

INDEX
Upper Darby Township Special Meeting
September 28, 2022

Pledge of Allegiance to the flag of the United States of America	1
Opening of Meeting	1
Roll Call	1
Rules for Meeting Decorum	1
Approval of the Minutes of September 2022	1
Public Comment	1-2
President of Council, Brian K. Burke	2
The Honorable Mayor, Barbarann Keffer	2
 <u>COMMITTEE REPORTS</u>	
Finance and Appropriations Committee	
Chair: Laura A. Wentz	
Members: Matt Silva, Meaghan R. Wagner, Brian Anduszko	
Motion to approve the Report from the Law Offices of Mark Much, P. C., on the Upper Darby Home Rule Charter Section 314 Investigations into the Township’s handling of, and anything pertaining to, the use of the American Rescue Plan Act (“ARPA”) and Local Fiscal Recovery Funds.	3
Approval of Motion	3
Adjournment at 7:45 p.m.	3

Speakers

John Vizzari, 353 Kirks Lane, questioned the purpose of the meeting as this had already been decided and the Mayor failed to take action on the Motion. He believes that there was a violation of the Home Rule Charter

Marion Minick, 1204 Wilde Avenue, believes the investigation is being driven by the “disgruntled former Mayor Tom Micozzie” and was not started by the “shameful six.” He further made reference to “Micozzie’s Minions.”

Myron McNeely, 7116 Hilltop Road, stated that the investigation found no wrongdoing and believes removing the CAO will be costly to taxpayers and not necessary. Spoke again of the “white power grab,” discrimination and racism on the Council.

Olivia Taylor, 204 Kent Rd, clarified that the Council investigation only cost \$25,000 and the Marcum investigation cost \$134,000. She believes that there is a cover-up regarding the spending of the ARPA funds.

Celestine Marks, 7018 Ruskin Lane, asked about implementing youth programs as she is very concerned about gun violence.

Council President Burke stated that the Public Forum was for Agenda items only, as this is a Special Meeting. He encouraged her to speak to Council members or to return on October 12 to speak at the Public Forum.

Tim Tunistra, 610 Foss Avenue, spoke of the Motion on the Agenda and believes it is ridiculous to fire the CAO because people disagree with him. There is no proof that he is incompetent.

Jeffrey Jones, 602 Foss Avenue, asks that Council serve the people and stop the name calling and the fighting

Jeffrey Jones, 602 Foss Avenue, stated that there was cooperation at last week’s meeting but tonight he just sees frustration. He believes that the people of Upper Darby Township should be served, not a party or a district. He believes that the Administration is not qualified to run the Township and that there is an issue in the CAO’s office.

David Dryden, 1114 Burmont Road, stated that according to the Charter, the CAO has forfeited his job and believes that the Mayor is close to forfeiting her job. He stated that the Township is in “dire straits.”

President of Council, Brian K. Burke

Council President Burke stated that good work was done at the last meeting with Council members working together. He is hoping to be able to continue to move things forward.

There was brief discussion regarding the short notice of the meeting and Council President Burke clarified the issue.

Additionally, there was brief discussion regarding the timing and availability of the Agenda and the Chief Municipal Clerk clarified that the Agenda was available in the Council Office for the public, per the Home Rule Charter.

The Honorable Mayor Barbarann Keffer

Mayor Keffer was not present at the meeting.

COMMITTEE REPORTS

Finance and Appropriations Committee

Chair: Laura A. Wentz

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

Motion to authorize the Special Solicitor of the Law Offices of Mark Much. P.C. to file for Declaratory Judgment with the Court of Common Pleas of Delaware County, Pennsylvania, to enforce the vote of Upper Darby Township Council, forfeiting the office of the Chief Administrative Officer on September 21, 2022.

Motion to approve: LW/BA

AH stated that he does not believe that it is clear at all that the Council has the ability to do this, and that the reason for this meeting tonight was not necessarily because the Administration did not comply with the request. He added that the foundation of democracy is built on a separation of powers and there needs to be an agreement with checks and balances. A “radical Council” can not legislate the Executive Branch and a “radical Executive Branch” can not control the Legislative Branch. AH stated that the Home Rule Charter is not clear and reminded everyone that he previously stated that a judge will decide how this goes. He does not believe that the Council has the right to unilaterally find that the CAO or any Township employee has forfeited the position. He further stated that the reason that this is being voted on tonight is because the last time it was done was without a vote in a public meeting, which a judge found was breaking the law.

LW referred to Article 5 , Section 501, subsection C, regarding forfeiture of office of the CAO and clarified the areas of concern.

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)

The Motion is approved.

Adjournment

LW/MS All in favor. The meeting was adjourned at 7:45 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