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**June 1, 2022**

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**MINUTES**  
**Committee Meeting**  
**June 1, 2022**

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://youtube.com/upperdarby.org)\*\*\*

**Pledge of Allegiance to the flag of the United States of America**  
Moment of Silence

**Opening of Meeting**

**Roll Call**

Andrew Hayman (AH), Danyelle Blackwell (DB), Brian Andruszko (BA), Sheikh M. Siddique, (SS), Lisa Faraglia (LF), Matt Silva (MS), Brian K. Burke (BB), Michelle Billups, (MB), Meaghan Wagner (MW), Hafiz Tunis Jr. (HT), Laura Wentz (LW)

**Present at the Meeting**

Barbarann Keffer, Mayor, via Zoom  
Vincent A. Rongione, CAO  
Chief Municipal Clerk, Alexis Cicchitti  
Solicitor Sean Kilkenny  
Solicitor Courtney Richardson  
Sergeant of Arms, Officer Anthony Bateman

**Rules for Meeting Decorum**

**“Upper Darby residents have the opportunity to speak for three (3) minutes. Residents are prohibited from making threats, using profanity, or acting in a manner that would impede or prevent the conduct of the business of the meeting.” Public Forum should not exceed thirty (30) minutes.”**

**Public Forum**

Peggy Wilson, 824 Drexel Avenue, spoke about the Council's desire to hire their own Solicitor. She referenced the Home Rule Charter regarding this issue. She spoke of violations of the Sunshine Act.  
Bonnie Hallam, 4719 Woodland Avenue, encouraged everyone to work together and stop partisan politics.  
John Vizzari, 353 Kirks Lane, submitted a RTK and was told that it would take an additional 30 days because of staff shortages. He believes that there has been a decline in the Township  
Becky Duggan, 129 N. Pennock Avenue, states that the Administration will not answer questions and that they should be prepared to answer questions on hot button issues  
Olivia Taylor, 204 Kent Road, referenced Section 304. She is very unhappy with the job that the Administration is doing.  
Kyle McIntyre, 1040 Drexel Avenue, spoke of June being Pride Month, the Stonewall riots and Pride Festival  
Brian Taylor, 7258 Lamport Road, Veterans and Family Outreach Fair, Saturday, August 13, 2022 10 am to 2pm at 4599 West Chester Pike, Newtown Square  
Tina Hamilton, 4715 Woodland Avenue, Saturday, June 4, 2022, Recovery without Barriers and Andy Forever? Event at Arlington Cemetery will provide information for the public. Also, inquired about investigation.  
Jennifer Toof, 309 Edmonds Avenue, against Conversion Therapy

## **Guest Speaker: FOP Representative**

The speaker was canceled.

## **The Honorable Mayor Barbarann Keffer**

Mayor's Message

June 1, 2022

Good Evening.

I have a few reminders I would like to share with our community.

I'd like to thank our three local veteran organizations, the Archer Epler VFW/American Legion Post 979, American Legion Post 214 and the Marine Corps League who all held events on Memorial Day to honor those who gave their lives defending our country. In addition, thank you to everyone who was able to attend the services. They are a wonderful tradition in Upper Darby.

Twice a week trash pick-up begins next week on Monday, June 6th. For more information about your trash route, you can view our trash and recycling newsletter on our website, [www.upperdarby.org](http://www.upperdarby.org)

Yard waste is still being collected curbside on your regular recycling day. Please place yard waste in the biodegradable lawn waste bags or loosely in a trashcan. Please do not use plastic bags to recycle yard waste or single-stream recycling.

Today, June 1st marks the beginning of Pride Month nationally and here in Upper Darby. Queer people are a vital part of our community and by acknowledging their humanity and visibility; we can lead by example as we work to guarantee equal rights for all people particularly regarding housing, education and employment and, at a basic level, to treat people the way we want to be treated.

## **President of Council, Brian K. Burke**

Council President Burke thanked all those who speak at the Public Forum and is thankful for all of the valuable information given by the residents regarding Township events.

## **COMMITTEE REPORTS**

### **Finance and Appropriations Committee**

Chair: Laura A. Wentz

Members: Matt Silva, Meaghan R. Wagner, Brian Andruszko

### **Nothing for the June 15, 2022 Council Meeting**

### **Public Safety Committee**

Chair: Lisa Faraglia

Members: Andrew Hayman, Danyelle Blackwell, Meaghan R. Wagner

MW stated that she would share parking issues via email with the Committee to address.

