

**PRESENT:** Brian P. Zidek, Chairman; Dr. Monica Taylor, Vice Chair; Kevin M. Madden, Council Member; Elaine P. Schaefer, Council Member; Christine A. Reuther, Council Member; Joanne Phillips, Controller; Howard Lazarus, Executive Director; William Martin, Solicitor; Anne M. Coogan, County Clerk; and other department heads.

The Regular Meeting of Delaware County Council was held on November 4, 2020 at 6:00 P.M. in the County Council Meeting Room, Government Center Building located at 201 W. Front Street, Media, PA. Chairman Zidek called the meeting to order followed the Pledge of Allegiance.

Chairman Zidek called on Vice Chair Taylor to start today's regular Agenda Items.

Motion made by Dr. Taylor approving the Minutes of the Regular Meeting of October 21, 2020, seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor to Accept Grant from the Pennsylvania Commission on Crime and Delinquency in the amount of \$115,000.00 under existing grant agreement. Such funds to be used to assist various County Municipal Police Departments pay for COVID response expenses through the end of 2021, and the entry into appropriate memorandums of understanding with respect to such expenditures. Subject to Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor to Submit Grant Application to the Pennsylvania Commission on Crime and Delinquency for the Community Violence Prevention/ Reduction initiative for the term February 1, 2021 to January 31, 2023 in the amount of \$300,000.00. Subject to the Solicitor's approval. The motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving a Professional Service Agreement with Bloom for the term November 9, 2020 to June 30, 2021 to serve as a consultant in support of the goals and objectives of the PA DCED Safe Schools Grant in an amount not to exceed \$115,752.00 (Funding: PA DCED Safe Schools Grant). Subject to the Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving a Memorandum of Agreement between the County of Delaware CID and PA State Police for reimbursement of salary, benefits and other expenditures for a CID detective assigned to the Municipal Auto Theft/Motor Vehicles Insurance Fraud Task Force for the period of 7/1/2020 to 6/30/2021 in the amount of \$174,224.00. Subject to the Solicitor's approval. The motion was seconded by Mr. Madden and carried unanimously.

Chairman Zidek called for the Second Reading and Public Hearing of Ordinance 2020-8 providing for a civil penalty for a minor public health violation in Delaware County. Mr. Lichtenstein, Assistant Solicitor, read the Second Reading of Ordinance 2020-8.

Solicitor Martin said it would be appropriate at this time for Chairman Zidek to receive any public comment on this proposed ordinance.

Chairman Zidek opened the floor for public comment on Proposed Ordinance 2020-8. There was no public comment.

Motion made by Dr. Taylor to approve the adoption of Ordinance 2020-8 providing for a civil penalty for a minor public health violation in Delaware County. County Clerk Coogan took a roll-call vote on the motion with the following votes registered: Reuther – Yes; Schaefer – Yes; Madden – Yes; Taylor – Yes; Zidek – Yes. Ordinance 2020-8 was approved with a vote of 5-0.

Motion made by Dr. Taylor approving to amend Purchase Agreement with Cenero for audio visual/IT infrastructure for the County Council Meeting Room in the amount of \$5,053.00. Additional charges were made to the original statement of work. Subject to the Solicitor's approval. This motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving to Accept Grant from the Pennsylvania Commission on Crime and Delinquency in the amount of \$554,992.00 for the term 7/1/2020 through 6/30/2021. This grant supports Delaware County's Restrictive Intermediate Punishment Programs. Subject to the Solicitor's approval. The motion was seconded by Ms. Reuther and carried unanimously.

