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**August 17, 2022**

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**Adjournment at 10:24 p.m.**

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**MINUTES**  
**Council Meeting**  
**August 17, 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), Brian Andruszko (BA), Sheikh M. Siddique, (SS), Brian K. Burke (BB),  
Meaghan Wagner (MW), Hafiz Tunis Jr. (HT), Laura Wentz (LW)

Lisa Faraglia (LF), via Zoom

Michelle Billups, (MB), via Zoom

Danyelle Blackwell (DB), via Zoom

Matt Silva (MS), via Zoom

**Present at the Meeting**

Barbarann Keffer, Mayor

Chief Municipal Clerk, Alexis Cicchitti

Solicitor Sean Kilkenny

Solicitor Courtney Richardson

Mike Galante, Township Engineer

Sergeant of Arms, Officer Kevin O’Gara

Sergeant of Arms, Sergeant Louis Garay

**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.”**

**Council President Laura Wentz was Acting Secretary for the meeting as Secretary Michelle Billups was participating via ZOOM.**

**Public Forum**

Kyle McIntyre, 1040 Drexel Avenue, hopeful that ARPA allocations are made

Jennifer Toof, 309 Edmonds Avenue, feels that Community Center will be very beneficial to the community and is hopeful that the ARPA funds will be released

Colleen Kennedy, 8723 West Chester Pike, hopeful that the ARPA funds are released for the good of the community

Damien Warsavage, 7112 Penarth Avenue, concerned about email security

Quin Bowen, after hearing Chris Boggs, Esq. and Jack Reagan, she feels very confident that the ARPA funds should be released

Desiree Lamarr Murphy, feels that the people who refuse to release the funds are committing a crime

David Haman, 727 Stanbridge Road, feels that it is time to release the ARPA funds as he is very confident after hearing the presentation at the Town Hall by Jack Reagan

Janice Haman, 727 Stanbridge Road, asking everyone to work together and move forward in good faith to release the ARPA funds

Marion Minick, 1204 Wilde Avenue, Democrats are building the future of Upper Darby. He spoke of white supremacy and bigotry on Council

Olivia Taylor, 204 Kent Road, feels that the Town Hall was a "joke." She feels that the gun buy-back program is ridiculous

Becky Duggan, 129 N. Pennock Avenue, stated that Councilman Hayman stayed after an adjourned meeting to conduct a private lawsuit and wants to know if the Township will be reimbursed for the services provided

Joanne Nommavong, 133 N. Pennock Avenue, spoke on behalf of John Vizarri, 353 Kirks Lane. She stated that funds were moved that should not have been.

Mike Atwell, 314 Wayne Avenue, believes that it is time to appropriate the ARPA funds

**Council President Burke stated that the 30 minutes allotted for the Public Forum were over.**

**HT made a Motion to extend the Public Forum.**

**AH seconded the Motion.**

**A roll call vote was taken. All in favor. Motion to extend the Public Forum is approved.**

Robin Atwell, 314 Wayne Avenue, happy when she saw that the Agenda included the Ordinances to release the ARPA funds

Bill Kaplan, 241 Highland Avenue, spoke of racial equity and encourages the release of the ARPA funds

Bonnie Hallam, 4719 Woodland Avenue, happy to see the ARPA Ordinances on the Agenda for introduction and feels that it is appropriate to release the ARPA funds.

Heather Klein, 716 Elm Tree Road, ARPA and greener communities

Brian Taylor, 7258 Lamport Road, POW/MIA flag

Bruce Mann, 706 Foss Avenue, cares about the Township and wants the finger pointing to stop and the ARPA funds released

Hazel Johnson, 66 Hartley Road, stated that properties at 62 and 64 Hartley Road should come off of Section 8 due to harassment, trash, bullying, etc.

Cintia Isles, 7611 Parkview Rd, wants ARPA funds released and feels that the Community Center is very important

Michelle Schofield, 519 Millbank Road, feels that there is inequity in the Township from one area to another. Also want ARPA funds released

Tina Hamilton, 4915 Woodland Avenue, feels that using the term "white supremacy" is wrong and the issue that is happening with the ARPA funds is not racial. There are valid concerns.

