

UPPER PROVIDENCE TOWNSHIP  
DELAWARE COUNTY  
BUSINESS & COMMITTEES MEETING  
May 26, 2022

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The Upper Providence Township Council held the regularly scheduled monthly Business meeting on Thursday, May 26, 2022, at the Upper Providence Township Building. Vice Chairman Kevin Else called the business meeting to order at 7:35 PM. Mr. Else led the Pledge of Allegiance.

**Roll Call**

Present: Mr. Kevin Else, Vice Chair, Mr. Tom McFadden, Ms. Marsh Peterson and Ms. Christen Rexing. Also in attendance, Mr. Don Vymazal, Township Manager, Mr. Carl Ewald, Township Solicitor, Ms. Kim McCloskey, Administrative Assistant and Walt Omlor, Constable.

Not Present: Mr. Elgin Akarsoy, Chairman

**Addition of Items to the Agenda**

No items added

**Public Forum**

None

**Old Business**

**Ordinance 539 - First Reading**

Mr. Else made a motion, seconded by Mr. McFadden, to approve the first reading of Ordinance 539 – an ordinance of Upper Providence Township, Delaware County, Pennsylvania enacting supplemental standards to the Uniform Construction Code in the Township (1) to require permits for the erection of utility and miscellaneous use structures greater than 200 square feet, (2) to require permits for alterations and repairs to residential buildings, and (3) requiring that a two-way sanitary sewer clean out be installed.

Discussion: This Ordinance's second reading won't happen until July because it has to be submitted to the Department of Labor and Industry and they have a thirty-day window to review.

Mr. Else	Yes	Ms. Peterson	
Mr. McFadden	Yes	Ms. Rexing	Yes

Motion approved 4-0

**Cherry Street Field Usage - RTSC**

Mr. Else made a motion, seconded by Mr. McFadden, to approve Cherry Street Field use for Rose Tree Soccer Club for Summer – Winter 2022 per their application submitted February 2, 2022, contingent upon approval from the Recreation Board at their June 3, 2022 Meeting.

Mr. Else	Yes	Ms. Peterson	
Mr. McFadden	Yes	Ms. Rexing	Yes

Motion approved 4-0

### **New Business**

#### **Ordinance Announcement - 540**

Mr. Else announced Ordinance 540 and Ordinance of the Township of Upper Providence, County of Delaware, Commonwealth of Pennsylvania amending part 12, title 6 of the Code of the Township of Upper Providence to establish regulations providing for the enhancement of accessory structures and the regulation thereof and amended the definitions section of the Zoning Ordinance to confirm regulation of non-compliant uses.

Discussion: This is a draft and Council can add or change the language.

Mr. Ewald advised that the Ethics Commission presented a report to Council and that report should be a part of the minutes.

### **Adjournment**

There being no further business, Mr. Else adjourned the business portion of the meeting at 7:40 pm.

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### **COMMITTEES MEETING**

Committees' discussions commenced immediately following adjournment of the business portion of the meeting.

#### **Administrative Committee:**

Policies and Regulations – We currently have an Employee Handbook but will be developing a manual to outline the day-to-day processes. This will be a manual that can be looked at on a yearly basis and changes made, if needed, to go along with the Employee Handbook.

#### **Community Development Committee:**

Mr. Else advised that there will be a meeting in June to discuss Cherry Street Field usage and to address resident's concerns.

Ms. Rexing advised that things are moving forward with Community Day and that the donation letters have been sent to UPT businesses. We have received our first donation. Mr. McFadden advised that he has secured a horse for 4 hours for \$300.00 and it is sponsored already.

Mr. McFadden also advised that he went to the Environmental Commissions free tree giveaway at Scott Park got sapling trees and distributed to them to residents.

**Fiscal Committee:**

Mr. McFadden advised that 52% of budget for transfer tax.

**Public Safety Committee:**

Mr. Omlor explained the issue regarding holding a prisoner and the Prison not taking said prisoner when he was medically released from the hospital. Mr. Vymazal said the issue has been taken care of. Chief Montella worked with the County to have this matter resolved. The Warden advised that an error had occurred, and it would not happen again in the future.

**Public Works Committee:**

Mr. McFadden advised that the Highway Department is doing a survey of Township inlets to determine the state of those inlets and which needs to be addressed.

