps attract economic development and new jobs. One of the first steps is a public statement: and I will read from ours:

On behalf of Upper Darby Township, I am proud to announce our commitment to become a SolSmart-designated community. In partnership with the SolSmart team, Upper Darby's dedicated staff members will work to improve solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our local government time and money.

Upper Township Township will leverage SolSmart to achieve the following goals:

- To attain Gold Level status within in the SolSmart parameters
- To make the necessary code and permitting changes to create a solid solar-friendly program
- To invest in solar projects within our capital improvement plan

We have openings on the Shade Tree Commission. This commission focuses on the planting and maintenance of trees on public property throughout the township. If you have an interest in greening up our township, please send your resume and a letter of interest to mayor@upperdarby.org.

Thank you and have a great evening.

Appointments

Resolution No. 06-21, a Resolution of Upper Darby Township, Delaware County, confirming and appointing members to the Upper Darby Industrial Development Authority; providing terms; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and an effective date

Tom Wagner was appointed on January 17, 2018 for a term expiring January 1, 2022; and

John McMullan was appointed on December 19, 2018 for a term expiring January 1, 2023; and

Dr. Johanne Louis is appointed to serve for a three-year term expiring January 1, 2024; and

Gary Merron is appointed to serve for a four-year term expiring January 1, 2025; and

Hafiz Tuniz, Jr. is appointed to serve for a five-term expiring January 1, 2026.

Motion to approve Resolution No. 06-21: MS/RG

DPB acknowledged that the Mayor had solicited interest among the community members to put their names in for consideration of an appointment. His concern was that he did not receive resumes for three of the nominees and he was curious about their qualifications to be on this Board. It was discovered that there was a miscommunication as to who was sending the resumes out and they ultimately did not get sent to Council. The resumes were immediately sent via email to all Council members.

CAO Rongione stated that there are no specific qualifications for the Board and those who are being appointed do qualify as they each have various backgrounds of expertise.

DPB requested resumes and narratives from the applicants in the future.

Moved and seconded: Ten in favor, one opposed (DPB). Resolution No. 06-21 is approved.

President of Council, Laura A. Wentz

LW thanked Council members for passing Resolution No. 02-21 at the last meeting and hopes for a peaceful transition of power and a safe inauguration on January 20, 2021.

COMMITTEE REPORTS

Municipal Services, Licensing and Public Works Committee

Co-Chairs: Sheikh M. Siddique & Hafiz Tunis Jr.,

Members: Thomas P. Wagner Brian K. Burke

Public Hearing for Ordinance No. 3091, an Ordinance of Upper Darby Township amending Ordinance No. 2972 regarding the annual report due date for refuse and recyclables collected by commercial landlords and other applicable persons

Solicitor Richardson gave a brief on Ordinance No. 3091.

Council President LW convened a Public Hearing.

There were no public comments. Therefore, the Public Hearing was closed.

Motion to approve Ordinance No. 3091: SS/RG

DPB asked if this applied to all entities who are not eligible to have trash picked up by the Township.

Mayor Keffer stated that this refers to commercial properties and it does not matter if we pick up their trash.

They are also required to do re-cycling and the Township is just asking for their data back. She further added that other entities such as the school district and churches are also included in this. The data collected goes towards the Township's 904 Performance Grant.

DPB asked how they would be able to type and weigh their refuse.

Mayor Keffer stated that the businesses have a handler and that could be Opendaker or B&L or whomever. The Solid Waste companies weigh what they collect at the Solid Waste Authority and they are required to keep track of that. They are charging the businesses so they have the data.

DPB further asked what happens if a business uses trash cans and they are picked up along a route by a trash service that picks up many other commercial establishments. He asked how they would weigh that.

Mayor Keffer stated that it is a good question but she cannot answer it in its entirety at this time. The Township is trying to reorganize and clarify commercial recycling within the Township.

DPB expressed his concerns for the businesses who do not have a dumpster that can be weighed because their trash is part of a route. They still have the obligation according to this Ordinance.

Mayor Keffer responded that they ALWAYS had the obligation to comply with reporting. This Ordinance only changes the date that it is due.

DPB asked again if they are currently required to type and weigh, as he does not understand how they do that.

CAO Rongione stated that there is no penalty for non-compliance but it is helpful to the municipality if they comply and report the data back as the Township gets money back from the state through the Performance Grant. As of right now, the response rate is about 2% so there is a lot of money being left on the table.

The idea is to educate and encourage more people to voluntarily comply.

Moved and seconded. A roll call vote was taken.

Eleven in favor. Ordinance No. 3091 was approved.

Finance and Appropriations Committee

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

Members: Danyelle Blackwell & Brian Burke

Treasurer's Report: David Haman, Treasurer

*See attached

Motion to approve Treasurer's Report: DB/RG Moved and seconded. The Motion is approved.

Resolution No. 04-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, to provide a fee schedule for the Department of Licenses and Inspection; repealing all Resolutions and parts of Resolutions inconsistent herewith; providing a severability clause, and providing an effective date

Solicitor Richardson gave a brief of Resolution No. 04-21

Motion to approve Resolution 04-21. No one moved. LW suggested a discussion amongst Council members.

