

MINUTES FOR COUNCIL MEETING ON FEBRUARY 17, 2021

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

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

Present at the Meeting

Mayor Barbarann Keffer
CAO Vincent A Rongione, Esq.
Alexis Cicchitti, Chief Municipal Clerk
Scott Alberts, Director of Administrative Services
David Haman, Treasurer
Mike Galante, Township Engineer
Solicitor Sean Kilkenny
Solicitor Courtney Richardson

Guests

Mark Damico,
Kenneth Shuster, Co-Counsel
P. David Bramble, Managing Partner for MCB Real Estate, LLC
Drew Gorman, Principal for MCB Real Estate, LLC
Dan Shabel, Principal for MCB Real Estate, LLC
Roberto Espina, Project Civil Engineer
Frank Russo, Project Architect
Matt Hammond, Project Traffic Engineer

SEPTA Planning Committee

Tom Musi, Outside Counsel
Rachel Mercuri
Dan Corrigan

Recipients of Awards

Bart Everts
Desiree LaMarr-Murphy
Gloria Edwards

Rules for Meeting Decorum

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

Approval of the Minutes for January 2021

Approval of the Minutes from the Committee Meeting of January 13, 2021:
DB/SS Moved and seconded. All in favor. The Minutes are approved.

Approval of the Minutes from the Council Meeting of January 27, 2021:
RG/MB Moved and seconded. All in favor. The Minutes are approved.

Public Forum

Christine Mulholland, 1000 Concord Avenue displeased with the elimination of the Good Friday Holiday on the Township schedule.

Cathy Malloy, 2408 Stoneybrook Lane, displeased with the elimination of the Good Friday Holiday on the Township schedule.

Elizabeth & Allan Meyer, 610 Orchard Way, opposed of the rezoning and commercial development of the Thompson Tract.

Francis Simcox, 532 Drexel Avenue, against changing Good Friday to Spring Holiday.

Pat Florio, 1105 Wilde Avenue, against changing the name of Good Friday to Spring Holiday.

John & Margaret Smith, 720 East Providence Road, against Thompson Tract development

Joseph & Christy Troy, 507 Maine Avenue, against Thompson Tract development proposed change in zoning.

Kenya Boyle, 320 Watkins Avenue, expressed her noise complaint concerning her neighbor located at 324 Watkins Avenue. MS and SS have been in touch with the resident to see how they can assist her with this issue. CAO will also look into it. TW stated that this issue should be presented to our Police Department.

Linda Carothers, 535 Woodglen Road against Thompson Tract development due to the disturbance of this green space.

Kathleen McGuigan, 2433 Cedar Lane against the removal of Good Friday on the Township Holiday list.

Sally A. Grande, 607 Montana Avenue, strongly opposes the variance for the construction of an apartment complex on the site of the Thompson Tract.

Diane Lombardo, 515 Maine Avenue opposes the development of an apartment complex on the site of the *open space* of the Thompson Tract.

Rita Morley, 917 Shadeland Avenue is offended by re-naming the Good Friday Holiday to Spring Holiday.

Richard Knight, 315 Riverview Avenue is upset about the cancellation of the Good Friday Holiday.

Donald Procopio, 514 Montana Avenue opposes the proposed variance request for the Thompson Tract.

Frances Russel, 725 Roselawn Avenue *vehemently objects* the proposed zoning change to the Thompson Tract.

Kathy Landy, 136 North Carol Boulevard, inquiring about the reason the Township Building is not open to the public. CAO stated that it is not prudent from a public health perspective to have the building open at this time. As the number of cases of COVID improve, we will consider re-opening. Public Health and trust is most important.

Heather Klein, 716 Elm Tree Road, is against the zoning variance for the Thompson Tract.

Kathleen Geisheimer, 936 Foss Avenue is upset about removal of bus service for Aronimink students. LW replied that it is a school district issue and not a Township issue. Therefore, she will forward her concerns to the school board.

Donna Colleluori, 736 East Providence Road, is against the rezoning of the Thompson Tract.

Helen Wilson, 903 West Penn Pines Boulevard is opposed to the proposed construction of an apartment building on the Thompson Tract Property.

Nicole Kelly, 500 California Avenue, stated her strong opposition to the proposed zoning variance for the Thompson Tract.

Meg Massaro, 712 Wildell Road, is upset about the removal of Good Friday, the Drexline Land Development, and the elimination of the police canine unit and S.W.A.T. Team. LW stated that both the canine unit and S.W.A.T Team still exists. The S.W.A.T *vehicle* was released.

Susan Borio, 1101 Cobbs Street, is deeply opposed to changing Good Friday to Spring Holiday.

Joanne Boyle, 12 Arbor Lea Road, opposes any changes to the variance of the Thompson Tract.

The Honorable Mayor Barbarann Keffer

Good evening everybody,

I have a couple of updates:

My administration continues to aggressively pursue grants that will increase reinvestment in our community. We recently applied for two multi-modal grants, one for the Bishop Avenue/Secane Train Station and one for Market Street at Powell Lane. We are working on an application for grant funding for upgrades to Observatory Park and Chapman Park.

Tonight Council will vote on two important projects: the Drexline development and the expanded parking lot at the Secane train station. We are glad to see redevelopment in our township and I support both these projects.

COVID-19 statistics are starting to improve in Delaware County, but we encourage everyone to remain vigilant by continuing to wear masks, washing your hands and social distancing as much as possible. Now is not the time to let your guard down. Please contact the Delaware County Covid-19 Call Center at 484-276-2100 if you have any questions. The Call Center can also help you navigate which eligibility group you may be in for the COVID-19 vaccine, and how to register to receive the vaccine when the time comes.

