

MINUTES
Council Meeting
November 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), Robert S. Gwin Jr., (RG), Michelle Billups (MB), Matt Silva (MS),
Danyelle Blackwell (DB), Brian K. Burke (BB), Sheikh Siddique (SS), Lisa Faraglia (LF),
Donald P. Bonnett (DPB), Thomas P. Wagner, Laura A. Wentz (LW)

Present at the Meeting

Mayor Barbarann Keffer
CAO Vincent A Rongione, Esq.
Deputy CAO Alison Dobbins
Alexis Cicchitti, Chief Municipal Clerk
Solicitor Sean Kilkenny
Solicitor Courtney Richardson
Michael Galante, Township Engineer
David Haman, Treasurer

Guests

Andrew Stoll, attorney for UDSD
Marvin Lee, Controller of Operations UDSD
Chuck Haley, ELA Group, Design Engineer for the Project
David Neill, School Board member

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 October Minutes

Approval of the Committee Meeting Minutes of October 6, 2021 DB/RG All in favor Minutes are approved
Approval of the Council Meeting Minutes of October 20, 2021 MS/SS All in favor. Minutes are approved.

Public Forum

Karen Manners, 750 Concord Avenue, requests an independent Summer Stage

Harry Dietzler, 7205 Wayne Avenue, requests an independent Summer Stage, concerns with Summer Stage budget

CAO Rongione thanked Mr. Dietzler for his comments and he asked that Mr. Dietzler not read anything into the line items as far as the Township taking over Summer Stage. He stated that the Township intends to continue with the negotiations regarding Summer Stage. The Township is committed to having a good resolution to this issue.

DPB asked the intent of the Administration regarding Summer Stage.

The CAO stated that the Township, the school district and the foundation need to find the best way for the program to continue in perpetuity under the direction of Mr. Dietzler with complete artistic and financial control in the entity of his choosing.

DPB asked what is preventing the Township from allowing the foundation to take over Summer Stage.

BB asked Mr. Dietzler what is stopping him from breaking away from the Township. Mr. Dietzler said that it is just out of respect for the many years of support the Township has provided.

Mayor Keffer stated that she believes that they will get to a good resolution regarding this matter.

MB asked about the funding and expenses of Summer Stage. Deputy CAO Dobbins also explained exactly what royalties are. Mr. Dietzler also explained how some of the funding was used.

HT asked if any attempt has been made for transportation for children who may be unable to get to Summer Stage. Mr. Dietzler stated that it was prohibitively expensive but they have had scholarships that they hope to increase in the future.

Bill Pounds, 6790 Market Street, BBC Beauty Academy stated that there will be a charity event on November 23, 2021 from 10 a.m. till 3 pm

Steve Lockard, 427 Spruce Avenue, new municipal parking lot should have greater stormwater mitigation

Olivia Taylor, 204 Kent Road, smoke shops, asked when grant was filed for the 2nd Ward Playground, remove political signs

Charlotte Gordon, 7231 Guilford Road, speeding vehicles on street, requests speed bump

The Honorable Mayor Barbarann Keffer

Mayor's Message

November 17, 2021

Good evening everyone,

Tonight, we are continuing our discussion of Upper Darby's 2022 budget, and I would like to thank our department heads, council, and our treasurer for their time and input as well as the public's comments. We have put a great deal of time and careful planning into this budget, and it is proof positive of our commitment to reinvestment, revitalization, and reform in Upper Darby. Congratulations are in order for the Upper Darby High School Band, which placed first in the state and 6th nationally in recent competitions.

As a reminder, yard waste collection in Upper Darby continues this week. Curbside leaf pick-up has already started and will occur alongside the street sweeping schedule. We will be doing a bonus week of yard waste collection the week after Thanksgiving, November 29th through December 3rd. We encourage residents to bag their leaves as yard waste in brown paper bags since not all the leaves have fallen yet from trees. Make sure to put out your yard waste at your

curb line with your recycling.

Tragically, we lost one of our residents last week in a house fire. Our hearts go out to the family during this difficult time. As we head into the holiday season, it's important to remember fire safety and community risk reduction are critical priorities. I was honored to canvass the neighborhood together with Chief Sawyer and a group of our firefighters passing out free smoke alarms. If you are in need of a fire alarm, please contact the fire department for one at 610-734-7673 or through request@upperdarby.org..

As we enter the holiday season, getting vaccinated against Covid-19 remains a critically important way to protect yourself and those around you. Everyone age 5 years and older is now eligible to be vaccinated. To find a free vaccine location, please call 484-276-2100 or visit www.delcopa.gov/vax. For resources about vaccine hesitancy, please visit www.factsoverfiction.info.

This week, members of our Public Works Department will be picking up about 60 trees which will be planted by staff and UD Tree Tenders. I am deeply grateful for the work our staff has done throughout the year in conjunction with the Tree Tenders and the many volunteers to plant, mulch and maintain trees throughout the township especially at Gillespie Park and the Sellers Library area.

