

PRESENT: John P. McBlain, Chairman; Colleen P. Morrone, Vice Chairman; Michael F. Culp, Council Member; Kevin M. Madden, Council Member; Brian P. Zidek, Council Member; Joanne Phillips, Controller; Marianne Grace, Executive Director; Michael L. Maddren, Solicitor; Anne M. Coogan, County Clerk; and other department heads.

The Regular Meeting of Delaware County Council was held on November 28, 2018 at 10:00 A.M. in the County Council Meeting Room, Government Center Building located at 201 W. Front Street, Media, PA. Chairman McBlain called the meeting to order followed the Pledge of Allegiance to the flag. Kate Morrone, of the Public Relations Department, gave the invocation.

Chairman McBlain called on Mr. Madden to speak on Agenda Item 4, the announcement of the Delaware County Festival of Lights.

Mr. Madden said, in Delaware County, we are proud to have an excellent parks system where our residents can enjoy outdoor recreation, sports, festivals, charity events, or simply a walk with their family.

This year, Delaware County will celebrate the 42nd annual Festival of Lights, which opens this Friday, November 30 at 7:00 P.M.

The Festival of Lights opens to the public with a ceremony and tree lighting celebration featuring a mini holiday concert by the Springton Lake Middle School Select Choir and the arrival of Santa. Following opening night, the trees and displays will be lit each evening from 5:30 P.M. to 9:30 P.M. through January 1.

The Festival of Lights has been a cherished holiday tradition for many residents of all ages across the county throughout the years and we are once again thrilled to bring the Festival of Lights to our residents.

Chairman McBlain called on Mrs. Morrone to start the business items on today's Agenda.

Motion made by Mrs. Morrone approving the Minutes of the Regular Meeting of November 14, 2018, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Central Tax Collection Department's request for refunds for the year 2018 County Real Estate Taxes for 15 property owners due to the overpayment of the amount of taxes due, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Agreements, Contracts and Amendments with the Office of Workforce Development as per the attached list. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Agenda Item 8, a Change Order with Bill Anskis Company for the rehabilitation and repair of the Hibberts Bridge on Temple Road over Webb Creek, County Bridge No. 233, Concord Township, in the amount of \$79,817.73. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Agenda Item 9 to renew the Service and Support Agreement with MTS Software Solutions for a one-year period from 1/1/2019 through 12/31/2019 at a cost of \$165,257.42. The motion was seconded by Mr. Culp.

Solicitor Maddren said he and Executive Director Grace requests this item (Agenda Item 9) be "tabled" for a week. The Director of Purchasing wants to do more diligence on the best interest memo that underlies this request.

A motion was made by Mrs. Morrone to "table" Agenda Item 9, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving a Provider Agreement for the year beginning January 1, 2019 through June 30, 2019 with an automatic renewal for the Provision of Service Coordination with Community Health Choices Managed Care Organization, UPMC. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving an Amendment to a Sub-Lease Agreement between the Delaware County Office of Services for the Aging and Community Transit of Delaware County, Inc. for the term 1/9/2019 through 1/8/2021 at the yearly cost of \$347,940.00. The motion is subject to the Solicitor's approval, seconded by Mr. Culp. Chairman McBlain called on Assistant Solicitor Mike Molinaro to say a few words on this item.

Mr. Molinaro said there is an amendment to the amount stated, which should read \$347,945.00 (not \$347,940.00). The motion was carried unanimously.

Motion made by Mrs. Morrone approving a three-year subscription to EBSCO Research Database Products including library enhancements and Masterfile Elite (magazine articles including back issue of Consumer Reports, Time and Sports Illustrated) for the period 1/1/2019 to 12/31/2021 at the total cost of \$182,010.00. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Agenda Item 13 to renew the annual subscription to Infogroup Reference USA Business Database from Infogroup for the period 1/15/2019 to 1/14/2022 at the total cost of \$114,000.00. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving to renew the subscription to NewsBank, Inc. Database Collection including the Delaware County Daily Times, the Philadelphia Inquirer, plus other Pennsylvania and World newspapers, for the period 1/1/2019 to 12/31/2019 at the cost of \$40,045.00. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving Agenda Item 15 to renew the subscription to OCLC, Inc. for the period 1/1/2019 to 12/31/2019 at a cost of \$68,293.74. (Partial State Funding) The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving to renew the annual contract with Overdrive, Inc. for the period 1/1/2019 to 12/31/2019 at the cost of \$203,000.00. (Partial State Funding) The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Mr. Zidek asked to be recognized to present the following Resolution:

WHEREAS, the County Council has determined that the George W. Hill Correctional Facility (the "Jail") is operated under the control and supervision of the Delaware County Board of Prisons, which consists of three persons appointed by the Delaware County judges and two persons appointed by the Delaware County Council;

