

**PRESENT:** Brian P. Zidek, Chair; Dr. Monica Taylor, Vice Chair; Kevin M. Madden, Council Member; Elaine Paul Schaefer, Council Member; Christine A. Reuther, Council Member; Joanne Phillips, Controller; Marianne Grace, Chief Administrative Officer; William F. Martin, Solicitor; Anne M. Coogan, County Clerk.

The Regular Meeting of Delaware County Council was held on May 20, 2020 at 6:00 pm on Zoom and was livestreamed. Chairman Zidek called the meeting to order followed by the Pledge of Allegiance.

**PUBLIC COMMENT:** Nicole Whittaker, 6 Oxford Place, Upper Chichester, PA: made comments regarding Delaware County Regional Water Control Authority.

Pete Fox, 1010 Fawn Lane, Haverford, PA: spoke regarding the rate stabilization plan.

Chairman Zidek stated that County Council has been in executive session two times to discuss litigation. The dates of those sessions were April 12, 2020 and April 13, 2020. Ms. Schaefer was not a participant in either of these executive sessions.

Motion made by Dr. Taylor to approve Minutes of the Regular Meeting of May 6, 2020 seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to advertise to furnish and deliver Gasoline and Diesel Fuel to designated locations in Delaware County for a period of one (1) year, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to approve Resolution 2020-7 of the Council of the County of Delaware, approving the financing by the Montgomery County Industrial Development Authority of a certain project for the benefit of Acts Retirement-Life Communities, Inc. seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor to purchase an Eventide Logging Recorder for the amount of \$75,756.15 to be used at the remote call answering point at the Government Center. The recorder is a required and essential piece of equipment to capture 911 caller information for playback and analysis. The Motorola Vesta phone system used by the County does not support another brand of logging equipment. This purchase is subject to Solicitor's approval, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to purchase Motorola Vesta phone system for the amount of \$475,515.00 for the remote 911 call center to be located at the Government Center. These 15 units are portable computers that will allow the 911 center to improve safety in operations and increase our capacity to provide medical instructions. The COVID-19 crisis has increased the need to segregate our 911 dispatchers and our current facility does not allow for separation of operators. This contract associated with this motion is Subject to Solicitor's approval. The motion is seconded by Ms. Reuther.

Motion made by Ms. Schaefer to amend the agenda to correct the amount stated on the agenda to \$457,515.00 to purchase Motorola Vesta phone system, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to purchase Motorola Vesta phone system for the amount of \$457,515.00 for the remote 911 call center to be located at the Government Center. These 15 units are portable computers that will allow the 911 center to improve safety in operations and increase our capacity to provide medical instructions. The COVID-19 crisis has increased the need to segregate our 911 dispatchers and our current facility does not allow for separation of operators. This contract is Subject to Solicitor's approval, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor approving a contract between the PA Department of Health and the County of Delaware which supports the Delaware County Regional EMS Office for the fiscal year 2020-2021. This contract funding provides for Personnel Services and Certification Testing & Examination. (State funding for SFY 2020-2021 is \$200,563.00). This contract is Subject to the Solicitor's approval, seconded by Ms. Schaefer and carried unanimously.

Motion made Dr. Taylor to approve Agreements, Contracts and Amendments with the Human Services Providers of Services as per the attached list, subject to the Solicitor's approval seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor to approve of Agreements with Child Guidance Resource Centers Inc. as per the attached list, subject to the Solicitor's approval, seconded by Ms. Schaefer and carried with an abstention vote registered by Ms. Reuther as she is on the Board of Child Guidance Resource Centers.

Motion made by Dr. Taylor approving to Purchase Dell/Amazon IT equipment through the FY 19/20 Information Technology Grant for the Office of Children & Youth Services in the amount of \$67,000.00, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to Purchase for Fair Acres Geriatric Center from CDWG Microsoft 365 E3 Government and Office 365 Advanced Threat Protection 3-year Microsoft contract \$160,099.20 each year for three (3) years: August 1, 2020 to July 31, 2023. Total over 3 years = \$480,297.60, subject to the Solicitor's approval, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to Advertise for Bids to purchase replacement Linen for Fair Acres Geriatric Center for a term of three (3) years, seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor to Reject All Bids for Legal Advertising and Readvertise for Bids for Legal Advertising, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to continue to use Kinetix Fire & Life Safety Experts, on PA Department of General Services Contract No. 4400016435, to perform annual inspection of fire alarm systems, semi-annual and two (2) quarterly sprinkler/standpipe system inspections, annual fire pump inspections, annual fire extinguisher and kitchen suppression system inspections, annual backflow inspections, and to provide annual monitoring agreement to match buildings currently in place under monitoring contract with Kinetix for the period May 21, 2020 to May 30, 2021 in the amount of \$51,617.00. This contract is Subject to the Solicitor's approval, seconded by Ms. Reuther and carried with a Nay vote being registered by Ms. Schaefer.