We are preparing for another snow and ice storm that is due to start overnight tonight and will continue through tomorrow into Friday. Our crews have been out all day brining and preparing the roads. As snow accumulates, they will be salting and plowing as needed. As always, please take your time and be extra cautious if you have to travel while it is snowing or sleeting. Non-essential travel is discouraged during these times and we appreciate your cooperation in helping to keep snow emergency routes clear.

As a proud Cardinal O'Hara graduate and a Catholic myself, I know that Good Friday is a solemn Christian holy day and is important to many people. I hear the concerns that have been raised regarding the change on the Township trash and recycling calendar. The change on this calendar was implemented in order to be more inclusive and respectful of Upper Darby's diverse community. We fully support the observation of Good Friday by everyone who chooses to do so.

Thank you and have a great evening.

TW wanted to know if it was the appropriate time to address Mayor Keffer on the issues that were presented by the residents from the Public Forum. LW stated that Council could address the Mayor under *New Business*. TW expressed his displeasure with this procedure.

President of Council, Laura A. Wentz

Council President Laura Wentz and the Upper Darby Council Events Committee, Council Secretary Michelle Billups, Danyelle Blackwell, Fourth District Councilwoman, Hafiz Tunis, Jr., Seventh District Councilman, and Matt Silva, Councilman At Large, presented Black History Month Awards.

Presentation of the Black History Month Awards

Upper Darby Dedication to Community Award

MS presented the certificate to Desiree LaMarr-Murphy for her contribution and dedication to the community. LW thanked Peggy Wilson for creating the certificates.

Community Activist Award

MB presented the certificate to Gloria Edwards for her contribution and dedication to the community.

Upper Darby Council Achievement Award

DB presented the certificate to Bart Everts for his contribution and dedication to the community.

HT expressed his appreciation of Mr. Everts for his stellar communication skills between the constituents and Council.

COMMITTEE REPORTS

Finance and Appropriations Committee

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

Members: Danyelle Blackwell, Brian K. Burke

Treasurer's Report: Treasurer, David Haman

*See attached

Motion to approve: RG/SS Moved and seconded. All in favor. Motion is approved.

Planning, Zoning and Building Code Committee

Co-Chairs: Robert S. Gwin Jr. & Michelle Billups

Members: Donald P. Bonnett, Hafiz Tunis Jr.

Resolution No. 07-21, a Resolution of Upper Darby Township granting final subdivision and land development plan approval to MCBH Drexeline Plaza LP for redevelopment of the Drexeline Shopping Center

Solicitor Kilkenny gave a brief on Resolution No. 07-21

Motion to approve: RG/SS: Moved and seconded.

TW stated that while no project is perfect, this land development is crucial for the Township. He urged everyone to *come together* and pass this Resolution.

DPB stated his displeasure with a number of issues relating to this land development. However, the development needs to progress.

BB asked about the timeline for completing everything required by the DEP and Penn DOT. He also wanted to know if private or government funds were being used for this project. Dan Shabel stated that they are doing their best to expedite the process. However, several different permits are under review with different agencies. Meanwhile, they are trying to stay on track with the target date in April. However, some conditions are beyond their control. Lastly, they have not received public funding for this project.

MB, LW and RG expressed their gratitude towards everyone who contributed to the new land development. They also shared their support to vote in favor of the Resolution.

A roll call vote was taken. All in favor. Resolution No. 07-21 is approved.

Resolution No. 08-21, a Resolution of Upper Darby Township granting final land development Plan approval to Southeastern Pennsylvania Transportation Authority (SEPTA) for a Secane Station Parking lot at 325 North Avenue

Solicitor Richardson gave a brief on Resolution No. 08-21

SEPTA Planning Committee and Tom Musi, outside Counsel for SEPTA stood by for any questions relating to the Resolution.

Mr. Musi gave a brief speech about the close relationship between SEPTA and the Township. He also requested the approval for Resolution No. 08-21.

Motion to approve: RG/LF

Mike Galante stated that the waivers were discussed at a previous meeting. However, he was willing to review them again for clarity. Therefore, he briefed on each waiver.

**LW amended the Motion to approve to approve all the waivers and the Resolution.
Moved and seconded by RG and LF.**

MS asked if improvements/enhancements would be made to the pedestrian crosswalk at Providence Road and North Avenue.

Mayor Keffer responded that SEPTA and Penn DOT recognize that these areas need improvement. Mike Galante stated that the applicant has agreed to perform a traffic study and some concept plans. In addition to working collectively with the Township and Penn DOT for grants to improve the intersection. He also believes that it is part of this Resolution.

A roll call vote was taken. 10 in favor. 1 abstained (TW). Resolution No. 08-21 is approved.

Mr. Musi offered \$1,000 dollars to Ms. Edwards to donate to any charity she chooses. LW responded that MB is the connection to contact Ms. Edwards.

Municipal Services, Licensing and Public Works Committee

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

Members: Thomas P. Wagner, Brian K. Burke

Resolution No. 09-21, a Resolution of the Township of Upper Darby, Delaware County, authorizing applications to the Pennsylvania Department of Transportation for traffic signal improvements for the intersection at Ferne Boulevard and Burmont Road

Solicitor Kilkenny briefed on Resolution No. 09-21.

Motion to approve: SS/MB moved and seconded.

DPB asked what the Township is proposing to do. CAO Rongione responded that the Township is authorizing Penn DOT to make changes to the sequence of the traffic signals. LW responded that it is a continuation of the Resolutions throughout last year in different intersections.

All in favor. Resolution No. 09-21 is approved.

Resolution No. 10-21, to apply to the County Council for an allocation of the County Liquid Fuel Tax Funds in the amount \$89,168.00

Motion to approve: MS/RG moved and seconded.

RG pointed out that this funding is only a portion that will go towards street repairs.

All in favor. Resolution No. 10-21 is approved.

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Danyelle Blackwell, Sheikh M. Siddique

Solicitor

Solicitor Richardson stated they have been working *tirelessly* on Drexeline, Secane Station and St. Eugene's property pertaining to the land development. She also included that they are working on various Right to Know Requests.

