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Upper Darby Township Council Meeting
March 17, 2021

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MINUTES FOR COUNCIL MEETING ON MARCH 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.
Alison Dobbins, Deputy CAO
Alexis Cicchitti, Chief Municipal Clerk
David Haman, Treasurer
Mike Galante, Township Engineer
Sean P. Kilkenny, Esquire
Courtney N. Richardson, Esquire

Guests

Mark Damico, Esq., Law Firm of Petrikin Wellman Damico Brown & Petrosa
Kenneth Shuster, Esq., Attorney for MCB Real Estate, LLC.
P. David Bramble, Managing Partner for MCB Real Estate, LLC
Drew Gorman, Principal for MCB Real Estate, LLC
Daniel A. Shabel, Asset Management, MCB Real Estate, LLC
Roberto Espina, Project Civil Engineer, Boehler Engineering
Frank Russo, Project Architect, Bergmann Associates
Matt Hammond, Project Traffic Engineer, Traffic Planning & Design Inc.

SEPTA Planning Committee

Tom Musi, Attorney, SEPTA
Dan Corrigan, Project Manager, SEPTA

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 February 2021

Approval of the Minutes from the Committee Meeting of February 3, 2021
DB/SS Moved and seconded. All in favor. The Minutes are approved.

Approval of the Minutes from the Council Meeting of February 17, 2021
RG/MB Moved and seconded. All in favor. The Minutes are approved.

Black History Month Poetry Contest Awards Presentation

1st place: Aniyah Haynes, Stonehurst Hills, "My Past Leads to My Future"

2nd place: Kyden Lee Graham, Highland Park, "Ta-Nehisi Coates"

3rd place: Kellan Leposki, Garrettford, "George Washington Carver: The Peanut Man and The Plant Doctor"

Honorable Mention: Khalil Copeland, Aronimink, "Number 24"

Honorable Mention: Breanna Green, Bywood, "There Once was a Woman Named Rosa Parks"

Honorable Mention: Ishrat Nashat, Highland Park, "Martin Luther King Jr. Acrostic Poem"

Honorable Mention: Madison Lee, Highland Park, "I Refuse to give up my Seat: Claudette Colvin"

Honorable Mention: Owens Pierre, Highland Park, "Black People from all over the World"

Honorable Mention: Amber Hirschbuhl, Primos, "Misty Copeland"

Presentation by Chris Herr from Mallie Inc. on the 2019 audit findings

MS stated that he is confused about the current operation for balancing the accounts. Mr. Herr responded it is more of a timing difference between GAP and cash basis.

RG asked for confirmation that the year of this audit is 2019. Mr. Herr confirmed. RG asked Mr. Herr if he would be recommending prospective systems that would be ideal for the Township. Mr. Herr responded that Mr. Merron is working on a list of vendors. Mr. Herr suggested requesting demos from vendors. He further stated that he would assist Mr. Merron with his selection.

DPB asked for a timeframe for replacing the software. CAO responded that the Administration is currently working on a list by vetting and evaluating various features that are suitable for the Township.

LW requested a copy of the 2019 Audit Report from CAO Rongione. CAO Rongione assured LW that he would distribute the Audit Report. The Mayor stated that the Report would be posted on the Township website.

LW requested that Gary Merron attend the meeting on April 7th to answer any questions Council may have after reviewing the 2019 Audit. The CAO agreed.

MB inquired about the improvement of the current grant management. Mr. Herr explained that there is a need to improve the organization and tracking system of grant accounts.

DB asked about the indirect costs allocation of the grants. Mr. Herr responded that a grantor agency would handle the indirect cost.

MS asked Mr. Herr if there is a concern of *non-compliance* with the Community Block Grant. Mr. Herr responded that his firm has not performed the single audit for 2019. Mr. Herr further stated that the Finance

Department is still trying to organize and reconcile for 2019. Mr. Herr stated that he is more concerned with the smaller grants that are to be used for specific items.

TW stated that he is confused and concerned about the negative tone of this presentation. Mr. Herr responded that he did not report about the financial condition of the Township being poor. He stated that his presentation was geared towards the difficulties retrieving information from the accounting system to the clean financial state.

LW reiterated that there is a need to update the current computer software for accessibility and uniformity. LW asked for a copy of Mr. Herr's presentation for the record.

Public Forum

Emil & Jacque Latini of 715 Elm Tree Road, opposed to Thompson Tract.

Elizabeth Meyer of 610 Orchard Way, opposed to Thompson Tract.

Linda Carothers of 535 Woodglen Road, opposed to Thompson Tract.

Frances Russel of 725 Roselawn Avenue, opposed to Thompson Tract.

Larry & Anita Mellon of 511 Maine Avenue opposed to Thompson Tract.

Donald Procopio of 514 Montana Avenue, opposed to Thompson Tract.

Diane Lombardo of 515 Maine Avenue, opposed to Thompson Tract.

Frank Devers of 611 Orchard Way, opposed to Thompson Tract.

Joanne Boyle of 12 Arbor Lea Road, opposed to Thompson Tract.

Terry Diaz-Bradley, 1213 Morgan Avenue, hazardous tree

CAO Rongione stated that the basis for public forum is to provide an opportunity for residents to express their concerns and opinions. It is not a platform to question the Mayor, the Administration or Council. Furthermore, the Township has provided extensive resources addressing this issue. There have been countless hours of investigation and written responses spent by the Administration, the Solicitors and Employees. In conclusion, the hazardous tree in question is a civil issue between neighbors. TW suggested hiring an arborist to determine whether the tree is hazardous. The CAO stated that it would set a costly precedent.

