

**ORDINANCE NO. 3120  
UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2022 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND FOR THE UPPER DARBY TOWNSHIP POLICE AND FOR FLOOD MITIGATION & SEWER UPGRADES FOR THE TOWNSHIP; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Upper Darby Township Council (“Council”) adopted a budget for the calendar year 2022 on December 20, 2021; and

**WHEREAS**, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and

**WHEREAS**, the U.S. Department of Treasury calculated Upper Darby Township’s direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively “ARPA funds” or “American Rescue Plan Allocation”); and,

**WHEREAS**, the Mayor submitted to Council a proposed spending structure, as prepared by Township staff in conformity with the Interim Final Rule released by the U.S. Department of Treasury, for the first \$20.8 million; and,

**WHEREAS**, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; and,

**WHEREAS**, on August 15, 2022, the Administration hosted a Town Hall where a detailed breakdown of said funding was provided; and,

**WHEREAS**, the Administration has engaged a third-party administrator to assist in the administration of the ARPA funds and compliance with the ARPA guidelines established by the U.S. Department of the Treasury; and,

**NOW, THEREFORE BE IT ORDAINED AS FOLLOWS,** Upper Darby Township Council makes the following supplemental appropriations for Upper Darby Township Police and Sewer from the American Rescue Plan Allocation:

**SECTION 1.**

- a) Program Allocation. Upper Darby Township Council makes the supplemental appropriation of \$5,000,000.00 for sewer upgrades, \$2,000,000.00 for police, and \$150,000.00 gun violence prevention from the American Rescue Plan Allocation as follows;

<b>POLICE DEPARTMENT</b>	
<b>Item</b>	<b>Projected Cost</b>
New Police Vehicles + Equipment	\$1,200,000.00
Police Athletic League	\$50,000.00
Records Storage System Upgrade, Technology, and Data Improvements and Upgrades, etc.	\$750,000.00
<b>Total</b>	<b>\$2,000,000.00</b>

<b>GUN VIOLENCE PREVENTION</b>	
Gun Buyback Program	\$50,000.00
Gun Prevention Education & Training	\$50,000.00
Gun Lock Program	\$50,000.00
<b>Total</b>	<b>\$150,000.00</b>

<b>FLOOD MITIGATION AND SEWER UPGRADES</b>	
<b>Item</b>	<b>Projected Cost</b>
The Fernwood Interceptor	\$1,000,000.00
Cobbs Creek interceptor	\$2,000,000.00
Other Sewer Improvements	\$1,000,000.00
Naylor's Run Streambank Stabilization	\$1,000,000.00
<b>Total</b>	<b>\$5,000,000.00</b>


- b) That a 3<sup>rd</sup> Party Company (herein referred to as the "Compliance Officer") will make any needed adjustment to the ARPA allocation among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury; and,
- c) That the Compliance Officer will bring any such adjustments to these allocations that are made to comply with the ARPA guidelines to Mayor Keffer, the Chief Administrative Officer, and the Upper Darby Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,
- d) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of the Ordinance.

**SECTION 2.** All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 3.** The terms, conditions and provisions of this ordinance are hereby declared to be severable, and should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Upper Darby Township Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part or provision of this ordinance.


**SECTION 4.** This ordinance shall become effective immediately.

**ENACTED** and **ORDAINED** this 7<sup>th</sup> day of September, 2022.

BY:   
BRIAN K. BURKE  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**APPROVED** this 7<sup>th</sup> day of September, 2022

BY:   
BARBARANN KEFFER  
Mayor

ATTEST:   
ALEXIS CICHITTI  
Chief Municipal Clerk