BB asked if this went through the Municipal and Licensing Committee before it came to the meeting.

LW stated that it is under the Finance Committee on the Agenda. BB suggested that it should have gone through the Municipal and Licensing Committee and wanted to TABLE this Resolution.

Motion to table: BB/DPB

MS felt that the fees were unclear and required review and that Council should address some of the more glaring things that need clarification.

CAO Rongione stated that he believes that there might still be some confusion as this is only a consolidation of existing fees that currently exist in Township law.

LW stated that Council did not get their hands on this Resolution until a few days ago and that there were several points of confusion that needed to be addressed. She agreed that consolidation is a good idea but feels that there is too much confusion.

CAO stated that he understood that. However, he added that he takes exception to the comment about the drafting. He stated that the Solicitors do an excellent job on drafting and he thanks them for their excellent work.

MS stated that he is not blaming anyone but still feels that some things are not clear. He would like a review before voting.

BB would like to call the question for tabling.

HT asked to make a comment.

LW stated that there has only been limited discussion on the tabling.

BB replied that there was a first and a second and now he is asking for a call for a vote.

LW asked for a Motion to *call the question* to table Resolution No. 04-21.

BB/TW LW asked how many were in favor.

HT stated again that he had his hand up to ask a question and MS stated that he is opposed to calling the question.

LW stated that there were nine in favor and two opposed. (HT, MS) Motion to call the question passes and she explained to HT that the Motion to call the question happened BEFORE she got a chance to call on him.

Moved and seconded to *table* Resolution No. 04-21. A roll call vote was taken.

Ten in favor, one opposed (HT) Motion to table Resolution No. 04-21 is approved.

LW suggested that the Finance and Appropriations Committee and the Municipal Services, Licensing and Public Works Committee meet to discuss this Resolution. The Committees will meet separately so as not to have a quorum, but information will be shared.

Solicitor Kilkenny recommended adopting this consolidation by Ordinance but perhaps adding language where it could be adjusted from time to time by Resolution if the enabling legislation provides for that. He further stated that his office is available for input.

Resolution No. 05-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the submission of the application for funding from the Commonwealth of Pennsylvania Department of Economic Development and Commonwealth Financing Authority Multimodal Transportation Fund for the purpose of improving pedestrian connectivity and placing a sidewalk at Market Street and Powell Lane

Solicitor Kilkenny gave a brief on Resolution No. 05-21.

Motion to approve: SS/DB Eleven in favor. Resolution No. 05-21 is approved

Solicitor

Solicitor Kilkenny stated that his office has been working on Right-to-Know requests, the Drexeline Land Development and the matters that were here before Council. He is hopeful that in the next couple of weeks, there will be a final Resolution for the Drexeline Land Development.

Old Business

DPB brought up the issue of changing the format of the meeting to give people the opportunity to participate live during the Public Forum portion of the meetings and wanted to know if any advancement and consideration has been made to allow that.

LW apologized and added that she has not yet had an opportunity to speak to the Mayor and the Administration about the practicality to be able to do that. She added that residents do have a chance to address the Council. DPB stated that he sees no reason why we cannot do as the Zoning Hearing Board does with allowing people to participate.

MB replied that they get their Agenda a week or two in advance and Pam Marino asks them to send their request to her if they want to speak.

Solicitor Kilkenny added that the Zoning Hearing Board falls under a different set of laws than Council does. Zoning applications have to be advertised by law several weeks in advance multiple times per the Pennsylvania Municipalities Planning Code. Our Charter says that the Council Agenda should be posted at noon the day before a meeting so the requirements of notice are different for those two bodies.

DPB stated that this is not necessarily an Agenda related issue as a resident may just want to speak on a random topic. He again stated that he believes there should never be a limit of time on the numbers of people to have an opportunity to speak. He stated that it has always been the practice to allow everyone who signed in to speak.

DPB and LW disagreed on the time allowed in the past for speakers at the Public Forum.

HT agreed with DPB that the Public Forum is extremely important. He believes that DPB is not familiar with how ZOOM works and believes that people have ample opportunity to have their comments submitted at this time. MS agreed with HT's comments.

SS brought up an issue in his district with a tree that is infringing on properties. The Township sent a letter to the resident in 2020. SS stated that he had called the Request Line but nothing has happened so far. LW advised him to contact the Request Line with the tracking number that was provided. SS had more questions and the Mayor advised him to contact the Mayor to discuss the issue.

RG asked if there was any update on St. Eugene's. Solicitor Kilkenny stated that the appraiser's office has been ravaged by COVID so they have not been able to proceed.

RG also asked for an update on Lynn Blvd. The CAO stated that it is re-opened.

He further asked about the areas in the Township who had street work completed and wondered what the vendor's timetable might be for the curb to curb paving. The CAO deferred to Mike Galante.

Mr. Galante added that Aqua and/or PECO does work and either contributes to the Township for a full mill and overlay or they would do a half mill and overlay. The roads that RG referenced are scheduled for a full mill and overlay and ADA accessible curb ramps beginning at the end of February. He offered to circulate a map to Council for the scheduled work.

RG requested traffic studies on Sellers Avenue and Lakeview Road and was just following up. Mayor Keffer stated that those streets are on the list.