BA also has parking issues in his district and will discuss them with the Chair after the meeting.

SS stated that at Church Lane, Walnut Lane and Andover Road, there is a gigantic raccoon and rats. Chair Faraglia advised that is an issue for the Public Health and Safety Committee.

AH asked if there is an Ordinance prohibiting a resident from parking on their grass. Council President Burke stated that there was. He added that residents also could not block a walkway.

### **Nothing for the June 15, 2022 Council Meeting**

#### **Planning, Zoning and Building Code Committee**

Chair: Laura A. Wentz,

Members: Lisa Faraglia, Meaghan R. Wagner, Andrew Hayman

AH spoke of the chimney collapses on the Unit block of Larchwood Avenue and of the displaced residents. There was brief discussion amongst Council members about the situation.

### **Nothing for the June 15, 2022 Council Meeting**

#### **Municipal Services, Licensing and Public Works Committee**

Chair: Hafiz Tunis Jr.

Members: Michelle Billups, Andrew Hayman, Brian Andruszko

MB asked about the vandalized trees in the 2nd Ward Playground. Mayor Keffer stated that the bid for the 2nd Ward playground project has been awarded and a postcard will be sent to all residents letting them know about the improvements. No more trees will be planted there until the project is completed, hopefully, by the end of the summer.

### **Nothing for the June 15, 2022 Council Meeting**

#### **Parks and Recreation Committee**

Chair: Matt Silva

Members: Lisa Faraglia, Danyelle Blackwell, Michelle Billups

MS stated that there is a meeting scheduled for Sunday for the residents of the 6th District to review Cardington Park that he can't attend but would like updates from the members of the Committee.

DB spoke of a clean-up at Parkview on June 25, 2022. There will be clean ups in the 4th District on the last Saturday of each month which she asked Council members to attend.

SS requested that the scheduled meeting at Cardington Park be re-scheduled when the Chair can attend. MS agreed and will let the Committee know when that would be.

### **Nothing for the June 15, 2022 Council Meeting**

#### **Law and Government & Rules and Procedures Committee**

Chair: Matt Silva

Members: Meaghan R. Wagner, Laura A. Wentz, Andrew Hayman

Council President Burke stated that he made a change to the Committee. Councilman Hayman will come off of the Committee and Councilwoman Billups will be placed on the Committee.

MS confirmed that there is a scheduled meeting for next Friday if Councilman Hayman still wanted to attend.

SS had a question about construction material being stored in a backyard. BB told him it would fall under Licenses and Inspections. CAO Rongione stated that he would follow up with SS for more information.

HT stated there is an ongoing issue with PECO trucks parking in business parking lots and he is concerned that the businesses will suffer.

CAO Rongione stated that the issue is where PECO and private contractors are staging construction vehicles. He stated that the business owners should let the Township know if they are parking there and the Township would go out for enforcement.

MS wanted clarification of rulings that have been handed down of what could or could not go on the Agenda.

He added that the Solicitor has recused himself from the investigation, yet has ruled many times summarily that has impacted the investigation one way or the other with no recusal.

He also asked for a public explanation regarding the email received earlier this afternoon from Solicitor Kilkenny.

Solicitor Kilkenny read the email.

LW stated that there was much confusion at the last meeting regarding not being able to speak about items that were not on the Agenda. She added that she feels that some recent decisions have had a slight bias. She added that when she was Council President, and had issues with the Administration/Mayor and took those concerns to the Solicitor, there was no attorney/client privilege for her as a Council member, as the Solicitor took her issues directly to the Administration.

LW further stated that many times during 2020 and 2021, the Agenda was not completed by the 12 noon deadline the day before the meeting and that it was not until Council President Burke required everything 7 days before the meeting, that the deadline was met. She stated that it is Council's duty to uphold the Home Rule Charter to the best of its ability. LW added that unless Council can be guaranteed attorney/client privilege, they would need to get their own Counsel.

AH stated that LW has violated the Home Rule Charter numerous times, including offering the job of the CAO to a Democratic operative, negotiating with labor unions or interfering with the Administration's operations. BA asked the Solicitor how he decides if he is going to represent the Mayor or the Council. He referenced a request that he had made to Solicitor Kilkenny to advertise something and he was told that he could not do that. Although he did not agree, he followed the Solicitor's advice.

