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MINUTES
Committee Meeting
October 12, 2022

The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org

Pledge of Allegiance to the flag of the United States of America
Moment of Silence

Opening of Meeting

Roll Call

Danyelle Blackwell (DB), Brian Andruszko (BA), Sheikh M. Siddique, (SS), Lisa Faraglia (LF),
Matt Silva (MS), Brian K. Burke (BB), Michelle Billups, (MB), Meaghan Wagner (MW),
Hafiz Tunis Jr. (HT)

Andrew Hayman (AH), via Zoom
Laura Wentz (LW), via Zoom

Present at the Meeting

Barbarann Keffer, Mayor
Superintendent Timothy Bernhardt
Chief Municipal Clerk, Alexis Cicchitti
Solicitor Sean Kilkenny
Solicitor Colleen Marsini
Mike Galante, Township Engineer
Sergeant of Arms, Officer Bateman

Guests

Justin Klee, P.E., Assistant Project Manager, Bohler Engineering

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.”

Presentation for the Ampler Land Development (Burger King, 490 S. 69th Street)

Presenter: Justin Klee, Bohler Engineering representing Ampler Development

Mr. Klee gave an overview of the project along with a PowerPoint presentation, where Council members were given the opportunity to ask questions. The entire presentation can be viewed in its entirety on YouTube.

Public Forum

Speakers:

Kyle McIntyre, 1040 Drexel Avenue, spoke of upcoming LGBTQ events. He stated that we need to make a comprehensive recreation program available in the Township.

Becky Duggan, 129 N. Pennock Ave, stated that the ARPA funds were misappropriated. She also spoke of the event that took place on Sunday, October 9, 2022 when there was damage to the field and huge amounts of trash left behind.

John Vizzari, 353 Kirks Lane, referred to the Administrative Code and spoke about ARPA funds

Mayor Keffer stated that the ARPA funds were intact the entire time.

Olivia Taylor, 204 Kent Road, stated that at the last meeting, a resident slandered another resident and it was allowed. She stated that she will no longer stand for being singled out at the meetings. Ms. Taylor also spoke of the event at the 69th Street Field this past Sunday.

Mayor Keffer confirmed that there was a permit for the event. However, there is a big difference between what the permit was written for and for what actually happened. The Administration is looking into the issue.

Superintendent Bernhardt stated that there were only 2 calls regarding the event. He added that moving forward, permits will be sent to Public Safety for review by the Superintendent before approval.

Colleen Kennedy, 8723 West Chester Pike, stated that things should be posted on the website in a timely manner and that having things available in the Council office is not a 2022 standard of transparency. She added that violence is a crisis in our community.

Superintendent Bernhardt spoke of the incident on this date at State and Lansdowne Avenues

Bonnie Hallam, 4719 Woodland Avenue, spoke about the proposed land development at Burger King and also asked that the ARPA Ordinances get adopted this evening. The 2nd phase of the buffer restoration will take place at Gillespie Park on Saturday, October 13, 2022 from 9-2; Approximately 120 trees and 50 shrubs will be planted. On October 28, 2022, the TreeTenders of Upper Darby are having a fundraiser at Naylor's Run Park from 5:30 -8.

Brian Taylor, 7258 Lamport Road, spoke of the monthly Veterans meeting at Post 214 on October 18, 2022. He stated that there is a Resolution on tonight's Agenda regarding the POW/MIA flag, with 3 presenters offering information. He referred to the Resolution for the POW/MIA flag on the Agenda.

Joanne Nommavong, 133 N. Pennock Avenue, spoke of the event at the 69th Street Field where Township property was destroyed.

She further spoke of Donna Stilwell's presentation a few weeks ago

Richard Blye, 7226 Lamport Road, stated that he is the community liaison for Taylor Made Vets and stated various things that he has accomplished.

The Honorable Mayor Barbarann Keffer

Good evening.

There are many upcoming events in the community this week. Tomorrow, Thursday, October 13th from 6:30-7:30pm, I will be partnering with Senator Tim Kearney to host his Tenant/Landlord Forum. Tenants and landlords are encouraged to attend the forum to learn important information regarding these issues and better understand what rights they have.

This Friday, the Upper Darby Fire Department will be hosting a BBQ for all residents at the 69th Street Recreation Area in celebration of National Fire Prevention Week, which is October 9-15. This year's theme is

“Fire won’t wait. Plan your escape” and I would like to thank our firefighters for a great week of educational events that they have planned to teach our residents the importance of fire safety and of being prepared. On Saturday, October 15th from 10am-12pm, Friends of Sellers Hall will be holding a fall open house! Come learn more about the history of Sellers Hall, which is located at Walnut and Hampden, the work being completed to help preserve it, and a brief tour of the Underground Railroad Walking Tour with the Friends of Sellers Hall. Also this Saturday the Upper Darby Tree Tenders, through TreeVitalize program, will be planting 120+ trees in Gillespie Park from 9am to noon. The event is open to anyone who would like to stop by and help us create a native healthy diverse riparian buffer along Darby Creek.

Next Saturday, October 22nd, the township is holding another Shred Event from 9am until noon at Upper Darby High School. Two boxes are allowed per vehicle and non-confidential documents, magazines, newspapers, catalogs, flyers, and junk mail will NOT be accepted.

October is also National Winterization Month. The county’s weatherization program is run through the Community Action Agency, which opened an office in Upper Darby last month. The location is at 7408 West Chester Pike at Murphy’s Giving Market and the office is currently open Mondays, Wednesdays and Fridays.

As we approach the end of 2022 and my third year in office, I am excited to celebrate what we have accomplished so far and to look ahead to 2023. This year saw the introduction of our Trash Fee Rebate program for seniors and residents who qualify for the PA-100 rebate. Weekly Yard Waste collections, April through November, are in their second year and show greater participation from our residents and help us lower our trash tonnage. We also created a partnership with the Upper Darby Arts and Education Foundation to cover the cost of Summer Stage programs for any Upper Darby resident between the ages of 10 and 18. The first solar panels have been installed on the township building as well as new, functional solar panels on the Watkins Senior Center. By doing this, we will cut future energy costs as we work towards a greener, more sustainable Upper Darby.

2022 also saw the allocation of some of our American Rescue Plan Act funds, also known as ARPA funds. To date, we have allocated:

- \$3 million to the Community Center, to be located at 7000 Walnut Street, on property that the township already owns,
- \$2.5 million to the Fire Department for equipment and apparatus,
- \$2 million to the Police Department for vehicles and equipment upgrades,
- \$150,000 for gun violence prevention initiatives, and
- \$5 million for flood mitigation and sewer upgrades.
- \$6 million for revenue replacements

Our annual budget is an opportunity to showcase the priorities that will set us on a path to becoming the very best version of Upper Darby that we can become together. Those priorities remain: reinvestment, revitalization and reform. These three objectives are intertwined as we build the future of our community. As we have since day one of my administration, we aggressively pursue grant opportunities. This year, we received many grants including the following:

- From DCNR, \$250,000 in Community Conservation Partnerships Program grant for Observatory Hill Playground Developments
- \$1 million in Federal Community Project funding for development of the Upper Darby Community Center
- The Phase II of the DCED STAMP grant to construct a 5-Year Finance Plan
- \$25,000 PA Department of Education Keystone Libraries Grant for the Upper Darby Township & Sellers Memorial Free Public Library Master Plan.

The 2023 budget will continue to tackle the structural deficits my administration inherited. As Vijay Kapoor and our Auditor, Mallie, have presented to Council multiple times, we have long term unfunded pension and post-retirement benefit liabilities as well as a low general fund balance that all need to be addressed. The Kapoor report can be found on the township website under “Departments”, then “Finance” and then “Special

Reports". The ARPA Funds can help us mitigate this issue. I have proposed to Council an ordinance that would allocate \$11.7 million as revenue replacement; meaning, the allotment would go straight to the general fund to be spent in the normal budget process. This would help begin to alleviate the existing structural deficit and put Upper Darby on the right track going forward.

