

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.

Chairman McBlain called the regular meeting of February 14, 2018 to order followed by the Pledge of Allegiance to the flag led by Dr. Susan Kulp, Principal of Edgewood Elementary School. Brian Dillon, Public Relations and Grant Coordinator, Delaware County Library Services, gave the invocation.

Chairman McBlain called on Vice Chairman Morrone to start today's Agenda Items.

Motion made by Mrs. Morrone approving Item 4, the Minutes of the Regular Meeting of February 7, 2018, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving to Advertise for Bids to furnish and deliver ten (10) Joern's Bariatric Bed Frames, Model No. RCUHLB850, for Fair Acres Geriatric Center, seconded by Mr. Culp and carried unanimously.

Motion made by Mrs. Morrone approving to purchase one (1) 2018 Chrysler 300 AWD vehicle and one (1) 2018 Durango SSV AWD vehicle from Videon Dodge Chrysler Jeep of Newtown Square, on COSTARS Contracts No. 026-065 and No. 013-121, at a cost not to exceed \$54,207.00. The motion is subject to the Solicitor's approval, seconded by Culp and carried unanimously.

Motion made by Mrs. Morrone approving Central Tax Collection Department's request for refunds for the year 2017 County Real Estate Taxes for 2 property owners due to the overpayment of the amount of taxes due, seconded by Mr. Culp and carried unanimously.

Chairman McBlain called on Jack Bierling, Director of Public Works, to speak on Agenda Items 8 and 9.

Mr. Bierling said he is asking for Council's approval of Item 8, a *decrease* in the amount of \$54,374.56 to Contract No. 80051 with Clearwater Construction as it relates to the Addingham Bridge reconstruction project. The new "amended" contract sum is \$1,812,964.96. This project is now finished and was done in cooperation with PennDOT Oversight through Engineering, Construction and Management System that we use for all bridges in the county.

Motion made by Mrs. Morrone approving Amendment No. 2 to Contract No. 80051 to Clearwater Construction, Inc. for reconstruction of the Addingham Bridge (County Bridge No. 73) Rosemont Avenue over Darby Creek to *decrease* the contract sum in the amount of \$54,374.56. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Mr. Bierling asked for the approval of Item 9, an Amendment to Contract No. 47986 with J. D. Eckman, Inc. to *decrease* the contract sum in the amount of \$317,309.18 for the construction of the Chester Creek Pedestrian Trail. The new contract sum is \$6,256,404.67.

Motion made by Mrs. Morrone approving Amendment No. 1 to Contract No. 47986 to J. D. Eckman, Inc. for construction of the Chester Creek Pedestrian Trail to *decrease* the contract sum in the amount of \$317,309.18. The motion is subject to the Solicitor's approval, seconded by Mr. Culp and carried unanimously.

Chairman McBlain called on Joe Dougherty, Director of Human Services, to speak on Agenda Item 10.

Mr. Dougherty asked for the approval of a Training Contract to train approximately 120 people on ASAM (American Society of Addiction Medicine) criteria. This is for assessments, placement, continued stay and discharge. This is funded with 100% State dollars. He also asked for the approval of three Subsidized Day Care Providers of Service, which is 100% State and Federal dollars.

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

Chairman McBlain spoke on Agenda Item 11, recognizing February 18-24 as National Engineer's Week.

Chairman McBlain said, when we go about our lives, we might not give much thought to the countless engineers who created, designed and built the machines, roads, buildings and systems we use on a daily basis. The truth is engineers of all kinds, aeronautical, civil, mechanical, chemical, electrical and more, have applied their education, innovation and skill to improve our lives.

Across the nation and in Delaware County, engineers work to make sure America is ready for a technological tomorrow. Engineers work to improve the productivity of our businesses, the quality of our products and the safety of our workplaces. Engineers provide the important technical information our legislators need to shape future public policy. The field of engineering is vital to the progress of our county as well as our nation.

Each year the National Society of Professional Engineers observes National Engineer's Week in celebration of the profession that has been instrumental in making the United States the world's most advanced technological society. This year, Engineer's Week will be celebrated February 18 through the 24, with the theme "Engineers: Inspiring Wonder."

