

DARBY TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING  
FEBRUARY 14, 2024

THE REGULAR MEETING OF THE DARBY TOWNSHIP BOARD OF COMMISSIONERS WAS HELD ON FEBRUARY 14, 2024, AT 7:00PM AT 21 BARTRAM AVENUE, GLENOLDEN, PA 19036.

COMMISSIONER LACEY, PRESIDENT CALLED THE REGULAR BOARD OF COMMISSIONERS MEETING TO ORDER AND ASKED FOR A MOMENT OF SILENCE AND THE PLEDGE OF ALLEGIANCE TO THE FLAG.

ROLL CALL:

COMMISSIONERS

MR. LACEY, COMMISSIONER-P  
MR. HOLMAN, COMMISSIONER-P  
MS. TALIAFERRO, COMMISSIONER-P  
MR. FITZ, COMMISSIONER-P  
MS. SANDONE, COMMISSIONER-P

OFFICIALS

MS. WHITAKER, MANAGER-P  
MR. SOUSA, CHIEF OF POLICE-P  
MS. POE, SECRETARY-P  
MR. VAN WYK, SOLICITOR-P  
MS. CATANIA, ENGINEER-P  
MR. CHILDS, FIRE CHIEF-P

SWEARING IN OF JUSTIN ORTIZ, PART-TIME POLICE OFFICER BY THE HONORABLE JUDGE STEVEN SANDONE.

**PUBLIC COMMENT**

THE BOARD OF COMMISSIONERS MET IN EXECUTIVE SESSION ON WEDNESDAY, FEBRUARY 14, 2024, AT 7:10PM TO DISCUSS PERSONNEL MATTERS.

DIANE KINLAW, 1029 JACKSON STREET  
MS. KINLAW EXPRESSED A COMPLAINT ABOUT THE TOW TRUCKING SERVICE ON HER STREET THAT HAS NOT BEEN RESOLVED. SHE STATED, CODE ENFORCEMENT SAID IT WAS ILLEGAL BECAUSE IT IS RESIDENTIAL. THEY HAVE SIGNS UP STATING "NO TRUCKS". THERE IS A BIG TRACTOR TRAILER TRUCK. SHE WANTS TO KNOW WHEN ARE THEY GOING TO RESOLVE THAT ISSUE?

MS. CATANIA, ENGINEER STATED THAT SHE ACTS AS THE ZONING OFFICER AS WELL AS THE TOWNSHIP ENGINEER. AFTER MS. KINLAW'S COMPLAINT, SHE SENT THEM LETTERS OF VIOLATION. THE GENTLEMAN PRESENTED TO THE COURT SOME PAPERWORK WHICH SHE HAS NOT SEEN NOR DID THE TOWNSHIP SEE THAT HE HAD PERMISSION TO UTILIZE THAT BY THE TOWNSHIP AND SHE DOESN'T KNOW HOW TRUE THAT IS.

DISCUSSION ENSUED.

MR. CHILDS, CODE ENFORCER STATED THAT HE WENT TO COURT AND THE CASE WAS DISMISSED. OUR SOLICITOR REFILED IN COUNTY COURT. THE COUNTY HAS NOT COME UP WITH ANYTHING ON THE DOCKET YET.

MR. VAN WYK, SOLICITOR ADDED THAT IT HAD A HEARING AND THE TOWNSHIP NEVER GOT NOTICE OF IT. SO, THAT IS WHY IT WAS REFILED TO TAKE IT TO MEDIA BECAUSE THE JUDGE HAD MADE A RULING BUT THEY NEVER GOT THE OPPORTUNITY TO TIMELY APEAL IT SO THAT'S WHY IT WAS FILED IN DELAWARE COUNTY.

MS. KIMLAW THANKED THE CODE ENFORCER FOR NOT GIVING UP.

LINDA O'DENNIS, 1561 TRIBBETT AVENUE

MS. DENNIS EXPRESSED CONCERNS ABOUT THE BRIDGE ON TRIBBETT AVENUE. SHE HAS ISSUES ABOUT THE CONSTRUCTION CREW CLEANING UP BEHIND THEMSELVES. OTHER RESIDENTS ON HER STREET HAVE THE SAME PROBLEM. ALSO, THE NOISE IS CONSTANT. SHE CAN FEEL THE VIBRATION OF HER PROPERTY. THEY HAVE BEEN DOING THIS SINCE FEBRUARY 9, 2023. ALSO, SHE ASKED NICOLE WHITAKER ABOUT THE SHOOTING RANGE AT THE TRAINING CENTER. EVERYONE TELLS HER TO TALK TO THE TOWNSHIP TO VOTE ON IT AND MAKE A DECISION ABOUT SOUNDPROOFING THE TRAINING CENTER. SHE ALSO WANTS TO KNOW WHY SHE CANNOT USE HER FIREARM AT THE RANGE.