Martin & Julia Wiley, 714 East Providence Road, opposed to Thompson Tract.

Gloria A. Griffin, 123 Hilldale Road, opposed to Thompson Tract.

John & Peggy Smith, 720 E. Providence Road, opposed to Thompson Tract.

* Gwendolyn Dubois Shaw, 524 Cherry Lane (also known as 2 Cherry Lane), opposed to Thompson Tract.

After reading the comment from Ms. Dubois Shaw, LW inquired about the remaining public comments pertaining to the Thompson Tract. LW noted that most of the comments pertained to potential zoning issues, and should be presented to the Zoning Hearing Board. Solicitor Kilkenny explained that it is not protocol to choose one public comment over another. Therefore, *all* of the remaining comments must be read or *none* at all. However, if the presentation of the public forum comments has exceeded the half hour timeframe, a motion to exceed the half an hour time limit should be presented to Council.

LW confirmed that they have exceeded the half an hour time allotted for the public forum.

BB/TW: Motioned and seconded. HT requested a roll call vote. A roll call vote was taken. 5 in favor (MS, BB, LF, TW, LW) 5 opposed (HT, MB, DB, RG, SS) 1 abstained (TW) Tie vote.

Mayor Keffer was the tiebreaker. The Mayor was opposed to exceeding the 30-minute period. Therefore, the remaining comments were not read at this meeting:

- Noam Lior, 133 Hilldale Road, 133 Hilldale Road, opposed to Thompson Tract
- Helen Wilson, 903 W. Penn Pines Blvd., opposed to Thompson Tract
- Heather Klein, 716 Elm Tree Road, opposed to Thompson Tract
- Joseph Klein, 716 Elm Tree Road, opposed to Thompson Tract
- Bernice & Canh Ho, 1 Carriage Lane, opposed to Thompson Tract
- Dianne Muhe, 728 E. Providence Road, opposed to Thompson Tract
- Mary Adefemi, 7231 Brent Road, shootings in the Township
- Kathleen Weber, 7215 Glenthorne Road, parking issues
- Don Doyle, 136 Hilldale Road, opposed to Thompson Tract
- Albert & Darlene Fernandez, 601 Maine Avenue, opposed to Thompson Tract

The Honorable Mayor Barbarann Keffer

Good evening everyone,

A couple of updates:

On Sunday, Delaware County held a mass vaccine clinic at Upper Darby High School, where 1,300 first doses of the COVID vaccine were administered. Thanks to Delaware County Emergency Services 911 for their hard work and Upper Darby School District for hosting. I would also like to thank Delaware County Council for choosing Upper Darby as the location for the clinic. I know that many are frustrated by the lack of vaccine availability and the difficulty of getting appointments. I understand and share your frustration, so I especially want to thank Congresswoman Mary Gay Scanlon, Rep. Margo Davidson, Rep. Mike Zabel, Senator Tim Kearney, and the County for their advocacy efforts to increase the number of vaccines distributed in Delaware County.

We encourage anyone who is eligible for the vaccine should reach out to the county for assistance in getting an appointment. For all of the latest information regarding the vaccine process, please visit Delaware County's website: delcopa.gov/covid or contact the Delaware County COVID-19 Call Center at 484-276-2100.

This Saturday, March 20, we will hold an in-person meeting at 10:30 a.m. regarding the plans for the new Upper Darby Community Center. It will be held outdoors at 7000 Walnut Street, the future site of the Center. This will be another chance for the public to review the initial design and provide input on this important project. If you are unable to join us on Saturday but have suggestions or comments about this project, you are welcome to email them to mayor@upperdarby.org.

On Wednesday, March 24, I am hosting a virtual panel discussion in honor of Women's History Month at 7 p.m. The theme is "Mentors & Models", and we have gathered a group of women from the Upper Darby community to discuss the impact that mentors and role models have made on their lives, both personally and professionally. The featured panelists are Representative Margo Davidson, NBC10/Telemundo 62 reporter Stephania Jimenez, and Upper Darby residents Hibah Ali, Pam Burton, and RaMonda Crosby. Please register for this event at upperdarby.org or call 610-734-7625 to register by phone. Questions for the panelists can be sent to mayor@upperdarby.org.

On Saturday, March 27, there will be a cleanup from 9-11 am at Parkview Playground, which is located down the hill from Observatory Hill. Thank you to Councilwoman Danyelle Blackwell for hosting this event.

The Darby Creek Valley Association's annual cleanup will take place on Saturday, April 10 from 9 am to 12 pm. There are several sites that need help in our township. Please visit dcva.org/watershed-cleanups to register for a specific site. The DCVA is also looking for people to serve as site captains; please contact suedcva@gmail.com if you are interested.

Lastly, a new service, weekly yard waste collection, will begin in Upper Darby starting on Monday, April 5 and continuing until Friday, November 19. It will be collected weekly on residents' regularly scheduled recycling pick up day. Yard waste is defined as leaves, garden residues, shrubbery and tree trimmings (4 inches or less in diameter and less than 3 feet long), and similar material. Please note that grass clippings are NOT considered yard waste. Please do not use plastic bags to recycle yard waste; instead, place it in biodegradable paper bags which are available at local hardware stores, Burhill on Burmont Road and the True Value on Marshall Road or, place the yard waste loosely in trash cans without bags.

Thank you and have a great evening.

President of Council, Laura A. Wentz

LW congratulated Deputy Fire Chief Brian Boyce for his years of service and wished him luck with retirement. She also thanked all the volunteers for the food distribution. Lastly, she expressed her gratitude for being appointed by Senator Tim Kearney to serve on the Local Government Advisory Committee.