Demolition on the site of the first ever Upper Darby Community Center was completed this year and with grant funding and allocations from the ARPA funds, headway will be made in 2023 on construction of the community center. Not only will this be Upper Darby's first community center, it will also be our first LEED certified building. The community center will serve as an amazing gathering place for the community and positively impact the adjoining commercial and residential neighborhood and it is the foundation for creating a robust, dynamic Recreation Department.

The budget also reflects the 2023 realities of utility and fuel prices, contractual salary and benefit costs and inflation. In addition, it includes the success we have seen in increased revenues stemming from improved collection rates from the existing business privilege and mercantile taxes and the newly implemented realty transfer tax. The proposed 2023 budget is the result of our township department directors working with our Acting Finance Director, led by Donna Stilwell and her team from the firm Brinker Simpson.

We are still at the preliminary stage of the budget season. As we work with Council on allocations of the ARPA funds for revenue replacement, and as we look for the property tax assessment from the county - typically delivered in November - we will be able to provide updates and make adjustments to the tax rates as needed.

In 2023, the trash and sewer fees will be adjusted in accordance with rising costs from the solid waste and sewer authorities in order to help cover the real costs of sanitation and sewage disposal. This will continue to improve inherited structural budget deficits. We have also taken into account feedback on our residents regarding twice-weekly trash pickup during the summer and are in discussions concerning extending the dates for this service in order to provide streamlined trash disposal for the community.

As part of our continued efforts to revitalize Upper Darby, we have also created the new Upper Darby One Center. This is a dramatic modernization and improvement to constituent services. Housed on the ground level of the Municipal building, in the former space of the municipal library, this ADA accessible center will make accessing municipal services far easier for our residents. The opening of this center will come this fall.

2022 saw the launch of our new website, which is a complete overhaul of the previous system, and includes easy to use features, the 311-request system, all our township press releases, a community events calendar, online forms and payment options and much more. The launch date for the transition of the AS400 to our new OpenGov system is set for January of 2023 as well which is a massive technological advancement for Upper Darby. We are steadily evolving our digital capabilities and making great strides towards increasing accessibility of our services. In addition, our efforts are being recognized. This year, Upper Darby has been featured in multiple well known publications, including a feature piece in the August print edition of the Philadelphia Magazine as well as being named #1 Philly suburb to move to, and many other locally published articles highlighting our projects during 2022.

The operating budget reflects our commitment to reinvest in our workforce with paid professional development, promotion-opportunities and a retooled Human Resources Division; we hired seven new police officers this year, and we have also brought to the team a director of our Licenses and Inspections Department who brings years of expertise to Upper Darby. In addition to engaging with Brinker Simpson as our acting Finance Director, we have hired a Controller in our Finance department who is an amazing asset during our transition from the AS400.

We are also excited by the opportunity provided through the American Rescue Plan Act to offer our hard working employees with COVID premium pay and vaccine bonuses for their continued effort working throughout the pandemic to provide world-class municipal services to our residents. We also have our proposed grant program to support small local businesses and nonprofits impacted by COVID through use of ARPA funds. These allocations are up for public hearing at tonight's meeting and we look forward to seeing it approved so that we may reward all hard working individuals in our community the funding they deserve for their efforts.

Donna Stilwell - our representative from Brinker Simpson - will present the preliminary 2023 budget to Council and our taxpayers at the next Council Meeting, a week from today, October 19. We look forward to the presentation and the ensuing discussion.

That ends my message for tonight. Thank you.

Presentation by Donna Stilwell of Brinker Simpson regarding the 2023 Budget

Ms. Stilwell was unavailable this evening and will give her Presentation at the Council Meeting on October 19, 2022

President of Council, Brian K. Burke

Council President Burke thanked Firehouse 37, West Chester Pike. He stated that the newly painted flagpole looks great and that there are two new flags, one being the POW/MIA flag. If anyone is looking to get a POW/MIA flag, you can order one from Chuck at Burhill Hardware.

He further stated that he has been a part of all of the accomplishments that the Mayor spoke of; everything has been passed except for one vote that was 6 to 5 and that was the vote to remove the CAO. He added that there have been 6-5 votes that the Mayor and Administration have acted on and that he believes that the Administration does not respect this Council.

BB stated that bids went in over 3 months ago for the Community Center. There are supply chain issues on equipment and building materials, yet he has not seen anything awarded. If more than 60 days pass, the same prices do not exist.

Council President Burke asked when the Superintendent received the permit for the event at the 69th Street Field on Sunday night. He stated that Council never received a permit for this event.

COMMITTEE REPORTS

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 of Upper Darby Township establishing on the third Friday of September as POW/MIA Recognition Day in the Township; providing for the display of the official POW/MIA flag on Township grounds or buildings; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Motion to approve: MW/LW

Moved and seconded. All in favor. Resolution No. 38-22 is approved.

Motion to hire a Conflict Solicitor

HT asked how the decision would be made to hire a conflict Solicitor.

Council President Burke stated that anyone on Council could bring forth an engagement letter from any Solicitor to the Law and Government Committee or to President Burke.

AH asked if BB could point to a specific conflict where Council does not already have conflict counsel in the form of Chris Boggs, who was hired because the Kilkenny Firm was conflicted. He questioned why a 3rd firm needs to be hired and for clarification as to what the conflict Solicitor will be used for.

BA asked what the route for payment for the conflict Solicitor would be and if it would come out of Solicitor Kilkenny's salary.

BB stated that it would have to be addressed during the budget hearings just like any other Solicitor for labor agreements that are in the budget. He further stated that there would have to be a line item for a conflict Solicitor in the budget.

Discussion continued regarding what a conflict Solicitor would be used for.

MB suggested having an arbitrator when there are conflicting issues.

BB reiterated that Solicitor Kilkenny has a conflict when the two entities are at odds, such as the investigation, and he recommends that Council use a conflict Solicitor in situations such as that.

HT stated that there is not enough information to pass this Motion.

Councilwoman Wagner made a Motion to table at this time.

Motion to TABLE: MW/HT

Moved and seconded. All in favor.

The Motion to hire a Conflict Solicitor is TABLED.

Planning, Zoning and Building Code Committee

Chair: Laura A. Wentz

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

Resolution No. 41-22, a Resolution of Upper Darby Township granting preliminary/final land development approval to Ampler Development for the development of a fast-food restaurant with drive-thru at 490 South 69th Street

Solicitor Kilkenny gave a brief on Resolution No. 41-22

Greg Winans, Ampler Development, answered Council questions regarding the land development.

Justin Klee, P.E., Assistant Project Manager, Bohler Engineering has agreed to put the amendments and waivers in the Resolution.

Motion to approve with the waivers: MW/HT

Moved and seconded. All in favor. Resolution No. 41-22 is approved.

Public Safety Committee

Chair: Lisa Faraglia

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

Resolution No. 43-22, a Resolution to install a stop sign on the 4200 block of Ferne Blvd. at the intersection with Drexel Avenue

Motion to approve: MW/HT

Moved and seconded. All in favor. Resolution No. 43-22 is approved

Resolution No. 44-22, a Resolution to **REMOVE** the two-hour parking restriction on the 500 block of Fairfax Road

Motion to approve: HT/LW

Moved and seconded. All in favor. Resolution No. 44-22 is approved.

Introduction of Ordinance No. 3126, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, **amending** Chapter 570-3 "Vehicles and Traffic" titled "Residential Parking Permits" to add and remove street to the Permit Program; provide for subsequent streets to be added and removed to the Program by Resolution; providing a severability clause; repealing all inconsistent Ordinances; and; and providing an effective date

Solicitor Kilkenny gave a brief on Ordinance No. 3126

Motion to introduce and advertise: HT/LW

Moved and seconded. All in favor.

The Motion to introduce and advertise Ordinance No. 3126 is approved.

