

PRESENT: Brian P. Zidek, Chair; Kevin M. Madden, Council Member; Elaine Paul Schaefer, Council Member; Christine A. Reuther, Council Member; Joanne Phillips, Controller; Howard Lazarus, Executive Director; William F. Martin, Solicitor; Anne M. Coogan, County Clerk.

The Regular Meeting of Delaware County Council was held on October 21, 2020 at 6:00 pm on Zoom and was livestreamed. Chairman Zidek called the meeting to order followed by the Pledge of Allegiance. Mr. Zidek stated Council has been in executive session twice since our last meeting to discuss litigation and personnel issues.

PUBLIC COMMENT: No public comments.

Motion made by Ms. Schaefer to approve Minutes of the Regular Meeting of October 7, 2020, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving a Resolution recognizing October as Domestic Abuse Awareness Month, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to Purchase a Command Shelter System for the 911 Center in the amount of \$34,910.40 (Funding: Covid Emergency Supplemental Relief Grant). Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving to Accept Grant from the PA Department of Justice for the Internet Crimes Against Children Taskforce in the amount of \$572,731.00 for the term 10/1/2020 through 9/30/2021, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving of a Professional Services Agreement with Nathaniel Evans for the term 10/1/2020 to 9/30/2021 to serve as PA Internet Crimes Against Children Senior Analyst, Education Specialist and Handler of the K9 Cyber Crime K9 in support of meeting the goals and objectives of the PA Internet Crimes Against Children Task Force at the rate of \$45.00 per hour not to exceed \$72,450.00. (Funding: ICAC Grant) Subject to the Solicitor's approval. This motion was seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving the Second Reading and Enactment of Ordinance 2020-8, seconded by Mr. Madden. Lengthy Discussion followed. Motion made by Mr. Madden to amend Ordinance 2020-8 seconded by Ms. Schaefer and carried unanimously. Chairman Zidek called for the First Reading of the newly amended 2020-8 Ordinance of the County of Delaware, Commonwealth of Pennsylvania providing for a civil penalty for a minor public health violation in Delaware County. Assistant Solicitor Lichtenstein read the First Reading of 2020-8 as amended.

Motion made by Ms. Schaefer approving to Purchase one (1) Ford F-650 medium duty 16' box truck from Whitmoyer Auto Group, COSTARS #02-162, in the amount not to exceed \$66,400.00. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving to Purchase and install one (1) Kohler Diesel generator at the Waste Water Treatment Plant at George W. Hill Correctional Facility off COSTARS #E-80620 in the amount of \$37,575.00. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving of Agreements, Contracts and Amendments with the Human Services Providers of Services as per the attached list. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving of a Hoopla Digital Media Agreement with Midwest Tape LLC at the cost of \$150,00.00 (Funding: CARES Act). Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion was made by Ms. Schaefer approving to Advertise for Replacement of Courthouse 3rd Floor HVAC System at Delaware County Court House, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to Amend Contract between the County of Delaware and Intergraph Corporation d/b/a Hexagon Safety and Infrastructure to upgrade software and services for Hexagons mobile for public safety and Hexagons CAD version On Call software not to exceed the value of \$704,061.33 and a one-year maintenance agreement for a cost not to exceed \$294,542.10. Subject to Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Council Chairman asked Tim Boyce, Director of Emergency Services, to give an update with regard to ducting issues with the 911 System. Discussion followed.

Motion made by Ms. Schaefer approving to Purchase 30 Dell Laptop computers at the total cost of \$28,296.00 to be used by staff and volunteers at Covid-19 test sites and Flu vaccine clinics for registration, data entry required by PA Health Department and Chester County Health Department at three locations throughout the County. (Funding: CARES Act) Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to call for a Public Hearing of the final draft of Delaware County Housing Plan, a component of the Delaware County 2035 Comprehensive Plan in accordance with the requirements of the Municipalities Planning Code, seconded by Ms. Reuther. Public Comment was taken.

Samantha Twining, 2086 N. Ridley Creek Road, Media, PA made comments regarding accessibility.