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

Motion made by Dr. Taylor to Award Contract No. E-80620 between The County of Delaware and KBX Golden LLC, to provide operational and maintenance services for George W. Hill Correctional Facility Wastewater Treatment Plant for a three-year period at a price not to exceed \$228,723.00. Discussion followed. Council stated that this contract be subject for review after one year and subject to the Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving to Award Contract No. E-62320 between the County of Delaware and Road-Con Inc., to provide repairs to Delaware County Bridge #16 (Media Station Road over Ridley), for a price not exceed \$191,476.25. Subject to the Solicitor's approval. The motion was seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor approving a Professional Engineering Service Agreement between Delaware County and Gillan & Hartmann, Inc. for the preparation of the bidding documents for sprinkler piping and fire pumps modification at the Courthouse Complex, Media, PA for an amount not to exceed \$169,300.00. Subject to the Solicitor's approval. The motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving of a new Pharmacy Benefit Management Contract with Future Scripts, a division of Independence Blue Cross (IBX) effective January 1, 2021. Subject to the Solicitor's approval. The motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving to extend the Professional Services Agreement with Capitol Strategies Group, LLC for a 6-month term beginning January 1, 2021 and ending June 30, 2021 at its current rate of \$5,000.00 per month plus expenses. Subject to the Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving to authorize the Executive Director to submit an Alternative Fuel Incentive Grant (AFIG) Application in the amount of \$300,000.00 for the purchase of 20 electric vehicles (EV), 3 mobile charging stations, and 1 transport trailer, seconded by Mr. Madden and carried unanimously.

Council had a discussion regarding the use of the remaining CARES Act funding for FY2020.

Motion made by Dr. Taylor approving an Addendum to the March 4<sup>th</sup> 2019 Agreement for Records Management and Imaging System between the County of Delaware and Kofile Technologies, Inc. in the amount of \$90,000.00, Subject to the Solicitor's approval. (Funding: CARES Act) The motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving a Grant to Visit Delco, PA in an amount not to exceed \$360,000.00 to produce and distribute advertising to publicize the reopening of business in the County and steps taken to ensure a safe experience, and to enter into an appropriate grant agreement. Subject to the Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving to use CARES Act Funding to support families that require child care in an amount not to exceed \$1,900,000.00 administered by the Child Care Professionals Network, ELRC and the Women's Commission. Subject to Solicitor's approval. The motion was seconded by Mr. Madden. Discussion followed.

Motion made by Mr. Madden to amend the previous motion to approve a Grant using General Funds to support families that require child care in an amount not to exceed \$2,000,000.00 administered by the Child Care Professionals Network, seconded by Ms. Reuther and carried unanimously.

Motion to approve a Grant using General Funds to support families that require child care in an amount not to exceed \$2,000,000.00 administered by the Child Care Professionals Network, seconded by Ms. Reuther and carried unanimously.

Motion made by Dr. Taylor approving to Purchase radio equipment, software, licensing and services from JVC Kenwood EFJ Technologies, Inc. to enhance the County's Emergency Communication System for a cost not to exceed \$3,451,231.14. Subject to the Solicitor's approval. The motion was seconded by Ms. Schaefer and carried unanimously.

Motion made by Dr. Taylor approving to Purchase two (2) Emergency Services Units (ESU) from Whitmoyer Ford using COSTARS Contract #025-162 for the amount of \$90,100.00. (Funding: CARES Act) Subject to the Solicitor's approval. The motion is seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving to Purchase 1,000 CAT S42 network radio capable cellular phones from B&H in the amount of \$260,457.92. Subject to the Solicitor's approval. (Funding: CARES Act) The motion is seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving to Purchase equipment and licenses for four (4) variable message sign VMS units with dual language AM radio transmitters using the PA General Services Contract #4400017757 from American Signal Company in the amount of \$151,300.00. Subject to the Solicitor's approval. (Funding: CARES Act) The motion was seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving Central Tax Collection Department's request for refunds for the year 2020 County Real Estate Taxes for four (4) property owners due to overpayment of the amount of taxes due, seconded by Mr. Madden and carried unanimously.

Motion made by Dr. Taylor approving Central Tax Collection Department's request for 3 Court Ordered refunds for the years 2018, 2019 and 2020 for properties in the Borough of Media and Township of Springfield in the total amount of \$144,261.84, seconded by Ms. Schaefer and carried unanimously.

