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December 7, 2022**

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**MINUTES**  
**Committee Meeting**  
**December 7, 2022**

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://youtube.com/upperdarby.org)\*\*\*

**Pledge of Allegiance to the flag of the United States of America**

Moment of Silence

Opening of Meeting

**Roll Call**

Andrew Hayman (AH), Brian Andruszko (BA), Sheikh M. Siddique, (SS), Matt Silva (MS),  
Brian K. Burke (BB), Michelle Billups, (MB), Meaghan Wagner (MW), Hafiz Tunis Jr. (HT),  
Laura Wentz (LW)

Danyelle Blackwell (DB), via Zoom  
Lisa Faraglia, (LF), via Zoom

**Present at the Meeting**

Barbarann Keffer, Mayor  
Chief Municipal Clerk, Alexis Cicchitti  
Mike Galante, Township Engineer  
Solicitor Sean Kilkenny  
Solicitor Colleen Marsini  
Sergeant of Arms, Officer Anthony Bateman  
Sergeant of Arms, Officer James Friel

**Rules for Meeting Decorum**

**“Upper Darby residents have the opportunity to speak for three (3) minutes. Residents are prohibited from making threats, using profanity, or acting in a manner that would impede or prevent the conduct of the business of the meeting.” Public Forum should not exceed thirty (30) minutes.”**

**Public Forum**

Kyle McIntyre, 1040 Drexel Avenue, stated there are 20 days left to raise money for the holiday assistance program and there are 100 children who are in dire need of assistance when it comes to clothes and gifts. He did have flyers with more information. On Saturday, December 10, 2022, there will be a drive-thru food drive in Arlington Cemetery from 11 a.m. until 2 p.m. in the parking lot in collaboration with Murphy’s Giving Market and the Service Club. There is also the monthly outreach at 69th Street for those that are unhoused. They are collecting winter coats and clothing in all sizes, sleeping bags, blankets and hygiene items. Mr. McIntyre stated that the line item for the Budget was never put out.

Joanne Nommavong, 133 N. Pennock Avenue, stated that the line item Budget was not shared as requested. She also spoke of the former accounting firm of Arthur Anderson who did audits for Enron and falsified financial

statements causing investors to lose millions of dollars. She stated that no one should just take the word of a big accounting firm and that people need to do their homework.

John Vizzari, 353 Kirks Lane, spoke of Ordinance No. 3131 & ARPA funds He is opposed to Ord. No. 3131.

Richard Blye, 7258 Lamport Road, read a poem called "The Truth." He referred to awards that were designated to the JACE for Juneteenth.

Brian Taylor, 7258 Lamport Road, spoke of the first Women Veterans Health Forum that was held the previous evening. He presented Councilor Silva with an Army medal for standing up when others didn't.

Bonnie Hallam, 4719 Woodland Avenue, asked about the content of the Agenda regarding the Home Rule Charter and the Administrative Code. She is hopeful that everyone can work together in 2023.

Olivia Taylor, 204 Kent Road, referred to Ordinance No. 3129. She asked if Yeadon's prisoners would be coming to Upper Darby and stated her opposition to it. Council President Burke added that this will not be long-term, as it is just a short fix.

Colleen Kennedy, 8723 West Chester Pike, stated that the line item budget is online but is a little hard to find. She spoke of the current situation in Yeadon Boro.

## **The Honorable Mayor Barbarann Keffer**

### **Mayor's Message**

Good evening.

Right before this meeting, we held our second annual Tree Lighting Ceremony in the municipal lot #1 across the street. Thank you to everyone who attended and helped us usher in the holiday spirit. As we close out on the end of the year, there are some other holiday events, which are occurring this week that I would like to share:

Upper Darby Township is participating in the Upper Darby Arts and Education Foundation's Toy Drive. One of the drop boxes for toys will be open in the municipal building during business hours 9-4:30 on Mondays-Fridays. Any new toys (still in their packaging) are greatly appreciated for the children in our local community! Toys will be accepted through December 16<sup>th</sup>. For more information, please call 610-321-3535.