Desiree Whitfield, 7235 A Radbourne Road, spoke of social and racial injustice, uninhabitable home

Terrylynn King, 7282 Radbourne Road, spoke of mice, waterbugs, mold and roaches at Lansdowne Meadows and is asking for help, as it is uninhabitable

Neil Desnoyers, 133 Green Valley Road, in support of releasing the ARPA funds

**The Honorable Mayor Barbarann Keffer**

**MAYOR'S MESSAGE**

Good evening,

Thank you to everyone who attended Monday night's town hall in person and virtually. This was our third ARPA town hall that we have held since January of this year. It has now been 8 months since our first ARPA town hall meeting and I can happily say that we have answered all questions received from both our residents and Council concerning the usage of these funds. In February, we hired an ARPA Administrator from UHY Meridian, Jack Reagan, to ensure our compliance with the federal "final rule" and we have committed to continuous updates on the status of the funds. Jack has been to four public meetings now to answer questions from the public and from council and to discuss the timeline for the allocation and spending of the ARPA funds. I am glad that the ARPA ordinances are on tonight's agenda. Our residents are eager to see real progress concerning the release of the funds so the administration can begin the bid process for projects and procurement.

Since Monday's Town Hall, my administration has updated the ARPA PowerPoint. This updated PowerPoint has been posted to our township website, under "Finance Department", "Special Reports". I would like to share with everyone the updates: In response to council's request for more details, here are the changes:

This is a more complete breakdown of the Police & Fire investments.

The Community Center budget slide includes a breakdown by construction category. With this once in a lifetime opportunity that the ARPA funds present to us, we could construct this much needed resource for our community with little to no cost in local taxpayer dollars. By utilizing the ARPA dollars as matching funds for other state and federal grants, we can spend \$4 million in local funding and receive \$11 million in total. There is a lot of opportunity with federal and state matching grants, but in order to meet application deadlines, we must have the ARPA funding allocated and available.

Regarding COVID-19 relief, we parsed out Premium Pay and Employee Vaccine Incentives for our employees who worked tirelessly throughout the pandemic to keep things running smoothly on a day-to-day basis.

Throughout this week, we have also made an effort to work with the Council and have their input reflected in the ordinances. In Ordinance 3119 which deals with the Community Center funding, these two "Whereas" clauses were added (Mayor Keffer read from the Ordinance).

**Mayor Keffer asked if someone on Council would like to make a Motion to include these two "Whereas" clauses in all of the ARPA ordinances.**

**Moved: AH**

**Seconded: HT**

**BA asked Mayor Keffer to re-read the "Whereas" clauses. Mayor Keffer re-read the clauses and added that this would make all of the Ordinances consistent.**

It is great to see the ARPA ordinances back on the agenda, I hope Council does what is right for their constituents and votes to introduce and advertise the release of the funds.

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

President Burke agreed that a lot of good work has been going on between the Administration and the Council for the past 72 hours, with the help of some others as well. He stated that he believes that some Ordinances will be introduced for advertising at tonight's meeting.

## **COMMITTEE REPORTS**

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

Chair: Laura A. Wentz

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

**Resolution No. 36-22**, granting conditional Preliminary and Final Land Development approval for applicant, Archdiocese of Philadelphia, for a parking lot modification at the northeast corner of Garrett Road and Lansdowne Avenue in Upper Darby Township

Solicitor Kilkenny gave a brief on Resolution No. 36-22

Mike Galante, Township Engineer gave a brief description of the land development and Council members shared their thoughts and asked some questions regarding the land development.

*Solicitor Kilkenny wanted to clear up for the record that Councilors Tunis and Hayman previously made a Motion and second earlier, that was not acted on. Mr. Kilkenny stated that he believed that they were going to defer that to when the Ordinances came up.*

AH stated that is fine with him as it is just an Administrative change, per the Mayor's request.

**Motion to approve: AH/HT**

**Moved and seconded. 11 in favor. Resolution No. 36-22 is approved.**

### **Finance and Appropriations Committee**

Chair: Laura A. Wentz

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

AH asked if there was a reason that there had to be a Public Hearing for each Ordinance and wanted to know if it was possible to have one Public Hearing for all six Ordinances.

Solicitor Kilkenny stated the options for having the Public Hearings.