**Adjournment**

There being no further business, Mr. Akarsoy made a Motion to adjourn the meeting. The motion was approved by unanimous voice vote and the meeting was adjourned at 7:54 pm.

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Don Vymazal  
Township Secretary

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Kevin Else  
Council Vice Chairperson

# Upper Providence Township Code of Ethics Commission

## Findings of Fact

The Upper Providence Township has received two Complaints for adjudication. In accordance with the Township Home Rule Charter, we hereby provide the following Findings of Fact.

### **I. Upper Providence Township Code of Ethics**

The Commission's stated duty is to investigate and report whether it has made fact findings of violations of the Code of Ethics, which states:

The Township officers, appointees and employees shall:

- A. Uphold the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania as well as the provisions of this Charter, and never be a party to evasion of any of the above.
- B. Not favor or discriminate against another person because of race, sex or political or religious affiliations.
- C. Not discriminate or accept for themselves, or anyone, favors, benefits or privileges under circumstances conflicting with the performance of Township duties.
- D. Not engage in any business with the Township, either directly or indirectly, which is inconsistent with the honest performance of their duties.
- E. Not render advice, consult with or appear on behalf of private interests before any board, commission or judicial body where the Township is involved directly and the interest of the party is adverse to the position of the Township.
- F. Disclose any personal or business interest in questions arising before the Council or in the exercise of their duties. Said disclosure should be made public, and they shall eliminate themselves from votes or decisive actions on these matters.
- G. Not use information obtained confidentially in the performance of duties as a means for making private profit.
- H. Not enter into any private agreements which could in any way be construed to be adverse to the public interest.
- I. Not use Township resources or facilities for political activities.
- J. Report violations wherever discovered to the Code of Ethics Commission.
- K. Uphold these principles recognizing that Township office or employ is a public trust.

The Commission believes that, consistent with the Township Home Rule Charter, its investigations must be limited to making fact findings, not legal determinations. In addition, the Commission is not authorized to impose sanctions for any violations it may discover. Imposition of sanctions or other actions relating to the Commission's fact findings must be made by Township Council or by other entities or courts with appropriate jurisdiction.

## II. Findings of Fact

1. The Commission received two Complaints alleging violations of the Upper Providence Township Code of Ethics.
2. Each Complaint asserted that three separate individuals violated the Upper Providence Township Code of Ethics, for an initial total of six Respondents. Each Complainant was named as a Respondent, along with two other persons, in the other Complaint. A supplemental Complaint added an additional Respondent to the first Complaint.
3. Upon receipt of the Complaints, the Commission set forth procedures by which it would review the Complaints and render Findings of Fact.
4. In accordance with Section 8.08 of the Township Home Rule Charter, the Commission undertook a "confidential investigation" of the facts surrounding the allegations that the individuals violated the Code of Ethics.
5. The Commission requested that all parties to the Complaints (1) answer questions promulgated by the Commission, and (2) produce specific documents and other materials to the Commission.
6. All parties responded to the Commission's requests.
7. Upon receipt of the responses to the Commission's requests, the Commission reviewed the Complaints and the materials produced by all parties. Thereafter, a supplement was received as to the first Complaint, but the Commission did not request any further information based upon the information already received.
8. Based upon the Commission's review of the Complaints and the materials produced by all parties, the Commission concluded that this is not the appropriate forum to address employment-related matters that are or may result in litigation or administrative law complaints, but that the parties may refile their Complaints with the Commission following the conclusion of these matters. The Commission also concluded that the other allegations did not rise to the level of a violation of the Code of Ethics.
9. Because the Commission's proceedings are confidential, the Commission will not identify any of the parties to the Complaints.

### UPPER PROVIDENCE TOWNSHIP CODE OF ETHICS COMMISSION

*Janet M Lis*

Janet M Lis (Apr 25, 2022 12:40 EDT)

JANET LIS, CHAIR

*M.K. Janmey*

MICHELLE JANMEY

*David A Thomas*

David A Thomas (Apr 26, 2022 1:49 EDT)

DR. DAVID THOMAS

*David Jacobs*

David Jacobs (Apr 26, 2022 1:36:37 EDT)

DAVID JACOBS

*Rhoni A. Ryan*

Rhoni A. Ryan (Apr 25, 2022 12:29 EDT)

RHONI RYAN

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