This coming Sunday December 11<sup>th</sup> from 1-3pm, the Friends of the Swedish Cabin are hosting their "Trim-a-Tree Christmas Party" at the Swedish Cabin! Participants can come and enjoy decorating the cabin's Christmas tree. Admission is free for the day and there will be refreshments as well. Also on Sunday, the Marine Corps League at 1026 Providence Road in Secane will host their annual Christmas Toy and Food Collection from noon until 4 pm. Cost of admission is a \$10 or better toy, or cash equivalent. Actual food will not be collected, as the detachment prefers to give gift cards to local Super markets to the local families being assisted. Food and refreshments are provided, the museum will be open, and Santa will make his annual appearance between 1:00 pm and 3:00 pm.

I would like to talk about the budget resolution and the tax ordinance on tonight's agenda. We have had a budget presentation and two budget hearings in this room over the last six weeks. My administration and leadership team has worked diligently to put this budget together responsibly and openly.

Members of my administration have been meeting with various members of council since the end of September. To maintain public safety and municipal services reflect union contracts and address inflation, my final budget proposal is a 2.7% tax increase and an allocation of \$2.145 million from the American Rescue Plan revenue replacement funds. Currently, we have \$11.7 million dollars of revenue replacement money sitting in a bank account. The revenue replacement calculation is from a federal formula. Revenue replacement is a valid expenditure of the funds. UHY, the firm we hired to insure our compliance in using ARPA funds has verified our revenue replacement number. Again, we have \$11.7 million dollars budgeted for revenue replacement. I am

asking council for \$2.5 million of these funds to offset expenses. Repeatedly over this year, five times, the slim majority of council have refused to release the funds. The ARPA money belongs to the community and should be used to benefit the community.

Over the last two fiscal years, we have not increased taxes for residents. To maintain our high quality of public safety and municipal services however, the federal government has provided this money to our community and has deemed through their calculations that Upper Darby lost roughly \$11 million in revenue. I urge Council to approve the revenue replacement ordinance, which calls for the release of \$2.5 million dollars. I am advocating for a 2.7% tax increase so that we can begin to work on our long term structural deficits while not unnecessarily burdening our residents with the cost as we seamlessly continue to provide excellent municipal services to our community.

Just to be clear:

1. We have had three public meetings on the 2023 budget: the budget presentation in October and two public hearings in November and there was no public expression of concern by anyone on the Finance Committee about the proposed budget.
2. Acting Finance Director Donna Stilwell has been very consistent about the budgetary realities of our township: payroll and benefits, municipal services and inflation.
3. I spoke with Council President Burke two Sundays ago about using revenue replacement funds to cover critical municipal services and when there was no further discussion and no mention of an ARPA revenue replacement ordinance on the preliminary agenda, I created one which will be introduced tonight
4. A slim majority of council has voted down revenue replacement fund ordinances five times this year
5. As a show of good faith, I would like council to amend the revenue replacement ordinance to reflect the \$2.5 million needed to create the budget that I support. A budget that maintains our public safety and municipal services.
6. Last night I attended a meeting with the Finance Committee, Acting Finance Director Donna Stilwell and Controller Diane Scutti where critical changes to the proposed budget were discussed and I'd like to bring up Donna Stilwell now to talk about these issues publically

**Introduction of Ordinance No. 3131**, 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 Revenue Replacement; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**Motion to introduce and advertise Ordinance No. 3131 with an amendment freeing \$2.5 million in ARPA funds: AH/HT**

LW clarified that the Ordinance was being adjusted from \$6 million to \$2.5 million and noted that the year in the header was incorrect.

Following a brief discussion, it was determined to be an Administrative error that could easily be corrected. Council President Burke referred to a meeting with Mayor Keffer two weeks ago and a Zoom meeting that took place early in November with Donna Stilwell and Diane Scutti where the Finance Committee made it clear that no ARPA funds would be used to balance the Budget.

BA stated that he is fine releasing Lost Revenue to offset taxes. However, he does not feel comfortable doing that at this meeting and spoke of his reasons. He suggested introducing this at the next meeting.

LW spoke of the necessity of "tightening the belt" and saw areas where that could be done without preventing services to the residents of the Township. She stated that the Budget is fluid and it keeps changing. She agrees with BA and MW that they need to keep working on this to cut expenses.

AH stated that the Ordinance should be introduced and advertised at this meeting. He added that the need for revenue replacement was due to decreases in revenue due to the pandemic.