The engineers in Delaware County are very active in the community with our educational institutions to help train the nation's future scientists, technicians and engineers. They help with several youth math and science programs such as MATHCOUNTS, Future City, the Delaware County Science Fair and several scholarship activities.

Next week, the Delaware County Chapter of the Pennsylvania Society of Professional Engineers will celebrate with an awards banquet on February 21, at the Concordville Inn. They will honor Charles J. Catania, Jr. as the Delaware County Engineer of Year; Joshua D. Treisner as Young Engineer of the Year; Dave Campbell will receive the 2018 Lifetime Achievement Award; and the Chester Road 320 Swarthmore Roundabout is recognized as the Project of the Year.

Chairman McBlain also recognized the following individuals who attended today's meeting on behalf of the Delaware County Chapter of the Pennsylvania Society of Professional Engineers: Michael Ciocco of Catania Engineering; Eileen Nelson of Stantec; Nick Cirilli of Cirilli Associates and President of Yerkes Associates; Susan Best and Lisa Catania.

Chairman McBlain called on Mr. Madden to speak on Agenda Item 12 recognizing the "2018 All Delco Reads" Program and the Delaware County Reading Council.

In Delaware County, Mr. Madden said we have a program known as "All Delco Read" organized through the Delaware county Reading Council. The theme for this year is "*One World, Many Stories*" and four outstanding books have been selected that exemplify this theme including the high school and adult reading selection, *Every Falling Star* by Sungju Lee and Susan McClelland.

Every Falling Star is the intense, true-story memoir of a North Korean boy named Sungju who is forced at age twelve to live on the streets and fend for himself. To survive, Sungju creates a gang and lives by thieving, fighting, begging and stealing rides on cargo trains. Sungju richly creates his personal story, depicting what it was like for a boy alone to create a new family with his gang his "brothers"; to be hungry and to fear arrest, imprisonment, and even execution. This riveting memoir allows young readers and adults alike to learn about other cultures where freedoms they take for granted do not exist.

Mr. Madden said we are pleased to promote this great literacy program. County Council is partnering with the Delaware County Reading Council and our Library System to urge young people and adults to read this remarkable true story and to discuss the book among friends in organized book clubs or at library programs. There are also reading selections for middle school, elementary and kindergarten students.

Residents have many different ways to access the book selections, from obtaining a copy at their local library or by downloading it onto their digital device. If you are not a member of our local library, we highly recommend that you join and get a library card. That is your ticket to

hours of reading, either with books from the library or by downloading e-books from our library system website.

Mr. Madden recognized the following individuals from the Delaware County Reading Council - Dr. Susan Kulp, Principal of Edgewood Elementary School and Marcia DeSantis, a reading specialist at Edgewood Elementary and from the Delaware County Library System - our Director Cathy Bittle and members of her staff including Janis Stubbs, Kristin Suda, Cherri Crow and Brian Dillon.

Chairman McBlain called on Mrs. Morrone to continue with today's Agenda Items.

Motion made by Mrs. Morrone approving Item 13, the request by the Controller's Office for payment of current bills, seconded by Mr. Culp and carried unanimously.

SOLICITOR: Mr. Maddren said he had one item of business this week. He is inviting County Council to ratify a motion to intervene on what he filed in the Adelpia Gateway LLC matter before the Federal Energy Regulatory Commission. This is not a matter that Delaware County has any specific jurisdiction over or will be granting any permits for or anything like that. He wanted to enter his appearance so that Council has the opportunity to participate if they so choose.

Adelpia Gateway is seeking to repurpose the southern 50-miles of an existing 84-mile pipeline. That pipeline originally took oil from Marcus Hook northward to North Hampton County. Adelpia is proposing to repurpose that pipeline to carry natural gas southward along that route. The northern 34-miles was converted to carry natural gas in 1996, so this would be the remainder of the pipeline.

Adelpia provided notice of its filing to Delaware County municipalities dated January 26 and the deadline to intervene was yesterday (February 13). The pipeline runs through Concord, Chester Heights, Bethel, Upper and Lower Chichester and into Marcus Hook.