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

**SOLICITOR:** Mr. Martin asked for Council's authorization to file seven (7) Consents for Adoption with the Orphans Court.

Motion made by Dr. Taylor approving to file seven (7) Consents for Adoption with the Orphans Court, seconded by Mr. Madden and carried unanimously.

**PUBLIC COMMENT:** Owen Powell, 501 N. Providence Road, Media, PA commented on opioid related overdose deaths.

Cynthia Long, 9 Cloverdale Avenue, Upper Darby, PA commented on Ballot Drop Box Signage.

**COUNCIL:** Ms. Reuther thanked all the county employees, volunteers and poll works who worked with the election. She thanked them for the tremendous amount of time and effort.

Ms. Schaefer gave special thanks to Ms. Reuther for all the work with the election. Ms. Schaefer also thanked the residents of Delco. She stated our residents were peaceful, respectful and we did it right. Ms. Schaefer also stated Delco Strong 3 is open now.

Mr. Madden echoed the sentiments of Ms. Reuther and Ms. Schaefer. Thank you to Ms. Reuther for an enormous effort put into this election.

Dr. Taylor thanked Ms. Reuther and the entire County Election Team.

Chairman Zidek thanked all who worked on the election including the team of Solicitors who worked on Election Day.

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

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ANNE M. COOGAN, County Clerk

COUNTY OF DELAWARE  
PENNSYLVANIA

ORDINANCE NO. 2020-8

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR A CIVIL PENALTY FOR A MINOR PUBLIC HEALTH VIOLATION 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 MINOR PUBLIC HEALTH VIOLATIONS."

**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  
Minor Public Health Violations

**§ 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 or possess marijuana paraphernalia 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 marijuana paraphernalia; 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.

"Marijuana paraphernalia" means anything used for packing, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"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 a violation of this Ordinance by an adult or minor shall be a civil fine of \$50.00 for each violation. In its discretion, upon application by the person cited, a magisterial district court may suspend the fine imposed if the person cited 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

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Dr. Monica Taylor, Vice Chair

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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>
Elwyn, Inc	See List	See List (Amendments)	See List	See List	Human Services Block Grant, OCYF Special Grants, Act 148
Kimberly A. Easter, M.A.	Data Base Consultant	7/1/20-6/30/21 (amendment)	\$103,172.00	\$107,272.40	State & Federal HUD, Human Services Block Grant, ACT 148, Special Grant, Title 20, Title IV-B, Title IV-E, TANF (Temporary Assistance for Needy Families)
Children and Youth Services Providers (See List)	See List	10/1/20-6/30/21	N/A	N/A*	State/Federal (ACT 148, Title IV-E, and a small parental contribution)
U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance	Acceptance of the Comprehensive Opioid, Stimulant and Substance Abuse Site-Based Program (COSSAP) Grant	Fiscal Year 2020/2021 through 2023/2024	N/A	\$1,200,000	State, Federal & Department of Justice, Office of Justice Programs, Bureau of Justice Assistance
BCRG Daycare Services LLC	Subsidized Childcare	2/1/20-** (Amendment #1)	N/A	N/A	Office of Child Development and Early Learning
BCRG Daycare Services LLC	Subsidized Childcare	2/1/20-** (Amendment #2)	N/A	N/A	Office of Child Development and Early Learning
Early Learning Resource Center Providers (See List)	Subsidized Childcare	Subsidized Childcare	See List**	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.