LF spoke of the event at the 69th Street field and suggested that an Ordinance be drafted to create a process for these kinds of events.

She also inquired as to where the Truck Ordinance stands.

Mike Galante, Township Engineer, stated that he has been working with Chief Sawyer on a Fire Route Map throughout the Township. When it is completed, it will be reviewed, edited and sent to Council.

Solicitor Richardson added that everyone is working very hard on this, and it has been a very long process as there are 100 miles of streets in the Township.

LF stated that on 9/27/22, there were reports all over social media stating that there were only 5 police officers on the street. She stated that she reached out to Superintendent Bernhardt who gave her the details of the officers assigned and it was proven that the social media rumor was false.

She asked Mayor Keffer to get the police contract settled and Mayor Keffer replied that it is still in arbitration. LF added that she feels that this should be a priority before anything else.

MW stated that she is embarrassed that our police officers still do not have a contract. She also stated that there is a huge issue with people driving the wrong way on Woodland Avenue coming out of Shoprite and it is a safety hazard.

LF suggested that a meeting be planned with residents, the Mayor and the contractor to discuss the development and traffic patterns.

MW further stated that the event at the 69th Street field was disgraceful and cannot happen again.

HT spoke of the issue of the rise of smoke shops in the Township and the problems associated with it. He would like all of Council to work together on this issue.

MS spoke of a traffic accident on the 3800-3900 block of James Street crossing over Bridge where a vehicle ran the stop sign and totaled 2 vehicles and severely damaged a 3rd vehicle.

LF suggested that Officer Bateman go out to survey the area and possibly put up a 15 MPH speed limit sign.

SS stated that the residents of the 500 block of 69th Street are looking for permit parking and that residents on Rocklyn Road are inquiring about speed humps. He is also concerned as he believes that another smoke shop may be opening up.

LW stated that the family members of the gentleman whose wife was killed at Kenmore Road and West Chester Pike have reached out to see if there is any update on this fatal hit and run. She inquired if there is any Ordinance against having a flower memorial at the site. In addition, people were asking about the installation of speed humps on Kenmore Road.

Mayor Keffer stated that there are many requests for speed humps and that it is a process where the Township Engineer, Mike Galante works with Police and Fire doing a traffic study. He is currently working through a list of streets that are suggested to have speed humps added but speed humps are not always the best solution for traffic calming.

LW stated her displeasure as to what happened at 69th Street Field and agrees with LF that a better system needs to be put in place. She also stated that the Township needs to do follow-up after the permit is issued.

HT requested that any kind of permit should also be going through the Municipal Services, Licensing and Public Works Committee.

MB stated that PennDOT did work on Marshall Road going into Philadelphia and it is now one lane but the lines cannot be seen. She asked if there was a contact name and number.

Finance and Appropriations Committee

Chair: Laura A. Wentz

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

Resolution No. 42-22, a Resolution authorizing application to the Pennsylvania Department of Conservation & Natural Resources (DCNR) for Section 1-3 of the Cardington-Newtown Trail

Motion to approve: DB/HT

Moved and seconded. All in favor. Resolution No. 42-22 is approved

Public Hearing for Ordinance No. 3121, 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 Open Space Acquisition; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and provide for an effective date

Council President Burke convened a Public Hearing for Ordinance No. 3121 and 3123

Speakers:

Olivia Taylor, 204 Kent Road, asked what "open space" the money in Ordinance No. 3121 would be used for and if it would be used to fix up parks.

Mayor Keffer stated that this money would be used for acquisition.

Ms. Taylor asked about the money for the non-profits and if there is a list of all that have been submitted. She stated that Taylor Made Vets and Recovery Without Barriers are two local non-profits that should be considered.

Council President Burke stated that there is no list yet. He did ask for a committee to be formed that included Councilman Silva and Councilwoman Billups.

Mayor Keffer added that Council wanted some guidance from Jack Regan from UHY.

Kyle McIntyre, 1040 Drexel Avenue, stated that while the permit process needs to be tweaked, if it becomes too expensive, other venues will have to be sought after to host events. Requesting and mandating police details can prove to be very costly for non-profits. He also spoke of the open space acquisition and asked if UHY had any guidance, as he believes that some of the properties may not be in qualified census tracts. He added that the parking garage on Walnut Street would be extremely beneficial for the Township to acquire through eminent domain, especially with the new Community Center that will be across the street.

Becky Duggan, 129 N. Pennock Avenue, inquired about open space properties and Mayor Keffer told her about 8001 Lansdowne Avenue becoming a passive park. Another piece of land is on Blanchard Avenue that would make an existing park larger

Bonnie Hallam, 4719 Woodland Avenue, clarified that Ed Brown was not here for money for the school district. He was speaking of a non-profit, which he runs. She agrees with Kyle McIntyre's idea about the parking garage. Ms. Hallam added that all resources should be for all community members and not just for those who live on the street.

Colleen Kennedy, 8723 West Chester Pike, stated that she was present at the incident that took place at State and Lansdowne. She is concerned that there are not enough resources for kids.

Kyle McIntyre, 1040 Drexel Avenue, added that the parking garage is the largest paid surface in the Township and it sits directly atop the drainage basin and because of the elevation map, all of that water drains directly into the intersection and causes flooding, which is a very serious problem.

Olivia Taylor, 204 Kent Road, states that Ashkenazy does not like the Mayor and will not sell.

Council President Burke closed the Public Hearing.

Motion to adopt: LW/HT

LW asked to make an official amendment to the Ordinance asking that the table be included with the three properties included that the Township is interested in purchasing, as well as adding a line within the table for litigation, cleanup and administrative costs at \$300,000.

Council President Burke added that this would be upon UHY approval and LW agreed.

Solicitor Kilkenny asked that LW specify exactly what the table is for the record.

LW stated that the table would include the open space acquisition of Thompson Tract, 8001 Lansdowne Avenue, and Blanchard Road for park expansion. No amounts would be added at this time and it can be specified that it is part of Public Works and Parks and is from a table that the Mayor had sent out in a press release.

BB confirmed that this would all fall under the \$1.5 million umbrella upon UHY's approval.

Motion to approve the amendments: LW/MW

A roll call vote was taken. 10 in favor, 1 opposed (AH).

Motion to approve the amendments is passes

A roll call vote was taken to adopt Ordinance No. 3121 with the approved amendments. 11 in favor. Ordinance No. 3121 is adopted.

Public Hearing for Ordinance No. 3123, 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 to allocate funds for COVID Relief & Negative Economic Impact; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and provide for an effective date

Motion to adopt: MW/LW

LW asked to make an amendment that the COVID premium pay be capped at \$3500 for any employee, volunteer or elected official. She then stated that she was not sure if elected officials were eligible for COVID pay. It was determined that UHY could make the determination regarding the eligibility of elected officials to receive COVID pay.

A roll call vote was taken to approve the amended version of Ordinance No. 3123. 9 in favor. 2 opposed (AH, DB) Motion to approve the amendment is carried.

A roll call vote was taken for the adoption of amended Ordinance No. 3123 11 in favor. Ordinance No. 3123 is adopted.

LW stated that she and MB met with Donna Stilwell and her team along with Department Heads regarding the Preliminary Budget. A phone call conference is scheduled for Friday with UHY and Donna Stilwell to ask questions regarding budget and ARPA funds.

Nothing for the October 19, 2022 Council Meeting

Municipal Services, Licensing and Public Works Committee

Chair: Hafiz Tunis Jr.

Members: Michelle Billups, Andrew Hayman, Brian Andruszko

SS stated that people are setting up tables on 69th Street selling items and he believes that this should be stopped.

Nothing for the October 19, 2022 Council Meeting

Parks and Recreation Committee

Chair: Matt Silva

Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups

MS stated that the Committee met via Zoom on Monday night and discussed the remaining allocation of ARPA funds and would like to be privy to the assessments made of the Township parks to help guide them in their decision making process.