Mr. Galante stated that the traffic counter was now put on Owen Avenue to collect data. It will then go to Parkview.

RG expressed the concerns of a constituent from 2003 Marshall Road regarding speeding vehicles and a serious accident that occurred. This area is shared with Lansdowne so they would need to be involved as well.

Mr. Galante suggested that because Marshall Road is a state highway, he would get a copy of the vehicle accident in question and forward it to PennDOT for their input.

LF asked Mr. Galante for an update on the proposed Wawa on Oak and Bishop Avenues. Mr. Galante stated that it is under construction and that the developers submitted an amended site plan for the Planet Fitness location that is under review. L&I has been out there for inspections.

MB asked for updates on traffic studies.

SS expressed his thanks about the improvements to Cardington Field. He further asked about the issues with the sidewalks that are in disrepair.

Mr. Galante stated that there was some kind of litigation there. The project started 2-3 years ago and the funding was allocated to repair portions of the sidewalk that were not compliant. It was decided to focus on doing the maximum amount of sidewalk repair possible to maintain ADA compliance and acceptable standards for sidewalks in accordance with the Township Code and PennDOT Publication 408. Based on available funding and based on the scope of the project, the areas that needed to be made compliant were made compliant and the Walnut Street side and the adjacent section both needed all of the sidewalk to be done, approximately 90%. So, a conscious decision was made to do the whole stretch of road. Work was done on the side streets just to maintain compliance.

RG stated that he had a request from residents for police presence from Keystone and Beverly as well as Fairfield and Keystone as many people run through the stop signs at a high rate of speed.

MB requested that the 7200 block of Bradford Road be added to the list for a traffic study.

Mayor Keffer stated that they are working on a template so that everybody understands how they are determining whether a speed hump should be used and what the process is. It is not the answer for every traffic problem and it will be helpful to have a policy in place.

New Business

DB stated that effective as of 11am this morning, there has been a Domestic Terror Alert by Homeland Security and it is in effect until April 30, 2021 at 1 p.m. She felt that all of the residents should be aware of this.

LW asked for more information and DB stated that residents should go to the Homeland Security website for more information.

DB requested that when trash is dropped, that all residents work together to pick it up. She further added that the Darby Creek Valley Association would be doing a clean up on Saturday, April 10, 2021. For more information, contact Councilwoman Danyelle Blackwell.

MS is planning a clean up on Saturday, February 13, 2021 at 9am beginning at the Oakview trolley stop at the foot of Creek Road and they will be working on the hill along Creek Road from the corner of Dennison, Blanchard and Creek working down Creek Road.

RG stated that the Zoning application for 41 Union Avenue has been withdrawn.

HT announced that on behalf of the Event Planning Committee, a social media plan will be rolled out during Black History Month to honor Black women who have done things locally in Delaware County as well as nationally.

BB asked if there is a cost associated with Solar Smart. CAO Rongione stated that the Federal Department of Energy funds the program and they pick up the tab for the consultants and the administering of the certification so there is no fee to the Township. Part of the process is that you do score points toward certification if there are solar panels on government facilities. So, solar panels on stop signs or the Township building will score points toward the certification. It really starts with permitting or zoning and the idea is to encourage private investment in the solar industry to send a signal that Upper Darby is solar-friendly for residents and businesses. BB asked if there is a cost to getting a recycling container for residents. The Mayor stated that there is an inventory of leftover recycling containers that they would like to go through for residents. The Township also has stickers to put on a trashcan that would designate it a recycling receptacle.

DPB asked that the Township dispatch a crew to clean up the litter that is accumulating along Township Line between Bella Vista Road and the Speedway Gas Station as well as across from the Drexeline Shopping Center along State Road. This is all in the public right-of-way. He further requested that the ground signs posted by businesses and stapled on utility poles be removed.

Mayor Keffer stated that they are privately owned lands and the Township is in the process of ticketing. DPB stated that what he is referring to is a public right-of-way.

LW clarified the appropriate use of using the Mayor's Request line.

SS brought up the desire for speed humps on Powell Lane and asked that the Mayor include Powell Lane for future consideration.

Mayor Keffer stated that Powell Lane may be a state highway and again, a list is being built for traffic calming.

Motion to adjourn: SS/RG Meeting adjourned at 9:57 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. 06-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
CONFIRMING AND APPOINTING MEMBERS TO THE UPPER DARBY INDUSTRIAL
DEVELOPMENT AUTHORITY; PROVIDING TERMS; REPEALING ALL
INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A
SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE**

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

WHEREAS, the creation of the Upper Darby Industrial Authority (“Industrial Authority”) was authorized by Township Council in Ordinance 2923 in accordance with the Pennsylvania Economic Development Law, 73 P.S. §§ 371, *et seq.*;

WHEREAS, the Articles of Incorporation of the Industrial Authority provided that members of the Authority shall continue to hold office until his respective successor is appointed and qualified;

WHEREAS, Mayor intends to confirm the terms of the current members and appoint new members immediately;

NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council that

Tom Wagner was appointed on January 17, 2018 for a term expiring January 1, 2022; and

John McMullan was appointed on December 19, 2018 for a term expiring January 1, 2023;
and

Dr. Johanne Louis is appointed to serve for a three-year term expiring January 1, 2024; and

Gary Merron is appointed to serve for a four-year term expiring January 1, 2025; and

Hafiz Tuniz, Jr. is appointed to serve for a five-term expiring January 1, 2026.

