

**ORDINANCE NO 3139  
UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2023 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND TO REVITALIZE UPPER DARBY TOWNSHIP BUSINESS DISTRICTS REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Upper Darby Township Council (“Council”) adopted a budget for the calendar year 2023 on December 28, 2022; 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 Total funds received from the U.S. Department of Treasury pursuant to the American Rescue Plan Allocation ( ARPA Funds ) was 41, 761,929.00; and,

**WHEREAS**, A proposed spending structure has been submitted to Council and prepared by conformity with the Rules as promulgated by the US Department of the Treasury; and,

**WHEREAS**, On June 21, 2023, The Township Treasurer has certified the availability of ARPA Funds and

**WHEREAS**, the Council and the Administration recognizes the necessity to Revitalize Upper Darby Township Business Districts and is allocating from ARPA funds one-time funding for the Revitalization of Upper Darby Township Business Districts under Public Health-Negative Economic;3 Public Sector Capacity Expenditure Category 3,4 Public Sector Capacity; 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 the Revitalization of the Upper Darby Township Business from the American Rescue Plan Allocation:

**SECTION 1.**

## **ALLOCATION**

Downtown Drexel Hill (The 4600 block of State Road to the 700 block of Burmont, to the 4200 block of Ferne Boulevard to the 500 block of Burmont)- \$1,000,000

69<sup>th</sup> Street (West Chester Pike to Ruskin Lane)- \$100,000

West Chester Pike Business District (Township Line to Victory Avenue)-\$1,000,000

Long Lane Business District (Unit block of Long Lane to Seaford RD)\$600,000

Garret Road East (Sherbrook to Chestnut Street)-\$100,000

Garret Road West (Edmonds to Childs)-\$100,000

3,800,000


- a.) Program Allocation. Upper Darby Township Council makes the supplemental appropriation of 3,800,000 for the Revitalization of the Business District to be administered by the Director of Community and Economic Development.
- b.) The 3<sup>rd</sup> Party Company (herein referred to as the Compliance Officer) will make any needed adjustment to the ARPA allocations among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury;
- c.) The Compliance Officer will bring any such adjustments to these allocations that are made to comply with ARPA guidelines to Mayor Keffer, Chief Administrative Officer and the Upper Darby Township 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 this 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 2nd day of August 2023.

BY:   
BRIAN K. BURKE  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**APPROVED** this 2nd day of August 2023.

BY: \_\_\_\_\_  
BARBARANN KEFFER  
Mayor

ATTEST:   
ALEXIS CICCHITTI  
Chief Municipal Clerk