**AH made a Motion to have one consolidated Public Hearing for all six Ordinances so that members of the community can discuss and Council can vote on all six tonight.**

**DB seconded the Motion.**

While waiting for President Burke to return to his seat, AH asked if anyone on Council knew of a Law Firm called Friedman Schumer Law and contacted them about replacing Mr. Boggs.

MW stated that no one was contacted regarding replacing Mr. Boggs.

LW stated that President Burke returned and he should be informed about the Motion that was just made.

Solicitor Kilkenny stated for clarity that there needs to be an opportunity for the public to have a hearing, a reading of an Ordinance, and then comment before Council takes any kind of action on it.

He confirmed that if there was one hearing for each Ordinance, during the course of the hearing, each Ordinance would have to be read and then there would have to be comment before Council acted on it.

**Moved and seconded. A roll call vote was taken. All in favor. Motion to have one consolidated Public Hearing for all six Ordinances so that members of the community can discuss and Council can vote on all six tonight is approved.**

**Introduction of Ordinance No. 3119**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Community Center; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

Solicitor Richardson gave a brief on Ordinance No. 3119

There was some discussion regarding the adjustments to the “whereas” clauses and the “therefore” clauses and some other minor adjustments to wording.

**Motion to introduce and advertise: HT/AH**

MW stated that she would vote in favor of this Ordinance as she does support the Community Center. However, she is also asking to put the Senior Center back in the 1<sup>st</sup> district where it was and to work to serve the other end of the Township also. She reiterated that she believes the Community Center to be great for Upper Darby as a whole.

LW thanked the “community allies” for their assistance in working on Ordinance No. 3119 and 3120 and helped Council and the Administration to communicate with each other.

**Moved and seconded. 11 in favor. Motion to introduce and advertise is approved.**

**Introduction of Ordinance No. 3120**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Upper Darby Township Police and Flood Mitigation & Sewer Upgrades for the Township; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

LW stated that there is a replacement Ordinance for Ordinance No. 3120 for consideration. She stated that it is a “work in progress” and they did remove “fire” because there were many questions and conversations must be had. There was not enough time between Monday night after the Town Hall and 7 p.m. tonight to get it done.

Solicitor Richardson gave a brief on Ordinance No. 3120

Solicitor Richardson suggested a few minor changes to the Ordinance.

LW also explained some adjustments made to the Ordinance and stated that more clarification was needed as to where monies were being spent. She also stated that she would have further discussion with Supt. Bernhardt.

BA encouraged that they speak to the Fire Department ASAP and talk about what can be done for the volunteers.

HT asked if amendments can be made before the next meeting and Solicitor Kilkenny explained that once these Ordinances are advertised, you would need to re-advertise them if you wanted to change them.



There was further discussion as to why the Fire Department was not included in this Ordinance. Council President Burke stated that he is comfortable with the Ordinance and would like to move it forward.

LF stated that she will vote for this Ordinance but Mayor Keffer needs to pull the police contract out of arbitration and get it back on the table to settle it.

MS agrees that this is a great first step but feels that transparency is needed as to how the money will be spent.

DB is in favor of the Ordinance but does not understand why the Fire Department is not included.

AH stated that the firefighters deserve the funding for their equipment and believes that the Ordinance can be voted on, and then insist on receiving the documents requested from the Fire Department with details of their needs prior to a vote on September 7.

Council President Burke stated that fire trucks have already been ordered, but a couple of questions need to be answered before the money is allocated rather than spending taxpayer dollars in the meantime. He said to just wait a few weeks and move it to September 21.

AH is still concerned with the delay.

Mayor Keffer questioned the "whereas" clause where it states that "the Mayor is requesting" as she feels that it is unnecessary. She added that budgets are not set in stone and things could wind up costing more than you have budgeted for and that this seems unnecessarily stringent. There is no way to know the cost of these projects.

In addition, Ordinance No. 3120 was supposed to be Police and Fire. Mayor Keffer does not want to be mentioned when the Ordinance is now different. Council President Burke stated that her name would be removed.