Mr. Maddren said the action that he requests consideration is on today is a motion to ratify his intervention in that matter.

Chairman McBlain asked if there was any member of Council who wished to make a motion to approve and ratify the intervention of Delaware County with the Federal Energy Regulatory Commission matter involving the Adelpia Pipeline.

Mr. Culp made the motion to approve and ratify the intervention of Delaware County with the Federal Energy Regulatory Commission matter involving the Adelpia Pipeline, seconded by Mrs. Morrone.

Mr. Madden wished to clarify what he heard Solicitor Maddren say. He believes what he heard him say yesterday was that this motion essentially allows him (Solicitor Maddren) to insert ourselves as a party to the ongoing process of this pipeline being converted and allow us (the County) to be informed in a way about how it is happening and to the extent if we have any actions we would like to take this gives us the ability to do so.

Solicitor Maddren said yes. If granted, this motion would make us a party to the matter which would enable us to issue comment down the road or file any motions that Council deems fit. In addition, it allowed him to e-subscribe to the filings in the matter so that he can read other people's comments. If there is anything that seems appropriate for Council's consideration, he will provide that as well.

Mr. Madden said this is no way explicit or implicit approval on the part of Delaware County of the change.

Solicitor Maddren said we didn't take any position on this change in this filing. Simply stated, we thought it was a matter of public importance in Delaware County.

With no further discussion on the motion, the motion was unanimously approved.

Mrs. Morrone spoke on the issue of the pipeline that we've had as a discussion at several of our public meetings over the past several weeks and to make a recommendation for a motion on that.

Mrs. Morrone said there was lots of conversation on this pipeline issue with Council members appointed to review and to come up with recommendations. They have gone through several iterations that were reviewed between Council and (as she said a few weeks ago) she felt a compromise was very close and that was attainable. With the recommendation that she is going to present today, it compromises all the positions and takes into account recommendations from all County Council members.

Safety is very important to her and so is economic development and economic impact. She thinks they both need to coexist in our community and to be able to both thrive in our community. The following recommendation is a balance of all of those things and takes into account a combination of the recommendations from all Council members into that compromise and collaboration position that she felt was very important to recommend to Council.

The following is the recommendation for the Delaware County Pipeline Hazard Analysis:

OBJECTIVE – to define the scope and methods of conducting a hazards analysis for awareness, emergency preparedness and response to address the concerns and educate the general public along pipeline routes in Delaware County with particular emphasis on the Mariner East 2 pipeline under construction.

PROPOSAL – the Emergency Services Department of Delaware County (the ESD) shall be tasked with commissioning a Hazards Analysis (the Analysis) of the Mariner East Project with the following directives:

1. Any directors or officers overseeing the Emergency Services Department who work for or have done work for Sunoco or any of its subsidiaries or affiliates (collectively known as Sunoco) in the past five years must recuse themselves so as to maintain the credibility and impartiality of the Analysis.
2. The Analysis would be conducted by a vendor independent of both Sunoco and any department or agency of Delaware County or the Commonwealth of Pennsylvania whom is deemed experienced and qualified to conduct the Analysis, as described in Part 4 below.
3. An RFP for the Analysis shall be issued no later than March 14, 2018, with responses to the RFP due no later than April 16, 2018. The RFP process shall comply with all County purchasing policies and procedures.
4. The Analysis should:
 - a. Identify with specificity any hazards, including magnitude and probability associated with pipeline routes in Delaware County with a particular emphasis on the Mariner East 2 Project (either its construction or ongoing operation) posed to residents and first responders of Delaware County, and the estimated geographic areas within Delaware County impacted by each such hazard.
 - b. Request an evaluation to be provided for the most recent Pennsylvania Utility Commission and U.S. Department of Transportation PHMSA (Pipeline & Hazardous Materials Safety Administration) review of Integrity Management Programs on pipeline routes in Delaware County with particular emphasis on the Mariner East 2 pipeline under construction.
 - c. Examine the means for first responders to address each hazard identified in 4a.
 - d. Provide any recommendations for means (either in the construction or ongoing operation) of materially mitigating any risks identified in 4a.
 - e. Specifically study school response should an unintended release occur.
 - f. Upon its completion, be publicly available.