SS stated that there are three basketball courts at the 2nd Ward Playground and would like to know if a tennis court could be set up there.
He also requested to meet with MS at Cardington Field for discussion.

Nothing for the October 19, 2022 Council Meeting

Public Health and Environmental Affairs Committee

Chair: Danyelle Blackwell

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

Nothing for the October 19, 2022 Council Meeting

Community Engagement Committee

Chair: Hafiz Tunis Jr.

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

HT stated that there would be awards at a future meeting for Italian American Heritage month and Spanish Heritage Month. LF has submitted a name to receive the Italian Heritage Month Award.

Nothing for the October 19, 2022 Council Meeting

Cultural Competency Committee

Chair: Michelle Billups

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

MB will talk to the Mayor about an initiative.

AH thanked the members of the local Bangladeshi-Hindu community for inviting him to an event last week.

Nothing for the October 19, 2022 Council Meeting

Community Development Committee

Chair: Sheikh M. Siddique

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

SS stated that he is happy that the new Burger King will be opening.

Nothing for the October 19, 2022 Council Meeting

Solicitor

Nothing to report

Old Business

AH reminded everyone of the fundraiser for Operation Warm to raise money for winter coats and shoes. SS thanked the Administration, the Mayor and PennDOT for the repair of the 69th Street "rollercoaster." MW reminded everyone that the Fall Fest on Ferne Blvd. that was canceled due to inclement weather is rescheduled for October 29, 2022 from 12-5 p.m.

New Business

DB stated that there would be a free Movie Night at the Observatory Hill Park on Friday night. In addition, Sellers Library is hosting an event on Saturday at 10 a.m.

AH is hosting a Halloween Animal show on Saturday, October 29, 2022 from 12-2 p.m. at the Watkins Senior Center.

MS stated that on November 13, 2022, the friends of the Swedish Cabin are hosting an event at the Swedish Cabin with s'mores and a reading of the story The Trouble with Trolls.

LW reminded everyone about Trunk or Treat in Arlington Cemetery on October 29, 2022.

Adjournment

Motion to adjourn: HT/LW

All in favor. The meeting was adjourned at 10:44 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. 38-22

A RESOLUTION OF UPPER DARBY TOWNSHIP ESTABLISHING ON THE THIRD FRIDAY OF SEPTEMBER AS POW/MIA RECOGNITION DAY IN THE TOWNSHIP; PROVIDING FOR THE DISPLAY OF THE OFFICIAL POW/MIA FLAG ON TOWNSHIP GROUNDS OR BUILDINGS; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, since the American Revolution, people fighting to secure the freedom of the United States have at some points in time been held as prisoners of war (“POWs”); and,

WHEREAS, National POW/MIA Recognition Day was established in 1979 through a proclamation signed by President Jimmy Carter and is commemorated on the third Friday of every September; and,

WHEREAS, one of the purposes of National POW/MIA Recognition Day is to honor those who were held captive and returned and those who remain missing. Additionally, this day is also to ensure that America remembers and shows that it stands behind those who serve, and to make sure the Nation does everything it can to account for those who have never returned; and,

WHEREAS, Upper Darby Township Council (“Council”) finds that the POW/MIA flag is a symbol of the plight of prisoners of war and missing Americans, and as a result, it is appropriate that the POW/MIA flag should be displayed at certain buildings throughout Upper Darby Township to increase public awareness of the issue of prisoners of war and those missing in action and to gain public support for the efforts of the United States government to resolve this matter; and,

WHEREAS, the National Defense Authorization Act enacted in 1998 designated six (6) days per year when the POW/MIA flag is required to be flown at designated federal government locations. These six (6) days are Armed Forces Day, May 16; Memorial Day, May 25; Flag Day, June 14; Independence Day, July 4; POW/MIA Day, 3rd Friday of September; and Veterans Day, November 11; and,

WHEREAS, Council desires to expand the flying of the POW/MIA beyond these six (6) days to demonstrate its continuing commitment to the goal of the fullest possible accounting of all personnel not yet returned to American soil; and,

NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council as follows:

SECTION 1. The POW/MIA flag shall be displayed at all Township buildings daily.

SECTION 2. The third Friday of September is established as POW/MIA recognition day in Upper Darby Township.

SECTION 3. All Resolutions and parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

SECTION 4. The terms, conditions, and provisions of this Resolution are hereby declared to be severable, and should any portion, part, or provision of this Resolution be found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, Upper Darby Township Council hereby declares its intent that the Resolution shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part or provision of this Resolution.


SECTION 5. This Resolution shall become effective immediately.

ADOPTED and RESOLVED this 12th day of October, 2022

ATTEST:

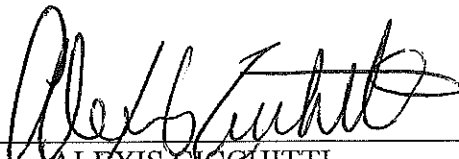

MICHELLE BILLUPS
Secretary of Council

BY:


BRIAN K. BURKE
President of Council

Resolution No. 38-22 is hereby approved this 12th day of October, 2022

ATTEST:


ALEXIS CICHITTI
Chief Municipal Clerk

BY:


BARBARANN KEFFER
Mayor

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 41-22

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL TO
AMPLER DEVELOPMENT FOR THE DEVELOPMENT OF A FAST-FOOD
RESTAURANT WITH DRIVE-THRU AT 490 SOUTH 69th STREET**

WHEREAS, Act 247 of 1968, the Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the municipality; and

WHEREAS, Upper Darby Township is desirous of orderly and appropriate land use and development to protect the health, safety and welfare of residents; and

WHEREAS, Ampler Development (“Applicant”) is the equitable owner of a certain .967 acre parcel of land with a street address of 490 South 69th Street, Upper Darby Township, currently consisting of a defunct Pearl Vision retail store, located in the Township’s C-2 Traditional General Commercial Zoning District, being tax parcel number 16-03-02102-01 (“Property”); and

WHEREAS, the Applicant is proposing to redevelop the Property by demolishing the existing building and constructing a 3,000 +/- square foot Burger King fast-food restaurant with drive-thru facilities, concrete sidewalks for access, fencing, a dumpster enclosure, site landscaping, site lighting, and stormwater management improvements (“Project”); and

WHEREAS, the Applicant has filed with the Township a certain preliminary/final land development plan for the Project prepared by Bohler Engineering, dated May 16, 2022, being Delaware County Planning Department File No. 47-7770-22 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review of July 21, 2022, recommended that the Plan be approved contingent upon addressing staff comments; and

WHEREAS, Applicant now desires Council to conditionally approve the Plan pursuant to Section 508 of the Pennsylvania Municipalities Planning Code;

NOW, THEREFORE, BE IT RESOLVED by the Upper Darby Township Council, that the Plan is hereby granted Preliminary/Final Land Development Plan Approval subject to the satisfaction of the following conditions:

1. Prior to recording the Plan, Applicant shall address the comments and conditions contained in the July 31, 2022 MG Engineering review letter to the satisfaction of the Township Engineer.
2. Prior to recording the Plan, Applicant shall address all applicable comments contained in the July 21-22, 2022 Delaware County Planning Department review letter to the satisfaction of the Township Engineer.
3. Prior to recording the Plan, Applicant shall address all applicable comments contained in the August 3, 2022 Albert Federico Consulting, LLC traffic engineering review letter to the satisfaction of the Township Traffic Engineer.
4. The Applicant shall comply with all recommendations and recommendations of the Upper Darby Planning Commission's August 8, 2022 report.
5. The Applicant shall comply with the decision of, and any conditions imposed by, the Upper Darby Zoning Hearing Board on Appeal 4-8 of 22, as set forth in the Zoning Hearing Board's July 8, 2022 Decision and Order, and comply with all testimony and exhibits presented during the associated zoning hearing.
6. Applicant must obtain any necessary approvals and reviews from the Township Engineer, Township Traffic Engineer, Delaware County Planning Department, Pennsylvania DEP, PennDOT, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits, before the Plan is recorded.
7. Applicant must complete all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement, in forms satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements.
8. A revised, recordable plan shall ultimately be submitted for Township administrative review and approval that addresses all requests for further plan details, additions, corrections, and clarifications set forth in the abovementioned review letters.
9. Prior to recording the Plan, Applicant shall execute a Land Development Agreement and Financial Security Agreement drafted by the Township Solicitor and post financial security in the form of a letter of credit, tri-party agreement/set-aside account, or cash escrow in a form approved by the Township Solicitor.
10. All reasonable outstanding Township fees, Township's engineering fees, and Township's legal fees, and any other professional fees associated with the review and approval of the application and Plans shall be paid in full before the Plan is recorded in accordance with the Pennsylvania Municipalities Planning Code.
11. Prior to recording the Plan, Applicant shall deposit a reasonable sum to be determined by the Township Engineer in a cash escrow with the Township, as to be further described in

the Land Development and Financial Security Agreements, for the reimbursement of the Township's reasonable engineering, inspection, legal and related administrative costs and expenses related to the further reviews, inspections, and development of the Project.