Motion made by Ms. Schaefer approving to Award Contract in the amount of \$264,013.00 to Pennoni and Associates, Inc. of Philadelphia to prepare park design and construction specifications and provide construction oversight for 1) Rose Tree Park Destination Playground and Pedestrian Mall Extension; 2) Little Flower Open Space Park Development Phase 1-A; and 3) Upland Park Playground redevelopment with a completion date of May 2022. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving to Award a 12-month Professional Service Contract in an amount not to exceed \$200,000.00 for open space and trail consulting services to Toole Recreation Planning. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving of a Professional Services Agreement with Baker Tilly US, LLP Professional Auditing Services for the audit years 2020 and 2021 in the amounts of \$262,000.00 and \$271,000.00 respectively, with two (2) year options for 2022 and 2023 with work to include assistance in preparation of the County Annual Financial Report and Single Audit. Subject to the Solicitor's approval. This motion was seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving of an Amendment to the Intergovernmental Cooperation Agreement relating to Emergency Public Health matters between the County and Chester County (PA) providing for an adjustment in the formula for cost allocation. Subject to the Solicitor's approval. This motion was seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving to Amend the Professional Services Agreements between the County of Delaware and Christine Perrone and Marianne Jackson for a \$5,000.00 allowance each for small, miscellaneous purchases (subject to the Executive Director's prior approval) and certain indemnifications for related legal costs. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving to Amend the Contract with Hughes Relocation Services in an increased amount not to exceed an additional \$1,704.00 to provide on-site delivery of personal protective equipment to polling precincts, estimated at \$4.00/box for an estimated 426 cages. Subject to the Solicitor's approval. This motion was seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving to increase the funding available to award the Delaware County Historical Society from \$15,000.00 to \$50,000.00 to correct an error in the FY2020 budget. These funds are necessary to recover \$50,000.00 in receivables from Delaware County for the Society's FY2019-2020 budget and close the books for the year, seconded by Ms. Reuther and carried with an abstention vote registered by Mr. Madden as he is on the Board of the Delaware County Historical Society.

Motion made by Ms. Schaefer approving to Authorize the Chief Nursing Home Administrator of Fair Acres to proceed with the sale of 100 beds to Marquis Health Services at a unit cost of \$20,000.00 per bed for a total transaction of \$2,000,000. Subject to the Solicitor's approval. This motion is seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer approving the spending of \$3,724,078.21 of CARES Act funds previously allocated to Delco Strong Programs on additional grants (for profit and/or nonprofit businesses) under guidelines approved by the Executive Director. The Economic Development Oversight Board to administer with assistance from The Foundation for Delaware County (nonprofits), with Executive Director approval, up to \$250,000.00 of such funds may be spent on administrative costs of the EDOB related to County Covid-19 relief grant programs, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to appoint Kate Clifford to America250PA Advisory Committee as Delaware County's representative, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to appoint George Cordes and Anthony Evangelista to the Auxiliary Tax Assessment Appeals Auxiliary Board, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to appoint Josephine Lomax and Melinda Martin to the Children & Youth Services Advisory Committee to a term ending October 2023, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to appoint Edwin Kline, Timothy Boyce and Thomas J. Murray, Jr. to the Hero Scholarship Board for a term ending October 2023, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to appoint Jenny Shulbank and Karen L. Standen to the Library Board for a term ending October 2023, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to appoint Matt Sullivan to the Delaware County Redevelopment Authority to a term ending October 2025, seconded by Mr. Madden and carried unanimously.

Motion made by Ms. Schaefer to appoint Barbarann Keffer to the Delaware County Solid Waste Authority to a term ending January 2025, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to appoint John Butler to the Delaware County Solid Waste Authority to a term ending January 2024, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer approving of Central Tax Collection Department's request for refunds for the year 2020 County Real Estate Taxes for nine (9) property owners due to overpayment of the amount of taxes due, seconded by Ms. Reuther and carried unanimously.

Motion made by Ms. Schaefer to approve the Request from the Controller's Office for payment of current bills, seconded by Mr. Madden and carried unanimously.

Executive Director: Mr. Lazarus gave an update on the Emergency Procurements necessary during Covid-19.

SOLICITOR: Mr. Martin asked for Council's authorization to file three (3) Consents for Adoptions with the Orphans Court.

Motion made by Ms. Reuther approving to file three (3) Consents for Adoption with the Orphans Court, seconded by Mr. Madden and carried unanimously.

Mr. Martin gave Council an update on current litigation.

PUBLIC COMMENT: Greg Chestnut, Willits Way, Garnet Valley, PA made a comment regarding the countywide reassessment.

Richard Gibney, 235 Lafayette Avenue, Collingdale, PA made a comment regarding a fair election and Councilwoman Reuther's comment on social media.

Graham Family, 1347 Ascot Place, Philadelphia, PA made a comment regarding the death of their son and the Medical Examiner's office.