She stated that as a motion and was seconded by Mr. Madden and Mr. Zidek.

Chairman McBlain asked if there was any discussion on the motion. Mr. Culp asked to discuss this motion.

On the record, Mr. Culp wished to state that he is not opposed to doing something, but he wanted to make sure we have the appropriate study. He looked on the Middletown Coalition for Community Safety's website and he saw they had done a Hazards Mitigation Study. However, they are saying they didn't have the appropriate data, therefore, that's invalid. Well, if we don't have the appropriate data, how are we supposed to do a study?

He spoke with Mr. Zidek a few times this week, Mr. Madden today and with Mrs. Morrone. Personally, he thinks we are rushing into this. He tried to make a compromise. They worked together and some of his ideas are included in this motion proposal. But, unfortunately, he thinks we are commissioning a study when we don't have the appropriate data right now.

Mr. Culp said he was willing to keep talking about a compromise and hoping it could happen. Some of his arguments are included in the proposal, which he is happy to see, but he is not ready to make a decision today. He wanted to speak about it a little longer, but he respects his colleagues' decision to move forward.

Mr. Madden wished to make a few comments on the motion. He started by acknowledging Mr. Culp's concerns. To the extent the data is not available, he believes that is up to the vendor who is chosen to ascertain that, but he would certainly like to see that we did this (attempt as much we can).

He appreciates his colleagues on County Council for taking this exceedingly difficult topic to remove emotion from given the fact that we are talking about people's ability to put bread on the table and a topic that includes words like "blast zone." Quite often the topics that are most difficult to find a resolution for because emotion can blind us to the underlying fact set. He applauds his colleagues for being able to do so. He supports Council's decision to move forward. He is not saying this is the end. We do not have an analysis in hand, but he thinks it's a very good first start.

Mr. Zidek also commented on the proposed motion. He appreciates all the work and intensity of feelings that surrounds this subject, both amongst the members sitting on Council and also from the public. He doesn't believe that anyone sitting here on Council today is pro or anti-pipeline. What he is in favor of is getting a scientific independent analysis that can better inform all our citizens of the risks that might be present with regard to the Mariner East pipeline.

He did want to clarify that when we are speaking about a Hazards Analysis, the wording is slightly different from previous proposals that had been brought forth, that talked about risks assessments or quantitative risks analysis, he doesn't have a particular desire for the term to be one or another. If there has been a term or terms that have been politicized or weaponized or are offensive to some, then by all means we should not use them. The goal is not to politicize

anything here. He wants to be clear, that when we talk about hazard analysis what he understands that we are seeking is an examination of the likelihood that a release of NGL's might occur from the Mariner East Project and then an examination of the consequences from such a release. That release could occur either accidentally or he supposes purposefully as well.

Mr. Zidek appreciates Mr. Culp's perspective that in the absence of getting all of the data from Sunoco, the analysis will be less useful than it otherwise would be and he would invite Sunoco to make available to the chosen entity who is going to be collecting this analysis to give that entity the information necessary to make sure that the analysis is accurate.

Chairman McBlain stated for the record, as he has done over the last few weeks, he will not be voting on this. Although there is no conflict of interest under the Ethics Act, the law firm from where he is employed has done work for Sunoco and so to avoid any appearance of impartiality he will not participate.

Chairman McBlain said since there is not further discussion or comments on the motion, he asked for a vote on the motion. The following votes were registered: Zidek, Morrone and Madden – Yay; Culp – Nay, and Chairman McBlain did not vote. (3-1) The motion was passed.

Mr. Zidek had one other item he wished to discuss. Section 421 of the Home Rule Charter calls for the appointment of a Board of Elections. His understanding is that the last such appointment occurred on February 3, 2016 and the Home Rule Charter further states that the term for the Board of Elections shall be two years. It seems to him that we no longer have a Board of Election as we sit here right now and he wanted to take steps today to try and address that.