12. Applicant will create a watering Plan for the trees, shrubs and plants for 5 years to begin at the completion of the project. To insure the survival of the trees, plants and shrubs. If any trees, shrubs or plants die in this five year period the Applicant will replace plants, trees and shrubs

Waivers. The following requested waivers from the Township's Subdivision and Land Development Ordinance are hereby approved or denied, as indicated. A lack of indication of the decision on the waiver after the Township has executed this Resolution shall be interpreted to mean that the waiver was approved, unless the minutes of the associated Township meeting reflect otherwise. The indication of an approval of a waiver shall indicate that it has been demonstrated to the Township that there is a hardship with the Property and/or the Project warranting the waiver:

1. From Section 300.I, to permit the consolidated filing of a preliminary-final plan when the preliminary plan and final plan are to be considered separate, is hereby:

APPROVED **DENIED**

2. From Section 803. B.1, to maintain the existing right-of-way widths (40' existing on Patterson Ave, and 70' existing on South 69th St.), when local roads should have a 50' R.O.W. and 69th Street (an arterial road) and should have an 80' right-of-way, is hereby:

APPROVED **DENIED**

3. From Section 805.A.3, to permit the driveway to exceed the maximum allowable four percent (4%) grades within the right-of-way due to site constraints and existing roadway slopes, is hereby:

APPROVED **DENIED**

4. From Section 805. C.2, to permit the proposed driveway at South 69th Street to match the existing driveway location, when a minimum spacing of one hundred (100) feet, measured at the curb line, between the centerline of any entrance or exit drive and the nearest curb line of the street parallel to said access drive is required, is hereby:

APPROVED **DENIED**

5. From Section 805.C.3, to permit the proposed driveway to be as shown on the Plan when there is a requirement that nonresidential driveways entering opposite sides of any street to be laid out either directly opposite one another or with a minimum offset of one hundred fifty (150) feet between their centerlines, is hereby:

APPROVED **DENIED**

6. From Section 806.C.1.c., to allow a 14 feet wide drive-aisle due to lot width constraints, when a one-way drive-aisle along the northern side of the drive-thru is required to be at least 15 feet wide due to the proposed angle parking stalls of 60 degrees, is hereby:

APPROVED

DENIED


7. From Section 806.C(7), to permit less than five (5) foot radii curvature due to lot width constraints, is hereby:


APPROVED

DENIED

This Resolution shall bind the Applicant, and the Applicant's successors and assigns. This Resolution does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans and Applicant shall be required to record the Plan prior to proceeding with any land development. Furthermore, this Resolution, and the approvals and conditions contained herein, shall be rescinded automatically upon Applicant's or Applicant's agent's failure to accept, in writing, all conditions herein imposed within seven (7) days of receipt of this Resolution, such acceptance to be evidenced by Applicant's or Applicant's agent's signature below.

ADOPTED and RESOLVED by the Upper Darby Township Council this 12th day of October, 2022.

BY: 
BRIAN BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 41-22 is hereby approved this 12th day of October, 2022

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICCHITTI
Chief Municipal Clerk

THE UNDERSIGNED, BEING AN AUTHORIZED SIGNATORY FOR THE APPLICANT, DOES HEREBY ACKNOWLEDGE AND ACCEPT THE APPROVAL OF THE PLAN ISSUED BY COUNCIL, ACCEPTS THE CONDITIONS CONTAINED WITHIN THIS RESOLUTION, AND HEREBY REPRESENTS THAT THEY AGREE TO THE PROVISIONS OF THE ABOVE PLAN APPROVAL RESOLUTION:

For Applicant: Ampler Development

By: Mike Bradford
Print: Mike Bradford
Title: Director of Construction

Dated 10/30/2022

Attest: Greg Winans
Print: Greg Winans

Dated 10/31/2022

RESOLUTION NO. 43-22

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

NOW, THEREFORE, BE IT RESOLVED:

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

INSTALLING STOP SIGNS AT THE FOLLOWING LOCATION:

AT THE INTERSECTION ON FERNE BLVD. AT DREXEL AVENUE

RESOLVED THIS 12th OF OCTOBER, A.D., 2022

UPPER DARBY TOWNSHIP

BY:



BRIAN K. BURKE
PRESIDENT OF COUNCIL

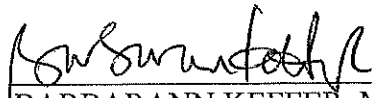
ATTEST:



MICHELLE BILLUPS
SECRETARY OF COUNCIL

APPROVED THIS 12th DAY OF OCTOBER, A.D., 2022

BY:



BARBARANN KEFFER, MAYOR

ATTEST:



ALEXIS CICHITTI
CHIEF MUNICIPAL CLERK

RESOLUTION NO. 44-22

WHEREAS, ORDINANCE NO. 449 OF UPPER DARBY TOWNSHIP PROHIBITS PARKING OF VEHICLES UPON CERTAIN HIGHWAYS WITHIN THE TOWNSHIP AND REGULATES THE PARKING OF VEHICLES UPON CERTAIN HIGHWAYS WITHIN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

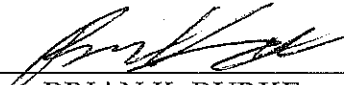
NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 1244, SECTION 2, THE SAME IS HEREBY AMENDED

**TO REMOVE THE TWO HOUR PARKING RESTRICTION ON THE
500 BLOCK OF FAIRFAX ROAD**

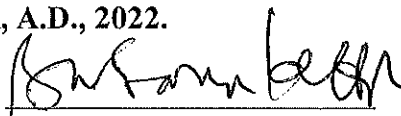
RESOLVED, THIS 12th DAY OF OCTOBER, A.D., 2022.

UPPER DARBY TOWNSHIP

BY: 
BRIAN K. BURKE
PRESIDENT OF COUNCIL

ATTEST: 
MICHELLE BILLUPS
SECRETARY OF COUNCIL

APPROVED, THIS 12th DAY OF OCTOBER, A.D., 2022.