This week, work has begun on the Darby Creek Trail, starting at Rosemont Avenue and extending into Gillespie Park.

Last but not least, I would like to wish everyone a happy Thanksgiving.

Thank you and have a good evening.

President of Council, Laura A. Wentz

LW thanked everyone who came out for Veterans Day. The ceremony at Archer-Epler was a success. She also thanked those who provide food for families for the upcoming Holidays.

Treasurer's Report: David Haman, Treasurer

***See attached**

Motion to approve: RG/HT All in favor. The Treasurer's Report is approved

COMMITTEE REPORTS

Planning, Zoning & Building Code Committee

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

Members: Donald P. Bonnet, Hafiz Tunis Jr.

Resolution No. 49-21, a Resolution Granting Preliminary/Final Land Development Plan approval to the Upper Darby School District for Drexel Hill Middle School Athletic Field improvements at 3001 State Road

Solicitor Richardson gave a brief on Resolution No. 49-21

The Presenters described the project in detail and added that all stormwater management issues have been addressed. There was also a community meeting so that residents could give input.

***The entire Presentation is able to be viewed on YouTube.**

Motion to approve Resolution No. 49-21 and the waiver : TW/DB/DPB

Moved and seconded. Eleven in favor. Resolution No. 49-21 and the waiver are approved.

Motion to approve the lot line adjustment for the property located at 17 Roselawn Avenue.

(*The subdivision is called Nicholas Mershersky and it is located at 17 Roselawn Ave) *Per Joshua Chast

Mr. Galante explained the purpose of the lot line adjustment is that the owner is just trying to make his lot line conforming as it is now non-conforming.

Approval of Motion: RG/MB

Moved and seconded. All in favor. The Motion is approved.

Finance and Appropriations Committee

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

Members: Danyelle Blackwell & Brian K. Burke

Introduction of Ordinance No. 3105, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, imposing a real estate transfer tax pursuant to the Upper Darby Home Rule Charter; providing a severability clause and a repealer clause; and providing an effective date

Solicitor Kilkenny gave an explanation of the purpose of the Ordinance.

There was discussion regarding the percentage that should be applied and what the split should be. It was proposed to approve a 1.5% with a .75% split with the school district

BB stated that he believes we can take more than half. Solicitor Kilkenny stated that he has never seen that. TW stated that this is a tax increase and to call it what it is.

DPB stated that there are many seniors in the Township and this will be a burden to them.

LW stated that Council needs to discuss the different options of percentages.

Solicitor Kilkenny suggested that a Motion be made to see where people are on this.

Motion to approve 1.5% with a .75% split between the school district and the municipality : HT/MS

TW suggested the alternative of leaving the total at 1% and striking a deal with the school district.

BB asked if this affected non-profits such as churches, group homes, synagogues, etc.

Solicitor Kilkenny stated that it does not.

**Moved and seconded. A roll call vote was taken. 9 in favor, 2 opposed (TW, DPB)
The Motion was approved.**

Solicitor Kilkenny gave a brief on Ordinance No. 3105

Motion to introduce and advertise: RG/HT

**Moved and seconded. A roll call vote was taken. 9 in favor, 2 opposed (TW, DPB)
Motion to introduce and advertise Ordinance No. 3105 is approved.**

Council Budget Discussion/Action

Council President Wentz read the amendments to the Budget for 2022.

Motion to amend the Budget by substitution: MB/RG

DPB had concerns as he felt that Council didn't have the opportunity to review the new figures and stated that he didn't want his vote opposing the motion to suggest that he was voting against amending the budget. He also didn't want to vote in favor as that would imply that he agrees with everything. He didn't believe that a vote was necessary at this time.

Solicitor Kilkenny stated that the Home Rule Charter contemplates Public Hearings so that the Council and public can take a hard look at the budget and perhaps adjustments are made.

DPB again reiterated his concerns as he needs time to evaluate.

LW stated that if a Motion to amend the budget is passed, it can be re-advertised, which would allow the public the opportunity to review the amendments. She further stated that at a meeting held yesterday, members of Council had the opportunity to suggest amendments.

MS stated that he would like to move forward with advertising so people have a sense of transparency and the process will help clarify things for residents.

TW stated that this should have been done before the 2 Public Hearings.

DB asked for clarification regarding some items in the budget and the CAO and Deputy CAO offered explanations.

LW stated that there is now a line item for the Shade Tree Commission for \$5000.

Motion to call the question: HT/MS Moved and seconded. All in favor. The Motion is approved.

Motion to amend the 2022 budget:

Moved and seconded.

A roll call vote was taken. 8 in favor, 3 opposed (LF, DPB, TW) The Motion is approved.

The budget will be re-advertised with the new numbers.

Solicitor

Solicitor Kilkenny stated that his office has been busy with the Budget, the Real Estate Transfer Tax, various land development Resolutions and answering daily questions from the Administration.

The update on St. Eugene is that it is still with the Archdiocese of Philadelphia, and at this point, they are just waiting for the real estate in Philadelphia to approve it. Solicitor Walko will send a reminder email.