**MW asked to call the question. LW seconded.**

AH stated that eight votes are needed to call the question and asked Solicitor Kilkenny to clarify. Solicitor Kilkenny stated that this has been brought to his attention but that has not been followed in the past when somebody called the question. He recommended following past practices.

**A roll call vote was taken regarding calling the question.**

**6 in favor (BA, LE, MS, BB, MW, LW) 5 opposed (AH, DB, SS, MB, HT)**

**The Motion to call the question carries.**

**A roll call vote was taken on the Motion to introduce and advertise Ordinance No. 3131 with an amendment freeing \$2.5 million in ARPA funds.**

**10 in favor, 1 opposed (BB) The Motion to introduce and advertise Ordinance No. 3131 carries.**

Mayor Keffer stated that this was a healthy and fairly detailed debate. She does feel that this is a little late in the game as there were two Hearings. Moving forward, she suggested that this needs to start earlier. The Mayor asked Donna Stilwell and Diane Scutti to speak about the meeting from last evening. Council President Burke thanked Donna and Diane for the time spent with the Finance Committee.

Donna Stilwell spoke about tax and salary increases, pension liabilities and the benefit of planning ahead. She broke down the proposed tax increase and spoke of funding the services provided by the Township, either through tax increases and/or reducing expenses. She stated that the Budget could be trimmed but there is not \$1.7 million that could be trimmed. Ms. Stilwell added that they have worked very hard on this Budget for four months and that the need is to focus on rebuilding the balance sheet so that in a couple of years, if Capital financing is needed, there is a healthy fund balance.

Ms. Stilwell stated that the line item budget was presented in substance on October 19th and that she was taken aback when Council stated that they want the Budget reduced by \$1.7 million at last night's meeting. She felt that that conversation should have happened in October.

**\*The detailed discussion between Ms. Stilwell and Council, including questions and answers, can be viewed in its entirety on YouTube.**

## **COMMITTEE REPORTS**

### **Finance and Appropriations Committee**

Chair: Laura A. Wentz

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

**Motion to increase the salary of the Chief Municipal Clerk, Alexis Cicchitti.: LW/MW  
Moved and seconded. All in favor. The Motion carries.**

**\*Per Ordinance No. 2532**

**SECTION 1. Article II of Ordinance No. 2507 is herewith amended and supplemented by adding thereto the following section:**

**“SECTION 2.05 Municipal Clerk:** The Council shall appoint and fix the salary of the Municipal Clerk. The Municipal Clerk shall serve as Clerk of the Council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions and perform such other functions as may be required by law or by Township Ordinance. The Municipal Clerk shall, prior to appointment,

have been qualified by training or experience to perform the duties of the Office.”

(b) **Home Rule Charter and Administrative Code**

1. **Home Rule Charter**

**Article IV- The Mayor**

**Section 403- Powers & Responsibilities of the Mayor**

- B. Executive and enforce all laws, ordinances and resolutions and see that they are fully obeyed

**Article V- Chief Administrative Officer**

**Section 503- Compensation for the Chief Administrative Officer shall be determined by Council**

**Section 504\*- Powers and Duties of the Chief Administrative Officer after 1990**

- A. Under the direction of the Mayor, the Chief Administrative Officer shall have primary authority for the following activities:

- (1) Maintain the accounting system and accounting records
- (2) Maintain budgetary records and assure that all expenditures are in accordance with the budget
- (3) Purchase supplies and equipment
- (4) Maintain personnel files and records and maintain a description of all jobs and pay scales

- (c) The Chief Administrative Officer (or another official designated by the Administrative Code, under the direction of the Chief Administrative Officer) shall take charge of all the Township monies from all sources and promptly deposit the same in a bank, banking institution or trust company in the name of the Township, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the Mayor, members of Council & Auditors appointed by Council.