INCONSISTENCY. All resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

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

EFFECTIVE DATE. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED AND RESOLVED this 27th day of January, 2021

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 06-21 is hereby approved this 27th day of January, 2021

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3091

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 2972 REGARDING THE ANNUAL REPORT DUE DATE FOR REFUSE AND RECYCLABLES COLLECTED COMMERCIAL LANDLORDS AND OTHER APPLICABLE PERSONS REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, on July 16, 2008 Upper Darby Township Council (“Council”) enacted Ordinance 2972 establishing a program for the collection of residential and commercial waste and single stream recyclable materials and establishing penalties for the violation of the Ordinance, *inter alia*; and

WHEREAS, Section 7(b) and Section 7(c) provides that Commercial Landlords and Persons or Entities conducting Community Activities that generate Refuse and/or Recyclables must file, an annual report no later than January 31st; and

WHEREAS, the Council desires to delegate the due date of the annual report to the Mayor and Administration; and

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

SECTION 1. Section 7(b) of Ordinance 2972 is hereby amended to state, “Commercial Landlords and Persons or Entities conducting Community Activities that generate Refuse must file, on a form provided by the Township, an annual report that lists the type and weight of Refuse that has been collected during the preceding calendar year. Said report must be filed with the Township by a date determined by the Administration.”

SECTION 2. Section 7(c) of Ordinance 2972 is hereby amended to state, “Commercial Landlords and Persons or Entities conducting Community Activities that generate Recyclables must file, on a form provided by the Township, an annual report that lists the type and weight of Recyclables that have been collected during the preceding calendar year. Said report must be filed with the Township by a date determined by the Administration.”

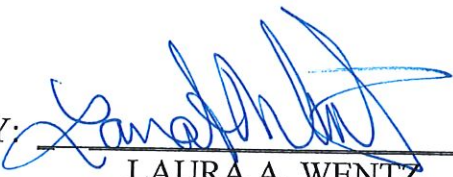
SECTION 3. Effective immediately.

This ordinance shall become effective immediately after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of Upper Darby Township.

SECTION 4. Repealer.

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ENACTED AND ORDAINED this 27th day of January, 2021

BY: 

LAURA A. WENTZ
President of Council

ATTEST: 

MICHELLE BILLUPS
Secretary of Council

Ordinance No. 3091 is hereby approved this 27th day of January, 2021

BY: 

BARBARANN KEFFER
Mayor

ATTEST: 

VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

Treasurer's Report to Upper Darby Township Council

Presented January 20, 2021

For Month-Ended December 31, 2020

This report includes two parts:

1. Report of the Township's financial position for the year ended Dec 31, 2020, and
2. An educational presentation on the Structure of Township Finances.

This report summarizes the Township's financial condition for the year ended Dec 31, 2020. I typically provide projections of our financial position through the remainder of the year in my monthly report; however, no projections are provided in this report because the 2021 Operating Budget provides the projection for the fiscal year at the start of the year.

In 2019, the Township's consolidated operating expense budget for 2020 was set at \$97,939,557 and the consolidated operating revenue budget was \$93,726,416. The budget included a spending plan for 4 governmental funds named the General Fund, Sewer Fund, Highway Fund, and Sinking Fund.

We ended the year having realized operating expenses of about \$87,091,406 and operating revenues of \$88,502,072, a surplus of \$1,410,666. I state "about" because issues with our aging technology have prevented our finance department from closing the books on 2020 as of the date of this report. I will provide final actual figures for 2020 in my February report.

Looking at our cash position, the Township's current cash reserve as of December 31, 2020 stood at \$5,394,429. The \$5,000,000 bridge loan approved by Council completes a \$10,000,000 reserve to meet Township obligations until we begin realizing property tax revenues.

We begin 2021 with a consolidated operating budget of \$91,792,620 projected revenue and \$91,729,892 projected expenses.

