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March 3, 2021

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**Minutes
Committee Meeting
March 3, 2021**

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

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

Moment of Silence

Opening of Meeting

Roll Call

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

Present at the Meeting

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

Guests

H. Fintan McHugh, Partner, Petrikin, Wellman, Damico, Brown & Petrosa
Peter J. Clelland, Vice President of Development, BET Investments, Inc.
C. J. Bock, P.E., Project Manager, Bohler Engineering
David Damon, President, H. Gilroy Damon Associates
Michael Galante, Township Engineer

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”

Presentation of Wawa Land Development located at 5205 West Baltimore Avenue

H. Fintan McHugh
Peter J. Clelland
C. J. Bock

LW asked if it was definitive that Boil Shack is replacing the Five Guys Restaurant. Mr. Clelland stated that it was 95% certain.

MS asked if the gym would remain at Lot #1. Mr. Clelland stated that he expects the gym to remain, since they just obtained an application from the Township to complete interior renovations.

MS wanted to know if this plan would offer *more* parking. Mr. Clelland stated that the existing parking is sufficient and within the code specifications.

LW asked what the previous impervious surfaces percentage compared to what it is currently. Mr. Clelland stated that it is approximately a 20% reduction blended between the two lots.

DPB asked for a brief description of the waivers along with the purpose or the provisions. Mr. McHugh responded that they requested the preliminary and final plan as two separate submissions. The next waiver has to do with landscaping requirements. They are currently working with Mr. Galante to sort out these issues.

DPB asked for clarification of the waiver listed in item 2 that is in reference to the SALDO. Mr. McHugh responded that it is concerning three-inch caliber shade trees to be planted for every five parking spots. Mr. Clelland clarified that they are requesting to reduce the number of shade trees required on the site.

Mr. McHugh resumed with summarizing the third waiver listed, which is the landscape island at the end of each parking bay. In return, they are adding an additional landscape island that will eliminate the need for this waiver. LW asked if they were installing rain gardens surrounding the gas station. Mr. Bock responded that Wawa has their own storm water management system.

DB asked if a bus shelter is located at this site. Mr. Galante stated that the County recommended the inclusion of a bus shelter to this plan.

LF asked if a letter was distributed to the residents about the changes to this plan. Solicitor Kilkenny stated that notifying the residents is required for a zoning relief not for a subdivision land development. Therefore, there has not been a *formal* notification to them.

Mr. McHugh stated that the fourth waiver is similar to the second waiver, as it pertains to landscape. Mr. Galante specified that they meet the shrubbery and evergreen trees requirements. Therefore, they meet a majority of the stipulations.

Mr. McHugh stated that the fifth, sixth and seventh waivers were granted by Council in 2018. Mr. Clelland stated that the work is already completed that pertains to these waivers.

Solicitor Kilkenny stated that there would be minor adjustments to the Resolution. Therefore, he will make sure Council receives it a few days before voting on March 17, 2021.

RG asked for the electronic version of the plans.

MS inquired about waiver number six. Mr. Clelland stated that the slope of the driveway connecting to Oak Avenue exceeded the Ordinance allowance in order to balance the site between to the two connection points.

4221 Ferne Boulevard Presentation-Blue Devil Realty, LLC

David Damon, President, H. Gilroy Damon Associates

DPB asked if this is in full compliance with our zoning regulations. Mr. Damon said the plan is approved. DPB asked that Mr. Damon submit the plans to Council.

MS stated that this plan was a vast improvement to the previous plan.

DPB asked about the waivers. Mr. Damon stated that there were only two waivers. One of them is a request for a preliminary final review. The second request pertains to the Ordinance requirement of a 5-foot radius for parking lot curbing. This waiver was included to preserve parking spaces where parking is a premium. Mr. Galante confirmed that the applicant did a *good* job conforming to the Ordinance.

Solicitor Kilkenny pointed out that there is not a draft resolution at this time. Mr. Galante confirmed. However, the changes are minor. Therefore, Solicitor Kilkenny will complete this in enough time for Council review before voting upon at the March 17th Council Meeting.