COUNCIL: Ms. Reuther spoke about Domestic Abuse Awareness Month. She also gave a brief update on elections. Ms. Reuther also stated that we currently have 35 drop boxes around the county and we will hopefully have more by this weekend.

Ms. Schaefer gave an update on Delco Strong 1 & 2. If you are interested in seeing more detail, there is an interactive map on our website at www.delcopa.gov. Ms. Schaefer also stated that we are accepting applications to be on our Delaware County Conservation District Board.

Mr. Zidek spoke about Covid-19 and asks everyone to wear a mask and follow the guidelines so we can all stay safe.

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

COUNTY OF DELAWARE
PENNSYLVANIA

ORDINANCE NO. 2020-8

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR A CIVIL PENALTY FOR THE PURCHASE, POSSESSION OR SMOKING OF SMALL AMOUNTS OF MARIJUANA IN DELAWARE COUNTY.

WHEREAS, the arrest, charging and prosecution of individuals possessing small amounts of marijuana represent a substantial cost to taxpayers as well as to law enforcement, prison, and court resources; and

WHEREAS, a civil penalty provides a practical tool and commonsense approach to controlling the use of marijuana and promotes greater efficiency in Delaware County's criminal justice system; and

WHEREAS, local police will remain able to charge individuals under the state criminal statutes when the circumstances warrant such an arrest;

IT IS HEREBY ENACTED AND ORDAINED by the County Council of Delaware County, Pennsylvania as follows:

Section 1. The title of Chapter 173 of the Delaware County Code is hereby amended to read, "SMOKING AND MARIJUANA POSSESSION."

Section 2. Chapter 173 of the Delaware County Code is hereby amended by the addition of Article II to read as set forth below:

ARTICLE II
Marijuana Possession

§ 173-5. Preamble.

So long as marijuana shall be listed as a controlled substance in "The Controlled Substance, Drug Device and Cosmetic Act," 1972, April 14, P. L. 233, No. 64, Section 1 et seq., 35 P.S. 780-101 et seq., no person shall (i) purchase or attempt to purchase, (ii) be in possession of or (iii) smoke in any public space a small amount of marijuana in the County of Delaware, Commonwealth of Pennsylvania, all as set forth in this Article.

§ 173-6. Offense Defined.

The following shall be a civil violation of this Ordinance:

1. Purchasing or attempting to purchase a small amount of marijuana;
2. Possessing a small amount of marijuana; or
3. Smoking a small amount of marijuana in any public space;

provided, however, that this Ordinance shall not apply to any of these violations to the extent that they take place within or on the grounds of any public library or any public, private or parochial elementary or secondary school.

§ 173-7. Definitions.

1. "Marijuana" or "marihuana" means all forms and/or varieties of the genus Cannabis, whether growing or not, as defined by the "Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 14, P. L. 233, No. 64, Section 1 et. seq., 35 P. S. 780-101 et. seq.

"Public space" means any street, alley, highway, traffic way, park, sidewalk or a vehicle in or upon any of the referenced areas, or any other place to which the public is invited.

"Small amount of Marijuana" means 30 grams or less of marijuana

"Smoking" means inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe or other such delivery device which contains marijuana.

"Minor" means any individual under the age of 18 years at the time of violation of this Ordinance.

§ 173-8. Violations.

Persons found in violation of this Ordinance shall be issued a Notice of Violation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the subject's name and address and later send a Notice of Violation by First Class Mail. Such Notice of Violation shall be in the standard form provided for non-traffic citations, unless a local municipality passes an ordinance pursuant to Section 173-11.3, in which case, it may use its own Notice of Violation in substantially the same form (except for payment provisions).

§ 173-9. Violations by Minors.

The officer who identifies a violation of this Ordinance by a minor shall:

1. Temporarily detain the minor and follow the existing procedures for the handling of summary offenses committed by a minor;
2. Advise the parent or guardian that the minor was found in possession of or smoking in a public space a small amount of marijuana; and
3. Issue a Notice of Violation to the minor.

§ 173-10. Penalty.

The penalty for possessing or smoking a small amount of marijuana under the Ordinance by an adult or minor shall be a civil fine of \$50.00 for each violation. In its discretion, upon application by the minor, a magisterial district court may suspend the fine imposed if the person cited is a minor and agrees to admission to an adjudication alternative program or other in place pre-adjudication disposition.

§ 173-11. Enforcement.