WHEREAS, the Jail is owned by Delaware County and is funded through appropriations by the County Council;

WHEREAS, the Prison Board is appointed and granted authority to operate the Jail pursuant to a statute passed by the Pennsylvania legislature in 1839 (1838 P.L. 10, enacted February 1, 1839 and amended to refer to Delaware County following the division of Chester County into Delaware and Chester Counties, in 1866 P.L. 588, enacted April 11, 1866, collectively the "1839 Act") at a time when prisons were operated as work houses and were largely economically self-sustaining;

WHEREAS, the 1839 Act states that the Prison Board, referred to as the Board of Prison Inspectors, is authorized to apply to the County for funding and "if it shall appear reasonable, and that the accounts of said inspectors are properly kept and adjusted, the commissioners shall draw an order on the treasurer of said county, for such sums as may be necessary to satisfy such demands [,]" thereby suggesting that the funding of the Jail

is discretionary on the part of County council and dependent upon a review of prison accounts;

WHEREAS, Prison Board does not maintain accounts and requests that the County Council fund the operations of the Jail in advance based on a contract with a third party that has not been audited in apparent violation of the 1839 Act;

WHEREAS, the 1839 Act provides for prisoners to be maintained in solitary confinement, in a manner consistent with the "Philadelphia model" of prison operation that was prevalent prior to the Civil War;

WHEREAS, the Jail does not maintain all prisoners in solitary confinement and the Prison Board, in operating the Jail in accordance with many state and federal statutes and regulations adopted since the 1839 Act, regularly disregards the statute that authorizes its existence but was never expressly repealed;

WHEREAS, the Pennsylvania legislature has repeatedly updated its statutes providing for the operation and inspection of county correctional facilities since 1839, including most recently in 2009 Pa. Legis. Serv. Act 2009-33, effective on October 13, 2009, as amended, in the codification of the Pennsylvania Prisons and Parole Code (the "Modern Code");

WHEREAS, Section 1723(d) of the Modern Code provides that Counties governed by home rule charters who were not subject to the Modern Code could elect by resolution of the governing body to be governed by the Modern Code and establish a "County Jail Oversight Board" made up of (1) the county chief executive, (2) two judges of the court of common pleas, one of whom shall be the president judge, or his designee who shall be a judge, and one judge appointed by the president judge, (3) the county sheriff, (4) the county controller, (5) the president of county council or his designee, and (6) three citizen members meeting statutory criteria appointed by the county executive with the approval of County Council for three year terms: and

WHEREAS, the County Council has determined that the antiquated 1839 Act does not allow for sufficient oversight or public accountability of the Jail operations and that the funding mechanism in the 1839 Act does not adequately allocate financial responsibility for the Jail;

WHEREAS, the County Council has concluded that it is in the best interest of the County to elect to cause the Jail to be governed pursuant to the Modern Statute and to dissolve the Prison Board and implement a County Jail Oversight Board.

NOW, THEREFORE, be it resolved,

1. The County of Delaware hereby elects to be governed by Subchapter B of Chapter 17 (County Correctional Institutions) of Title 61 of the Pennsylvania Consolidated Statutes as provided for in 61 PaCS Section 1723(d);
2. This election is effective as of January 8, 2019 (the "Effective Date");
3. As of the Effective Date, the Prison Board shall be dissolved and the County Jail Oversight Board provided for in 61 PaCS Section 1723(b) and (c) shall be established;
4. The County Executive is directed to
 - a. solicit resumes from citizens and to nominate three appointees meeting the requirements of 61 PaCS Section 1723(c) for approval by the County Council on or before the Effective Date; and
 - b. advise the President Judge of the Delaware County Court of Common Pleas of the adoption of this resolution and the Effective Date and the requirement that the President Judge designate a second judge of the Court of Common Pleas and, at his discretion a second designee judge of the Delaware County Court of Common Pleas, to serve on County Jail Oversight Board; and
 - c. notify the other elected officials of the County of their obligation to serve on the County Jail Oversight Board; and
 - d. establish a schedule of meetings for the County Jail Oversight Board for the remainder of the 2019 calendar year that complies with Modern Code

5. The County Jail Oversight Board shall meet for its organization meeting within fifteen business days of the Effective Date.
6. All Actions of this Council and of the authority taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.
7. All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

DULY ADOPTED, by the County Council of the County of Delaware, Commonwealth of Pennsylvania, in lawful session duly assembled, this _____ day of _____, 201__.

Chairman McBlain asked if there was a second to the motion. Mr. Madden seconded the motion.

At this point, Mr. Culp asked to make a motion to "table" this item. He said he has no idea of what Mr. Zidek is presenting. He did not have the courtesy to provide this resolution to him prior to today's meeting. Obviously, he (Mr. Zidek) put a lot of time and effort into this, but this is the first time he is seeing this. The motion to "table" was seconded by Vice Chairman Morrone. Discussion followed.