LW asked Mr. Damon for a written version of the waivers for our minutes. She also asked Mr. Galante to contact Wawa for their waivers.

Public Forum

Terry Diaz-Bradley, 1213 Morgan Avenue, concerns about a hazardous tree. Solicitor Richardson read the response letter to Mrs. Diaz-Bradley about her several RTK Requests pertaining to the hazardous tree on her street.

Kathleen Weber, 7215 Glenthorne Avenue, requested to change the Ordinance for *No Parking of Trucks/Commercial Vehicles*, by making the distinction between trucks for personal use and those being used for business purposes. SS and LW stated they would bring this issue before the Committee for a solution.

Lonnie Johnson, 326 Huntley Road, has an issue with trash. HT stated he would personally follow-up with this resident.

Spiro Pappas, 2423 Cedar Lane, objects to Ordinance No. 3093.

Kyle Johnson, 942 Stanbridge Road, Township calendar and Ordinance No. 3092 concerns. Solicitor Kilkenny responded that he would be happy to address any questions or concerns about Ordinance No. 3092 in April's meeting when it will be discussed.

The Honorable Mayor Barbarann Keffer

Good evening everyone,

A couple of updates:

On Monday, Governor Tom Wolf announced changes to COVID-19 mitigation restrictions that are now in effect statewide, including the elimination of out-of-state travel restrictions. While the number of COVID-19 cases in Pennsylvania is currently on the decline, it is critically important that everyone continue to wear a mask, wash your hands frequently, and practice social distancing. This virus remains a serious threat and our vigilance against it cannot be relaxed.

Regarding the COVID-19 vaccine shortage in Upper Darby and Delaware County, local, county and state officials have been advocating since early on in the rollout to increase the number of vaccines that are sent to Delaware County each week by the federal distribution system.

We understand that many residents are frustrated by this situation, and we appreciate your continued patience as **the county** works to get everyone vaccinated as soon as possible. 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.

I am pleased to announce that on Wednesday, March 10th at 7pm we will hold a virtual public presentation of the plans for the new Upper Darby Community Center. This will be a chance for the public to review the initial design and provide input on this important project. Please register for this Zoom meeting at www.upperdarby.org or call 610-734-7625 to register by phone. I encourage residents to participate and assist in making this a true **community** center.

On Thursday, March 11, I will be participating in an event with Habitat for Humanity called Women Build. A group of volunteers will be doing a landscaping project at the home of an Upper Darby veteran. Thanks to the non-profit organization Heroic Gardens for their help in this endeavor.

We are excited to announce that 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 your 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 or loose in trashcans without bags.

The Darby Creek Valley Association's annual cleanup will take place on Saturday, April 10 from 9 am to 12 pm. Several sites 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.

March 2021 is Women's History Month, and I have issued a proclamation in recognition of this important event.

Mayor Keffer read the Proclamation. *See attached

Thank you and have a great evening.

President of Council, Laura A. Wentz

LW announced that all of the Council members continue to review and dissect Resolution No. 04-21 with L&I Director Chris McSween, the Administration and Mayor Keffer. She stated that the Event Planning Committee continues to recognize Black History and Women's History Month by acknowledging someone daily on the

Council's social media page. LW also explained the benefits for having our codification posted on the Internet. This is a great tool for our residents to use when they are inquiring about our Township Codes.

COMMITTEE REPORTS

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.

Solicitor Kilkenny stated that the applicant's attorney contacted him just before this meeting. The attorney claims that waiver numbers 4, 5 and 6 are pre-approved in the prior Land Development Resolution. If this is the case, then the Solicitor will remove these provisions.

DB asked for clarification for the discrepancy between reporting of 4% and 6%. The Solicitor responded that he would confer with Mr. Galante after he speaks with their engineer to make the appropriate change.

RG stated that the wording read by Solicitor Kilkenny differs from the wording of the document Council received. The Solicitor pointed out that this Resolution has been evolving for the past few days and the final version will correct any discrepancies.