Old Business

LF stated that she has not received an answer to her request that the Township Solicitor appear at the Zoning Hearings for the Thompson Tract.

LW responded that it is *worthwhile* for Council to express their thoughts about the zoning relief before making any decisions.

MS asked for an explanation of the process for Council to make a motion to request the Solicitor with representing them in favor or opposition of the zoning request. Solicitor Kilkenny responded that his position is unique. He represents the Administration and Council, separately. Therefore, a Member of Council can make a motion to send someone from the Solicitor's Office to speak on behalf of Council or any Member of Council could state his/her own individual views.

BB Asked if they could make the motion at this moment. Solicitor Kilkenny stated that this could be done at any public meeting.

Mayor Keffer responded that Zoning Hearing Board is independent from the Administration and the residents. The Mayor further stated that she would not request to have our Solicitors to represent the Administration in opposition or in favor of the zoning relief.

BB called a motion for the Solicitor to represent Council with opposing the zoning relief request/application for the construction of an apartment building located at the Thompson Tract.

This motion was seconded by **TW**.

HT asked for clarification. Solicitor Kilkenny stated that he would represent Council if majority vote in favor of his representation to oppose the zoning relief application. He further stated that he would make it clear that his representation was on behalf of Council not the Administration.

LW stated her concerns about the zoning variance to the Thompson Tract. It would cause traffic congestion, an overpopulated school district and a disturbance of wildlife preservation.

MS stated that he does not agree with the zoning variance application because it would adversely affect the quality of life. However, he does not support sending the Solicitor to represent Council's opposition to this application. This would be going against the *process* as it stands.

CAO Rongione pointed out that the Zoning Hearing Board is a quasi-judicial, an independent body. Therefore, it sets a precedent for restricting applicants the right to an open and fair hearing. It would also set a bad precedent for developers wanting to invest in Upper Darby Township. The CAO further stated that it would be unfair to prevent this zoning variance with preconceived notions. The CAO concluded that this land is privately owned and is *zoned* for development of some source.

LW asked if this land is an *official* wildlife reserve. CAO stated that it is a currently undeveloped land. Therefore, it is inadvertently identified as a reserve for wildlife. However, a unique characteristic is that this land is preserving endangered chestnut trees.

LW mentioned that she advised the public to send their concerns directly to the Zoning Hearing Board.

Motion to call the question: HT/MB Moved and seconded. 9 in favor. 2 abstained (RG & DBP).

Motion to send the Solicitor to represent Council to oppose the apartment complex and uphold the Ordinance.

A roll call vote was taken. 3 in favor. 2 abstained (RG & DPB). 6 opposed. The motion does not carry.

***LW encouraged all Council Members to appear at the hearing to voice their concerns.**

TW reiterated that it would be valuable for LW to repeat to the public who voiced their concerns about the zoning relief that they can appear at the meeting to express their opinions. LW agreed that it is important for the residents to contact the Zoning Hearing Board directly.

BB asked for an update regarding the sidewalks and pavers project along the Aronimink business district that was discussed back in October. The CAO stated that at this time, there is no update and that he would look into it and get back to BB.

DPB stated that he is offended by the removal of Good Friday from the Township Calendar. Therefore, **DPB** moved to reinstate *Good Friday* on the Township Calendar. RG asked if his request is to include *Good Friday* in addition to *Spring Holiday* or to replace *Spring Holiday*. DPB clarified that he is requesting *Good Friday* to replace *Spring Holiday*. **TW** seconded the motion.

Motion for a policy to direct the Administration to reinstate Good Friday on the Township Calendar instead of Spring Holiday

DPB/TW Moved and seconded.

HT proposed the idea to include every religious/observed holiday representative of our Township.

MB offered the suggestion to compromise and include both *Spring Holiday/Good Friday*.

DPB agreed with HT to identify other major religious holidays on the Township Calendar. He also restated it as a Council policy and a directive to the Administration to change it back to *Good Friday*.

BB agreed with HT, MB and DPB that all three Council Members make good points. Therefore, he proposed that the Law & Government Committee assist with creating a calendar that is inclusive of all religions.

SS agrees that it important to appeal to our diverse community.

RG expressed his support with Mayor Keffer's decision. He believes that she is trying to create a neutral area and provide equality across the board.

DB asked for clarification of the significance for recognizing certain holidays on the Township Calendar. LW responded that the calendar is more specific with identifying the days our sanitation workers are scheduled off from trash and recycling removal.

CAO Rongione clarified that every year a 12-month calendar was distributed to the residents. This year the Administration distributed a trash and recycling schedule, focusing on the paid work holidays, denoting the changes to the regular trash and recycling schedule.

TW made the point that this decision should have been brought before Council for their input.

MS stated that the request to reinstate Good Friday has gotten lost in translation. The document that was circulated to the residents was a newsletter, not an official calendar. The purpose of this newsletter was to inform the residents of the trash and recycling schedule, not to inform them about the observance of religious celebrations.

A roll call vote was taken. 6 in favor. 4 opposed (HT, MS, SS & LW). 1 abstained (MB). The motion to reinstate Good Friday on the recycling calendar is approved.

Solicitor Kilkenny stated that he would research the validity of Council to compel the Administration to change the recycling calendar.

New Business

SS asked if there is any updates with availability for the COVID-19 vaccinations. CAO Rongione responded that they are still working on the logistics with the County.

LW stated that the eligibility to receive the vaccination is not widespread throughout the Township but she has shared information on the Council page.

TW shared that Pastor Nate Goodson and his congregation collaborated with two hospitals and shared information pertaining to the vaccines on Facebook. He further stated that Facebook is a good tool for finding locations.