Solicitor Richardson spoke of Wilde Avenue and the Pennoni project and stated that they have been working with Mike Galante. There are some things to be done for the dedication, such as lighting, and then it will be presented to Council for the dedication.

Old Business

RG asked about the status of any traffic studies that have been done for traffic calming. Mayor Keffer stated that she will have the information tomorrow for RG.

New Business

HT commended Council and the Administration for bringing forth the amendment for the budget. He also stated that he would send out an email to Council members regarding a basketball league in the Township.

SS stated that there will be a vaccine clinic on Friday, November 19, 2021 from 2-4pm at the Mosque. He stated that he would send the information to Council President Wentz to share on Facebook.

MB stated that Men of Action/Brothers of Faith would be having an event on Monday, December 22, Tuesday, December 23 and Wednesday, December 24 from 4-7 p.m. Monday's event is at Darby Rec Center, Tuesday's event is at Evans Elementary School in Yeadon and Wednesday's event is at UDHS. There is a flyer on the Council page. LW added that they are looking for volunteers.

CAO added that the Men of Action has great events and the Township is very proud to be a major supporter for that event. He also thanked David Haman, Treasurer, for the role he played in facilitating the budget and bringing the parties together. On behalf of the Administration, he also thanked the Council President, Vice President and the Finance Committee for their efforts.

MB reminded everyone that May 22, 2022 is the Job Fair and May 14, 2022 is Mental Health Day.

Motion to adjourn: HT/RG All in favor. The meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

Chief Municipal Clerk

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**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 49-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL TO
THE UPPER DARBY SCHOOL DISTRICT FOR DREXEL HILL MIDDLE SCHOOL
ATHLETIC FIELD IMPROVEMENTS AT 3001 STATE ROAD**

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 Upper Darby School District (“Applicant”) is the owner of a certain 20-acre lot with a street address of 3001 State Road, Drexel Hill, Upper Darby Township, located in the Township’s R-2 Residential Zoning District, consisting of the Drexel Hill Middle School and associated athletic fields, being tax parcel number 16-08-02513-01 (“Property”); and

WHEREAS, the Applicant is proposing to redevelop the athletic fields on the Property by replacing the existing track and field with a synthetic turf field and an improved regulatory track, constructing synthetic turf practice areas, constructing detention basins and associated stormwater facilities underneath the turf fields for stormwater management, replacing the home grandstands, replacing and constructing accessory lighting, fencing, walkways, and other associated improvements, and installing athletic field sports lighting (“Project”); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain preliminary/final land development plan for the Project prepared by ELA Sport, dated July 2, 2021, and last revised on October 4, 2021, being Delaware County Planning Department File No. 47-4498-98-06-21 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated August 20, 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 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 August 31, 2021 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 August 20, 2021 Delaware County Planning Department review letter to the satisfaction of the Township Engineer.
3. 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.
4. Applicant shall obtain any zoning relief necessary and comply with any conditions imposed by the Upper Darby Zoning Hearing Board.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. Applicant shall install vegetative evergreen buffers to mitigate light, glare, and sound impacts that may emanate beyond the fields and impact neighboring residences and the public streets to the satisfaction of the Township Engineer. Applicant shall install fencing to the satisfaction of the Township Engineer to mitigate light, glare, and sound from impacting the neighboring residences and the public streets. The lighting for the fields shall be of the Dark Sky design type, shall be approved by the Township Engineer, and shall be angled away from the residences, and focused downward on the associated athletic field.
11. The elevated lighting for the athletic fields shall be required to be turned off before 10:00 p.m. and shall remain off until sunrise.
12. Unless otherwise reserved for specified times for the use of the Upper Darby School District or the District's permittees, the track installed as part of the Project shall be available and accessible for public use without charge or reservation.

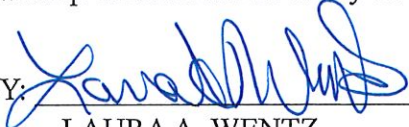
Waivers. The following requested waiver from the Township's Subdivision and Land Development is hereby approved or denied, as indicated, failure to provide any indication on the executed version of this Resolution shall indicate that the waiver was approved:

1. Section 300.1, that the preliminary plan and final plan be considered separate submissions, 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 **17th** day of **November, 2021.**

BY: 
 LAURA A. WENTZ
 President of Council

ATTEST: 
 MICHELLE BILLUPS
 Secretary of Council

Resolution No. 49-21 is hereby approved this 17th day of November, 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, ACCEPTS THE CONDITIONS CONTAINED WITHIN THIS RESOLUTION, AND HEREBY REPRESENTS THAT THEY AGREE TO THE PROVISIONS OF THE ABOVE PLAN APPROVAL RESOLUTION:

For Applicant: Upper Darby School District

By: 

Dated 11/19/2021

Print: Dr. Daniel P. McGarry

Title: Superintendent

Attest: 

Dated 11/19/2021

Print: Marvin Lee