**Article IX- Financial Procedures**

**Section 904- Budget**

- (2) Propose capital expenditures during the ensuing fiscal year detailed by offices, departments, and agencies when practicable and the proposed method of financing each such capital expenditures; and

2. **Administrative Code**

**Section 3.02- Budget: Financial Affairs: Deeds and Contracts**

- B. The Mayor’s Budget shall be organized by line items and shall include detailed personnel requirements and the proposed expenditures for these requirements
- C. At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency in accordance with the provisions of the Home Rule Charter; however, said transfer shall be reported to the Township Council within ten (10) days of the date said transfer becomes effective
- D. All deeds, contracts and other agreements to which the Township is a party shall be executed by the Mayor in accordance with the provisions of the Home Rule Charter; however, any labor agreement with a collective bargaining unit shall become effective only upon approval of Council

- E. The Mayor shall submit to Council, on a monthly basis, a list of all bills and invoices paid by the Township during the proceeding monthly period.
- F. The Mayor shall expend funds for capital improvements in accordance with the requirements of the Capital Budget. Any changes or amendments to said budget shall become effective only upon the approval of a majority of the members of the Township Council.
- G. The Mayor shall present or cause to be presented to the Township Council, a quarterly summary of the Township's financial affairs. Said summary shall include a statement of both income and expenditures for the year to date and shall be presented at public meetings of the Township Council

**Resolution No. 49-22, the 2023 Budget**

**Council Vice-President Wentz spoke of the need for much more discussion of this Resolution and her desire to table it at this time.**

**Motion to TABLE: LW/BA**

**Moved and seconded. All in favor. Motion to TABLE Resolution No. 49-22 carries.**

**Introduction of Ordinance No. 3129**, an Ordinance approving the appointment of Solicitor, interest assessment and attorney fees, and collection fees added to the amount collected as part of unpaid Real Estate taxes and Municipal Claims for delinquent accounts

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

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

**Introduction of Ordinance No. 3130**, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing that part of certain unencumbered appropriations allocated by the 2022 Operating Budget be transferred from various department and agencies to other departments and agencies within the Township and repealing all Ordinances and Resolutions inconsistent herewith

Council Vice-President Wentz stated that the Finance Committee has questions and concerns about this. Mayor Keffer asked Controller, Diane Scutti to come to the podium to answer questions.

There was discussion regarding the Ordinance and the funding for the Departments.

**\*The detailed discussion between Ms. Scutti and Council, including questions and answers, can be viewed in its entirety on YouTube.**

BA asked to make an amendment to the Ordinance to scratch the \$101,434 from the Solicitor line. as there has been speculation about using Township funds for other suits within the municipality. He stated that until the requested check registry is received, he would feel more comfortable not having the Solicitor adjustment for now.

Diane Scutti confirmed that her staff will gather all of the requested data and that she will hold the bills at this time.

Solicitor Kilkenny confirmed that case law says that if any change is less than 20%, it is not considered a major change.

**Motion to introduce and advertise Ordinance No. 3130 with the amendment that all is approved with the exception of the Solicitor's line of \$101,434 which will only be transferred upon a Motion of Council:**

**MW/BA**

It was confirmed that until the check register was received, the Solicitor would not be paid.



There was also a request for all invoices from Solicitors.

**Moved and seconded. All in favor. Ordinance No. 3130 is approved, as amended.**

**Introduction of Ordinance No. 3132**, an Ordinance of the Township of Upper Darby, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 2023 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government

MB had questions about the charges in Section 3. Township Engineer, Mike Galange clarified how the sewer fees are calculated.

In response to a question from LW regarding tying in the sewer rate to water usage, Mayor Keffer stated that they want to study it more to see what impact it would have on the residents and then they would decide if they wanted to move to usage-based billing for the sewer bills.

BA stated that he believes that this Ordinance should be passed in concurrence with the Budget and wanted to make a Motion to table.

**Motion to TABLE Ordinance No. 3132: BA/MW**

**AH asked the Mayor or Ms. Stilwell if there would be any issues with delaying this. Solicitor Kilkenny confirmed that if it was introduced and advertised at next week's meeting, it could be voted on at a Special Meeting on December 28, 2023.**

**Moved and seconded. A roll call vote was taken. All in favor. Motion to TABLE Ordinance No. 3132 carries.**

#### **Public Safety Committee**

Chair: Lisa Faraglia

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

#### **Resolution No. 50-22, a Resolution to establish "No Parking of Trucks or Commercial Vehicles" on the 1100 block of Alexander Avenue**

Chair Faraglia stated that there were two meetings of the Public Safety Committee in the last two weeks working along with the Solicitor. One meeting was working on amending the Truck Ordinance and the second issue was the Event Permits. She is working with Councilman Tunis with the Events Permit.