Solicitor Kilkenny stated that their firm's advice is that if something is not on the agenda, that President Burke could put it on the Agenda or that a majority of Council make a Motion to put it on the Agenda.

BA asked about the process concerning the conflict discussed with the investigation and wanted to know how the Solicitor has the right to decide which entity he will represent.

Solicitor Kilkenny stated that he shared this information with the Council via email and a long memo but will share it again now. He explained the process again.

SS stated that he believes the Solicitors to be very fair and asked that Council delay a Motion for an additional Solicitor as it would be a burden to the taxpayers.

DB stated that she believes the Solicitors do a great job.

HT stated that the Solicitors have always been very fair with their rulings and his firm has much experience.

MW asked Solicitor Kilkenny to expand on the email that he sent to President Burke. She inquired as to how you can find a conflict and then pick a side. She believes that if you have a conflict with one side, then you also have a conflict with the other side. Therefore, his firm should not be involved with the ARPA funds at all. MW believes that the Council has been given biased advice/opinions that are affecting the investigation.

Solicitor Kilkenny stated that they are here to serve their clients and it is unfortunate that their advice has been interpreted as biased. He further stated that he would be happy to review the incidences that MW is referring to. MB feels the Kilkenny firm is doing a good job.

LF stated that in the last eight years sitting on the Council, she has never had to put anything on the Agenda for Old Business.

Solicitor Richardson stated that eight years ago, the Sunshine Law did not read as it currently reads. There are new requirements under the new law. It is required that things be listed with specificity and that the Solicitors need to make sure that there are no violations of the Sunshine Act.

Solicitor Kilkenny stated that a memo went out in 2021 with these changes to the Sunshine Act.

The Solicitor stated that there needs to be action on the Motion.

MS asked if there was a recourse for the Council if they had concerns that there was bias that they do not feel were rectified.

Solicitor Kilkenny stated that in order to keep their licenses current, they must do continuing legal education. Every year, they are required to complete two kinds of legal ethics courses to keep up to date.

He further stated that if MS felt that the Solicitors were violating their professional rules of conduct, he would suggest that MS contact the Delaware County Bar Association and let them know if they are violating the rules of professional conduct. Usually, there is a mediation factor where someone would be appointed from the Bar Association to talk through those issues. He added that MS could also go to the Pennsylvania Bar Association and to the Pennsylvania Supreme Court, if deemed necessary.

Solicitor Kilkenny stated that he has no intention of jeopardizing his law license or putting the reputation of his firm on the line.

LW stated that when the Sunshine Law changed when she was Council President, she understood that things

needed to have more detail but at no point in time was she told that she could not bring things up under Old or New Business. There was an issue at the last meeting with not being able to discuss an item that was not on the Agenda and that has not been past practice.

Solicitor Kilkenny stated that they would get together a detailed email memo talking about the role of Old Business and New Business and their view of what is permitted by the Sunshine Law so that everyone understands exactly what the ground rules are.

HT stated that it is the Council's responsibility to read and stay up to date with the Home Rule Charter, the Sunshine Laws, etc.

**Motion to TABLE** the appointment of a Solicitor to represent Council members at Council meetings: LF/MW  
A roll call vote was taken. 11 in favor. The Motion to **TABLE** carries.

#### **Public Health and Environmental Affairs Committee**

Chair: Danyelle Blackwell

Members: Hafiz Tunis Jr., Sheikh M. Siddique, Matt Silva

SS brought up the issue of giant raccoons and rats near Church Lane, Walnut Park and Andover.

Mayor Keffer stated that the Administration would look at what has been submitted to the Request Line and how Animal Control has responded.

MB stated that the walkway between SEPTA and the Golf Course is very overgrown and needs to be cut.

LW stated that it is SEPTA property, not Upper Darby Township.

#### **Nothing for the June 15, 2022 Council Meeting**

#### **Community Engagement Committee**

Chair: Hafiz Tunis Jr.

Members: Danyelle Blackwell, Laura A. Wentz, Michelle Billups

HT encouraged Council members to be a part of the Pride Event.

He added that he would notify the Committee of an upcoming meeting.

MB spoke of the Recovery without Barriers Event this Saturday at 11 a.m. at Arlington Cemetery.