Motion to adjourn TW/MB. All in favor. Meeting 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

Treasurer's Report to Upper Darby Township Council

Presented February 17, 2021

For Month-Ended January 31, 2021

This report includes two parts:

1. Report of the Township's financial position for the month ended January 31, 2021
2. An educational presentation on Municipal Bonds.

This report summarizes the Township's financial condition as of January 31, 2020. It reviews revenues and expenses for the month, ending cash balances, with a performance comparison to January 2020.

Our current financial structure includes a spending plan for 4 governmental funds named the General Fund, Sewer Fund, Highway Fund, and Sinking Fund.

On January 31, 2021, our Operating Funds cash position stood at \$5,662,607, including \$5,000,000 from the TRAN (bridge loan). We ended 2020 with \$5,394,178; hence, our cash position increased \$268,178.

January revenues were \$6,400,204, including the TRAN. Expenses were \$6,233,920, \$166,284 over revenues. The \$101,894 difference between the change in cash position and revenue surplus was due to grant revenue into the cash accounts that still needs to be booked.

Comparing January 2021 with January 2020, I note that the realized revenues represent about 6.97% of the annual budget; in January 2020, revenues represented about 1.05% of budget. January 2021 expenses represent about 6.8% of budget while January 2020 expenses represented about 9.11% of the 2020 budget. For a benchmark, 1 month of a year represents 8.3% of the total year.

Please refer to the attached revenue and expense summary data for January 2021. Note the two "outlier" line items on the summary data, the revenue labeled Other at 122.31% of budget and General Government expenses at 19.42% of budget. I will request more details on these items.

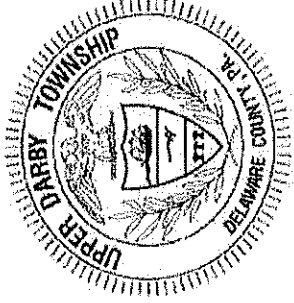
OVERVIEW OF DECEMBER OPERATING FUNDS

BANKING RECAP

Operating Funds Balance 1/31/2021	\$ 5,662,607
Operating Funds Balance 12/31/2020	\$ 5,394,429
Change in Operating Funds in January 2021	\$ 268,178

JANUARY OPERATIONS

	2021 Actual	2021 Budget	% of 2021 Budget	Jan-20
REVENUES				
Real Property Taxes	\$ 524,602	\$ 55,855,000	0.94%	
Business & Other Taxes	\$ 45,290	\$ 4,949,168	0.92%	
Licenses & Permits	\$ 127,117	\$ 3,592,800	3.54%	
Trash & Sewer Fees	\$ 325,372	\$ 14,950,000	2.18%	
Grants & State Aid	\$ 265,030	\$ 6,390,492	4.15%	
Reimbursement from Other Municipalities	\$ -	\$ 1,875,000	0.00%	
Other	\$ 5,112,793	\$ 4,180,160	122.31%	
Total Revenues	\$ 6,400,204	\$ 91,792,620	6.97%	1.05%
EXPENSES				
Public Safety	\$ 3,586,223	\$ 45,009,319	7.97%	
Public Works	\$ 977,428	\$ 27,540,633	3.55%	
Administrative Services	\$ 149,030	\$ 2,667,918	5.59%	
License & Inspections	\$ 78,101	\$ 3,366,957	2.32%	
General Government	\$ 1,060,704	\$ 5,462,948	19.42%	
Debt Service	\$ 24,750	\$ 2,711,027	0.91%	
Other	\$ 357,684	\$ 4,971,089	7.20%	
Total Expenses	\$ 6,233,920	\$ 91,729,891	6.80%	9.11%
Operating Surplus (Deficit) YTD January 31, 2021	\$ 166,284	\$ 62,729		
Difference Between Change in Funds Balance and January Surplus	\$ 101,894			
Grant Funds				



Upper Darby Township Treasurer's Report

February 2021

Dave Haman
Treasurer

Capital Assets

“Capital Assets” Refer to Big Stuff the Township Owns

- The Township Building
- Firetrucks and Police Cars
- Computers
- And a lot of other Stuff

“Capital” Refers to the Money We Use to Purchase Capital Assets

A more formal definition of Capital Asset for this discussion would be any fixed asset with a useful life of more than a year

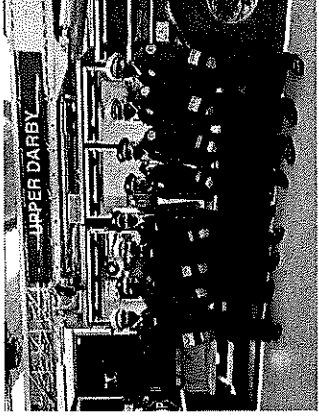
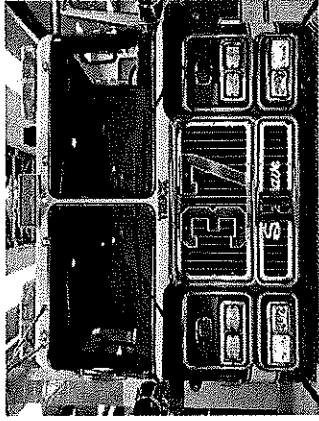
Capital Assets

We Must Eventually Replace Our Capital Assets

- Maintaining an aging firetruck can cost more to repair than paying for a new one
- Aging equipment can present a safety hazard to our First Responders
- When necessary, we must determine the most cost-effective way to pay for new capital assets

How Township Government Pays for Capital Assets

- Upper Darby Township recently purchased a new fire truck



- The decision of how to pay for it was the same as you make when purchasing a new car

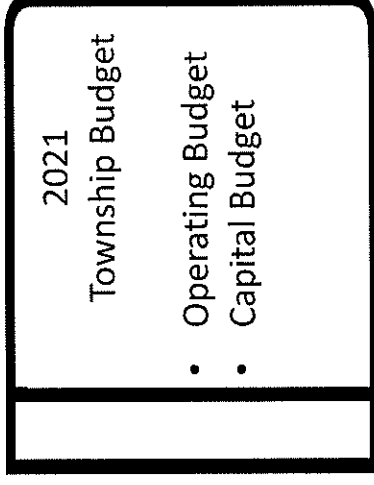
1. Borrow to Buy
2. Pay Cash
3. Lease

?