**Motion to call the question to stop the discussion on Ordinance No. 3120 presented by Councilor Wentz: BB/LW 10 in favor. 1 opposed (HT) Motion is approved.**

**Motion to introduce and advertise:**

**Moved and seconded. 11 in favor. Motion to introduce and advertise is approved.**

**AH made a Motion to amend the Ordinance to include the full Fire funding and the full amount for gun violence. HT seconded the Motion.**

AH suggested putting this Ordinance under the Public Safety Committee as this is pertaining to Public Safety matters. He suggested that the Committee and President Burke meet with Fire Chief Sawyer before September 7 and hopefully walk out of that meeting with an understanding to vote on the full Ordinance.

BB again stated that they have some questions and they are concerned about the future of the Fire Department and the Fire Houses. Based on some answers provided by Mr. Reagan, they do have some concerns for the aging buildings.

MW was in agreement with meeting with Chief Sawyer and to talk about the volunteers. More information is needed clearly.

**BA suggested a potential solution after speaking with Solicitor Kilkenny. He stated that he believed that everyone is currently comfortable with Ordinance No. 3120. He stated that Ordinance No. 3122 is currently for Flood Mitigation and Sewer Upgrades and that is included in 3120. He asked if it would be possible to make Ordinance No. 3122 a Fire Ordinance, pass it now, discuss it with the Fire Company and if any modifications are needed, it could be re-advertised and voted on at the following meeting.**

**He further clarified that Ordinance No. 3122 would be a Fire Ordinance as it would not be applicable since it is for all of the Flood Mitigation and Sewer Upgrades and that is all contained in Ordinance No. 3120 now.**

**After agreeing with BA's solution, AH withdrew his Motion.**

**Introduction of Ordinance No. 3122**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for the Upper Darby Fire Department; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**Motion to introduce and advertise Ordinance No. 3122: BA/HT**

**Solicitor Kilkenny suggested reading the Fire allocation into the record for the amended Ordinance 3122 for clarification.**

**Solicitor Richardson clarified the fire allocation of \$2.5 million in detail.**

**Moved and seconded. All in favor.**

**Motion to introduce and advertise amended Ordinance No. 3122 is approved.**

**Council Vice-President Wentz stated that the Finance Committee recommends tabling Ordinance Nos. 3121, 3123 and 3124 at this time to get more clarification on the parameters of the different programs and more detailed information.**

**She added that although they discussed consolidating all of the Ordinances into one Public Hearing, it does take a good amount of time to discuss the Ordinances.**

**LW made a Motion to table Ordinance Nos. 3121, 3123 and 3124. BA seconded the Motion.**

HT stated that he felt that the Ordinances should move forward at this meeting as Council members can meet to discuss whatever grievances they have.

AH also felt that the Ordinances should move forward and suggested combining the three Ordinances into one Ordinance and having one Public Hearing.

MB stated that she agreed.

MS stated that he needed more clarification before moving forward.

**Council President Burke called the question.**

**Moved and 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 TABLE Ordinance Nos. 3121, 3123 and 3124 is approved.**

**TABLING of Ordinance No. 3121**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for Upper Darby Township Parks and Public Spaces; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**TABLING of Ordinance No. 3123**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for COVID Relief & Negative Economic Impact; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

**TABLING of Ordinance No. 3124**, an Ordinance of Upper Darby Township, Delaware County, providing for supplemental appropriations for the 2022 Budget appropriating the funds provided by the American Rescue Act Plan (ARPA) State and Local Fiscal Recovery Fund for Additional Lost Revenue from 2020 and Lost Revenue for 2021; repealing inconsistent Ordinances or parts thereof; providing for a severability clause and providing for an effective date

## Solicitor

Solicitor Kilkenny stated that previously under Old Business, he was asked for his opinion on the Motion to ratify the June 1<sup>st</sup> action at Upper Darby Council Meeting where MW moved and BA seconded a Motion to find that Mr. Rongione had forfeited his position as CAO according to the Home Rule Charter, Article C 5-1, C 1. He added that the Solicitors have recused themselves from this matter and would hope that Council would rely on the advice of Special Counsel related to this Motion.