Mr. Culp made a motion to withdraw his motion to "table" this item, seconded by Vice Chairman Morrone and was carried unanimously.

Chairman McBlain asked if there was any further discussion on this item. Discussion followed.

Mr. Zidek made a motion to approve the Resolution as presented seconded by Mr. Madden. The vote was 2 Yeas (Mr. Zidek and Mr. Madden) and 3 Nays (Chairman McBlain, Vice Chairman Morrone and Mr. Culp). The motion failed 3-2.

Motion made by Mrs. Morrone approving the request by the Controller's Office for payment of current bills, seconded by Mr. Culp and carried unanimously.

SOLICITOR: Mr. Maddren asked for Council's authorization to file six (6) Petitions for the Termination of Parental Rights and four (4) Consents for Adoption with the Orphans Court.

Motion made by Mrs. Morrone approving to file six (6) Petitions for the Termination of Parental Rights and four (4) Consents for Adoption with the Orphans Court, seconded by Mr. Culp and carried unanimously.

PUBLIC COMMENT: Richard Paul, Chairman of the Delaware County Heritage Commission, read a document from the Heritage Commission regarding the 1724 Chester Courthouse, its transition and the maintenance of this property.

Christine Reuther, 18 E. Possum Hollow Road, Nether Providence Township, said a few words about the Resolution put forth by Mr. Zidek today and the structure of the Prison Board.

COUNCIL: Mr. Zidek said it is wholly unsatisfactory to the citizens of Delaware County that we allow a structure to exist where unelected officials are able bind the citizens of Delaware County to pay bills amounting to 30% of the tax dollars with very little say of what happens. He doesn't believe that if a poll was taken of the citizens of Delaware County that they would think that was a good idea. He certainly hopes when we revisit this issue in the near future, County Council will see fit to bring Delaware County into the modern era and provide for accountable oversight of our tax dollars.

Mr. Madden asked that Tim Boyce, Director of Emergency Services, who was in the audience, to come forward and give a brief update on the status of the Hazards Analysis in regard to the Mariner East 2 Pipeline and the Adelpia Pipeline.

Mr. Boyce said he was happy to report that the Pipeline Assessment has been completed. He was prepared to give Executive Director Grace copies of the document. In his opinion, it is well done and is prepared and meets the goals.

Mr. Madden asked if there is a plan for the findings to be presented to the public.

Mr. Boyce said, in the provision, they have the engineers to come speak and it is the discussion and decision of Council on how that will be done. That was budgeted and they are prepared to do that.

It is Mr. Madden's opinion since we paid for the Study they should be present for a public hearing.

Vice Chairman Morrone requested that we direct the County Executive Director to work with Mr. Boyce to find a date that would suffice for all of County Council to be able to present these findings. That was our intent to conduct this survey and to review those findings in a public meeting and that continues to be our intent. We want to make sure that intent works for Council and that it works for the public.

Mr. Culp complimented Executive Director Marianne Grace and Budget Director Jim Hayes and our entire Budget Department for the excellent budget that they delivered to Council. For the past four years we have not had a tax increase in Delaware County and that is something that just doesn't happen overnight. He is thankful this year that a small decrease can be seen due to all the hard work that we have done along with our employees have done throughout the years.

The County pension is 100% funded; you will not find that anywhere else. This does not happen overnight, but after reviewing the budget there is currently a 3% increase for our employees. I would like to advocate to have this increase be 6%. Lastly, he looks forward to seeing everyone at the opening of the Festival of Lights on Friday night.

Mrs. Morrone thanked Tim Boyce for delivering the pipeline study to us today. It is something that Council has had long conversations about this year. It is good to see that we have completed that portion of it. There is work to do and that is what we are committed to do. We want to see it through to the end to get that information out there and to share it with our community so that we are ensuring the safety of our residents here in Delaware County by giving them all the information that we are able to gather and develop and put forward to them.

Concerning the Budget, Mrs. Morrone said she is pleased the preliminary budget that has been submitted with a 0% tax increase with the opportunity to also take a look at a 2.5% reduction to our taxpayers in the form of a tax reduction and also to consider the option that has been presented by Mr. Culp to take a look at the wages that we pay our employees here in Delaware County.

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

ANNE M. COOGAN, County Clerk

**DELAWARE COUNTYWORKFORCE DEVELOPMENT BOARD
AGREEMENTS, CONTRACTS & AMENDMENT TO CONTRACTS**

Contract Number	Name of Provider	Type of Service	Term of Contract/Agreement	Proposed Contract/Agreement Amount
EDSI.053.18.EARN	Educational Data Systems Inc.	Job Placement	7/1/18-6/30/19	Modification: Additional \$90,318.45 for total of \$786,225.00