Capital Budgeting

The Township must manage the purchases of many capital assets

- The purchases are called “Capital Spending”
- The purchase plan is called the “Capital Budget”

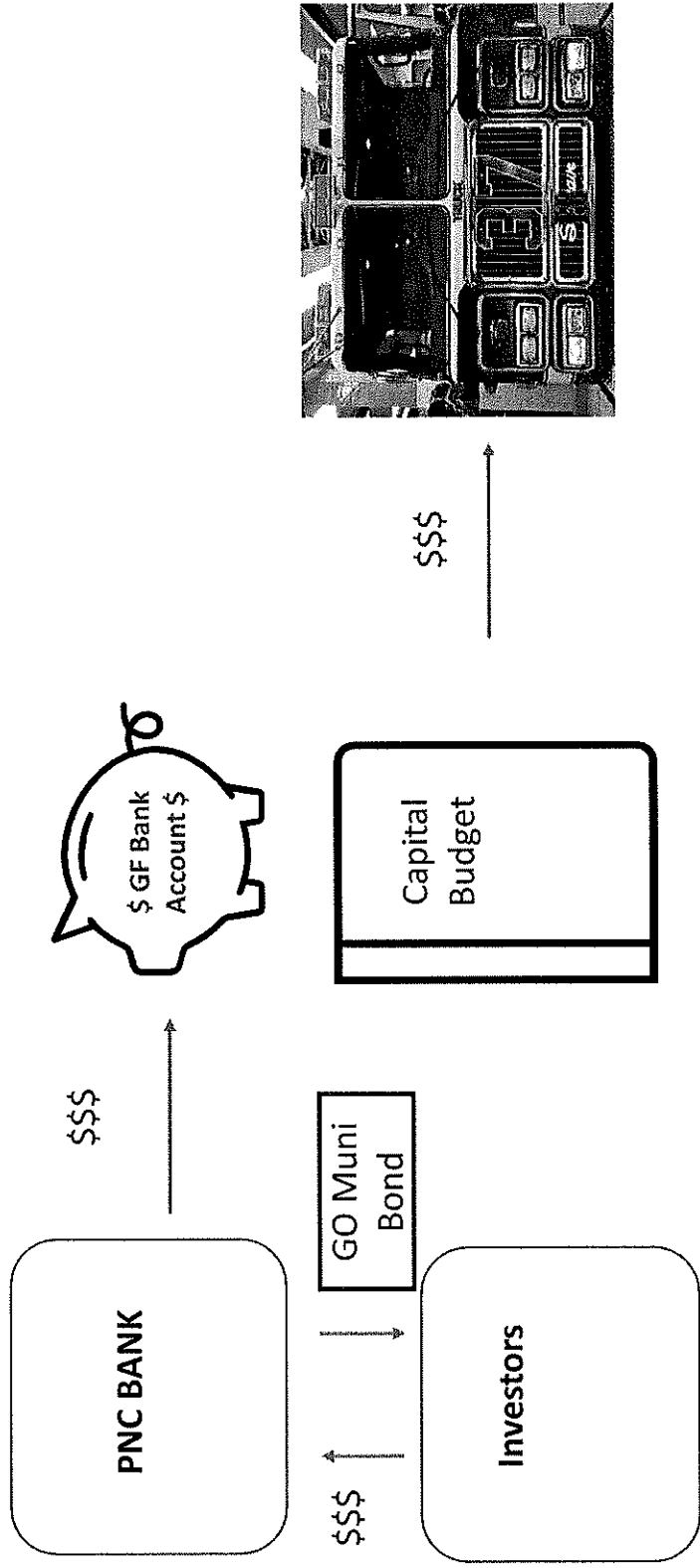


Financing the Capital Budget

- When families finance a car, we go to a bank and borrow money
 - For relatively short-term loans, such as the TRAN we use to provide temporary for the operating budget, the Township also borrows from the bank
 - For capital asset purchases, the Township borrows from investors
 - It's cheaper to borrow money from investors than from bank
- “Cost of Capital” – how much it costs to use OPM!

How We Obtain OPM for Capital Expenditures

- Upper Darby Township borrows money by issuing General Obligation Municipal Bonds



A Municipal Bond

- We promise to repay the bond in full at a specified future date
The “Maturity Date”
- We also promise to make semi-annual interest payments to investors
 - a. Interest payments are our Cost of Capital
 - b. Interest income is Bondholders’ return on investment

Side Note: If you invest in tax-free municipal bonds – this is
the source of your dividends