BY: 
BARBARANN KEFFER
MAYOR

ATTEST: 
ALEXIS CICHITTI
CHIEF MUNICIPAL CLERK

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 42-22

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORIZING APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF CONSERVATION & NATURAL RESOURCES FOR SECTIONS 1-2 OF THE CARDINGTON-NEWTOWN TRAIL

WHEREAS, Upper Darby Township (“Township”) recognizes the importance of its woodlands, parks, trails, and open spaces to the quality of life for our community and is committed to maintaining and restoring these spaces; and

WHEREAS, in its 2018 Comprehensive Plan (“the Plan”), the Township identified the importance of increasing safe and walkable routes for pedestrians. Pursuant to the Plan, the need to reconnect its neighborhoods to the region through multimodal transportation is paramount; and

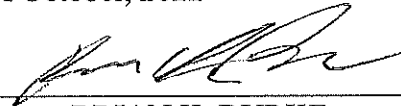
WHEREAS, in established built up Municipalities like the Township, traditional “hardware infrastructure improvements” are constrained by surrounding land uses. Roadway widening projects are often infeasible and, in many cases, may be undesirable. Widening roadways in established neighborhoods can create barriers to walkability and encourage traffic to travel at higher speeds. The need for trail systems breaks the barrier to allow safe and walkable routes for pedestrians; and

WHEREAS, Upper Darby Township desires to apply to and requests funding from the Pennsylvania Department of Conservation and Natural Resources (“DCNR”) for grants for the purpose of completing this project; and

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Township is hereby authorized to apply for, execute, and submit a grant application to DCNR for construction of Section 1-2 of the Cardington-Newtown Trail and
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 and administration of this grant.

ADOPTED and RESOLVED this 12th day of October, 2022

BY: 
BRIAN K. BURKE
President of Council

ATTEST:



MICHELLE BILLUPS
Secretary of Council

Resolution No. 42-22 is hereby approved this 12th day of October, 2022

BY:



BARBARANN KEFFER

Mayor

ATTEST:



ALEXIS CICCITTI
Chief Municipal Clerk

**ORDINANCE NO. 3121
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 OPEN SPACE ACQUISITION; 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 Township Parks and Public Spaces from the American Rescue Plan Allocation:

SECTION 1. Program Allocation

Open Space Acquisition	\$ 1,500,000.00
-------------------------------	------------------------

- a.) The 3rd 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;
- b.) 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,
- c.) 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. Intended targets for acquisition.

800 Providence Rd.
Blanchard Rd.
8001 Lansdowne Ave.

SECTION 3. Additional Allocation.

The Program Allocation of \$1,500,000 is to include a specific allocation of \$300,000 for litigation, Cleanup of Properties & Administrative Costs.

SECTION 4. All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. This ordinance shall become effective immediately.

ENACTED and ORDAINED this 12th day of October, 2022.

BY: 
BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

APPROVED this 12th day of October, 2022

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICHITTI
Chief Municipal Clerk

**ORDINANCE NO. 3123
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 TO ALLOCATE FUNDS FOR COVID RELIEF & NEGATIVE ECONOMIC IMPACT; 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 Mayor is requesting an allocation from the ARPA funds of **\$5,786,245.00** for COVID Relief & Negative Economic Impacts; and,

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS, Upper Darby Township Council makes the following supplemental appropriations for COVID Relief & Negative Economic Impacts from the American Rescue Plan Allocation:

SECTION 1. Program Allocation

Non-Profits Grant Program	\$1,700,000
Small Business Grant Program	\$1,000,000
COVID Contingency	\$500,000
Essential Workers- Premium Pay	\$2,186,245
Essential Workers- Vaccine Incentive	\$400,000
Total	\$5,786,245

- a.) The 3rd 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;
- b.) 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,
- c.) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of this Ordinance.

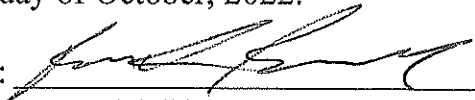
SECTION 2 The amount allocated to each eligible essential worker for premium pay under the terms of this Ordinance shall not exceed Three Thousand Five hundred dollars. (\$3,500.00)

SECTION 3 All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. 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 5. This ordinance shall become effective immediately.

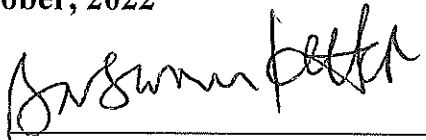
ENACTED and ORDAINED this 12th day of October, 2022.

BY: 

BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

APPROVED this 12th day of October, 2022

BY: 

BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICHITTI
Chief Municipal Clerk



Upper Darby

A Home Rule Community

Established 1736

Mayor Barbarann Keffer

2023 Budget Address

October 3, 2022

As we approach the end of 2022 and my third year in office, I am excited to celebrate what we've accomplished so far and look ahead to 2023. This year saw the introduction of our Trash Fee Rebate program for seniors and residents who qualify for the PA-100 rebate. Weekly Yard Waste collections, April through November, are in their second year and show greater participation from our residents and help us lower our trash tonnage. We also created a partnership with the Upper Darby Arts and Education Foundation to cover the cost of Summer Stage programs for any Upper Darby resident between the ages of 10 and 18. The first solar panels have been installed on the township building as well as new, functional solar panels on the Watkins Senior Center. By doing this, we are able to cut future energy costs and work towards a greener Upper Darby.

2022 also saw the allocation of some of our American Rescue Plan Act funds. So far, we've allocated:

- \$3 million to the Community Center, to be located at 7000 Walnut Street, on property that the township already owns,
- \$2.5 million to the Fire Department for equipment and apparatus,
- \$2 million to the Police Department for vehicles and equipment upgrades,
- \$150,000 for gun violence prevention initiatives, and
- \$5 million for flood mitigation and sewer upgrades.
- \$6 million for revenue replacements

Our annual budget is an opportunity to showcase the priorities that will set us on a path to becoming the very best version of Upper Darby that we can become together. Those priorities remain: reinvestment, revitalization and reform. These three objectives are intertwined as we build the future of Upper Darby. As we have since day one of my administration, we aggressively pursue grant opportunities. This year, we received many grants including the following:

- From DCNR, \$250,000 in Community Conservation Partnerships Program grant for Observatory Hill Playground Developments

- \$1 million in Federal Community Project funding for development of the Upper Darby Community Center
- \$75,000 from the DCED Greenways, Trails and Recreation Program grant for Muckinipates Park Expansion.
- The Phase II of the DCED STAMP grant to construct a 5-Year Finance Plan
- \$25,000 PA Department of Education Keystone Libraries Grant for the Upper Darby Township & Sellers Memorial Free Public Library Master Plan.

The 2023 budget will continue to tackle the structural deficits my administration inherited. As Vijay Kapoor and our Auditor, Mallie, have presented to Council multiple times, we have long term unfunded pensions and post-retirement benefit liabilities as well as a low general fund balance that need to be addressed. The Kapoor report can be found on the township website under “Departments”, then “Finance” and then “Special Reports”. The American Rescue Plan Act Funds can help us mitigate this issue. I have proposed to Council an ordinance that would allocate \$11.7 million as revenue replacement; meaning, the allotment would go straight to the general fund to be spent in the normal budget process. This would help begin to alleviate the existing structural deficit and put Upper Darby on the right track going forward. I encourage Council members to vote to introduce and advertise this ordinance at their next meeting, currently advertised as October 12.

Demolition on the site of the first ever Upper Darby Community Center was completed in 2022 and with grant funding and allocations from the American Rescue Plan Act money, headway will be made in 2023 on construction of the community center. Not only will this be Upper Darby’s first community center, it will also be our first LEED certified building. The community center will serve as an amazing gathering place for the community and positively impact the adjoining commercial and residential neighborhood and it is the foundation for creating a robust, dynamic Recreation Department.

The budget also reflects the 2023 realities of utility and fuel prices, contractual salary and benefit costs and inflation. In addition, it includes the success we have seen in increased revenues stemming from improved collection rates from the existing business privilege and mercantile taxes and the newly implemented realty transfer tax. The proposed 2023 budget is the result of our township department directors working with our Acting Finance Director, led by Donna Stilwell and her team from the firm Brinker Simpson.

We are still at the preliminary stage of the budget season. As we work with Council on the allocations of the American Rescue Plan Act funds for revenue replacement, and as we look for the property tax assessment from the county - typically delivered in November - we will be able to provide updates and make adjustments to the tax rates as needed.

In 2023, the trash and sewer fees will be adjusted in accordance with rising costs from the solid waste and sewer authorities in order to help cover the real costs of sanitation and sewage disposal. This will continue to improve inherited structural budget deficits. We have also taken into account feedback on our residents regarding twice weekly trash pick up during the summer and are in discussions concerning extending the dates for this service in order to provide streamlined trash disposal for the community.