#### **Nothing for the June 15, 2022 Council Meeting**

#### **Cultural Competency Committee**

Chair: Michelle Billups

Members: Matt Silva, Danyelle Blackwell, Sheikh M. Siddique

MS requested that the Committee have a meeting.

#### **Nothing for the June 15, 2022 Council Meeting**

#### **Community Development Committee**

Chair: Sheikh M. Siddique

Members: Hafiz Tunis Jr., Brian Andruszko, Laura A. Wentz

SS commented on the land development at BHMS and that two previously abandoned buildings in the 69th Street business district are now occupied by businesses.

HT commented about all of the land development projects throughout the Township.

BB commented that the demolition is 90% finished at the Drexeline project.

MW asked the Mayor for a Town Hall to update the residents about the Drexeline project.

The CAO agreed but wanted to make clear that the private developer has no obligation to participate in a Town Hall even though the Administration agrees that it is a good idea.

Council President Burke stated that the developer could provide a press release for an update.

SS asked if Minerva Court was still supposed to become a hotel. The Mayor stated that there is nothing planned. He also asked about the old Sears Building and the 3-story parking lot.

Mayor Keffer stated that they are working with the owners to get into compliance. They have been cited for the dangerous structure that it is but nothing concrete has really happened. The Township speaks with them on a regular basis regarding the dangerous situation. Mayor Keffer stated that they are trying to motivate them to either sell it, fix it or to demolish it by leaning on them regarding property maintenance and code violations.

CAO Rongione added that there are only certain legal remedies available to the Township to hold them accountable and they are actively pursuing every legal remedy that they have.

Solicitor Richardson added that they were just in court with the owners this week regarding the parking lot and there is a plan that has been established with the Township Engineer and the L&I. There has been a schedule established and everyone is working aggressively to solve this issue.

## **Nothing for the June 15, 2022 Council Meeting**

### **Solicitor**

No further updates

### **Old Business**

#### **2021-2022 Budget**

BA handed out the 2021 Budget, with the Budget and the actual year to date ending 12-31-21, Ordinance No. 3109 (Appropriations) and a document showing the expenses for the year budget actual, also including two columns for variance; one for before Ordinance No. 3109 and one for after Ordinance No. 3109.

**BA and the CAO had a lengthy discussion regarding the above documents and the 2022 Budget, including the Fund Balance.**

**\*\*The entire discussion can be viewed on YouTube\*\***

Council President Burke asked the CAO when the audits would be done. CAO Rongione replied that he had 2018, 2019 and 2020 with him, and that Chris Herr of Maillie, LLP will be working on that and that the goal is to be completely on track by the time they get to the 2022 Audit. The Budget and Audit discussion continued with BB and the CAO.

LW stated that she was never told that Council members had to wait for the Audit to know what the Fund Balance was and that the Fund Balance was always reported on a regular basis.

CAO Rongione stated that he still believes that using the audited financials as opposed to the unaudited financials, is the most accurate source of information.

LW referred to the Fund Balance in 2018 and statements that she made at that time. She also stated that she is as concerned as BA is regarding the current issues. She stated that the \$1.7 million has not been reconciled.

MS asked about the audit that was already completed and asked how many audits need to be completed before BA's question can be answered.

The CAO replied that the audit conducted by Brinker Simpson was for the ARPA funds. Maillie, LLP, conducts the audit for the annual Budget. They are two different audits of two different sets of financials. CAO Rongione stated that he never said that he could not answer BA's questions. He has endeavored to provide complete and accurate information and the best way to do that is with the audited financials. He stated that he would continue to correct the record if MS continues to mischaracterize the things that he is saying.

Mayor Keffer stated that Marcum conducted a forensic investigation, not an audit.

MS and BB both stated that they believed it to be an audit. BB also questioned why \$134,000 of ARPA funds was spent on an investigation of ARPA funds that were never spent. The Council did not approve that expense.

Mayor Keffer stated that the Administration was accused on February 2, 2022 of misappropriating \$6 million. CAO Rongione stated that LW told a reporter that she had a "smoking gun" regarding the money being spent.



The CAO read page 3, the 2nd full paragraph of the Marcum Report. The paragraph stated very clearly, what the document was and was not. He added that everyone should be a little more conscientious of one another when it comes to some of these things.

LF asked if the CAO would answer BA's question as to whether or not the Fund Balance money could be moved without the Council's approval.

The CAO replied that it could be moved with Council's approval during the regular Budget process.