COMMITTEE REPORTS

Finance and Appropriations Committee

Co-Chairs: Robert S. Gwin Jr. & Matt Silva
Members: Danyelle Blackwell & Brian Burke

Treasurer's Report: David Haman

*See attached

Motion to approve Treasurer's Report: MS/SS: Moved and seconded. All in favor. The Treasurer's Report 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. 11-21, a Resolution of Upper Darby Township granting amended final land development plan approval to BT Baltimore Avenue Properties, LLC for a Wawa with gasoline dispensing and a separate retail building at 5202 West Baltimore Avenue

Solicitor Kilkenny gave a brief on Resolution No. 11-21.

Mr. Galante explained the various waivers. RG asked if Mr. Galante was satisfied with the progress for the development of the Wawa. Mr. Galante stated that he did not foresee any problems with them satisfying the requirements.

Motion to approve: RG/SS Moved and seconded. All in favor. Resolution No. 11-21 is approved

Resolution No. 13-21, a Resolution of Upper Darby Township granting final land development plan approval to Blue Devil Realty, LLC for retail and office space redevelopment at 4221 Ferne Boulevard

Solicitor Richardson gave a brief on Resolution No. 13-21

Mr. Galante stated that the two waivers were acceptable.

Mr. Galante explained that both of the projects (Wawa & 4221 Ferne Blvd) were presented to the Planning Committee and given a favorable review.

LW stated that this developer has created the *greenest* space that she has ever seen within a parking lot.

Motion to approve: DB/RG Moved and seconded. All in favor. Resolution No. 13-21 is approved

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Sheikh M. Siddique, Danyelle Blackwell

Resolution No. 12-21, a Resolution declaring Upper Darby Township's intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual and provide for the destruction of certain public records

Solicitor Kilkenny gave a brief on Resolution No. 12-21

Motion to approve: MB/DB Moved and seconded. All in favor. Resolution No. 12-21 is approved

Public Hearing for Ordinance No. 3093, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, repealing Ordinance No. 2693, regulating the sale, rental, distribution, exhibition, publication, lending, giving away or showing of obscene and other sexual material, in its entirety; and providing an effective date

Solicitor Richardson gave a brief on Ordinance No. 3093.

Council President Wentz convened a Public Hearing for Ordinance No. 3093.

Speakers

Bart Everts, 7543 Parkview Road, in support of Ordinance No. 3093

Kyle McIntyre, 1040 Drexel Avenue, in support of Ordinance No. 3093

Damien Warsavage, 7112 Penarth Avenue, in support of Ordinance No. 3093

Laurie Pollack, 205 E. Greenwood Avenue, in support of Ordinance No. 3093

LW stated that she is working with support groups and reviewing statewide laws that are discriminatory.

Motion to adopt Ordinance No. 3093: SS/MS: Moved and seconded. A roll call vote was taken. All in favor. Ordinance No. 3093 is adopted.

Resolution No. 14-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania amending the Upper Darby Civil Service Code; repealing all inconsistent Resolutions or parts thereof; providing a severability clause and providing an effective date

Solicitor Kilkenny gave a brief on Resolution No. 14-21.

Motion to approve Resolution No. 14-21. SS/DB: Moved and seconded.

RG asked for Chief Sawyer and Superintendent Bernhardt's thoughts about Resolution No. 14-21.

Chief Sawyer and Superintendent Bernhardt both stated that this Resolution broadens the applicant pool.

Motion to approve Resolution No. 14-21. All in favor. Resolution No. 14-21 is approved.

Finance and Appropriations Committee

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

Members: Danyelle Blackwell & Brian Burke

Public Hearing for Ordinance No. 3094, an Ordinance of Upper Darby Township amending Chapter 532-2 "IMPOUNDMENT AND TOWING OF VEHICLES" to authorize the Department of Licenses and Inspection to impound and tow vehicles

Solicitor Richardson gave a brief on Ordinance No. 3094.

Council President Wentz convened a Public Hearing

No public comments. The hearing is closed.

Motion to adopt Ordinance No. 3094: RG/HT: Moved and seconded.

MB asked for clarity of this Ordinance as it pertains to reporting abandoned cars. LW reminded MB that any issues with abandoned cars should be reported to the Request Department.

Mayor Keffer asked that Superintendent Bernhardt explain the difference between the purview of the Police Department and L&I Department in reference to this Ordinance. Superintendent Bernhardt explained that issues with abandoned cars should continue to report to the Request Department or by calling 911. The purpose of this Ordinance is to permit L&I to remove/tow abandoned cars from private properties, whereas the Police Department would need a search warrant. This partnership will improve the enforcement for removing abandoned vehicles.

RG asked if there is a common database to share and track this information between both departments. Superintendent stated that they have developed a spreadsheet to track this information.

SS asked the Superintendent how much time the owner of the vehicle has to remove it before the Township has it towed. Superintendent stated that the grace period is roughly 6-10 days. SS asked how long the vehicle would be impounded. Superintendent said that he needed to obtain this information from the two tow companies.

A roll call vote was taken. All in favor. Ordinance No. 3094 is adopted.

Solicitor

Solicitor Kilkenny stated that his firm has been working *diligently* on Wawa and Ferne Boulevard Resolutions and updating the Civil Service rules. He also stated that Solicitor Richardson has been working on *voluminous* RTK Requests. Lastly, he said that his firm is working on reenacting the Property Maintenance Code because it did not make it into the codification.

RG asked about the progress of St. Eugene's property. Solicitor Kilkenny stated that they are waiting for the appraisal.