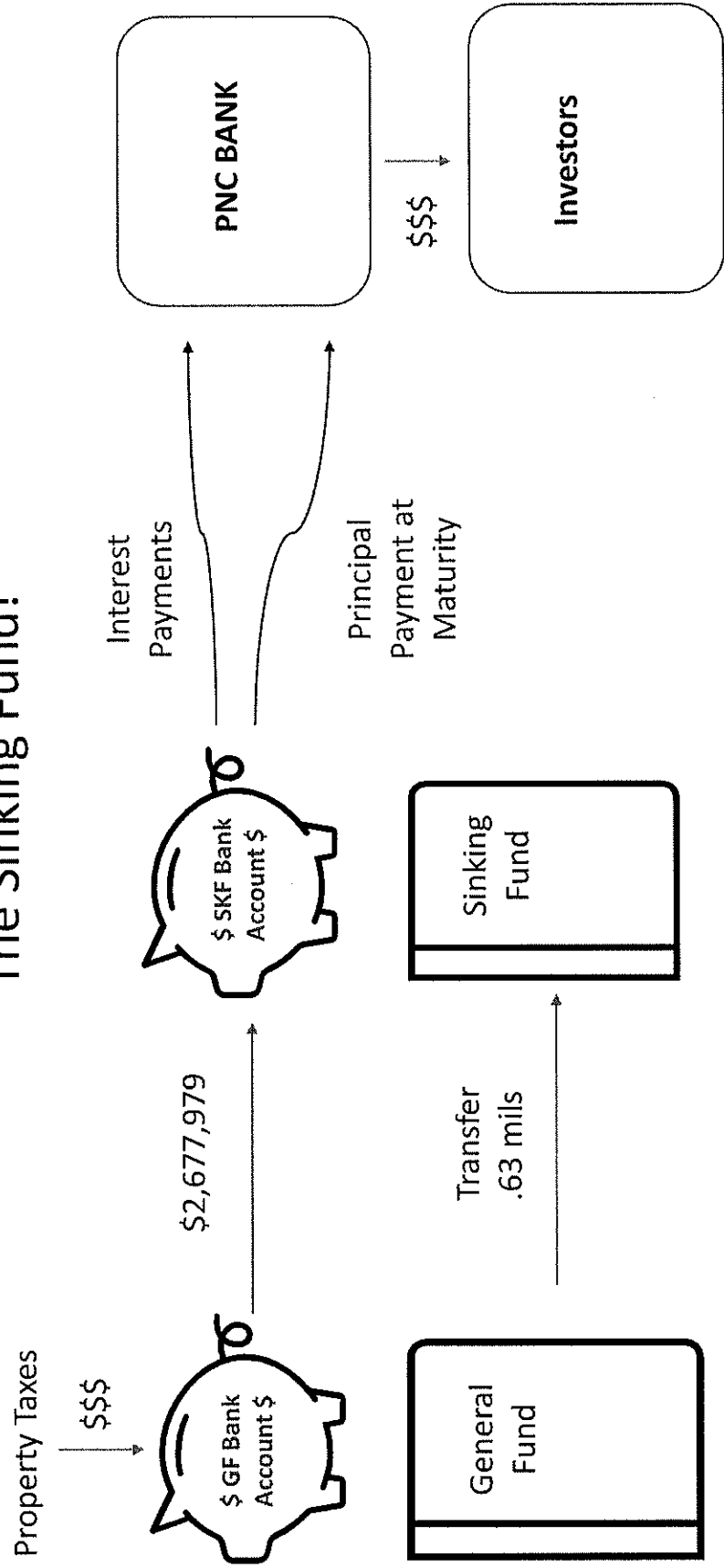
Life of a Municipal Bond

- A Bond is underwritten, exists for a period-of-time, then retired
 - It's born in underwriting
 - Its life begins when sold to an investor, providing interest to the investor over a specified period-of-time
 - It's put to rest at its Maturity Date, at which point the Township repays the bond in full

Property taxes Pay for the interest and repayment

How Does the Township Pay for the Bonds

The Sinking Fund!



Debt Service

- The Money We Use to Pay for Our Municipal Bonds
- .63 mils = \$2,677,979 based on 2021 Expected Property Tax Revenue
- 2.9% of the 2021 Revenue Budget
- At a 2.2% Interest Rate, We Would Need \$220,000 to Service \$10mil
- Our Plan is to Borrow Up To \$30 million over 3 years
- \$2,377,979 Would Be Saved Annually to Repay the Principal At Maturity

Topics Our Discussions So Far

- The 2021 Operating Budget
- Millage
 - $12.51 + .63 = 13.14$ mills
- How Township Finances are Managed With Fund Accounting
 - Operating Budget
 - Capital Budget
- How we Raise Money to Buy Capital Assets
 - Using Municipal Bonds and .63 mills
- Next Month: Look at the Upper Darby Capital Budget Plan

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 07-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING FINAL SUBDIVISION
AND LAND DEVELOPMENT PLAN APPROVAL TO MCBH DREXELINE PLAZA, LP
FOR REDEVELOPMENT OF THE DREXELINE SHOPPING CENTER**

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, MCBH Drexeline Plaza, LP (“Applicant”) is the owner of a certain 17.68-acre tract with an address of 5100 State Road, located on the southeast corner of the intersection between Township Line and State Roads, Upper Darby Township in the C-2 Zoning District (“Property”); and

WHEREAS, the Applicant proposes to subdivide the Property into seven (7) parcels and redevelop the Property as an existing 17.68-acre shopping center with proposed retail and office space, a grocery store, convenience store with fuel, an apartment building consisting of not more than 190 units, an indoor storage facility, and a pad site for future development. Site improvements include the construction of off-street parking areas, concrete sidewalk, concrete curb, stormwater management improvements, and site landscaping (“Project”); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain subdivision and land development plan for the Project dated June 6, 2019 and last revised December 11, 2020, being Delaware County Planning Department File No. 47-5950-20-21 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, provided its comments in its letter dated January 22, 2021; and