Motion made by Dr. Taylor to consider the waiver of \$98,503.21 in staffing penalties accrued by the GEO Group for April 2020. This is a recommendation of the Jail Oversight Board on 5/12/20 due to GEO paying their employees hazardous duty pay. This consideration is subject to the Solicitor's approval, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to submit an application to PennDOT as the sponsoring agency on behalf of the Delaware County Transportation Management Association (DCTMA) as the program operator. The County has successfully partnered with the DCTMA since 2014 to achieve safety goals and objectives of the program and they wish to continue their work to improve the safety and traveling conditions in the County for residents and commuters in 2021 and 2022. The grant amount of \$213,269.00 represents the combined FY21 (\$105,578.73) and FY22 (\$107,690.30) grants. PennDOT administers these grants on a two-year basis. This application is subject to the Solicitor's approval, seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor submit Grant Application to Pennsylvania Department of Community and Economic Development ESG-CV in the amount of \$635,000.00. This Grant Application is subject to the Solicitor's approval, seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor for to adopt the Draft 2020 Housing and Community Development Action Plan for Delaware County and approval to open a 30-day public comment period on the plan. A proposal for projects to be funded under the Community Development Block Grant Program, HOME Investments Partnership Program and Emergency Solutions Grant is attached, seconded by Ms. Reuther and carried unanimously.

Joan Price, Esq., of Eastburn & Gray, read and gave a summary of Ordinance 2020-3 establishing a predetermined ratio of 100% of base-year market value and directing the Assessment Office to assess all real estate in the county pursuant to such ratio effective January 1, 2021.

Solicitor Martin read and gave a summary of Ordinance 2020-4 terminating the Delaware County Regional Water Quality Control Authority, approving the certificate of termination of the Authority, and authorizing all actions necessary to effectuate the same. Councilwoman Schaefer stated she will not be participating in any discussion or vote with regard to this Ordinance or any litigation pertaining to DELCORA because of a potential conflict with her employment with a nonprofit association which has a significant relationship with Aqua, PA.

Motion made by Dr. Taylor for authorization of Brian Zidek, Chair, to execute for and on behalf of the County all required forms and documents to obtain financial assistance related to the COVID-19 Emergency through the Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency under the Stafford Act, and approval of a Public Assistance Grant Program Agreement and Public Disaster Assistance Application and Agreement for Financial Assistance with PEMA. This authorization is subject to the Solicitor's approval, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to submit grant application to the Department of Justice under the Coronavirus Emergency Supplemental Funding (CESF) Program in the amount of \$58,008 (amount allocated to Delaware County). Funding will be used for law enforcement-related coronavirus expenses. This grant application is subject to the Solicitor's approval, seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving a County Application and Agreement for Cares Act Grant Funds and a County Application and Agreement for HAVA Grant Funds with the Pennsylvania Department of State for, respectively, a grant in the amount of \$282,451.01 for increased election expenses caused by COVID-19 and a grant in the amount of \$329,614.60 to purchase equipment, increase security and expand voter services for the 2020 elections; Subject to the Solicitor's approval. Acceptance of these grants approved at May 6, 2020, meeting, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to retain GPS Impact for professional services in connection with specialized litigation. Professional services firm will be retained at a rate of \$7,500.00 per month. It is anticipated that fees will exceed \$25,000.00. This Agreement is subject to the Solicitor's approval, seconded by Mr. Madden and carried with an abstention vote being registered by Ms. Schaefer for reasons stated above in connection with Ordinance 2020-4.

Motion made by Dr. Taylor to retain Capitol Strategies Group LLC in connection with providing assistance to the County in identifying COVID-19 federal and state funds and compliance with funding applications and expenditures. This expenditure is COVID-related. While commitment is not for a minimum period, it is anticipated that total expenditure will exceed \$25,000.00. This Agreement is subject to the Solicitor's approval, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to retain McNees Wallace & Nurick LLC for legal representation in connection with specialized litigation. Retention of law firm on matters where anticipated fees will exceed \$25,000.00. Fees will be discounted from amounts usually charged by firm. This Agreement is subject to the Solicitor's approval, seconded by Ms. Reuther and carried with an abstention vote being registered by Ms. Schaefer for reasons stated above in connection with Ordinance 2020-4.

Motion made by Dr. Taylor to retain Public Resources Advisory Group in connection with potential county financing. Professional services firm will be retained on an hourly rate basis. It is estimated that fees in the initially anticipated portion of engagement will be approximately \$75,000.00. This Agreement is Subject to the Solicitor's approval, seconded by Mr. Madden and carried with an abstention vote being registered by Ms. Schaefer for reasons stated above in connection with Ordinance 2020-4.

Chief Administrative Officer Grace and Solicitor Martin spoke regarding Notes and Summary of Purchases pursuant to the Emergency Declaration.