This Resolution will be placed on the March 17, 2021 Council Meeting Agenda

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. He explained that this Resolution was presented at an Informational Executive Session so it may be discussed tonight.

Solicitor Kilkenny further explained the context and need for this Resolution. The purpose of this Resolution is to provide provisions for the Township when identifying records to be destroyed and records to maintain, in accordance with Pennsylvania Law.

This Resolution will be placed on the March 17, 2021 Council Meeting Agenda

Introduction of 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.

DPB asked the reason for repealing the entire Ordinance instead of adopting a new Ordinance incorporating the changes. Solicitor Richardson responded that the updated Pennsylvania Crimes Code covers obscene and other sexual materials and performances. The current Ordinance No. 2693 is duplicative of the Upper Darby Police Crimes Code so this Ordinance is not necessary and is being repealed. However, the subject matter is still in effect under the Crimes Code.

DPB asked for a copy of the Ordinance 2693 to compare to the new Ordinance No. 3093. He also requested to review the relative provisions to the Crimes Code. Solicitor Richardson stated that she would submit both documents to Council.

LW explained that a resident had discovered the original Ordinance No. 2693 and was offended by the terms listed within this Ordinance. Therefore, we are creating a new Ordinance that eliminates any offensive material written in the original Ordinance.

Solicitor Richardson gave an official first reading of Ordinance No. 3093

**Motion to introduce and advertise: HT/MB A roll call vote was taken. All in favor.
Motion to introduce and advertise Ordinance No. 3093 is approved.**

Finance and Appropriations Committee

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

***Nothing for March 17, 2021 Council Meeting.**

Leisure Services Committee

Co-Chairs: Hafiz Tunis Jr. & Matt Silva
Members: Lisa Faraglia, Danyelle Blackwell

MS stated that they met with the members from the Parks & Recreation Committee at Chapman Park and Observatory Park for public meetings. There was also a Zoom Meeting regarding the funding for these two parks.

HT stated that there was a meeting last night with Mayor Keffer and the Administration about Chapman Park, Naylor's Run and the Observatory. There is an upcoming meeting regarding the Community Center on March 10, 2021, which may include the Leisure Services Committee. He also said that MS and he would send out information about Resolution No. 04-21 to Council.

SS stated that the Upper Darby School District is looking to build an elementary school at Cardington Field. He will invite Council members to join the next meeting.

LW stated that after the presentation at Chapman Park MS, HT, BB, and she headed to McKinley Park. They noted that the issues at McKinley Park have been modified. She thanked the Administration for their assistance.

MB announced that there would be a cleanup at the park on Parkview Avenue on March 27 at 9:00 a.m.

Public Safety Committee

Co-Chairs: Danyelle Blackwell & Brian K. Burke
Members: Hafiz Tunis Jr., Matt Silva

HT spoke of parking and traffic issues at McKinley and Union, in particular the Colonial Kitchen. BB, LW and he met with the owner of Colonial Kitchen to discuss these issues.

LW stated that the location of the dumpster is an issue. It is a difficult spot to accommodate parking for the residents, the food delivery drivers and the driver emptying the dumpster. Therefore, a twenty-minute unloading and loading zone from 7:00 am until noon would be beneficial.

BB stated that they would meet with the Police Department to survey the area and provide a solution that is within Police regulations.

HT suggested that all of the committee members from the Public Safety Committee attend the next meeting with the Police

RG requested a one-way arrow sign to be installed at the intersection of Bywood Avenue and Midvale Road.

Councilman Tunis Jr. requested the installation of a load/unload zone for Colonial Kitchen located at 103 N. Union Avenue, Lansdowne, PA.

Introduction of 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

Solicitor Richardson gave a brief on Ordinance No. 3094

RG asked why the Parking Enforcement Department was given the authority to tow instead of Licenses & Inspection. Solicitor Richardson answered.

Solicitor Richardson gave an official first reading of Ordinance No. 3094

Motion to introduce and advertise: BB/HT A roll call vote was taken. All in favor. Motion to introduce and advertise Ordinance No. 3094 is approved.