**ELWYN, INC.**

**CONTRACTS/LETTERS OF AGREEMENT**

**20/21**

<u>CONTRACT NUMBER</u>	<u>PROVIDER</u>	<u>SERVICE</u>	<u>CURRENT TERM</u>	<u>CURRENT AMOUNT</u>
MH 15/20	Elwyn, Inc.	Residential, Psychiatric Rehabilitation, Crisis Residential, Adult Residential Treatment, Community Employment Mobile Crisis, Peer Warm Line, Certified Peer Specialist	7/1/20-6/30/21	Residential - N/A* / Non-Residential - \$776,105
HCR 15/20	Elwyn, Inc.	Supported Employment, Certified Peer Specialist, Welcome House	7/1/20-12/31/22	\$40,000
CYS 20/20	Elwyn, Inc.	In-Home	7/1/20-6/30/21	N/A*
ID 105/20	Elwyn, Inc.	See Appendix Z	7/1/20-6/30/21	N/A*

**CHILDREN AND YOUTH SERVICES  
PURCHASE OF SERVICE AGREEMENTS  
20/21**

<u>CONTRACT NUMBER</u>	<u>PROVIDER</u>	<u>SERVICE</u>	<u>TERM</u>	<u>19/20 AMOUNT</u>	<u>20/21 AMOUNT</u>	<u>COMMENTS</u>
YS-P 103/20	Community Specialists Corporation dba The Academy	Female Residential, Drug & Alcohol	7/1/20 - 6/30/21	N/A*	N/A*	Diagnostic and group home for delinquent youths - 4% increase in rates over 2 years.
YS-P 89/20	Edison Court, Inc.	Mathom Treatment Prg - West Side, Mathom Residential Prg - West Side, Mathom Treatment Prg - East Side Secure, Mathom Residential Prg, Easton Manor Treatment, Easton Manor Residential, Paths Residential Prg, Paths Treatment Prg, SCOH Daily Case Mgmt, Outpatient Treatment Group, Outpatient Treatment Individual, Community Adjustment and Reentry (CARP), Community Accountability and Recidivism Prevention - ID, Ravenhill Accountability, Polygraph Level I&II, Screening , ABEL Assessment, Full Psychological Assessment, Cognitive Testing, Psychosexual Assessment Level I&II, Psychoeducational Testing, Level of Care Evaluation, Parental Capacity, Court Appearances - In Person, Court Appearances - On Call	7/1/20 - 6/30/21	N/A*	N/A*	Provides secure residential and group home services for delinquent youth. Status Quo in rates

**CHILDREN AND YOUTH SERVICES  
PURCHASE OF SERVICE AGREEMENTS**

20/21

<u>CONTRACT NUMBER</u>	<u>PROVIDER</u>	<u>SERVICE</u>	<u>TERM</u>	<u>19/20 AMOUNT</u>	<u>20/21 AMOUNT</u>	<u>COMMENTS</u>
YS-P 17/20	George Junior Republic in Pennsylvania	Community Based Group Home, Special Needs, Drug & Alcohol, Diagnostic, Shelter Care, CRIS Intervention Unit, Intensive Supervision Unit, Regular Residential, Special Needs MA, Drug & Alcohol MA	7/1/20 - 6/30/21	N/A*	N/A*	Provides residential and group home care for emotionally disturbed males. Provides diagnostic evaluations and emergency shelter care. 2% increase in rates 3%
YS-P 110/20	Summit School, Inc. dba The Summit Academy	Summit Residential, Drug & Alcohol	7/1/20 - 6/30/21	N/A*	N/A*	D&A and residential programs for delinquent youths. 2% increase in rates over 2 years
YS-P 32/20	VisionQuest National, LTD	Lehigh, Spruce, Hudson, Safe House Program, Blue Ridge Academy	7/1/20 - 6/30/21	N/A*	N/A*	Provides one-year wilderness program to delinquent/dependent adolescents. 2% increase in rates

**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 354/20	Great Start Academy	9/1/20-*	N/A (Based on maximum State childcare allowance)
ELRC 360/20	Dedicated to Quality Teaching Learning Center LLC	9/1/20-*	N/A (Based on maximum State childcare allowance)
ELRC 363/20	Khanae Education Programs LLC	9/2/20-*	N/A (Based on maximum State childcare allowance)

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