Motion made by Dr. Taylor to appoint Joseph Klinger, of Brookhaven Borough and Owen Powell, of Media Borough, to the Auxiliary Tax Assessment Board of Appeals, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to approve Central Tax Collection Department's request for refunds for the year 2017, 2019 and 2020 County Real Estate Taxes for 110 property owners due to overpayment of the amount of taxes due, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor to approve Central Tax Collection Department's request for 1 Court Ordered refund for the years 2019 and 2020 for a property in Lower Chichester Township in the total amount of \$3579.13, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor approving Request by the Controller's Office for payment of current bills seconded by Ms. Reuther and carried unanimously.

**SOLICITOR:** Mr. Martin stated under recent changes in the election law, there is certain flexibility in terms of recognizing locations as being county election offices. This allows us to designate polling places as county facilities as well as a county van will be able to accept drop offs as mail in ballots. This will allow voters whom have obtained mail in ballots and have not been able to mail it in, they will be able to drop off the ballots at the polling places.

Motion made by Ms. Reuther to amend agenda to designate the polling locations and county van as county facilities for Election Day, seconded by Ms. Schaefer and carried unanimously.

Motion made by Ms. Reuther acknowledging each polling location and a mobile van with a drop box will be deemed as a County Facility on Election Day, June 2, 2020, seconded by Ms. Schaefer and carried unanimously.

**PUBLIC COMMENT:** Lindsey Conan, 1202 Holly Lane, Glen Mills, PA made comments regarding nursing homes, including Fair Acres, with regard to Covid-19.

Joann Williams, 108 Judith Lane, Media, PA made comments regarding the ME2 Pipeline and the lack of rules not being followed for COVID-19.

Maureen Ganley, 55-5 Revere Road, Drexel Hill, PA made comments regarding COVID-19, nursing home patients.

Mark McGann, 427 Burns Drive, Springfield, PA: made comments regarding opening up the County and small business owners needing help.

Thomas J. McGarrigle, 323 W. Front Street, Media, PA: made comments regarding the hiring of Voting Machine Director and the process of hiring.

Eric Friedman, on behalf of the Andover Homeowners' Association, Inc., 9 Fallbrook Lane, Glen Mills, PA: made comments regarding Sunoco's Pipeline and asks that stronger action be taken to halt Sunoco's life endangering activities.

James Santora, 5228 Apache Lane, Drexel Hill, PA : made comments regarding DELCORA.

Pinky Pincus, 80 W. Baltimore Avenue, Lansdowne, PA: made comments regarding Agenda process and a County Health Department.

Mike Greek, 3159 Garnet Mine Road, Garnet Valley, PA: made comments regarding DELCORA.

Mario Cimino, 46 S. Morton Avenue, Morton, PA: made comments regarding DELCORA.

Albert Fuimano, 235 Powell Road, Springfield, PA: made comments regarding Ordinance 2020-4 and DELCORA.

Tyler Simms, 4 Sussex Court, Garnet Valley, PA: made comments regarding mail in ballot process.

Charlotte Hummel, 55 West Stewart Avenue, Lansdowne, PA: made comments regarding the election bureau's hard work and thanks Council for designating polling places as county facilities for the purpose of dropping off mail in ballots.

**COUNCIL:** Ms. Reuther spoke regarding the upcoming election, voting locations and training for poll workers. Ms. Reuther asks everyone to mail masks inside polling places.

Ms. Schaefer spoke regarding COVID-19 and understands this shutdown is frustrating for all of us. Ms. Schaefer also gave an update of the Small Business Support Program.

Mr. Madden recognized this week as National Emergency Medical Services Week, a week dedicated to recognizing EMS workers around the country who work to save the lives and improve the health of citizens. Delaware County's EMS community provides lifesaving care to those in need 24 hours a day, seven days a week and he thanks them for their service. Mr. Madden also spoke regarding the number of fatalities we have had in Delaware County. We are creating a Public Tribute Page for those whom we have lost during COVID-19 and inviting you to share a tribute to your loved one. We are also planning a memorial at Rose Tree Park in honor of all residents of Delaware County that have been lost to COVID-19 at a time when it is safe.

Dr. Taylor stated Delaware County Council, the Department of Human Services and Individuals Aiding in Emergencies are sponsoring a baby item pick up event on Friday from 10am-12pm at Chester City Hall, located at 1 East 4<sup>th</sup> Street in Chester.

Chairman Zidek spoke regarding the easing of restrictions and wanted everyone to know we are trying to balance things. This Council has no authority to lift the restrictions. We are advocating for a safe reopening. Mr. Zidek spoke with regard to why he believes Delaware County is suffering so badly with COVID-19. Mr. Zidek also made comments regarding our county and its demographics being more densely populated than the other counties. He also spoke of a lack of the health department. He thanked Chester County for their help through this pandemic. Chairman Zidek also thanks all men and women who have served in our Armed Forces and those who are currently serving. Please stay safe during this Memorial Day Weekend.

There being no further County business, nor public discussion, Motion made by Ms. Schaefer to adjourn the meeting, seconded by Ms. Reuther and carried unanimously.

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ANNE M. COOGAN, County Clerk