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December 8th, 2021

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**MINUTES
Council Meeting
December 8, 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) virtual,
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, virtual

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”

Public Forum

Speakers:

Olivia Taylor, 204 Kent Road, believes that there has been a decline of the Township
Laura Anderson, 2403 Bond Avenue, rising crime in Township
Hazel Johnson, 66 Hartley Road, fix the many holes on 69th Street

CAO Rongione stated that he agrees with Ms. Johnson, and stated that the Administration is very aware of the problem and is actively trying to address this issue.

The Honorable Mayor Barbarann Keffer

Mayor's Message December 8, 2021

Good evening. Earlier tonight, we held a ribbon cutting ceremony at the municipal parking lot #1 to mark its completion, as well as our annual holiday tree lighting at the municipal building. Thank you to everyone who came out for this celebration of the holiday season. If you have the chance to see the Christmas tree on Garrett Road, you'll notice that it is planted, signifying our commitment to sustainability. Tonight, we are introducing an ordinance to establish a Trash Fee Senior Rebate Program in Upper Darby. Senior citizens who live on fixed incomes are among our most vulnerable populations, and this ordinance is intended to reduce the burden of waste collection costs on our community's seniors. I am asking Council for the second year in a row to approve a balanced budget with no property tax increase for our residents. This budget continues to address the more than \$6 million structural deficits we have inherited, and I thank everyone who has worked tirelessly to make sure we are able to avoid any adverse impact on our residents. This has been a difficult few years for our country, not just because of the pandemic but also due to rising violence in communities across the county. Sadly, our community is not immune and our hearts go out to all the victims of violence in Upper Darby. On a positive note, I am pleased to announce that we have received a \$308,122 grant from the state to increase community policing services throughout Upper Darby. This includes group activities, referrals to resources for families, and life skills classes. This Saturday, Councilwoman Danyelle Blackwell will be hosting a clean-up event at Parkview Playground on Saturday, December 11, starting at 10 a.m. I will be there, as will State Representative-Elect Gina Curry, and we hope residents will join us as well. As the Delta and Omicron variants of the COVID-19 virus continue to spread, getting vaccinated is the key to protecting yourself and the people around you. All children age 5 years and older are eligible to be vaccinated, and booster shots are available for everyone age 18 years and older who has been fully 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. Thank you and have a good evening

President of Council, Laura A. Wentz

LW thanked everyone for being at the meeting and thanked everyone who helped at Township events. She also added that she appreciates the hard work of the police and fire departments and the municipal employees.

COMMITTEE REPORTS

Finance and Appropriations Committee

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

Members: Danyelle Blackwell & Brian K. Burke

Resolution No. 55-21, Resolution of Upper Darby Township adopting the 2022 Budget providing a financial plan of all Township funds and activities for the ensuing year

Solicitor Richardson gave a brief on Resolution No. 55-21

Motion to adopt: RG/MB

TW stated that he will vote against the budget as he does not believe that enough is going toward public safety.

LW asked about the sewer rates and how it affects the budget

CAO Rongione stated that the idea of usage based billing was desired for 2022 but it wasn't possible for a number of reasons at this time so this will wait until 2023 when a new software system is in place. It is a goal of the Mayor to have this in place as it is more equitable.

**Moved and seconded. A roll call vote was taken. 8 in favor, 3 opposed (DPB, LF, TW)
Resolution No. 55-21 is adopted.**

Introduction of Ordinance No. 3108, an Ordinance of the Township of Upper Darby, County of Delaware, and the Commonwealth of Pennsylvania, fixing the tax rate for the Year 2022 and appropriating specific sums estimated to be required for the specific purpose of the Municipal Government

Solicitor Richardson gave a brief on Ordinance No. 3108

DPB asked about monies that will be received under the Federal American Rescue Plan as it might affect the tax rate for the 2022 calendar year .

He stated that we are receiving a grant of \$41,870,000.00 over a 2 year period in 2 tranches. He spoke about using some of the money and giving it back to the taxpayers as he believes that the Federal Courts have overturned the provision that it can not be used for reduction of RE taxes.

Solicitor Richardson stated that the lawsuit was filed in the 11th District and it only applied to 13 states and Pennsylvania is not one of them. In response to DPB's question, Solicitor Richardson stated she would look into whether or not Pennsylvania is appealing or participating in a lawsuit.

LW stated that there was a slide in the initial budget presentation regarding the intended usage of the monies. The CAO stated that was correct. The top-line budget categories were outlined for the first \$20-\$22 million and the plan of the Administrative is to have a public meeting to get public input and put the final version of that plan for a vote by Council before that money is spent. All of the money will either be invested in , or in some form of fashion, be remitted to the taxpayers.

RG asked for the amount that was paid for OPEB.