Public Health and Environmental Affairs Committee

Co-Chairs: Hafiz Tunis Jr. & Matt Silva

Members: Michelle Billups, Sheikh M. Siddique

MS announced that the Committee met with CAO Rongione and Vice President of County Council Monica Taylor and Shira Alberts about the ongoing initiative addressing the homeless community. The County has a proposal. They are looking for night services near the 69th Street Terminal from dusk until dawn. It is similar to the SEPTA's Hub of Hope Program.

MS also reported that the Committee has been discussing the current Livestock Ordinance with Solicitor Richardson. Director of L&I Chris McSween is reviewing it.

Municipal Services, Licensing and Public Works Committee

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

Members: Thomas P. Wagner Brian K. Burke

HT stated that there was discussion about Resolution No. 04-21 about the updates from Mr. McSween.

LW reminded the other Committees to send their remarks/revisions to the Municipal Service Committee for their review.

Event Planning Committee

Co-Chairs: Michelle Billups & Danyelle Blackwell

Members: Hafiz Tunis Jr., Matt Silva

MB commended those who participated in the Black History Poetry Contest. There were 58 participants, LW stated that on March 17, 2021 Dr. Coles would read the top three chosen poems.

Solicitor

Solicitor Kilkenny stated that they have been working on the land development matters with Mr. Galante, the applicants and their attorneys. His office continually works on drafting Ordinances, code issues and Right to Know Requests. He concludes that he has daily contact with Upper Darby Township.

Old Business

DPB acknowledged the change from Spring Holiday back to Good Friday on our Trash & Recycling Calendar. He also pointed out the error of Spring Holiday listed on the month of August. Lastly, he requested that the calendar listed on our website change from Spring Holiday to Good Friday.

MS shared that the cleanup on February 13, 2021 at Creek Road went well in spite of the snow on the ground.

Mayor Keffer announced that the next clean up at Creek Road Site is on March 13, 2021. The Mayor stated that we are coming up on a year with the Covid restrictions and the suspension of our County Community Services has affected our cleanups. However, she is grateful for the Recreation Committee and Council Members for organizing and participating with their own cleanups. The Mayor expressed her concerns about the melting of the snow revealing hidden debris.

Therefore, she asked for cooperation from the residents to be proactive with keeping their neighborhoods clean. It is the 37th cleanup for the DCVA (Darby Creek Valley Association) of the Cobbs Creek, Darby Creek and the tributaries of Collenbrook and the Muckinpatas. The Mayor stated there are site captains assigned throughout the Township in conjunction with this cleanup. However, there is a vacancy at the Drexel Garden Park site.

LW asked for the date of this cleanup. Mayor Keffer stated that it begins on April 10, 2021. However, there are other dates focusing on specific areas.

SS asked the Mayor about the Community Center Zoom Meeting. HT responded that it would take place on March 10th, 2021. The Mayor encouraged viewers to register for this meeting through the Township Website or call the Request Line.

In conclusion, Mayor Keffer encouraged residents to receive the vaccine, stay safe and remain cautious.

New Business

SS announced that his Mosque is distributing 400 boxes of vegetables and other items on Saturday, March 6 starting around 11:00 a.m. or 12:00 p.m., depending upon the delivery truck. LW pointed out that the Township's food distribution will take place around the same time at a different location, the Township building.

The Mayor expanded upon the importance of the visits and discussions in reference to the parks as part of the application process for grant money. LW further explained that it provided and opportunity for the residents to *weigh in* on their opinions.

Mayor Keffer thanked HT and DB for their efforts coordinating the meetings with the residents to visit the parks.

MS stated that the Public Health Committee is working diligently with providing the vaccines to our residents. They are working with health care providers to obtain these vaccines, nurses to administer the shots and a location to be vaccinated.

RG stated the importance of reaching out to those who do not have access to the internet when searching for a vaccination site.

Adjournment

Motion to adjourn: RG/MB : Moved and seconded. All in favor. Meeting adjourned at 10:06 pm.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti

AC/cmg

Chief Municipal Clerk

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