As to the Motion to ratify all future actions taken by Special Counsel, General Counsel and future Council actions to enforce Motions, Solicitor Kilkenny advised that a Motion can be taken to ratify all actions taken by Special Counsel, but the Solicitors do not recommend affirming all actions of Special Counsel without knowing what they are. Finally, the Motion to remove all compensation of Mr. Rongione and to further direct the position's salary at "zero" until such as time as a new CAO is submitted and approved by Council, Article C503 Compensation, is violative of the Home Rule Charter, the section related to budgeting. This means that an Ordinance is required to change Mr. Rongione's salary to "zero" because it would require a budget amendment. Council President Burke has been advised of this in writing by Solicitor Richardson. In addition, the firm of Special Labor Counsel, John McLaughlin, has advised that this Motion may also be violative of the ? clause of the Pennsylvania Constitution.

Council President Burke requested that all of this be put in writing as he is trying to understand that Solicitor Kilkenny has a conflict, then doesn't have a conflict and then Mr. McLaughlin is saying something else. He asked if Mr. Rongione was an "at-will" employee who could be removed at any given time by the Mayor or the Administration. Solicitor Kilkenny stated that the Home Rule Charter would require the Mayor to make that action first and then Council would need to ratify it.

BB stated that he will remove "future actions" from "b" on the Agenda and will remove "c", the Motion to remove all compensation of Mr. Rongione and to further direct the position's salary at zero until such time as a new CAO is submitted and approved by Council. (Article C-503 Compensation)

## Old Business

**Motion** to ratify the June 1, 2022 action of the Upper Darby Township Council Meeting Motion by Councilwoman Wagner and seconded by Councilman Andruszko to find that Mr. Rongione has forfeited his position as CAO according to the Home Rule Charter Article C 501 C-1

**Motion to approve: MW/LW**

**There was discussion regarding the above Motion with some in favor and some against the Motion.**

**Moved and seconded. 6 in favor (BA, LF, MS, BB, MW, LW), 5 opposed. (AH, DB, SS, MB, HT)  
Motion is approved.**

**Motion to further ratify all actions taken by Special Counsel**

**Motion to approve: LW/MW**

**Moved and seconded. 6 in favor (BA, LF, MS, BB, MW, LW), 5 opposed. (AH, DB, SS, MB, HT)  
Motion is approved.**

## **THE BELOW MOTION WAS REMOVED FROM THE AGENDA**

**Motion** to remove all compensation of Mr. Rongione and to further direct the position's salary at zero until such time as a new CAO is submitted and approved by Council. (Article C-503 Compensation)  
Solicitor Kilkenny stated that he advised

**HT made a Motion to add the Diversity Resolution to the Agenda for the September 7, 2022 Committee Meeting**

**AH seconded the Motion.**

**A roll call vote was taken. All in favor. Motion is approved.**

**MW made a Motion to create an Ordinance or a Resolution to add to the next Agenda regarding flying the POW/MIA flag at all times**

**BA seconded the Motion.**

**A roll call vote was taken. All in favor. Motion is approved.**

**New Business**

MW asked the Mayor to get together to have a conversation about some issues with a property, including no license and trash. They agreed to get together to speak about it.

**Adjournment**

**Motion to adjourn: BB/HT All in favor The meeting adjourned at 10:24 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)\*\*\*

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 36-22**

**A RESOLUTION GRANTING CONDITIONAL PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL FOR APPLICANT, ARCHDIOCESE OF PHILADELPHIA, FOR A PARKING LOT MODIFICATION AT THE NORTHEAST CORNER OF GARRETT ROAD AND LANSDOWNE AVENUE IN UPPER DARBY TOWNSHIP**

**WHEREAS**, Archdiocese of Philadelphia (“Applicant”) submitted a land development application on April 21, 2022 for a proposed parking lot modification. On the applicant’s behalf, G.D Houtman & Son, Inc. has requested a waiver of Upper Darby Township’s Subdivision and Land Development Ordinance (the “Waiver Request”); and

**WHEREAS**, Applicant has submitted the following in support of a proposed parking lot modification: Preliminary and Final Land Development Plan for Archdiocese of Philadelphia for a proposed parking lot modification, prepared by G.D Houtman & Son, Inc., 139 East Baltimore Pike, Media, PA, 19062, dated April 18, 2022, revised May 6, 2022, consisting of seven (7) sheets; and