Old Business

MS asked about the progress on the Whalen Tract. Mr. Galante responded that he has been monitoring the slope and working on a punch list with the developer.

LW noted that there was one public comment overlooked. Therefore, she requested to have the Chief Municipal Clerk, Alexis Cicchitti, read the following public comment:

Joe Clark & Sadie Thomas, 75 Houston Road, stating their support of Ordinance No. 3093 and their inquiry of Ordinance No. 3094, as it pertains the role of the L&I Department.

LW stated that the Superintendent already provided an explanation.

SS asked Mr. Galante about the work on Cardington Field and the surrounding sidewalks. Mr. Galante responded that the winter weather conditions had interfered with the completion of this project. However, he recently reached out to the contractor to complete the asphalt restoration.

RG asked about the status of the “*No Left Turn*” lane on Owen Avenue, and the barrier island at the edge, along with the installation of a third speed hump. Mr. Galante responded that Penn DOT has no objections to the installation of the “*No Left Turn*” lane. The concrete barrier on the island requires a highway occupancy permit from Penn DOT. However, part of this plan requires coordination with the property owner adjacent to it. Mr. Galante will apply for the permit once the owner agrees to the plans he sent to him. The Public Works Department will install the concrete barrier. The last item Mr. Galante addressed was the third speed hump. He stated that there has not been any significant increase with speed in between the speed humps. Therefore, they installed equipment on the hill on Owen Avenue to monitor the speed. He will report to Council once he receives the data.

Mayor Keffer stated that the residents from Owen Avenue might feel this is a prolonged process for the installation of speed humps. However, this is a pilot project to determine the feasibility of installing speed humps. The Mayor stated that the Township uses several resources and methods to gather the data needed for this program. Therefore, it has been time consuming. The Mayor stated she is grateful for the patience of the residents.

RG asked about the status of the installation of a flashing sign for Beverly Hills Middle School. CAO Rongione responded that there are several people and entities working on the collaboration of Penn DOT.

RG also asked about collecting data from other streets in reference to speed humps. Mr. Galante responded that there have been traffic studies performed at two locations on Parkview Road to retrieve data to be analyzed. He is hopeful to have a report by the end of the month that will provide options to mitigate the traffic concerns.

SS requested the support from Council to have a meeting about the issues in the cemetery in his district. Mayor Keffer responded that this topic would be addressed and discussed off line.

MS thanked all the volunteers who participated in the second clean up at Creek Road.

New Business

TW stated that there are numerous rumors about COVID Relief Funds. He would like clarity. Mayor Keffer responded that there are *general* guidelines, whereas she would prefer *specific* guidelines to spending the money. However, the Mayor anticipates that some of the funds would be used for mortgage and rental assistance. CAO Rongione commented that the Administration has set up meetings with the State and Federal officials for guidance. TW suggested that some of the funds could be used for the reduction of taxes. TW stated that Council should be given the opportunity to make decisions regarding the distribution of the funds. The CAO responded that the Administration must plan to distribute this *onetime* payment evenly.

MB announced that she is grateful that the Mayor appointed her to serve on the Sub-Committee of the Reentry for Returning Citizens Coalition. LW asked that MB forward this information to her.

SS asked if the Township would offer a vaccination site for the residents of Upper Darby. The Mayor responded that the County is organizing the locations for the vaccination sites. The Township does not have the resources, sufficient parking spaces or the space to facilitate a vaccination site. The CAO reiterated that the Township is working with the County by engaging with community partners, ultimately getting them into the clinic. Coincidentally, one of those community partners the Township contacted was the Mosque in the Sixth District.

LW stated that some of the challenges Upper Darby faces with securing a vaccination site are limited parking, time restraints that do not interfere with normal business hours and space needed to accommodate the residents. LW also stated that residents must register with the County to be listed on the schedule for a vaccine.

DB announced that there would be a cleanup on March 27, 2021 at Parkview Park.

LW stated that she forgot to announce in Old Business that there was a face-to-face awards distribution to the winners of the Black History Month Poetry Contest. She also thanked Council for attending.

Motion to adjourn TW/MB. All in favor. Meeting adjourned at 10:39 p.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 11-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
AMENDED FINAL LAND DEVELOPMENT PLAN APPROVAL TO
BT BALTIMORE AVENUE PROPERTIES, LLC FOR A WAWA WITH GASOLINE
DISPENSING AND A SEPARATE RETAIL BUILDING
AT 5202 WEST BALTIMORE 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, BT Baltimore Avenue Properties, LLC (“Applicant”) is the owner of a certain 6.98 acre tract located at 5202 West Baltimore Avenue, Upper Darby Township, in the C-2 Commercial Zoning District, at the intersection of West Baltimore Pike and South Oak Avenue (“Property”);

WHEREAS, on May 16, 2018 the Applicant obtained conditioned subdivision and land development approval from Upper Darby Township pursuant to Resolution 20-18 for a two-lot commercial subdivision and the construction of a 5,585 square foot Wawa food market with gasoline dispensing and a 9,000 square foot retail building