CAO Rongione stated that OPEB is the post-employment benefits that the Township is obligated to pay to former employees and at present, the Upper Darby obligation is in excess of \$3 million. He added that Upper Darby carries the largest/worst OPEB liability in the Commonwealth.

BB stated that Lower Merion & Haverford gave \$2500 to their volunteer firefighters out of the money that they received this year, and he would like to have the Administration look into doing the same. He realizes that we have infrastructure expenses and many bills, but we should get on board with the surrounding Townships and Municipalities.

The CAO stated that there was a recent meeting with volunteer firefighters and that issue was discussed with them directly. There was \$2 or \$3 million allocated out of the \$21 million for first responders. The possibility of COVID bonuses for volunteer and career first responders was discussed. This would also be for other Township employees who have been on the front line.

MS stated that while it would be nice for residents to get a rebate, it is really important to update infrastructure, fire trucks, etc.

Motion to introduce and advertise Ordinance No. 3108: HT/DB

Moved and seconded. A roll call vote was taken. 11 in favor.

Motion to introduce and advertise Ordinance No. 3108 is approved.

Vote at the Special Meeting of December 20, 2021.

Introduction of Ordinance No. 3109, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, authorizing transfer of unencumbered appropriations from certain departments, offices and

agencies to other departments, offices and agencies in accordance with Section 909 (D) of the Home Rule Charter

Solicitor Richardson gave a brief on Ordinance No. 3109

RG wanted to confirm with the Administration that certain departments don't need these funds for the remainder of this year.

Deputy CAO Dobbins stated that everyone agreed with the re-appropriations.

RG wanted to confirm that it is appropriate to put these funds into these categories rather than the Fund Balance and the CAO responded that it was. The CAO gave a more detailed explanation of how the money was budgeted per line item.

LW asked for clarity on why it appears that departments were over budget.

The CAO gave a more detailed explanation of how the money was budgeted per line item and also added that different Finance Directors have different ways of accounting for expenses. He further explained that a particular line did not actually go over budget, rather a new line was created to more clearly show the expenses, so at the end of the year, there would need to be a reconciliation and money would have to be moved to cover that line. The Administration continues to provide more clarity for the process.

LW asked for confirmation that maintenance for Public Works vehicles is not done through the Capital Budget, only the purchases. The CAO confirmed that.

TW stated that he is fundamentally opposed to this and that we are going in the wrong direction with reducing funds to public safety. He referred to an incident where UDPD was not on the scene because there were only 8 officers working and they were at another police call. He stated that we need more police and that he will vote against this.

There was a brief discussion about the police/fire contracts.

Further discussion ensued about the re-allocations. CAO Rongione stated that re-allocating money is an exercise that takes place on a routine basis as a matter of course and that's why it is discussed in the code. It is expected to do this at the end of every fiscal year.

The CAO stated that the Administration fully supports the first responders and the Mayor has an excellent relationship with the Fire Chief and the Superintendent. Tremendous strides have been made on updating equipment and apparatus in both the police and fire departments. There have been unprecedented investments in body cameras, tasers, bulletproof vests, new fire apparatus, new water rescue apparatus, along with attempting a process to convert to a uniform hose gauge so that the fire apparatus can better coordinate one another on a fire scene.

Motion to introduce and advertise Ordinance No. 3109: RG/HT

Moved and seconded. A roll call vote was taken. 8 in favor 3 opposed (LF, DPB, TW)

Motion to introduce and advertise Ordinance No. 3109 is approved.

Vote at Special Meeting of December 20, 2021

Introduction of Ordinance No. 3110, an Ordinance of Upper Darby Township Delaware County, Pennsylvania, amending and providing for a rebate of fees set forth in Chapter 461, Solid Waste, Section 18, "Refuse Collection Fees"; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

Solicitor Richardson gave a brief on Ordinance No. 3110

Mayor Keffer stated her support of this Ordinance.

BB stated that he has concerns that property owners would make renters pay which would cause their rent to be raised.

CAO Rongione stated that in a duplex or triplex where it is considered residential trash, the relationship is between the Township and the landlord, so the landlord is responsible for the trash fee. The Township is not a part of the lease obligation between the tenant and the landlord.

There was discussion about how the rebate would work and who would qualify.

DPB stated that a rebate by definition is a refund of an amount already paid. Therefore, if a tenant has paid it and meets the provisions of the PA 1000 Program, then they are entitled to get the money back. He suggested making a requirement that in addition to A and B, add C that proof of payment must be provided by applicants.

Solicitor Richardson suggested an amendment that an applicant must present proof of payment for the current year.

Deputy CAO Dobbins suggested that the Tax Office be the ones to verify payment to simplify the process.

Motion to amend, introduce and advertise Ordinance No. 3110: DB/RG

Moved and seconded. A roll call vote was taken. 11 in favor.