**WHEREAS**, Applicant proposes to remove an existing building and expand the existing parking lot, with improvements to include the removal of asphalt pavement, construction of new asphalt parking areas, concrete sidewalks, site landscaping, site lighting and stormwater management improvements (the “Property”); and

**WHEREAS**, the Township Engineer has reviewed Applicant’s application and Waiver Request and offers comments for consideration as indicated in the Township Engineer’s review letter dated June 5, 2022, which letter includes and references the Stormwater Management Calculations, dated April 20, 2022, and the May 20, 2022 letter from the Delaware County Planning Commission, collectively attached hereto as **Exhibit “A”** and incorporated herein by reference;

**NOW, THEREFORE, BE IT RESOLVED**, by the Upper Darby Township Council that Preliminary and Final Land Development for the Project is approved subject to the satisfaction of the following conditions:

1. Except as modified herein, Applicant shall comply with all other applicable Township ordinances, County, State and Federal rules, regulations, ordinances and statutes, and obtain all applicable permits and approvals. Applicant shall obtain a building permit prior to construction and shall ensure that all proposed improvements comply with Pennsylvania Act 45, the Uniform Construction Code, including but not limited to the Accessibility provisions.
2. Unless specifically granted a waiver below or modified herein, Applicant shall comply with all comments and requirements set forth in the review letter issued by the Township

Engineer, Michael Galante, P.E., MG Engineering Associates, LLC., which letter includes and references the Stormwater Management Calculations, dated April 20, 2022, and the May 20, 2022 letter from the Delaware County Planning Commission, collectively attached hereto as **Exhibit "A,"** and any subsequent review letters from Michael Galante, P.E.

3. Applicant shall enter into a development and financial security agreement and post financial security for the project, in an amount determined to be required by the Township Engineer and Solicitor in the form of cash escrow or a letter of credit, to be prepared by the Township Solicitor and executed prior to the issuance of any building permits and start of construction.
4. The following waivers are hereby granted from the Delaware County Subdivision and Land Development Ordinance:
  - a. Section 300(I) of the Subdivision and Land Development Ordinance; a waiver from the requirements of the Ordinance to request Township Council to consider Preliminary and Final at the same time.

**APPROVED**


**DENIED**

5. Applicant shall pay all Township fees and costs, including but not limited to legal, engineering and administrative fees, for all Township reviews associated with the Project (the "Review Fees") and, at the Township's request, shall establish an escrow account to guarantee payment of the Review Fees; and Applicant shall further satisfy any and all existing municipal liens against the Property and shall address any and all outstanding code violations at the Property, if any, prior to receipt of any permits or recordings.
6. Applicant shall provide the Township Chief Administrative Officer and Township Engineer at least 72 hours' notice prior to the initiation of any construction, demolition, grading or ground clearing so that the Township may determine that the foregoing conditions have been met by the Applicant and that all necessary erosion and sedimentation controls have been correctly installed, if needed.
7. Applicant agrees to add all mutually agreeable conditions to the final plans.
8. This Conditional Approval of Land Development Application does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Conditional Approval of Land Development Application 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.

9. By accepting this Resolution, Applicant is signifying acceptance of the conditions contained herein.

**DULY PRESENTED AND ADOPTED** by the Council of Upper Darby Township, Delaware County, Pennsylvania, in a public meeting held this 17<sup>th</sup> day of August, 2022.

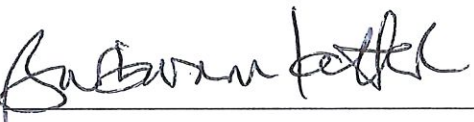
**UPPER DARBY TOWNSHIP COUNCIL**

ATTEST:   
Michelle Billups, Council Secretary

BY:   
Brian K. Burke, Council President

**APPROVED THIS 17th DAY OF AUGUST, 2022**

ATTEST:   
Alexis Cicchitti, Chief Municipal Clerk

BY:   
Barbarann Keffer, Mayor

In the event that the executed Resolution is not delivered to the Township within seven (7) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

ATTEST:

ACCEPTED BY:

**ARCHDIOCESE OF PHILADELPHIA**

\_\_\_\_\_  
Date:

By: \_\_\_\_\_  
Name:  
Title