1. It is the intent of Council that municipal police may exercise their lawful authority to enforce this ordinance when a violation occurs in the officer's presence within the territorial boundaries of their municipality within the County of Delaware.
2. A Notice of Violation issued under this ordinance shall be enforced consistent with the procedures established in Chapter 4 of the Pennsylvania Rules of Criminal

Procedure (Pa.R.Crim.P.), Procedures in Summary Cases, Parts A and B, Pa.R.Crim.P. 401-414.

3. The provisions of this ordinance shall not apply in any local municipality within the County of Delaware which has an ordinance similarly prohibiting the possession of a small amount of marijuana within said municipality and imposing penalties for violation of said ordinance.

4. This Ordinance shall not be construed to supersede any existing Pennsylvania or Federal law. Municipal police officers in Delaware County retain the authority to enforce the applicable statutory laws. It is the intent of Council that police officers may: (A) conduct any lawful search when there is probable cause to believe that a criminal offense has been or is being committed; and (B) make a custodial arrest when there is probable cause to believe a criminal offense other than one of the violations described in Section 173-6.

5. Any revenue collected by this Ordinance should be used for funding new or existing drug and alcohol abuse treatment and prevention programs.

Section 3. This Ordinance shall take effect on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this ____
day of _____, 2020.

Brian P. Zidek, Chair

Dr. Monica Taylor, Vice Chair

Kevin M. Madden

Elaine Paul Schaefer

Christine A. Reuther

Attested:

Anne M. Coogan, County Clerk

**HUMAN SERVICES AGREEMENTS, CONTRACTS
& AMENDMENTS TO CONTRACTS**

<u>Name of Provider</u>	<u>Type of Service</u>	<u>Term of Contract/ Agreement</u>	<u>Current Contract/ Agreement Amount</u>	<u>Proposed Contract/ Agreement Amount</u>	<u>Funding Source</u>
RFP Permission Request	Proposals for Housing Navigator Services for Office of Children & Youth	N/A	N/A	N/A	(State) Independent Living Grant (Federal) Chaffè Foster Care Program for Successful Transition to Adulthood
White Deer Run, LLC dba Cove Prep	Secure Adolescent Male Sexual Offender Program	10/21/20-6/30/21	N/A	N/A*	State/Federal (Act 148, IV-E, & a small parental contribution)
Diversified Treatment Alternative Centers, LLC	Residential Services for Delinquent Males, Including Sex Offenders	10/21/20-6/30/21	N/A	N/A*	State/Federal (Act 148, IV-E, & a small parental contribution)
Pennsylvania Department of Drug and Alcohol Programs	Police Diversion to Treatment Funding Initiative Application	12/1/20-9/29/21	N/A	\$300,000	Police Diversion to Treatment Grant
Magellan Behavioral Health of Pennsylvania	HealthChoices Behavioral Health Agreement	1/1/12-12/31/20 (amendment #5)	N/A	N/A	State & Federal
Children in the Story LLC	Subsidized Childcare	7/1/18-** (amendment #3)	N/A	N/A	Office of Child Development and Early Learning
Early Learning Resource Center Providers (See List)	Subsidized Childcare	See List**	N/A (Based on Maximum State Childcare Allowance)	N/A (Based on Maximum State Childcare Allowance)	Office of Child Development and Early Learning
Early Learning Resource Center Providers (See List)	Subsidized Childcare	See List**	N/A (Based on Maximum State Childcare Allowance)	N/A (Based on Maximum State Childcare Allowance)	Office of Child Development and Early Learning

*Contract contains no maximum dollar amounts – only approved per diem rates.
 **Either party may terminate this Agreement in accordance with Article IV of this Agreement.

EARLY LEARNING RESOURCE CENTER REGION 15 (ELRC)
19/20 REGULATED AGREEMENTS

<u>AGREEMENT NUMBER</u>	<u>PROVIDER</u>	<u>TERM</u>	<u>AMOUNT</u>
ELRC 350/19	Pamela Butler-Griffin	6/1/20-*	N/A (Based on maximum State childcare allowance)

*Either party may terminate this Agreement in accordance with Article IV of this Agreement.

EARLY LEARNING RESOURCE CENTER REGION 15 (ELRC)
20/21 REGULATED AGREEMENTS

<u>AGREEMENT NUMBER</u>	<u>PROVIDER</u>	<u>TERM</u>	<u>AMOUNT</u>
ELRC 348/20	Kids Quest Inc	9/1/20-*	N/A (Based on maximum State childcare allowance)
ELRC 349/20	Little Duckies Day Care Inc	9/1/20-*	N/A (Based on maximum State childcare allowance)

*Either party may terminate this Agreement in accordance with Article IV of this Agreement.