WHEREAS, the Applicant is now proposing to amend the approved plan to keep the existing structure on Lot 1 with certain changes, abandon the retail building expansion on Lot 1, and make minor expansions for parking on Lot 1 along with associated offsite and on-site improvements including stormwater management upgrades, concrete sidewalks and curbing, ADA Accessibility upgrades, landscape islands, landscaping, lighting, and asphalt pavement (“Project”); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain amended final land development plan for the Project by Bohler Engineering dated October 5, 2020 and last revised January 15, 2021 being Delaware County Planning Department File No. 47-755-77-09-18-20 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated November 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 Conditional Amended 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 December 1, 2020 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 November 20, 2020 Delaware County Planning Department review letter to the satisfaction of the Township Engineer.
3. Prior to recording the Plan, Applicant shall address all applicable comments contained in the February 25, 2021 Albert Federico Consulting, LLC traffic review letter to the satisfaction of the Township Traffic Engineer.
4. Applicant shall comply with the Upper Darby Township Zoning Hearing Board's October 26, 2017 decision (Application 10-3 of 17) and November 21, 2019 decision (Application 11-4 of 19) and all conditions imposed therein, and obtain any additional zoning relief and time extensions, as necessary, prior to recording the Plan.
5. Applicant shall comply with all applicable, consistent provisions of the Township's prior approval resolution, Resolution No. 20-18.
6. Applicant must obtain any necessary approvals and reviews from the Township Engineer, Township Traffic Engineer, Delaware County Planning Department, Pennsylvania DEP, PennDOT, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits, before the Plan is recorded.
7. Applicant must complete all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement, in forms satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements.
8. A revised, recordable plan shall ultimately be submitted for Township administrative review and approval that addresses all requests for further plan details, additions, corrections, and clarifications set forth in the abovementioned review letters.
9. Prior to recording the Plan, Applicant shall execute a Land Development Agreement and Financial Security Agreement drafted by the Township Solicitor and post financial security in the form of a letter of credit in a form approved by the Township Solicitor.
10. All reasonable outstanding Township fees, Township's engineering fees, and Township's legal fees, and any other professional fees associated with the review and approval of the application

and Plans shall be paid in full before the Plan is recorded in accordance with the Pennsylvania Municipalities Planning Code.

11. Applicant shall record new deeds for each new lot in association with the recording of the Plan.
12. 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:

1. Section 300.1, that the preliminary plan and final plan be considered separate submissions, is hereby:

APPROVED DENIED

2. Section 806.C.7, to allow a curb radius to be less than five feet (5') in a parking area, is hereby:

APPROVED DENIED

3. Section 804.A.2, that driveways onto collector streets be located a minimum of two hundred feet (200') from the closest intersecting street, is hereby:

APPROVED DENIED

4. Section 805.A.3, that a maximum grade of any driveway within the right of way of any street shall be four percent (4%), is hereby:

APPROVED DENIED

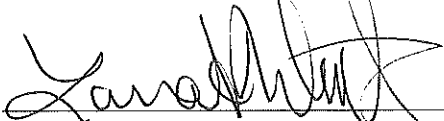
5. Section 805.C.4, that nonresidential driveways intersecting arterial trees should be deep enough to allow for the stacking of a minimum of three (3) cars, is hereby:


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.

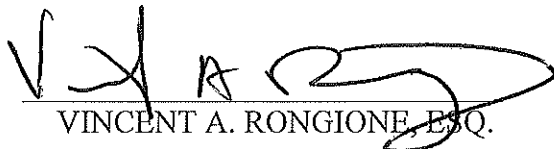
ADOPTED and **RESOLVED** by the Upper Darby Township Council this 17th day of March, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 11-21 is hereby approved this 17th day of March, 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: BT Baltimore Properties, LLC

By: _____

Dated : _____

Print : _____

Title : _____

Attest : _____

Dated : _____

Print : _____

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 13-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP GRANTING
FINAL LAND DEVELOPMENT PLAN APPROVAL TO
BLUE DEVIL REALTY, LLC FOR RETAIL AND OFFICE SPACE REDEVELOPMENT
AT 4221 FERNE BOULEVARD**

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, Blue Devil Realty, LLC (“Applicant”) is the owner of a certain 25,092 square foot tract consisting of two parcels and located at 4221 Ferne Boulevard, Drexel Hill, Upper Darby Township, in the C-1 Traditional Neighborhood Commercial Zoning District, being tax parcel number 16-21-281-000 and located at the northwest intersection of Ferne Boulevard and Valley Road (“Property”);

WHEREAS, the Applicant is proposing to redevelop the Property by constructing a 2-story addition to the existing 2-story building on the Property along with an outdoor patio area for restaurant seating, constructing a new 2-story building consisting of 4 units with retail spaces on the first floor and office spaces on the second floor, and constructing/installing associated site improvements including changes to the parking lot, sidewalks, striping, and curbing, and new stormwater management facilities and landscaping (“Project”); and

WHEREAS, the Applicant has caused to be prepared and filed with the Township a certain final land development plan for the Project by H. Gilroy Damon Associates, Inc., dated August 5, 2020 and last revised February 26, 2021 being Delaware County Planning Department File No. 47-7509-20 (“Plan”); and

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated September 17, 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 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 September 29, 2020 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 September 17, 2020 Delaware County Planning Department review letter to the satisfaction of the Township Engineer.
3. Applicant shall comply with the Upper Darby Township Zoning Hearing Board's December 19, 2019 decision (Application 11-10 of 19) and all conditions imposed therein, and obtain any additional zoning relief and time extensions, as necessary, prior to recording the Plan.
4. 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.
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.