Council President Burke asked if the money was moved without the approval of the Council.

CAO Rongione stated that he believes the answer is "no."

HT encouraged the Council members to read the report and watch the presentation. It was stated that it was a "forensic investigation."

BA asked for a Point of Order.

BA stated that he did not see a line item on the 21 or 22 Budget for Fund Balance and wanted to know if it was mixed in elsewhere.

CAO Rongione stated that he is happy to take the question and come back with more information.

### **Article 5 of the Home Rule Charter- ALL sections**

Solicitor Kilkenny read Article 5 of the Home Rule Charter

MB asked why that needed to be read and was told that some Council members did not know what Article 5 was.

### **Marcum LLP Report and ARPA Funds**

HT stated that eight individuals were asked to be interviewed by Marcum. LW refused to be interviewed and previously stated that she had a "smoking gun and proof." He feels that she should have provided the proof and should explain why she refused to provide the proof of the "smoking gun" to the public.

LW stated that in reference to the "smoking gun" comment, she did not say "smoking gun", but did find evidence in documents provided to the Finance Committee by the Township and a reporter watched the Council Meeting and came up with that. She stated that she has clarified this several times.

LW explained the perceived problems that she found, including that ARPA funds had been spent. She added that she had seen the numbers, and the math added up that confirmed Treasurer Haman's report at the February 2, 2022 meeting. She also explained that because she is not involved in the day-to-day business of the Township, does not write, sign or oversee checks, does not see or approve any bills, there would be no reason why Marcum would need to speak with her. They have access to numerous documents to review and compare.

LW questioned why Marcum did not come up with the same conclusion that the Finance Committee did.

HT defended Marcum stating that they have over 50 years of experience.

MW attended the Town Hall and believes the Marcum report to be incomplete and misleading. She also requested a billing invoice from Marcum that shows what they have done up to this point that adds up to \$134,000.

MW stated that she asked Marcum "point blank" if they had looked at the restricted funds and they said that they did not. She added that the report was not put online until after the Town Hall so she was not able to question Marcum about this.

She further asked the CAO specific questions and he stated, as before, that in the interest of giving the most accurate and complete answers, he would prefer to get back to Council.

CAO Rongione stated that he would not be led into giving false testimony. He added that it is known that two different things were happening simultaneously, and at Council's urging, the Administration was creating the PLGIT account to demonstrate that all \$20.88 million were there and at the same time, was migrating the banking relationships from Wells Fargo to Santander. All of the funds are accounted for in a very present and normal way. You can see all of those funds in the new Santander accounts. There was no misappropriation, mis-movement or mis-management of the funds. It is simply two different things happening at once. The CAO added that they did not have the report in advance, so the question of whether some restricted funds ended up

included in the accounting is not the relevant question. The question is, do the unrestricted funds add up to \$20.88 million and the answer is that they do.

MW asked if the CAO was familiar with the confiscated funds account and if he agreed that that money was not owned by Upper Darby Township.

The CAO stated that is not how he would characterize that, as there are a combination of various types of funds in that account depending on where they are in the forfeiture proceedings.

MW stated that is incorrect, as there is a forfeiture account and a confiscated funds account. She further explained the process.

She further stated that on the same day that the PLGIT account was opened, there was a withdrawal of over \$370,000 from the confiscated fund account and asked where the court order to do that was.

CAO Rongione stated that he just explained that what they saw was two different things happening simultaneously. They further debated the need for a court order.

MW stated that this was done on February 4, conveniently on the same day that the PLGIT account was opened. CAO Rongione stated that the question was, is that money included in the calculation of the \$20.88 million, and the answer is no! What you see on February 7, is that money populating the account in Santander in the exact same amount.

MS asked if the CAO had any knowledge of the methodology with which Marcum LLP used to compile the information. He asked how they obtained the information about the financial documents. He asked if they subpoenaed the banks or conducted this on their own, and wanted to know with whom they spoke to get their information.

CAO Rongione stated that Marcum LLP is in the best position to answer questions of that type about the report. He added that firms such as Marcum LLP do not have subpoena power, but could make document requests of the Administration. The Administration fulfilled those requests and granted interviews.

MS asked the CAO to confirm what he said and the CAO stated that was part of it. In addition, the CAO stated that he believes that is the same process engaged with the Council Finance Committee prior and with the Council investigation. He added that they are the same documents.