BA stated that after discussion in the Executive Session earlier this evening, it was decided to table the below Resolution.

HT thanked LF for setting up the meeting with Solicitor Marsini. Due to his work schedule, he could not make it but appreciates her taking the time to set it up. He asked for an email update from the meeting. Solicitor Marsini stated that she will email what she is working on the HT.

**Motion to TABLE: BA/MW**

**Moved and seconded. All in favor. Resolution No. 50-22 is TABLED.**

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

Chair: Laura A. Wentz

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

Chair Wentz asked if there were any land developments coming this month. Mike Galante stated that there may be one in January.

Nothing for the December 14, 2022 Council Meeting.

Chair: Matt Silva  
Members: Meaghan R. Wagner, Laura A. Wentz, Michelle Billups

Nothing for the December 14, 2022 Council Meeting.

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

Chair: Hafiz Tunis Jr.  
Members: Michelle Billups, Andrew Hayman, Brian Andruszko

SS stated that there are too many street vendors on 69th Street and he asked the Township to intervene. HT stated that he would look into this issue.

Nothing for the December 14, 2022 Council Meeting.

**Parks and Recreation Committee**

Chair: Matt Silva  
Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups

LF asked if there were grants available to get youth groups funded. BB confirmed that she was referring to the \$1.5 million that was passed in the Ordinance under the non-profits. He added that MB and MS were working along with Jack Reagan from UHY and MB has an update.

MB stated that she sent an email to UHY on October 28, 2022 and a woman named Claire got back to her with a proposal and a schedule for the non-profits to apply. MB read the steps in the process.

Council President Burke asked MB to forward that email to Mayor Keffer, all Council members and the Solicitors for review. He suggested asking Jack Reagan when it could go onto the website.

Nothing for the December 14, 2022 Council Meeting.

**Public Health and Environmental Affairs Committee**

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

Nothing for the December 14, 2022 Council Meeting.

**Community Engagement Committee**

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

HT stated that SS reminded him that there will be a Bangladesh History celebration this month. He thanked MB for organizing a very successful turkey giveaway in the 6th District. MB stated that she contacted Aaronnda Beauford regarding the Black History Month Poetry Contest.

Nothing for the December 14, 2022 Council Meeting.

**Cultural Competency Committee**

Chair: Michelle Billups  
Members: Matt Silva, Danyelle Blackwell, Sheikh M. Siddique

MB stated that she is on the Delaware County Re-Entry Program and they still do not have a launch date for when they will be talking about the program. They are still looking for a secretary. The Re-Entry Program received some funding from the state and are running the successful Inside Out Educational Program. DCCC goes into the prison and offers programs to the prisoners.

Nothing for the December 14, 2022 Council Meeting.

## **Community Development Committee**

Chair: Sheikh M. Siddique

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

SS asked if a Target Store would be opening up in Upper Darby and Mayor Keffer replied that there has been a rumor for a couple of years that it would be in the old Sears building. She added that she has been working with the Kilkenny firm at the Court of Common Pleas level in Media to have the developer knock down the garage as it is extremely unsafe.

HT mentioned the new Taco Restaurant on Garrett Road and there is a new Five Below Store in 69th Street.

Nothing for the December 14, 2022 Council Meeting.

### **Solicitor**

MB asked what needs to be done to get a business to come to Upper Darby.

Mayor Keffer stated that is a conversation for Community Development. One thing that they have done is the Facade Improvement Pilot Program which shows businesses that the Township is willing to invest in infrastructure. Garrett Road is getting a streetscaping which includes new lighting and kiosks.

### **Old Business**

SS thanked HT for the turkey give-a-way which helped many families

### **New Business**

AH stated that he and HT, SS, MB & DB and the Mayor partnered with Men of Action/Brothers of Faith and were able to get a couple hundred toy donations for Toys For Tots for a giveaway on December 17, 2022. The time will be announced when confirmed. .

SS stated that there will be a jacket giveaway for needy families on December 21, 2022. The time will be announced when confirmed.

### **Adjournment:**

**Motion to adjourn: HT/AH Moved and seconded. All in favor. The meeting adjourned at 9:49 p.m.**

Respectfully submitted,

*Alexis Cicchitti*

Alexis Cicchitti

Chief Municipal Clerk

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://youtube.com/upperdarby.org)\*\*\*