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

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

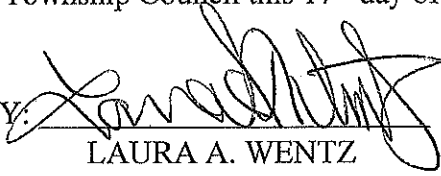
1. Prior to recording the Plan, Applicant must address to the satisfaction of the Township Engineer the comments and conditions contained in the January 4, 2021 MG Engineering review letter to the extent such comments are not already addressed by the latest version of the Plan;
2. Prior to recording the Plan, Applicant must address to the satisfaction of the Township Traffic Engineer the comments and conditions contained in the January 6, 2021 Heinrich and Klein Associates, Inc. traffic review letter, except to the extent any such comments are superseded by or inconsistent with the PennDOT highway occupancy Permit No. 06103461 issued to Applicant dated August 31, 2020;
3. Prior to recording the Plan, Applicant shall consider all applicable comments contained in the Delaware County Planning Department letter dated January 22, 2021;
4. Applicant shall comply with the Upper Darby Township Zoning Hearing Board's June 28, 2018 and February 4, 2021 decisions and all conditions imposed therein, and obtain any additional zoning relief and time extensions necessary prior to recording the Plan;
5. Applicant shall provide a Gateway Sign at the intersection of Township Line Road and State Road. Sign is subject to approval by the Township Engineer;
6. Applicant shall provide no less than four (4) Electric Vehicle Charging Stations;
7. Applicant shall provide an adequate passive recreation area on the premises for the residents of the apartments;
8. Applicant shall provide free access from Woodland Avenue and the adjacent property currently improved with apartments (Folio #16-11-01760-05) to State Road;
9. Applicant must obtain any necessary approvals and reviews from the 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;
10. 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;
11. 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;
12. 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 or cash escrow to guarantee the installation of all public improvements associated with the Project in amounts recommended by the Township

Engineer;

13. All 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 Section 503 of the Pennsylvania Municipalities Planning Code;
14. This Resolution shall bind the Applicant, and the Applicant's successors and assigns;
15. Applicant shall comply with the terms of the Stipulation of Settlement entered in the Delaware County Court of Common Pleas for the zoning appeal docketed at 2018-5951;
16. New deeds for the new lots must be approved by the Township Engineer and thereafter recorded contemporaneously with the recording of the Plans.
17. If a condominium or other similar unit owner association is formed, the Applicant shall submit the Association declaration and any associated maintenance agreements or covenants to the Township Solicitor for review and approval prior to recording the Plans. Such declaration shall provide Township with the right, but not the obligation, to enforce the restrictions, conditions and covenants of the declaration regarding any Common Facilities and/or the Controlled Facilities in the event the condo/owner association shall fail to do so. For this purpose, the Township shall have the right to impose a lien on each unit, and shall further be entitled to exercise any other rights and remedies it may have at law or in equity to collect the amounts disbursed by the Township to cure the default.
18. On December 9, 2020, Applicant was granted nine (9) waivers from the Township's Subdivision and Land Development Ordinance during the Township's approval of the preliminary plan for the Project. These waivers are encompassed in this Resolution and no additional waivers have been requested for the Plan.

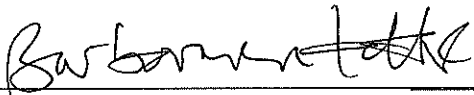
This Resolution does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans and Applicant shall be required to record the Plan prior to proceeding with any land development. Furthermore, this Resolution, and the approvals and conditions contained 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 17th day of February, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 07-21 is hereby approved this 17th day of February, 2021

BY: 
BARBARANN KEFFER,
Mayor

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

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

For Applicant, MCBH Drexline Plaza, LP:

By: _____

Dated _____

Print : _____

Title : _____

Attest : _____

Dated _____

Print : _____

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 08-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
FINAL LAND DEVELOPMENT PLAN APPROVAL TO
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA) FOR
A SECANE STATION PARKING LOT AT 325 NORTH AVENUE**

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, the Southeastern Pennsylvania Transportation Authority, commonly referred to as "SEPTA", ("Applicant") is the owner of a certain 3.86 acre property located at 325 North Avenue, Upper Darby Township, in the R-1 Zoning District that Applicant desires to utilize as commuter parking for SEPTA's Secane Station ("Property");

WHEREAS, the Applicant proposes to raze the existing residential structure and outbuildings on the Property and construct two at-grade commuter parking lots with an interconnected drive with associated site improvements including stormwater management, site landscaping and lighting, residential buffering, and pedestrian connections ("Project"); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain land development plan for the Project dated January 10, 2020 and last revised December 11, 2020 being Delaware County Planning Department File No. 47-6011-05-12-13-15-20 ("Plan"); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated May 21, 2020, 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 Municipalities Planning Code;

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

1. Prior to recording the Plan, Applicant must address, to the best of its ability, the comments and conditions contained in the November 19, 2020 MG Engineering review letter.

2. Prior to recording the Plan, Applicant shall address, to the best of its ability, all applicable comments contained in the May 21, 2020 Delaware County Planning Department review letter to the satisfaction of the Township Engineer;
3. Prior to recording the Plan, Applicant must address, to the best of its ability, the comments and conditions contained in the November 17, 2020 Albert Federico Consulting, LLC traffic review letter;
4. Applicant shall comply with the Upper Darby Township Zoning Hearing Board's December 17, 2020 decision and all conditions imposed therein, and obtain any additional zoning relief and time extensions necessary prior to recording the Plan;
5. 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;
6. 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;
7. 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;
8. Prior to recording the Plan, Applicant shall execute a Land Development Agreement drafted by the Township Solicitor and post financial security in the form of a letter bond;
9. 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 Section 510 of the Pennsylvania Municipalities Planning Code.

Waivers. The following requested waivers from the Township's Subdivision and Land Development Ordinance and Stormwater Ordinance are hereby approved or denied, as indicated:

1. **Sections 303 and 304** - for relief from submitting a separate submission for preliminary approval prior to final approval, is hereby:

APPROVED ☐

DENIED ☐

2. **Section 805.A.7-** for relief to permit the driveway onto North Bishop Road to intersect the street opposite a through street, Secane Road, is hereby:

APPROVED **DENIED**

3. **Section 405** - for relief related to groundwater recharge on the Property, as the infiltration on site is limited and the minimum infiltration requirement has not been met, but Applicant will promote infiltration and reduce stormwater runoff by adding an MRC Basin, landscaping, or another means to reduce stormwater runoff volume and promote infiltration, is hereby:

APPROVED **DENIED**

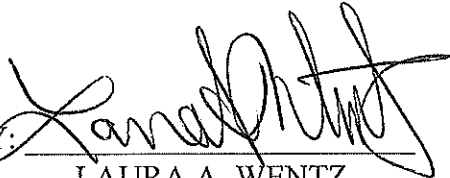
4. **Section 816.A.5** – for relief from the tree replacement regulations requiring each tree to be removed with a caliper greater than twelve inches when measured at a height of thirty-six inches from the ground due to limited planting on site, but instead have the Applicant purchase trees reasonably equivalent to the trees removed pursuant to the standards of Table 8-5 of §816.A.5 and donated to the Township for off-site planting at locations desired by the Township, 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.