MS believes it to be different, as Mr. Boggs, using the subpoena power granted by Council President Burke, did subpoena and review bank documents and that seems more thorough.

CAO Rongione was not aware of Mr. Boggs issuing subpoenas to banks.

MS stated that Mr. Boggs did not just take Council's word regarding concerns; he followed up with an actual investigation.

CAO Rongione stated that there is actually no evidence and it has not been suggested that any real investigation has been engaged in by Mr. Boggs or anyone on Council. It was also stated publicly that Mr. Boggs has no experience with these types of financial issues and that a CPA does not head the financial firm that has been engaged. As far as the CAO knows, there have been no findings or description of the methodology or scope of the Council investigation. He added that Mr. Boggs participated in at least one of the interviews with Marcum and was present during Gary Merron's interview. The CAO stated that as the Chair of the Finance Committee, Council Vice-President Wentz was invited and would have been in a perfect position to share all of your information and concerns and explain everything. She could have pointed Marcum to any documents, records or procedures that Council found relevant or important in the process.

MB stated that the presenters from Marcum stated exactly what they did during the process. She added that she was under the impression that the scope of the investigation was the ARPA funds, but it seems that it has gone way beyond that.

AH read quotes from LW that were published in Broad and Liberty regarding having proof that the funds were spent and that the Administration spent 2-3 days running around gathering funds to recreate that \$6 million. AH stated that he asked for the proof in March and is again asking for it now.

LW stated that she did have a conversation with the gentleman from Broad and Liberty after the Council Meeting where she indicated that Council had done the math and discovered that the report provided by Treasurer Haman was accurate. She also stated that as soon as the investigation was launched and the Law Firm of Mark Much was engaged, all of the documents received from the Township went to the Firm for use during the investigation.

AH reiterated that Council members have the right to see the proof as this was a statement that was made on the record and in the news. He believes that it was not evidence but was a misleading response that was provided previously.

CAO Rongione clarified that LW's repeated assertion that Broad and Liberty pulled the quote from her comments at a Council Meeting was false and that LW did give the quote to him.

LW replied that he did pull many of the quotes from the Council Meeting and the specific one that AH just read is something that LW did say to him.

CAO Rongione also commented that LW has repeatedly said, "we did the math and we requested the documents". He asked LW whom she was referring to when she said "we."

LW stated that "we" was Gary Merron, David Haman and herself. In answer to the CAO's question, LW did agree that Gary Merron was working for the Township at that time.

BA asked if the CAO said in the Marcum report that restricted funds were not included in the total for the General Fund balance. CAO Rongione stated that he did not say that.

BA stated that in Exhibit 21, there is a list of all of the bank accounts and the running balance month by month. CAO Rongione stated that he was familiar with that.

There was discussion about the listed accounts and BA stated that they were restricted funds.

The CAO stated that BA was referring to the reconciled balance and not the cash balance, but the CAO was referring to the cash balance, which never went below \$20.88 million whether those restricted funds that BA mentioned were included or not. He stated that what BA and MW were saying is further proof that the Administration did not direct the report and Marcum said that they reserve the right to update and amend the report as needed, as information becomes available.

The CAO provided further details regarding the ledger and the cash balance. He stated that is why Council heard Marcum talking about that this was a cash management, cash flow timing issue on the reconciled balance. He added that this is part of the reason that the accounting software is being updated along with the chart of accounts. Those accounts in the legacy system have the same 01 nomenclature as unrestricted general fund accounts. Therefore, updating these accounts can avoid a situation like the one in the current conversation.

BA asked if there is an exhibit of the cash balance in the report.

CAO Rongione replied that he believed the daily cash balance was contemplated in the exhibit that BA referenced.

LF asked if the restricted funds were moved.

CAO Rongione stated that he previously explained that the funds were migrated in their entirety from Wells Fargo to Santander.

MS asked the CAO if when Marcum asked the Administration for records, it was made clear to them how those accounts were used or accessed and that they were restricted funds.

CAO Rongione stated that they are now aware and added that the question is actually a question for Marcum. He added that the Administration furnished the documents that Marcum asked for.

MS asked again if Marcum was told that certain accounts were restricted, as they appear to be included in the list as unrestricted.

The CAO stated that he and BA just had a very clear and productive exchange on this topic.

CAO Rongione stated that he was not in a position to characterize Marcum's report and their intentions and he is not in a position to do that.