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. Section 300.1, that the preliminary plan and final plan be considered separate submissions, is hereby:

APPROVED DENIED

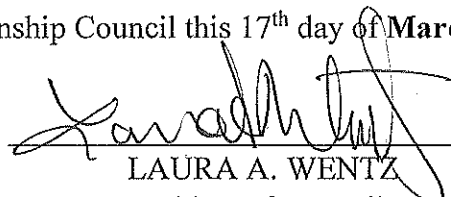
2. Section 806.C.7, to allow a curb radius to be less than five feet (5') in a parking area, is hereby:

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 **March, 2021.**

BY:



LAURA A. WENTZ
President of Council

ATTEST:



MICHELLE BILLUPS
Secretary of Council

Resolution No. 13-21 is hereby approved this 17th day of March, 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: Blue Devil Realty, LLC

By: _____

Dated _____

Print : _____

Title : _____

Attest : _____

Dated _____

Print : _____

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 12-21

**A RESOLUTION DECLARING UPPER DARBY TOWNSHIP'S INTENT TO FOLLOW
THE SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET
FORTH IN THE MUNICIPAL RECORDS MANUAL AND PROVIDE FOR THE
DESTRUCTION OF CERTAIN PUBLIC RECORDS**

WHEREAS, recognition of the need for a workable local records management program in Pennsylvania led to the passage of the Municipal Records Act of 1968, and the creation of the Commonwealth's Local Government Records Committee;

WHEREAS, the Committee's responsibility is to develop records retention and disposition schedules for each municipal office;

WHEREAS, Municipal officers are authorized by the Municipal Records Act, 53 Pa.C.S. §1381 *et. seq.*, to dispose of records in accordance with schedules and guidelines that have been approved by the Committee;

WHEREAS, the Committee established a retention and disposition schedule for records of Pennsylvania municipal governments in the Municipal Records Manual created on December 16, 2008 (as amended July 23, 2009, March 28, 2019);

WHEREAS, the goal of the establishment of records disposition procedures for the use of the Township will help ensure the preservation of records of permanent value and encourage the destruction of nonessential records when appropriate; and

WHEREAS, Upper Darby Township (the "Township") intends to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual; and

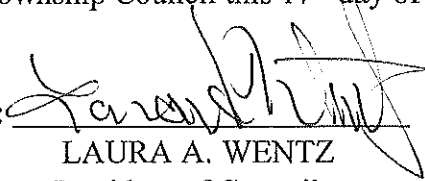
WHEREAS, the Township desires to dispose of records according to statutory requirements; and

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of Upper Darby Township, Delaware County, Pennsylvania, in accordance with the above cited Municipal Records manual, hereby authorizes the disposition of the following public records:


1. The oath of office of Mayor and Council members prior to 2014.
2. Financial Disclosure /Ethics forms from elected officials and candidates prior to 2015.

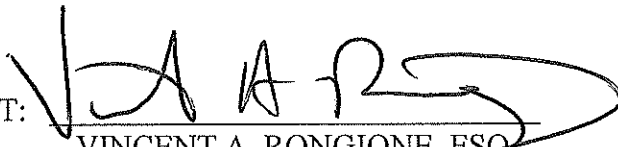
ADOPTED and **RESOLVED** by the Upper Darby Township Council this 17th day of March, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 12-21 is hereby approved this 17th day of March, 2021

BY: 
BARBARANN KEFFER,
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3093

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, REPEALING ORDINANCE 2693, REGULATING THE SALE, RENTAL, DISTRIBUTION, EXHIBITION, PUBLICATION, LENDING, GIVING AWAY OR SHOWING OF OBSCENE, AND OTHER SEXUAL MATERIAL, IN ITS ENTIRETY; REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Township is a Home Rule Charter Township organized and operating in accordance with the Charter of the Township of Upper Darby as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq*; and

WHEREAS, on November 11, 2020, Township Council (“Council”) passed Ordinance 3082 codifying laws passed over the last seventy (70) years; and

WHEREAS, through codification Council learned that on March 4, 1987, Council passed Ordinance 2693 which regulated the sale, rental, distribution, exhibition, publication, lending, giving away or showing of obscene, and other sexual material; and

WHEREAS, the Pennsylvania Crimes Code, 18 Pa. C.S. 101 *et seq.* also covers “Obscene and other sexual materials and performances”; and

WHEREAS, this Ordinance included reference to physical sexual conduct which included “homosexuality” as a “patently offensive” representation;

WHEREAS, Council finds this language is not representative of its views, is patently offensive to L.G.B.T.Q.I.A.+ community and the Upper Darby community as a whole, and violative of the Township’s quest towards full Diversity and Inclusion; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Upper Darby Township Council and it is hereby repealed as follows:

SECTION 1. Upper Darby Township Ordinance 2693 is hereby repealed in its entirety. The Code of Ordinances of the Township shall be amended to reflect the repeal of Ordinance 2693;

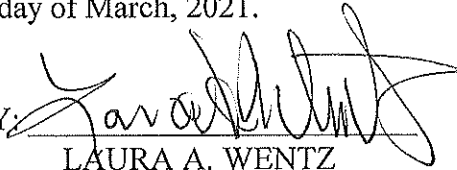
SECTION 2. Township Administration is hereby authorized to take any and all actions necessary and proper to nullify any and all actions which were taken in accordance with this Ordinance.

SECTION 3. REPEALER. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Upper Darby Zoning Ordinance or the Upper Darby Code.