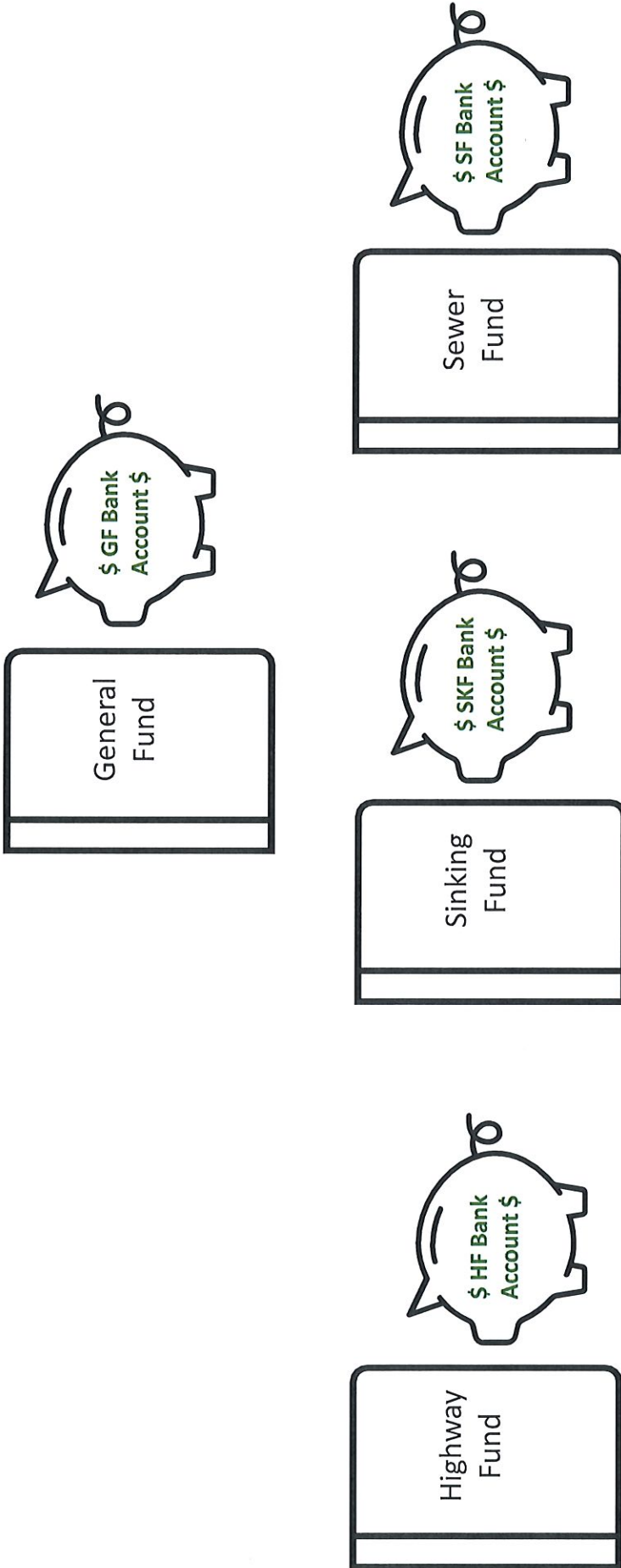


Upper Darby Township Treasurer's Report

January 20, 2021

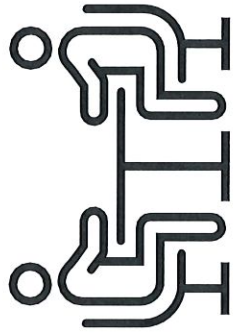
Dave Haman
Treasurer

UPPER DARBY TOWNSHIP
FINANCIAL STRUCTURE



4th Qtr 2020

Mayor's Office
Proposes the Budget

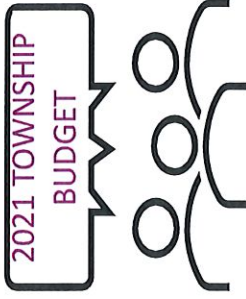


Council Passes the
Budget

\$91,792,620



Estimated
Revenues

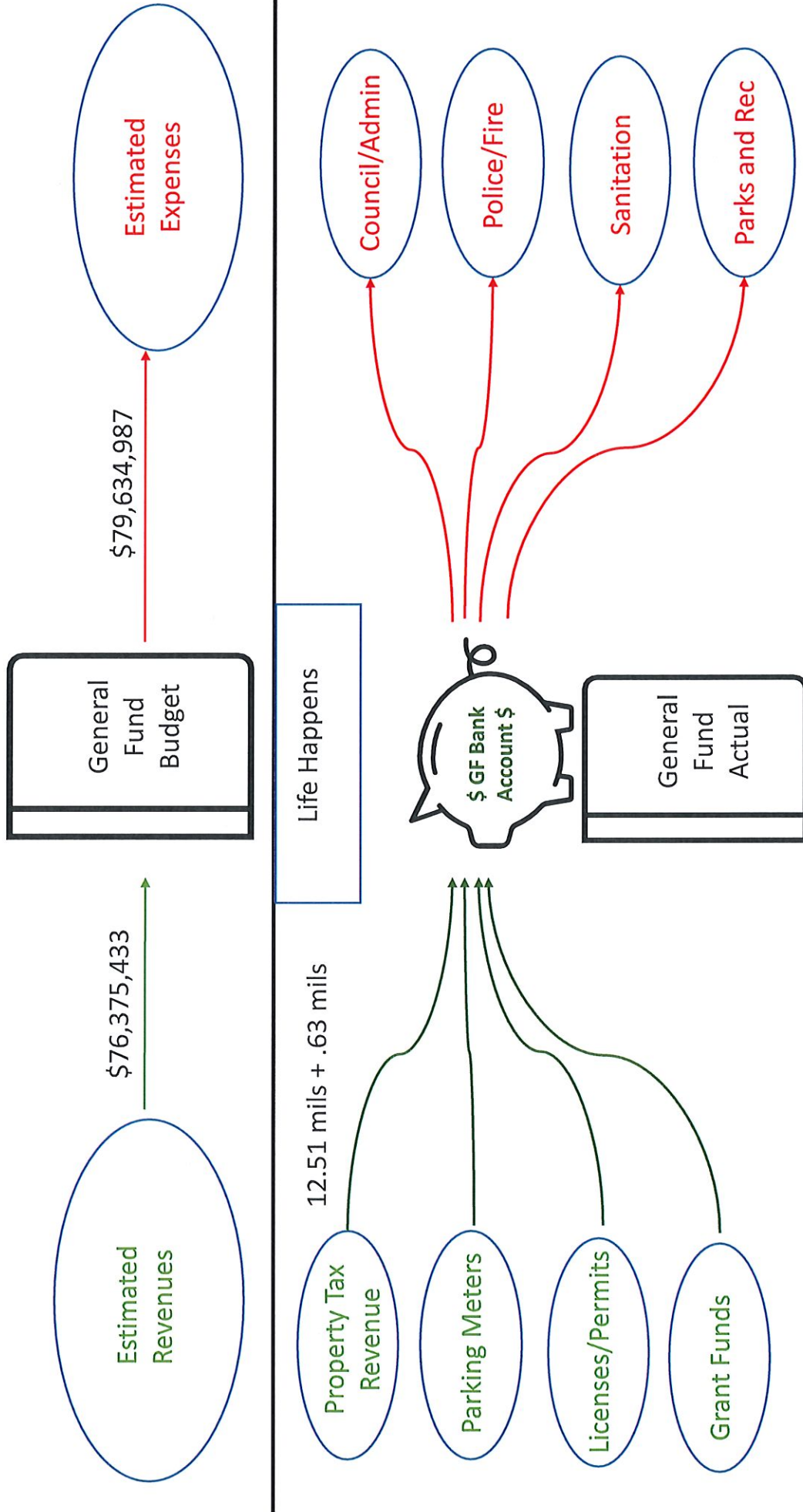


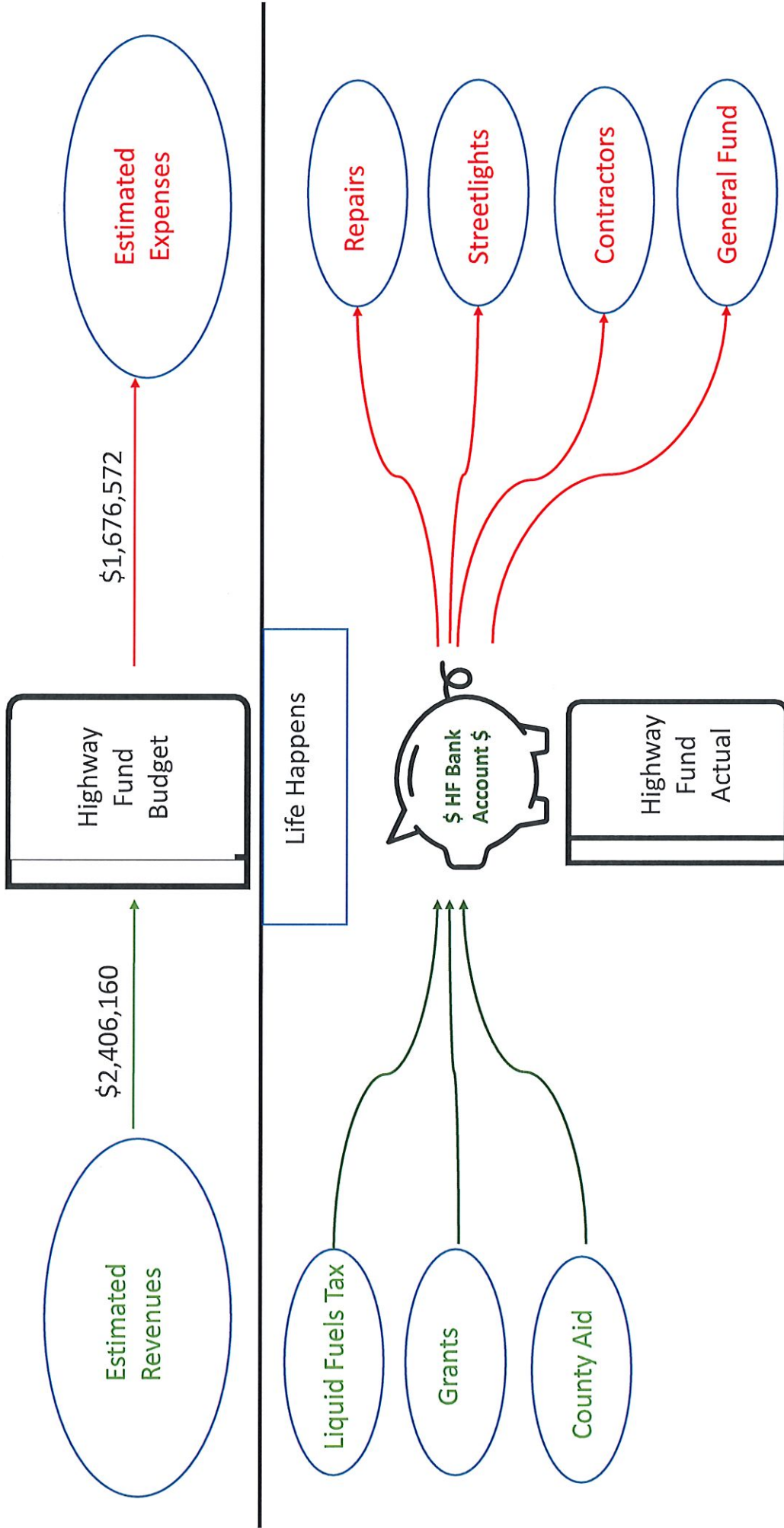
\$91,729,892

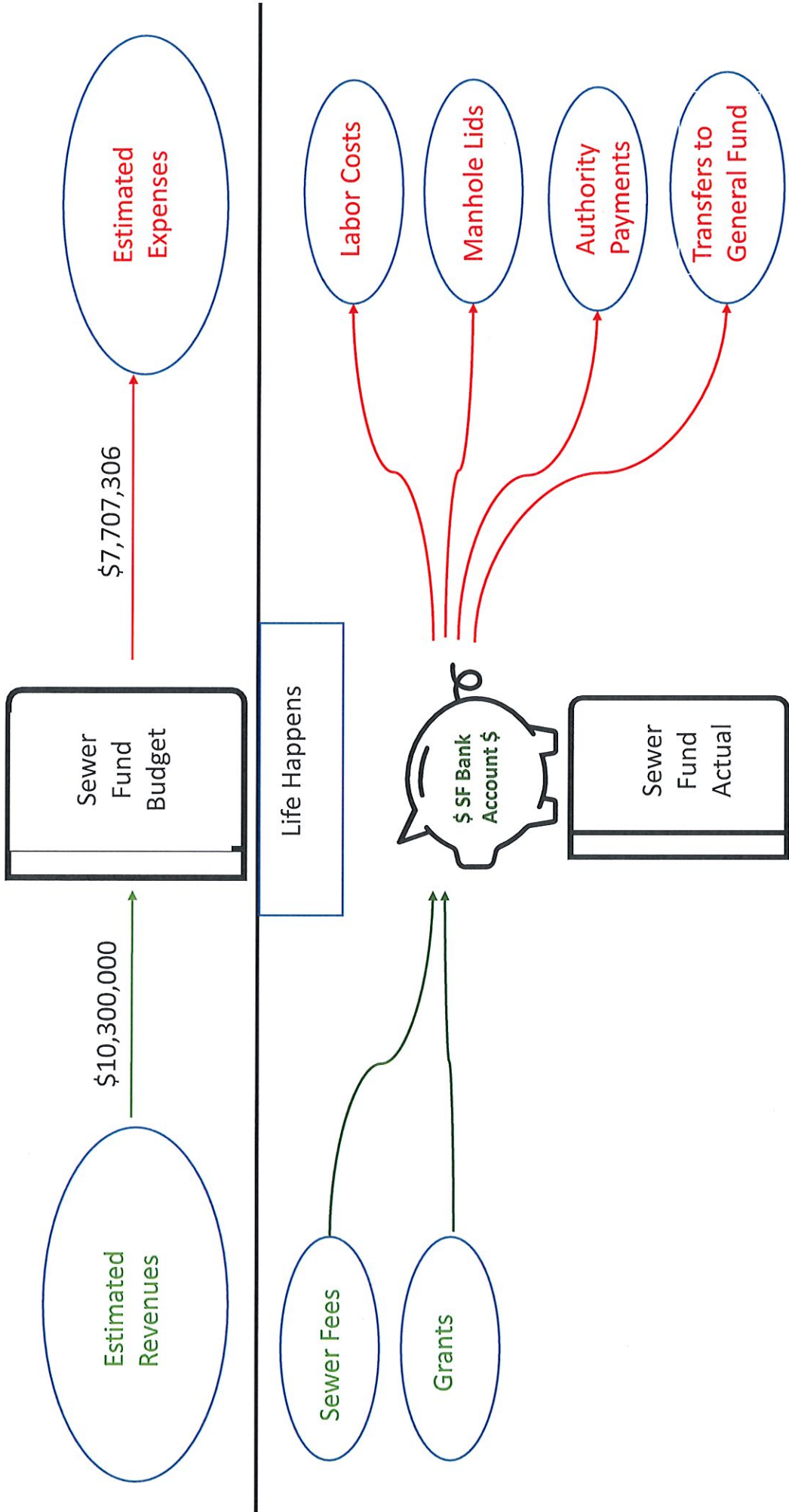


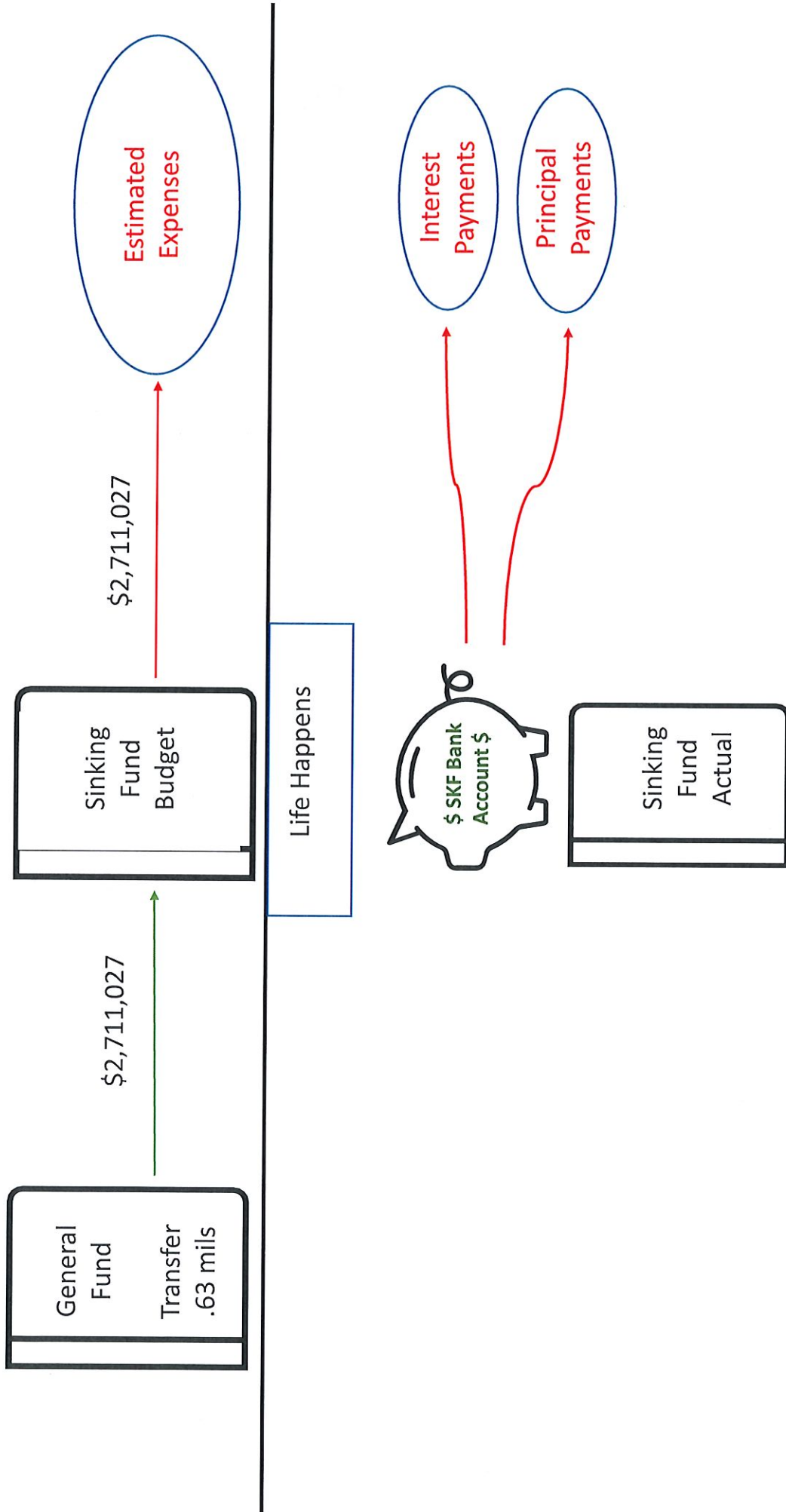
Estimated
Expenses

Administration collects
revenue and manages
spending with the Budget
limits