As part of our continued efforts to revitalize Upper Darby, we have also created the new Upper Darby One Center. This is a dramatic modernization and improvement to constituent services. Housed on the ground level of the Municipal building, in the former space of the municipal library, this ADA accessible center will make accessing municipal services far easier for our residents. The opening of this center will come this fall of 2022.

2022 saw the launch of our new website, which is a complete overhaul of the previous system, and includes easy to use features, the 311 requests system, all our township press releases, a community events calendar, online forms and payment options and much more. The launch date for the transition of the AS400 to our new OpenGov system is set for January of 2023 as well which is a massive technological advancement for Upper Darby. We are steadily evolving our digital capabilities and making great strides towards increasing accessibility of our services. And our efforts are being recognized. This year, Upper Darby has been featured in multiple well known publications, including a feature piece in the August print edition of the Philadelphia Magazine as well as being named #1 Philly suburb to move to, and many other locally published articles highlighting our projects during 2022.

The operating budget reflects our commitment to reinvest in our workforce with paid professional development, promotion-opportunities and a retooled Human Resources Division; we hired seven new police officers this year, and we have also brought to the team a director of our Licenses and Inspections Department who brings years of expertise to Upper Darby. In addition to engaging with Brinker Simpson as our acting Finance Director we have hired a Controller in our Finance department who is an amazing asset during our transition from the AS400.

We are also excited by the opportunity provided through the American Rescue Plan Act to offer our hard working employees with COVID premium pay and vaccine bonuses for their continued effort working throughout the pandemic to provide world class municipal services to our residents. We also have our proposed grant program to support small local businesses and nonprofits impacted by COVID through use of ARPA funds. These allocations are up for public hearing at the October 12 meeting and we look forward to seeing it approved so that we may reward all hard working individuals in our community the funding they deserve for their efforts.

On Wednesday, October 12, Donna Stilwell - our representative from Brinker Simpson - will present the preliminary 2023 budget to Council and our taxpayers. We look forward to discussion. Thank you.

UPPER DARBY TOWNSHIP

2023 DRAFT BUDGET

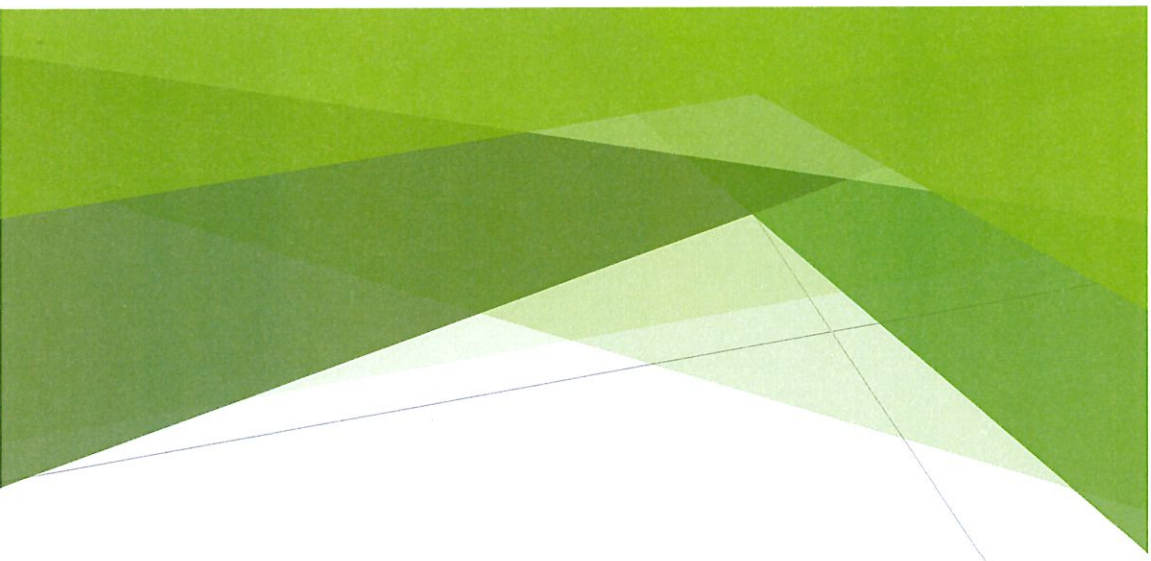
GENERAL FUND - 2023 DRAFT BUDGET		REVENUE	
GL ACCOUNT DESCRIPTION	2022 BUDGET	2023 BUDGET	
REAL ESTATE TAXES			
CURRENT	50,205,213	55,217,065	
PRIOR YEAR	1,600,000	1,512,771	
DELINQUENT	900,000	400,000	
INTERIM	30,000	90,000	
RE TRANSFER TAX	625,000	850,000	
	53,360,213	58,069,836	
LOCAL TAXES			
MERCANTILE TAX-CURRENT YEAR	1,275,000	1,300,000	
MERCANTILE TAX-PRIOR YEAR	65,000	60,000	
LOCAL SERVICE TAX	750,000	825,000	
BUSINESS PRIVILEGE TAX-CURRENT	800,000	800,000	
BUSINESS PRIVILEGE TAX-DELIN	150,000	125,000	
	3,040,000	3,110,000	
LICENSES & PERMITS			
MERCANTILE LICENSE	9,869	9,869	
BUSINESS LICENSE	19,399	19,399	
CABLE TELEVISION FRANCHISE	1,250,000	1,222,952	
LICENSES & INSPECTIONS	2,285,810	1,855,505	
PA LIQUOR LICENSE FEE	22,150	22,150	
	3,587,228	3,129,875	
COURT COSTS & FINES			
DISTRICT JUSTICE COURT COSTS	144,936	205,000	
PARKING METER & STATE POLICE FINES	424,010	424,010	
	568,946	629,010	
DEPARTMENTAL REVENUE			
SOLID WASTE COLLECTION	7,118,821	8,793,561	
PUBLIC WORKS	2,000	8,000	
RECREATION	164,829	34,829	
PARKING	860,000	775,000	
POLICE	91,907	291,907	
FIRE	62,000	90,000	
SENIOR SERVICES	320,000	355,000	
	8,619,557	10,348,297	
GRANTS			
PUBLIC UTILITY REALTY TAX	60,000	60,000	
MUNICIPAL PENSION PLANS	2,875,519	2,749,710	
VOLUNTEER FIRE RELIEF ALLOCATION	200,000	160,000	
HUD ENTITLEMENT GRANT	1,712,677	1,500,000	
MISC GRANT	500,000	500,000	
EXCELON CRR GRANT INCOME	250,000	100,000	
STATE RECYCLING GRANT	100,000	100,000	
COUNTY LIQUID FUELS	89,168	89,168	
CDBG	80,000	-	
	5,867,364	5,158,878	
OTHER INCOME			
MISCELLANEOUS REVENUE	150,000	200,000	
SALES OF GENERAL FIXED ASSETS	10,000	20,000	
ADMINISTRATIVE SERVICES	11,500	-	
TRANSFER FROM SEWER FUND for overhead	400,000	923,975	
FLEXIBLE BENEFITS PLAN	-	40,000	
POSTAGE COST RECOVERY	9,258	9,258	
LEASED PROPERTIES	172,038	160,000	
REFUNDS/REIMBURSEMENTS	50,000	197,398	
INTEREST(one account in OPENGOV)	802,796	1,550,631	
TOTAL REVENUE	75,846,104	81,996,526	