COMMISSIONER LACEY ASKED MS. WHITAKER, MANAGER TO REACH OUT TO THE COUNTY TO LET THEM KNOW THERE IS A CONCERNED CITIZEN.

MS. WHITAKER, MANAGER STATED SHE HAS A MEETING WITH THEM ON FRIDAY.

LAURA HARRINGTON, 1565 TRIBBETT AVENUE

MS. HARRINGTON HAD CONCERNS ABOUT THE CONSTRUCTION AND THE NOISE WITH THE TRIBBETT AVENUE BRIDGE.

MS CATANIA, ENGINEER STATED THAT HER COMPLAINTS ABOUT BOTH PROJECTS, THE TRAINING CENTER AND THE TRIBBETT AVENUE BRIDGE ARE OWNED BY THE COUNTY.

DISCUSSION ENSUED.

ALICIA CARR, 638 MAGNOLIA AVENUE

MS. CARR HAD SEVERAL ITEMS TO PRESENT TO THE BOARD:

- FOR 1Q 2024, WILL THE MONTHLY BOARD MEETING FINANCIAL REPORTS BE PROVIDED TO RESIDENTS AFTER A NEARLY 2-YEAR ABSENCE? AS A TOWNSHIP RESIDENT, I WOULD LIKE TO HEAR REGULAR UPDATES ON THE FINANCIAL HEALTH OF OUR TOWN.

- THE TOWNSHIP CONTROLLER POSITION WAS RECENTLY VACATED BY PAUL STRUS. WILL A SPECIAL ELECTION TAKE PLACE TO FILL THAT ROLE (I BELIEVE IT IS A 4-YEAR ELECTED POSITION?)

- WILL THE PARKING TICKET PROGRAM RESTART SOON?

- WILL THE MADISON PARK SIDEWALK PROJECT FUNDED BY A 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (\$58K) BE COMPLETED IN 2024?

**MS. CATANIA, ENGINEER STATED THE EXTERIOR SIDEWALKS ARE CURRENTLY OUT FOR BID.**

- WILL THE RESIDENTS BE PROVIDED WITH A STATUS ON LINCOLN PARK, LAUREL AND ORANGE AVENUES PARK IMPROVEMENTS FUNDED BY A 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (\$185K; WILL WORK START IN 2024)?

**MS. CATANIA, ENGINEER STATED THEY JUST RECEIVED THE AUTHORIZATION.**

- WILL RESIDENTS RECEIVE FIRE COMPANY OVERSIGHT REPORTS SPECIFIC TO THE STATE FIRE STUDY RECOMMENDATIONS (WHAT IS BEING IMPLEMENTED)? WILL THE UPPER DARBY FIRE DEPARTMENT CONTINUE TO PROVIDE PRIMARY MUTUAL AID SUPPORT FOR THE BRIARCLIFFE SECTION OF OUR TOWNSHIP AS GOODWILL FIRE COMPANY IS NOT FULLY STAFFED AND TRAINED?

MS. WHITAKER, MANAGER STATED SINCE MS. CARR STATED SHE IS ASKING RHETORICAL QUESTIONS, SHE RECOMMENDS THAT MS. CARR EMAIL HER THE QUESTIONS AND SHE CAN ANSWER THEM. MS. CARR CAN THEN READ THEM IN THE RECORD WITH THE ANSWERS THAT WAS PROVIDED. MS. WHITAKER EXPLAINED THIS IS PUBLIC COMMENT SO THE BOARD DOES NOT KNOW WHAT HER QUESTIONS ARE BEFORE THE MEETING.

MS. CARR STATED SHE WILL TAKE THEM UP THROUGH MARY ANN SANDONE, HER COMMISSIONER, AND SHE WILL ALSO READ THEM INTO RECORD AS WELL.

COMMISSIONER LACEY CLOSED PUBLIC COMMENT.

COMMISSIONER FITZ MOVED TO APPROVE THE MINUTES FROM THE REORGANIZATION MEETING HELD ON JANUARY 2, 2024. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO APPROVE THE MINUTES FROM THE REGULAR BOARD OF COMMISSIONERS MEETING HELD ON JANUARY 10, 2024. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO APPROVE THE LIST OF BILLS FOR JANUARY 2024. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED, MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO APPROVE THE TREASURER'S REPORT FOR OCTOBER AND NOVEMBER 2023. IT WAS SECONDED BY COMMISSIONER HOLMAN.

FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO APPROVE THE TAX COLLECTOR'S REPORT FOR YEAR 2023. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO RE-APPOINT JOHN M. LACEY TO DARBY CREEK JOINT AUTHORITY. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO ACCEPT THE RESIGNATION OF PAUL J. STRUS, CONTROLLER, EFFECTIVE JANUARY 31, 2024. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO ACCEPT THE RESIGNATION OF MARY ANN DIGREGORIO, CROSSING GUARD, EFFECTIVE JANUARY 12, 2024. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO ACCEPT THE RESIGNATION OF CLIFFORD SHANKS, CROSSING GUARD, EFFECTIVE JANUARY 28, 2024. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO ACCEPT THE APPOINTMENT OF DAVID DAMPMAN, CROSSING GUARD, EFFECTIVE IMMEDIATELY. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO APPROVE THE FINAL BUDGET FOR 2024. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO ADOPT TAX ORDINANCE NO. 753. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO ADOPT TRASH FEE ORDINANCE NO. 754. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO APPROVE RESOLUTION NO. 2024-04 AUTHORIZING AN APPLICATION TO DELAWARE COUNTY COUNCIL FOR AN ALLOCATION OF COUNTY LIQUID FUELS TAX FUNDS IN 2024. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

COMMISSIONER FITZ MOVED TO UPDATE THE TOWNSHIP FEE SCHEDULE FOR HEALTH REINSPECTIONS IN THE AMOUNT OF \$75 IN THE EMERGENCY RATE WITH DOUBLE THE ORIGINAL FEE WHICH IS BASED UPON THE SQUARE FOOTAGE OF THE BUILDING. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO APPROVE THE SALE OF THE 1996 AND 1998 SPARTAN FERRARA PUMPER TO FIRELINE IN THE AMOUNT OF \$25,000 PENDING THE SUCCESSFUL OUTCOME OF THE PUMP TEST TO BE CONDUCTED ON FEBRUARY 19, 2024. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER FITZ MOVED TO APPROVE THE COST ASSOCIATED WITH THE COLOR AND LETTERING OF THE FIRE ENGINE FOR STATION NO. 76 IN THE AMOUNT OF \$7,170. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER SANDONE MOVED TO APPROVE THE RE-APPOINTMENT OF TINA SHUTER TO THE ZONING HEARING BOARD TO REPRESENT THE FIFTH WARD. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED, MOTION CARRIED.

COMMISSIONER SANDONE MOVED TO ACCEPT THE RESIGNATION OF EMILY SKANE FROM THE BOARD OF HEALTH, EFFECTIVE DECEMBER 31, 2023. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER SANDONE MOVED TO APPOINT CHARLES FREDERICK TO THE BOARD OF HEALTH FOR THE FOURTH WARD. IT WAS SECONDED BY COMMISSIONER TALIAFERRO. FIVE APPROVED. MOTION CARRIED.

COMMISSIONER TALIAFERRO MOVED TO KEEP THE AGE REQUIREMENT AND REMOVE THE INCOME REQUIREMENT ON STUDEVAN SCHOOL GROUND LEASE. IT WAS SECONDED BY COMMISSIONER FITZ.

COMMISSIONER HOLMAN QUESTIONED IS THAT EFFECTIVE AFTER 2031. COMMISSIONER LACEY STATED YES. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

PROFESSIONAL REPORTS

ENGINEER REPORT-MS. CATANIA, ENGINEER.

COMMISSIONER SANDONE MOVED TO ACCEPT THE ENGINEERS REPORT. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

SOLICITOR REPORT GIVEN BY MR. DAN VAN WYK, SOLICITOR.  
MR. DAN VAN WYK STATED HE WOULD RELAY ANY QUESTIONS TO MR. PIERCE AS NO WRITTEN REPORT WAS SUBMITTED.

COMMISSIONER SANDONE MOVED TO ACCEPT MR. DAN VAN WYK'S REPORT/REMARKS. IT WAS SECONDED BY COMMISSIONER FITZ. FIVE APPROVED. MOTION CARRIED.

POLICE REPORT GIVEN BY CHIEF SOUSA.

COMMISSIONER FITZ MOVED TO APPROVE THE POLICE REPORT. IT WAS SECONDED BY COMMISSIONER HOLMAN.  
COMMISSIONER SANDONE ASKED IF THE POLICE WAS GOING TO START TICKETING FOR OVERNIGHT PARKING. CHIEF SOUSA STATED THAT THIS IS A GRACE PERIOD AND THEY WOULD BE TICKETING VERY SOON. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

CHIEF CHILDS, ASSISTANT FIRE MARSHAL READ THE FIRE MARSHAL REPORT FOR RUFUS STOKES FIRE MARSHAL.  
COMMISSIONER TALIAFERRO ASKED WHERE MOST OF THE FIRE MARSHAL VIOLATIONS FOR PARKING OCCURRING. CHIEF CHILDS ANSWERED WALMART, SHOPRITE, AND FORMAN MILLS.