SECTION 5. EFFECTIVE IMMEDIATELY. This Ordinance shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

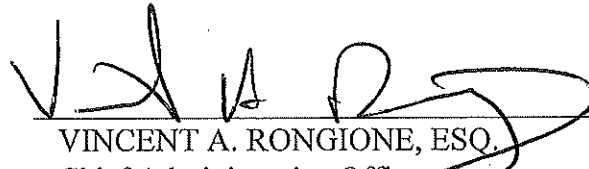
ENACTED and ORDAINED this 17th day of March, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Approved this 17th day of March, 2021

BY: 
BARBARANN KEFFER
Mayor

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

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

Resolution No. 14-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA AMENDING THE UPPER DARBY TOWNSHIP CIVIL SERVICE
CODE; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF;
PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Upper Darby Township Council (“Council”) has adopted rules and regulations known as the Upper Darby Township Civil Service Code (“Civil Service Code”) in accordance with the Civil Service Act, 53 P.S. §§ 55625- 55650, for the hiring and promotion of police officers and firefighters; and

WHEREAS, Council has amended the Civil Service Code on various occasions; and

WHEREAS, both the adoption of the Civil Service Code and its amendments have been approved by the Upper Darby Council, as required by law; and

WHEREAS, Section 206 of the Civil Service Code provides that amendments to the Civil Service Code shall be approved by Resolution of Council;

WHEREAS, the Civil Service Commission has approved and proposed amendments to the Civil Service Code should be amended to include the requirements stated below;

NOW, THEREFORE, it is hereby **RESOLVED** by the Upper Darby Township Council that Article IV- Applications of the Civil Service Code shall be amended subject to the Upper Darby Civil Service Commission taking action pursuant to Section 206 of the Civil Service Code, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

Section 402 of the Code:

Sections 402(a) of the Civil Service Code shall be amended as follows:

Police officers shall be no less than the minimum age of 21 years to be sworn into active service. No candidate for police officer shall be eligible to take the examination as provided herein unless such candidate will attain the minimum age of 21 years within sixty (60) days following the date said examination is given.

Firefighters shall be no less than the minimum age of 18 years to be sworn into active service. No candidate for firefighter shall be eligible to take the examination as provided herein unless such candidate will attain the minimum age of 18 years within sixty (60) days following the date said examination is given.

Section 402(c) of the Code:

Sections 402(c)(1), (2), (3), and (4) of the Civil Service Code, as currently drafted, shall be amended by deleting the sections 402(c)(1), (2), (3), and (4) of the Civil Service Code as currently drafted and replacing those provisions with the following:

Applicants for the position of police officer must possess all the qualifications for admission to a Pennsylvania municipal police academy. Applicants are not required to possess Act 120 certification. Notwithstanding the foregoing, when in the discretion of the Administration, the fiscal health of the Township so requires or when no Commonwealth approved municipal police academy classes are available within a reasonable period of time or within a reasonable geographical distance from the Township's Municipal Building, the Commission may require that all applicants possess current Act 120 certification.

The requirements stated in Sections 402(c)(1) and (2) of the Civil Service Code prior to this amendment shall no longer be applicable.

Section 506(a) of the Code:

Sections 506(a) of the Civil Service Code shall be amended as follows:

Police officers shall be no less than the minimum age of 21 years to be sworn into active service. No candidate for police officer shall be eligible to take the examination as provided herein unless such candidate will attain the minimum age of 21 years within sixty (60) days following the date said examination is given.

Firefighters shall be no less than the minimum age of 18 years to be sworn into active service. No candidate for firefighter shall be eligible to take the examination as provided herein unless such candidate will attain the minimum age of 18 years within sixty (60) days following the date said examination is given.

Section 506(c) of the Code:

Sections 506(c) of the Civil Service Code shall be amended by adding the following section 506(c)(ix):

Possess all the qualifications for admission to a Pennsylvania municipal police academy. Applicants are not be required to possess an Act 120 certification. Notwithstanding the foregoing, when in the discretion of the Mayor and Council the fiscal health of the Township so requires or when no Commonwealth approved municipal policy academy classes are available within a reasonable period of time or within a reasonable geographical distance from the Township's Municipal Building, the Commission may require that all applicants possess current Act 120 certification.

Section 703 of the Code:

Section 703(b) of the Civil Service Code shall be amended to provide:

Only in those instances where the need for promotions to the position of Lieutenant cannot be fulfilled because there are no potential candidates who meet the current requirement that all candidates have two years of ranking service as a Sergeant in order to be eligible to test for the position of lieutenant, the requirement for two years of ranking service as a Sergeant shall be changed to one year of such service as a Sergeant. In all other instances, the current requirement that an officer must have two (2) years of ranking service as a Sergeant to test for the position of Lieutenant shall remain in full force and apply.

Section 704 of the Code

Section 704(b) of the Civil Service Code shall be amended adding the following:

In cases where applicants on the eligibility list for new officers have a tied score, the following tiebreaking criteria shall apply:

- a. Police Officer Candidates (in order of priority)
 - i. Veteran status
 - ii. Written score
 - iii. Alphabetical by last name

- b. Promotional Candidates (in order of priority)
 - i. Written Score
 - ii. Time in service (for promotion to sergeant) or time in rank (for promotion to lieutenant and captain)
 - iii. Number on new hire or promotional list (for candidates hired or promoted the same day)

Severability

In the event that any section, sentence, clause, or word of this Resolution shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Resolution.

Repealer

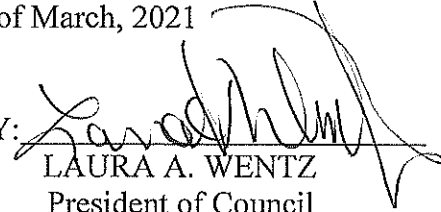
All resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

Section V: Effective Date

This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

ADOPTED and RESOLVED this 17th day of March, 2021

BY:


LAURA A. WENTZ
President of Council

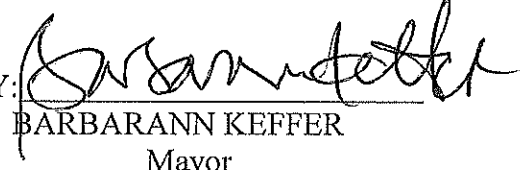
ATTEST:



MICHELLE BILLUPS
Secretary of Council

Resolution No. 14-21 is hereby approved this 17th day of March, 2021

BY:


BARBARANN KEFFER
Mayor

ATTEST:


VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3094

**AN ORDINANCE OF UPPER DARBY TOWNSHIP AMENDING
CHAPTER 532, "IMPOUNDMENT AND TOWING OF VEHICLES" TO
AUTHORIZE THE DEPARTMENT OF LICENSES AND INSPECTION TO
IMPOUND AND TOW VEHICLES**

WHEREAS, the Township Council ("Council") adopted the Upper Darby Township Vehicle Impoundment and Towing Code in Ordinance No. 2939, codified at Chapter 532 of the Upper Darby Code, which regulates vehicle impoundment and towing;

WHEREAS, the Police Department is the only Township Department authorized to impound and tow vehicles; and

WHEREAS, Council is desirous of authorizing the Department of Licenses and Inspection to impound and tow vehicles;

NOW, THEREFORE, be it, ORDAINED by the Upper Darby Township Council as follows:

Section 1. Definitions. As used in this article, 532-2, the following terms shall be added and have the meanings indicated:

DEPARTMENT- The Upper Darby Police Department or the Department of Licenses and Inspection

Section 2. Records, Section 532-3, shall be amended as follows:

The Department shall keep a record of the following:

- A. The names of all owners of vehicles impounded;
- B. The names of all persons claiming such vehicles;
- C. The license numbers and such information as may identify the vehicle;
- D. Nature and circumstances of the impounding of the vehicle;
- E. The violation of the law or ordinance on account of which the vehicle was impounded;
- F. The final disposition of each case.

Section 3. Other proceedings, Section 532-4, shall be amended as follows:

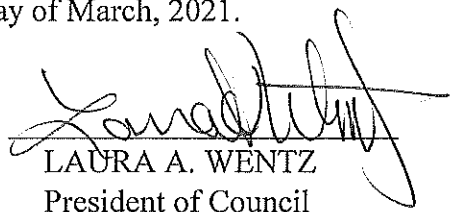
Nothing in this chapter is intended to prohibit the Department from instituting legal proceedings, charging the owner or driver of any vehicle with the violation of any other law or ordinance, or to prohibit the Township or any designated agent from towing any vehicle pursuant to any other law or ordinance.

Section 4. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

Section 5. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 6. Effective Date. This ordinance shall be effective immediately.

ENACTED and ORDAINED this 17th day of March, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Approved this 17th day of March, 2021

BY: 
BARBARANN KEFFER
Mayor

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

Treasurer's Report to Upper Darby Township Council

Presented March 17, 2021

For Month-Ended February 28, 2021

This report summarizes the Township's financial condition as of February 28, 2021. It reviews revenues and expenses for the month, ending cash balances, with a performance comparison to February 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 February 28, 2021, our Operating Funds cash position stood at \$7,563,841, including \$5,000,000 from the TRAN (bridge loan). Our cash position has increased by \$2,169,412 year-to-date.

February revenues were \$5,030,907. Operating expenses were \$4,617,812, resulting in a \$413,095 surplus for the month.

Comparing the Year-to-Date results with 2020 Year-to-Date, revenues trail 2020 by \$640,067, while YTD 2021 expenses are \$2,745,955 below 2020 expenses for the same time-period. On a percentage basis, we have collected 12.5% of our expected revenue and expended 12% of our Operating budget. At this same time in 2020, we had expended 15% of our Operating budget while receiving 12.8% of the expected revenue.

OVERVIEW OF OPERATING REVENUES and EXPENSES
Year To Date, February 28, 2021

BANKING RECAP

Operating Funds Balance 2/29/2021*	\$ 7,563,841
Operating Funds Balance 1/31/2021*	\$ 6,366,415
Operating Funds Balance 12/31/2020	\$ 5,394,429
Change in Operating Funds in February 2021	\$ 1,197,426
Change in Operating Funds Year-to-Date	\$ 2,169,412

OPERATIONS YTD, FEBRUARY 28, 2021	2021 Actual	2021 Budget	% of 2021 Budget	Feb-20
REVENUES				
Real Property Taxes	\$ 3,365,670	\$ 55,855,000	6.03%	
Business & Other Taxes	\$ 191,284	\$ 4,949,168	3.86%	
Licenses & Permits	\$ 404,536	\$ 3,592,800	11.26%	
Trash & Sewer Fees	\$ 1,602,111	\$ 14,950,000	10.72%	
Grants & State Aid	\$ 390,180	\$ 6,390,492	6.11%	
Reimbursement from Other Municipalities	\$ 122,430	\$ 1,875,000	6.53%	
Other	\$ 5,356,660	\$ 4,180,160	128.14%	
Total Revenues	\$ 11,432,871	\$ 91,792,620	12.46%	12.80%
EXPENSES				
Public Safety	\$ 5,633,785	\$ 45,009,319	12.52%	
Public Works	\$ 2,928,573	\$ 27,540,633	10.63%	
Administrative Services	\$ 260,273	\$ 2,667,918	9.76%	
License & Inspections	\$ 225,531	\$ 3,366,957	6.70%	
General Government	\$ 1,250,242	\$ 5,462,948	22.89%	
Debt Service	\$ 24,750	\$ 2,711,027	0.91%	
Other	\$ 528,643	\$ 4,971,089	10.63%	
Total Expenses	\$ 10,851,797	\$ 91,729,891	11.83%	15.00%
Operating Surplus (Deficit) YTD February 28, 2021	\$ 581,074	\$ 62,729		

* Includes \$5,000,000 revenue from TRAN