Motion to introduce and advertise Ordinance No. 3110 is approved.

Vote at Special Meeting of December 20, 2021

Public Safety Committee

Co-Chairs: Brian K. Burke and Danyelle Blackwell

Members: Matt Silva, Hafiz Tunis Jr.

Resolution No. 58-21, a Resolution to remove meter # 746 and #747 that are situated along Constitution Avenue

Solicitor Richardson gave a brief on Resolution No. 58-21

Council President Wentz stated that 2 Council members left the meeting.

Motion to adopt: RG/BB

Moved and seconded. A roll call vote was taken. 9 in favor, 2 absent (TW, DPB)

Resolution No. 58-21 is adopted.

Resolution No. 59-21, a Resolution to establish a Load/Unload Zone from 7:00 a.m. until 6:00 p.m. along Constitution Avenue after the removal of meter # 746 and #747

Solicitor Richardson gave a brief on Resolution No. 59-21

Motion to adopt: HT/BB

**Moved and seconded. A roll call vote was taken. 9 in favor, 2 absent (TW, DPB)
Resolution No. 59-21 is adopted.**

Planning, Zoning & Building Code Committee

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

Members: Donald P. Bonnet, Hafiz Tunis Jr.

Resolution No. 57-21, a Resolution of Upper Darby Township granting final minor subdivision and land development plan approval for a two lot residential development at 1210-1214 Roosevelt Drive

Solicitor Richardson gave a brief on Resolution No. 57-21

Motion to adopt: MB/BB

Moved and seconded. A roll call vote was taken. 9 in favor, 2 absent (TW/DPB)

Resolution No. 57-21 is adopted.

Solicitor

Solicitor Richardson stated that they have been busy with RTKs and the budget process.

Old Business

RG asked about an update with St. Eugene's and Solicitor Richardson said that she doesn't expect an answer until the New Year.

New Business

SS stated that the vaccination clinic was very successful and there will be another clinic on December 17, 2021 from 2-5 pm at the Islamic Center

DB stated that on December 11, 2021 at 9am, there will be a Meet and Greet at Parkview Playground for a clean-up and also under the bridge. Also, on December 18, 2021 at 3pm at the 69th Street Terminal, there will be a gift giveaway.

CAO Rongione thanked DB and SS for their great community events. He also added that the UDPD lost former Superintendent Anthony Celia this week. He served for 36 years from 1957 until 1993.

HT added that he partnered with the 69th St. Wildcats Athletic Association philanthropy called "Wildcats Cares" and they will be collecting toys and jackets up until the week before Christmas from 10-12 at the athletic field on Marshall Road.

Adjournment

Motion to adjourn: HT/SS The meeting was adjourned at 9:07 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://www.youtube.com/upperdarby.org)

RESOLUTION NO. 55-21

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

**A RESOLUTION OF UPPER DARBY TOWNSHIP ADOPTING THE 2022
BUDGET; PROVIDING A FINANCIAL PLAN OF ALL TOWNSHIP FUNDS AND
ACTIVITIES FOR THE ENSUING YEAR**

WHEREAS, Section 906(A) of the Home Rule Charter requires that Council shall publish a general summary of the budget and a notice providing the time and place where copies of the message and budget is available for inspection by the public and the time and place for hearings; and

WHEREAS, Section 906(A)(2) of the Home Rule Charter also requires that Council hold a public hearing on the Budget not less than two (2) weeks after such publication; and

WHEREAS, the Township published a general summary of the Budget for the Fiscal Year of 2022 and notice that public hearings would be held to review the Budget on Wednesday, November 10, 2021 at 6:00 p.m. before the regularly scheduled 7:00 p.m. meeting and at 6:00 p.m. before the regularly scheduled 7:00 pm meeting on Wednesday, November 17, 2021 in the Delaware County Times; and

WHEREAS, Section 906(C) of the Upper Darby Home Rule Charter (“Home Rule Charter”) requires that Council adopt the budget by resolution “[o]n or before the last day or the fiscal year currently ending”; and

WHEREAS, after two public hearings, the Council desires to adopt the 2022 budget; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE BUDGET FOR THE FISCAL YEAR OF 2022 BE APPROVED.