COMMISSIONER HOLMAN MOVED TO APPROVE THE FIRE MARSHAL REPORT. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED. COPY ATTACHED.

CHIEF WYNN GAVE DARBY TOWNSHIP FIRE COMPANY NO. 4 REPORT.

TINA MENIGINIE GAVE GOODWILL FIRE COMPANY NO. 1 REPORT.

JIM CHILDS, TOWNSHIP FIRE CHIEF GAVE THE TOWNSHIP FIRE CHIEF REPORT.  
CHIEF CHILDS READ A LETTER OF THANKS FROM THE THOMAS KEIGHER, VICE PRESIDENT OF OPERATIONS FOR THE DOCTORS OFFICE.  
COMMISSIONER SANDONE ASKED IF WERE THERE ANY POLICY CHANGES IN RESULT OF THE FIRE.  
MR. CHILDS, FIRE CHIEF, STATED HE WILL BE COMING TO THE BOARD OF COMMISSIONERS AT THE NEXT MEETING TO REQUEST AN ORDINANCE FOR A KNOX BOX SYSTEM. HE EXPLAINED WHAT A KNOX BOX SYSTEM IS.

COMMISSIONER HOLMAN MOVED TO APPROVE THE FIRE CHIEF'S REPORTS. IT WAS SECONDED BY COMMISSIONER SANDONE. FIVE APPROVED. MOTION CARRIED. COPIES ATTACHED.

COMMISSIONERS REPORTS.

COMMISSIONER FITZ, WARD III-GAVE THE HIGHWAY REPORT. COPY ATTACHED.

COMMISSIONER HOLMAN READ THE LICENSE & INSPECTIONS REPORT. COPY ATTACHED. COMMISSIONER HOLMAN ALSO ANNOUNCED THE TOWNHALL MEETING IN WARD II THAT SHE AND COMMISSIONER TALIAFERRO WILL HOST.

COMMISSIONER SANDONE STATED THEY PUT INTO MOTION TRYING TO MOVE THE POLLING PLACE BACK TO THE FIFTH WARD. ALSO, SHE IS LOOKING INTO OPENING UP THE PARKING SPACES IN FRONT OF THE COUNTY BUILDING.

COMMISSIONER TALIAFERRO-STATED THE PARKS & RECREATION BOARD HAS SECURED THE DARBY TOWNSHIP SCHOOL FOR THE USE OF THE GYM. ALSO, THE LIBRARY BOARD IS IN THE PROCESS OF OPENING THE LIBRARY. SHE IS LOOKING FOR VOLUNTEERS.

COMMISSIONER LACEY, WARD IV-READ THE COMMITTEE APPOINTMENTS.

NEW BUSINESS-1445 CALCON HOOK ROAD – WAIVER OF STORMWATER ORDINANCE 749 SECTION 105 TO ALLOW FOR THE PLACEMENT OF A 5' WIDE PLANTING BUFFER ALONG THE BACK OF THE 3 PROPERTIES AS APPROVED BY THE ENGINEER IN LIEU OF STORMWATER MANAGEMENT.

MS. CATANIA ENGINEER EXPLAINED THE 1445 CALCON HOOK ROAD WAIVER OF STORMWATER ORDINANCE NO. 749

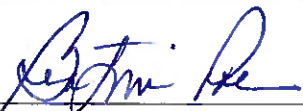
COMMISSIONER SANDONE MOVED TO APPROVE WAIVER OF STORMWATER ORDINANCE 749 SECTION 105 TO ALLOW FOR THE PLACEMENT OF A 5' WIDE PLANTING BUFFER ALONG THE BACK OF THE 3 PROPERTIES AS APPROVED BY THE ENGINEER IN LIEU OF STORMWATER MANAGEMENT. IT WAS SECONDED BY COMMISSIONER TALIAFERRO WITH A QUESTION.

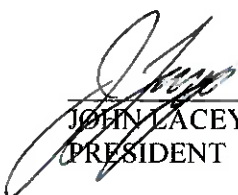
MS. CATANIA EXPLAINED.  
FIVE APPROVED. MOTION CARRIED.

COMMISSIONER TALIAFERRO MOVED TO ADJOURN. IT WAS SECONDED BY COMMISSIONER HOLMAN. FIVE APPROVED. MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED.

RESPECTFULLY SUBMITTED:

  
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BEATRICE POE,  
SECRETARY

  
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JOHN LACEY,  
PRESIDENT