**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 05-21

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR FUNDING FROM THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ECONOMIC DEVELOPMENT & COMMONWEALTH FINANCING AUTHORITY MULTIMODAL TRANSPORTATION FUND FOR THE PURPOSE OF IMPROVING PEDESTRIAN CONNECTIVITY & PLACING A SIDEWALK AT MARKET STREET & POWELL LANE

WHEREAS, Upper Darby Township is desirous of obtaining funds from the Commonwealth of Pennsylvania's Office of the Budget in the amount of \$1,149,270 for the construction of a needed sidewalk for pedestrian safety and ease of use; and

WHEREAS, the Township is the sixth most populous municipality within the Commonwealth, and borders the largest municipality in the Commonwealth; and

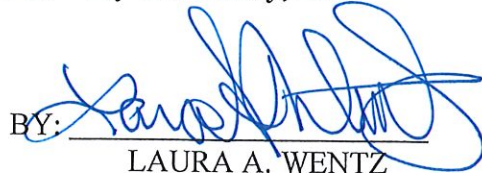
WHEREAS, the Township does not currently have an established sidewalk or safe pedestrian walkway at Market Street and Powell Lane; and

WHEREAS, this Council believes it to be in the interest of the Township to apply for the Commonwealth of Pennsylvania Department of Economic Development & Commonwealth's Financing Authority Multimodal Transportation Fund and utilize the funding for the establishment of a pedestrian sidewalk and increase pedestrian connectivity;

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

- I. The Township is hereby authorized to apply for, execute, and submit a grant application to the Pennsylvania Office of the Budget for the Commonwealth of Pennsylvania Department of Economic Development & Commonwealth's Financing Authority Multimodal Transportation Fund and, if successful, to accept the grant funds to be used for the Project as detailed in the grant application.
2. The Township is authorized to provide such assurances, certificates, and supplemental data or revised data that may be requested in connection with the application.


ADOPTED and RESOLVED this 27th day of January, 2021

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 05-21 is hereby approved this 27th day of January, 2021

BY: 
BARBARANN KEFFER
Mayor

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