MS continued to ask about restricted vs. unrestricted accounts.

CAO Rongione reiterated that the daily cash balance never went below \$20.88 million.

MS again asked if Marcum was made aware of the restricted accounts and CAO Rongione stated that they were.

DB stated that the Marcum report provided evidence that no money was missing and that one of Council's roles as legislators is to protect Upper Darby Township.

MW referred to and read Section C 502 of the Upper Darby Township Home Rule Charter. She stated that in January 2020, when Mr. Rongione was appointed as the CAO, there were several Council members who raised serious concerns about his qualifications, but he was still appointed. She stated that she believes that in the last 2 ½ years, specifically in the last 5-6 months, she has seen why those Council people had such concerns.

MW stated that there have been payroll issues, confusion regarding where ARPA funds were and issues with Aqua Water Company and UDPD. She stated that questions were asked during this meeting about funds that the CAO should be aware of and able to answer.

**MW made a motion to invoke C 501, appointment dismissal, subsection C forfeiture of his office, under subsection 1.**

**BA seconded the Motion.**

Council President Burke opened it up to the Solicitor.

Solicitor Kilkenny stated that his office has recused themselves from this part of the investigation. He asked that Council speak to their Solicitor about this Motion when he can look at the Charter to determine if this was an express violation of the CAO's duties of office.

MW stated that she spoke to Solicitor Boggs at length before making this Motion.

HT asked for clarity on the Motion as he thought that the investigation was intended to find what happened to the ARPA funds and wrongful misuse.

MW clarified her Motion as this is not just the handling of the ARPA funds, but also the way the Township has been handled. She believes that the CAO lacks the qualifications for the office as prescribed by the Charter and that is specifically under C 501c.

Solicitor Kilkenny stated that he is aware that Council spoke to Mr. Boggs, but wanted it to be clear that his recommendation is that this Motion be clearly stated on a future Agenda. However, if Council is comfortable moving forward at this meeting under the advice of Mr. Boggs, that is their purview.

MW stated that she is comfortable moving forward.

HT asked if any Council members other than MW had the opportunity to speak to Mr. Boggs because this is the first time that he heard about it.

MW stated that she could not speak as to who may have spoken to Mr. Boggs, but she did speak to him at length.

HT stated it would be best if all of the Council spoke to Mr. Boggs.

MS stated that all of Council spoke to Mr. Boggs one week ago, and even though the forfeiture of office Motion was not brought up at that time, he believes that it was on the minds of Council members. He added that there was an opportunity for questions.

AH stated that it was a State Ethics violation to discuss what happens at Executive Sessions. He stated that he will be voting against this Motion and that he would like to move past this so it can go to Court, which is where he assumes the CAO will win.

MW reiterated that this is not just because of the investigation, but she believes that every single aspect of this job, in her opinion, has been done very poorly.

**MW made a motion to call the question. LW seconded. A roll call vote was taken.**

**6 in favor (BA, LF, MS, BB, MW, LW), 5 opposed (AH, DB, SS, MB, HT)**

**Motion to call the question is approved.**

**Motion to invoke C 501, appointment dismissal, subsection C, forfeiture of the office of the CAO, under subsection 1 by Vincent Rongione has been made and seconded.**

**A roll call vote was taken.**

**6 in favor (BA, LF, MS, BB, MW, LW), 5 opposed (AH, DB, SS, MB, HT)**

**The Motion is approved.**

**Council Vice-President Wentz made a Motion to remove Mr. Rongione from the Council Meeting.**

**MW seconded.**

AH made a Point of Order and stated that the meeting is a public meeting and if Mr. Rongione chooses to stay in the room, he does not believe that Council can remove him.

MW stated that he could sit in the audience.

**Council Vice-President Wentz amended her Motion to remove Mr. Rongione from the meeting. The new Motion is to remove Mr. Rongione from the CAO's seat on the Dias.**

**MW seconded the Motion.**

**A roll call vote was taken on the amended Motion.**

**6 in favor (BA, LF, MS, BB, MW, LW), 5 opposed (AH, DB, SS, MB, HT)**

**The Motion is approved.**

**LF asked to make a Motion to adjourn the meeting. Therefore, the Agenda was not completed.**

**Adjournment**

**Motion to adjourn: LF/AH All in favor. The meeting was adjourned at 11:08 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://youtube.com/upperdarby.org)\*\*\*