RESOLVED THIS 8th DAY OF DECEMBER, A.D., 2021

UPPER DARBY TOWNSHIP

BY: 

LAURA A. WENTZ

PRESIDENT OF COUNCIL

ATTEST



MICHELLE BILLUPS

SECRETARY OF COUNCIL

APPROVED THIS 8th DAY OF DECEMBER, A.D., 2021

BY: 
BARBARANN KEFFER, MAYOR

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

RESOLUTION NO. 58-21

WHEREAS, ORDINANCE NO. 482 OF THE TOWNSHIP OF UPPER DARBY, COMMONLY KNOWN AS "THE PARKING METER ORDINANCE" PROVIDES FOR INSTALLATION, OPERATION, MAINTENANCE, REGULATION AND CONTROL OF THE USE OF PARKING METERS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

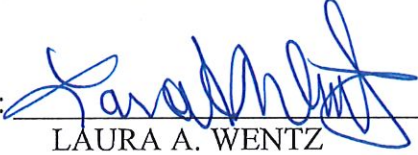
NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 482 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY THE FOLLOWING:

TO REMOVE PARKING METER NOS. 746 & 747 THAT ARE SITUATED ALONG CONSTITUTION AVENUE

RESOLVED THIS 8th DAY OF DECEMBER, A.D., 2021.

UPPER DARBY TOWNSHIP

BY: 
LAURA A. WENTZ
PRESIDENT OF COUNCIL

ATTEST: 
MICHELLE BILLUPS
SECRETARY OF COUNCIL

APPROVED THIS 8TH DAY OF DECEMBER, A.D. 2021

BY: 
BARBARAN KEFFER, MAYOR

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

RESOLUTION NO. 59-21

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

NOW, THEREFORE, BE IT RESOLVED:


THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 15 THEREFORE THE FOLLOWING:

ESTABLISH A LOAD/UNLOAD ZONE FROM 7:00 A.M. UNTIL 6:00 P.M. AT THE FOLLOWING LOCATION:

CONSTITUTION AVENUE

RESOLVED, THIS 8th DAY OF DECEMBER A.D., 2021.

UPPER DARBY TOWNSHIP

BY: 
LAURA A. WENTZ
PRESIDENT OF COUNCIL

ATTEST: 
MICHELLE BILLUPS
SECRETARY OF COUNCIL

APPROVED THIS 8TH DAY OF DECEMBER, A.D. 2021

BY: 
BARBARANN KEFFER, MAYOR

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 57-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
FINAL MINOR SUBDIVISION AND LAND DEVELOPMENT PLAN APPROVAL FOR
A TWO LOT RESIDENTIAL DEVELOPMENT AT 1210-1214 ROOSEVELT DRIVE**

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, Dale Reiser (“Applicant”) is the owner of a certain .1722 acre parcel of land with a current street address of 1210 Roosevelt Drive located in the Township’s R-3 Residential Zoning District, being tax parcel number 16-08-02441-01 (“Property”); and

WHEREAS, the Applicant is proposing to remove the one-story storage building currently on the Property, subdivide the Property into two (2) residential lots, and then develop the property by constructing two (2) semi-detached dwelling units with associated site improvements (“Project”); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain Final Minor Subdivision and Land Development Plan for the Project prepared by Herbert E. MacCombie, Jr., P.E., dated July 12, 2021, and last revised November 12, 2021, being Delaware County Planning Department File No. 47-7681-21 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated August 20, 2021, 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 Final Minor Subdivision and 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, including the review attached thereto, 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 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.
5. 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.
6. 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.
7. 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.
8. 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.

Waivers. The following requested waivers from the Township's Subdivision and Land Development Ordinance and Stormwater Ordinance are hereby approved or denied, as indicated. If nothing is indicated upon approval of this Resolution, the waiver shall be deemed to be granted:

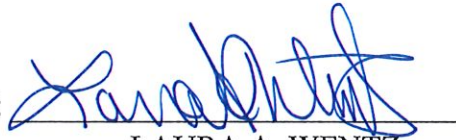
1. Section 702.A.3, that the Plan be shown at a scale of 1 inch equal to 50 feet, is hereby:

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 8th day of December, 2021.

BY:



LAURA A. WENTZ
President of Council


ATTEST:



MICHELLE BILLUPS
Secretary of Council

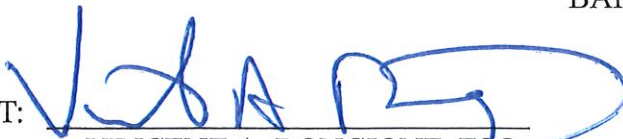
Resolution No. 57-21 is hereby approved this 8th day of December, 2021

BY:



BARBARANN KEFFER
Mayor

ATTEST:



VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

THE UNDERSIGNED, BEING THE APPLICANT, DO HEREBY ACKNOWLEDGE AND ACCEPT THE APPROVAL OF THE PLAN ISSUED BY COUNCIL, ACCEPT THE CONDITIONS CONTAINED WITHIN THIS RESOLUTION, AND HEREBY REPRESENT THAT I AGREE TO THE PROVISIONS OF THE ABOVE PLAN APPROVAL RESOLUTION:

For Applicant: Dale Reiser

By: _____

Dated _____

Attest : _____

Dated _____

Print : _____