Signature Page to Follow

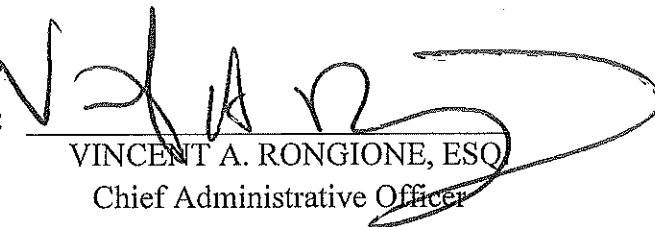
ADOPTED and RESOLVED by the Upper Darby Township Council this 17th day of **February 2021**.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 08-21 is hereby approved this 17th day of February, 2021

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ
Chief Administrative Officer

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

For Southeastern Pennsylvania Transportation Authority

By: _____

Dated _____

Print : _____

Title : _____

Attest : _____

Dated _____

Print : _____

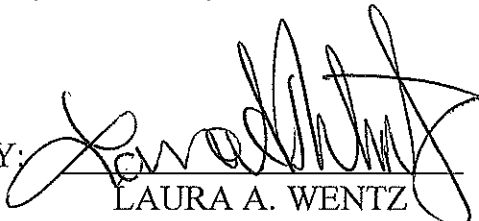
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 09-21

**A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY,
AUTHORIZING APPLICATIONS TO THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION FOR TRAFFIC SIGNAL IMPROVEMENTS FOR THE FERNE
BOULEVARD & BURMONT ROAD INTERSECTION**

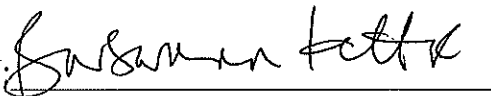
BE IT RESOLVED, by the authority of the Upper Darby Township Council, and it is hereby resolved by authority of the same, that Vincent A. Rongione, Chief Administrative Officer of Upper Darby Township is authorized and directed to submit the attached Applications for Traffic Signal Approval to the Pennsylvania Department of Transportation, and to sign this Application on behalf of Upper Darby Township.

ADOPTED and **RESOLVED** this 17th day of February 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 09-21 is hereby approved this 17th day of February 2021.

BY: 
BARBARANN KEFFER
Mayor

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

RESOLUTION NO. 10-21

WHEREAS, THE UNDERSIGNED MUNICIPALITY DESIRES TO TAKE ADVANTAGE OF THE ACT APPROVED JUNE 1, 1954, P.P. 1242 AND AS PROVIDED IN THE ACT APPROVED MAY 18, 1945, P.P. 803, PERMITTING COUNTIES OF THE COMMONWEALTH OF PENNSYLVANIA TO APPROPRIATE AND EXPEND MONEYS FOR THE IMPROVEMENT AND MAINTENANCE OF STATE HIGHWAYS AND STATE AID HIGHWAYS OR ANY PUBLIC HIGHWAY IN ANY COUNTY OF THE COMMONWEALTH.

THEREFORE, BE IT RESOLVED:

THAT WE, THE OFFICIALS OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA IN A REGULAR SESSION ASSEMBLED ON THIS 17th DAY OF FEBRUARY 2021, DO HEREBY MAKE APPLICATION TO THE COUNTY COUNCIL OF DELAWARE COUNTY FOR AN ALLOCATION OF COUNTY LIQUID FUEL TAX FUNDS IN THE AMOUNT OF \$89,168.00 TO BE USED IN THE IMPROVEMENT OF:

**RESURFACING VARIOUS STREETS THROUGHOUT
THE TOWNSHIP, ESTIMATED TOTAL COST OF
PROJECT: \$89,168.00**

IT IS CERTIFIED BY THE MUNICIPALITY AND THE OFFICERS WHO EXECUTE THIS APPLICATION THAT ALL MATERIALS USED AND WORK DONE HEREUNDER SHALL CONFORM TO THE CURRENT PENNSYLVANIA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, OR SPECIFICATIONS APPROVED BY THE DEPARTMENT, AND THAT ALL WORK WILL BE DONE WITHIN THE LEGAL RIGHT OF WAY OR WITH PERMISSION OF THE ABUTTING PROPERTY OWNERS.

RESOLVED, THIS 17th DAY OF FEBRUARY, 2021

UPPER DARBY TOWNSHIP

BY:




LAURA A. WENTZ
PRESIDENT OF COUNCIL

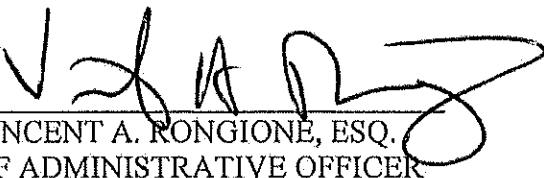
ATTEST:



MICHELLE BILLUPS
SECRETARY OF COUNCIL

APPROVED THIS 17th DAY OF FEBRUARY, 2021

BY: 
BARBARANN KEFFER
MAYOR

ATTEST: 
VINCENT A. RONGIONE, ESQ.
CHIEF ADMINISTRATIVE OFFICER