GENERAL FUND - 2023 DRAFT BUDGET		EXPENSE	
GL ACCOUNT DESCRIPTION	2022 BUDGET	2023 BUDGET	
<u>GENERAL GOVERNMENT</u>			
COUNCIL	210,708	209,789	
MAYOR	156,254	107,101	
FINANCE	1,021,849	1,208,852	
TREASURER	8,274	8,274	
SOLICITOR	582,079	582,079	
CAO	299,087	304,485	
ADMINISTRATIVE SERVICES/IT	1,944,499	798,284	
HUMAN RESOURCES	346,483	308,072	
	4,569,233	3,526,936	
<u>DEPARTMENTAL</u>			
POLICE	28,363,298	30,561,476	
FIRE	14,185,936	14,431,675	
LICENSE & INSPECTION	2,052,917	1,721,206	
PUBLIC WORKS	5,076,613	6,289,172	
SANITATION	6,675,698	7,432,666	
PARKING	640,742	728,439	
RECREATION	959,801	845,139	
COMMUNITY & ECONOMIC DEV		102,748	
ONE CENTER		325,691	
SENIOR SERVICES	482,264	687,952	
	58,437,269	63,126,164	
<u>GENERAL GOVERNMENT: BUILDING</u>			
MAINTENANCE		460,551	
UTILITIES		85,450	
PROPERTY INSURANCE	1,625,000	1,215,568	
	1,625,000	1,761,569	
<u>GRANTS</u>			
VOLUNTEER FIRE RELIEF	200,000	160,000	
HUD	1,851,866	1,500,000	
GRANTS	10,000	500,000	
	2,061,866	2,160,000	
<u>OTHER EXPENSES</u>			
LIBRARY	1,494,307	1,516,722	
ASH & RUBBISH REFUNDS		20,000	
SPECIAL EVENTS	30,000	30,000	
REFUND OF REAL ESTATE OPT MERC	10,000	10,000	
MUNICIPAL PENSION PLANS EXPENS	1,848,170	1,910,255	
LIFE INSURANCE	100,000	84,366	
HEALTH INSURANCE	5,333,333	5,329,265	
UNEMPLOYMENT COMPENSATION	70,000	70,000	
WORKERS COMPENSATION INSURANCE	1,500,000	551,250	
WORKERS COMPENSATION CLAIMS	400,000	1,500,000	
CONTINGENCY		400,000	
	10,785,810	11,421,857	
TOTAL EXPENSE	77,479,178	81,996,526	



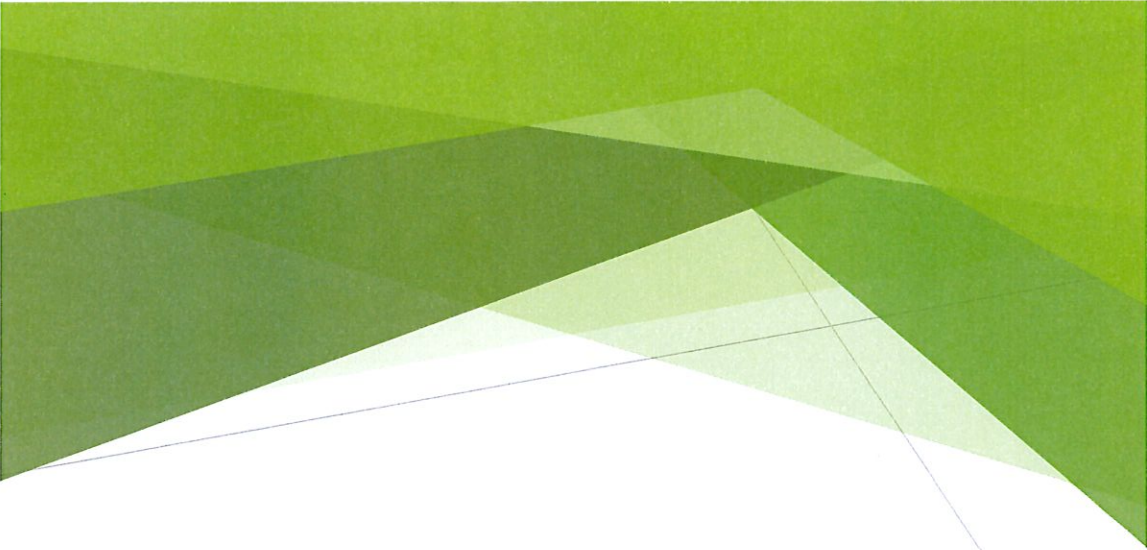
SEWER RENTAL FUND - 2023 DRAFT BUDGET		REVENUE	
GL ACCOUNT DESCRIPTION	2022 BUDGET	2023 BUDGET	
INTEREST		100	
SEWER USE CHARGE - CURRENT	6,570,767	8,172,610	
SEWER USE CHARGES DELINQUENT	1,615,779	1,800,000	
SEWER REIMBURSEMENT	1,926,082	1,976,938	
PENALTIES & INTEREST		100,000	
SEWER FUND REVENUE TOTAL	10,112,628	12,049,648	
		EXPENSE	
	2022 BUDGET	2023 BUDGET	
SALARIES & PAYROLL TAXES	844,128	779,973	
OVERTIME	170,620	170,620	
CLOTHING ALLOWANCE	7,000	7,000	
GENERAL SUPPLIES	13,396	13,000	
GENERAL SUPPLIES SEWER	1,000	1,000	
BRICKS MANHOLES LIDS ETC SEWER	39,035	39,000	
AUDIT SEWER	8,000	8,000	
SEWER SYSTEM MAINT, REPAIR, INSP	150,000	1,183,000	
VEHICLE & EQUIP. REPAIR SEWER	20,000	25,000	
AUTHORITY PAYMENTS SEWER	7,000,000	8,305,793	
LIEN FILING & COLLECTION FEES	4,727	4,727	
EMERGENCY REPAIRS	42,560	42,560	
MISCELLANEOUS SEWER	40,000	40,000	
PROFESSIONAL SVC FEES SEWER	6,000	6,000	
GAS AND OIL EXPENSE		-	
TRANSFER TO GF - OVERHEAD COSTS		923,975	
TRANSFERS TO SINKING FUND		-	
New Account: Transfer to Capital Reserve		500,000	
SEWER FUND EXPENSE TOTAL	8,346,467	12,049,648	





HIGHWAY FUND - 2023 DRAFT BUDGET		REVENUE	
(LIQUID FUELS)		2022 BUDGET	2023 BUDGET
GL ACCOUNT DESCRIPTION			
INTEREST			3,000
MISCELLANEOUS GRANTS		600,000	-
LIQUED FUELS TAX (PADot)		1,900,000	1,920,000
HIGHWAY TURNBACK ALLOWANCE		6,160	6,443
REVENUE TOTAL		2,506,160	1,929,443
		EXPENSE	
		2022 BUDGET	2023 BUDGET
SALARIES & PAYROLL TAXES		1,625,128	1,203,684
OVERTIME		221,759	150,759
TOOL PURCHASES HIGH.-(GEN.)		7,500	5,000
MAT. & SUPP. HIGH.-(TRAFFIC)		35,000	35,000
MAT. & SUPP. HIGHWAY-(SNOW)		100,000	100,000
MATERIAL HIGH.-(RDS./BRDGS.)		30,000	35,000
OTHER GRANT LABOR		-	
ROAD REPAIRS		200,000	400,000
EXPENSE TOTAL		2,219,387	1,929,443
Note: Salaries for streets moved to General Fund. Salaries in the budget are Highway, Roads & Bridges & Traffic salaries			





SINKING FUND - 2023 DRAFT BUDGET			
GL ACCOUNT DESCRIPTION	REVENUE		
	2022 BUDGET	2023 BUDGET	
PRIOR YEAR OPENING BALANCE		1,255,536	ESTIMATE
REAL ESTATE TAX	3,083,450	759,940	
REVENUE TOTAL	3,083,450	2,015,476	
	EXPENSE		
	2022 BUDGET	2023 BUDGET	
PRINCIPAL	1,465,000	1,465,000	
INTEREST	1,618,450	550,476	
EXPENSE TOTAL	3,083,450	2,015,476	
ACTUAL DEBT SERVICE FOR 2022 WAS \$1,455,491			