Chairman McBlain said that matter is not on our agenda today. He knows Council members have sought to have candidates submit their resumes or proposals. We welcome people to do that but those appointments are not on our agenda today. He expects some action will be taken in the near future.

PUBLIC COMMENT: Tony Lusi, 309 7th Avenue, Folsom, and a member of the Operating Engineers, Local 542 (heavy equipment operators) commented on the Mariner East Pipeline and the work that his union does on that project and at the Marcus Hook Refinery.

Brittany Fleming, 1212 Madison Avenue, Prospect Park, a heavy equipment operator for the Operating Engineers, Local 542 and has worked on the Mariner East Pipeline Project and said she wished to reinforce the safety measures that are taken while working on that line.

Jonathan Morgan, Secretary/Treasurer and Business Agent to Labors International Union of North America, Local 413, 222 Penn Street, Chester City, said a few words about the Mariner East Pipeline Project and the safe and responsible development of these lines. This union has

invested interest in the continued vitalization and expansion of the Marcus Hook Industrial Complex.

Philip Block, 357 Willits Way, Chester Heights, commended County Council for approving the motion to move forward with the Hazardous Assessment on the Mariner East 2 Pipeline. He added one thought about a pre-process of doing that assessment. He recommends that Council institutes an effort to define what “acceptable risks” are before they actually get the numbers.

Shelly Rahman, 304 Crum Creek Lane, Newtown Square, commented on the Board of Elections.

Denise McCarthy, 17 Hadley Lane, Glen Mills, thanked County Council for ratifying the Adelphia intervention that Solicitor Maddren presented today, and made a few comments on the Chester Creek Pedestrian Trail and the “All Delco Reads” Program.

Terry Owen, of Aldan Borough, commented on the National “Take-Back” Drug Program and the possible expansion of public service announcements on the dates and times of this program.

Robert Doyle, 30 Broomall Lane, Glen Mills, a member of the Operating Engineers, Local 542 and has worked for SunEast for Chicago Bridge and Iron (CBI), the company that built all the tanks said he understands the concerns of the residents but he wanted to reassure them of the safety measures taken in all this.

George Alexander, 437 E. Franklin Street, Media, said his concern is the lack of public input into the Hazardous Analysis and selecting a vendor to do this study.

John M. Gallagher, 1002 Twyckenham Road, Media, made remarks about Russia meddling into the 2018 Elections.

Rosemary Fuller, 226 Valley Road, Media, commented on wells that have been contaminated due to the Mariner East 2 Pipeline Project and the effect on property values.

COUNCIL: Chairman McBlain said last year Delaware County Council was one of the first governments in Pennsylvania to file a lawsuit against approximately twenty drug companies that manufacture opioids such as OxyContin. Our complaint laid out a detailed narrative of the deceptive research and marketing practices of these companies. Beginning in the 1990’s that, in our opinion, has directly led to the heroin and opioid crisis we face today.

The numbers in Delaware County bears repeating. More than 200 deaths per year and many times that individuals have become addicted each year. We are nearing 1,100 saves by our police departments with Narcan and there are likely just as many saved by Narcan by EMS Responders.

One of the stated purposes of the lawsuit is to recover the millions of taxpayer dollars that have been spent fighting the effects of this epidemic. But in his mind, just as importantly, the purpose was to bring to bear a pressure on these drug companies through multiple lawsuits to stop what they were doing. Sometimes the cost of litigation is the only way to assert such pressure.

This past week, Purdue Pharma, the makers of OxyContin, announced that they will stop encouraging doctors to write the painkiller script. On Monday, February 19, Purdue will halt all promotion of the drug to healthcare professionals. It will slash sales staff and stop the marketing of this drug. Purdue Pharma was the first named defendant in our lawsuit.

There is more than this that needs to be done and this is not the cure to the epidemic. Our role dealing with the effects of the epidemic continues to grow.

Purdue didn't take this action because of Delaware County's lawsuit alone. He hopes that somehow the actions we took are starting to have the intended effects. He hopes to read a lot more about these stories in the months to come.

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

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>
Train for Change, Inc	ASAM Training	3/1/18-6/30/18	N/A	\$25,500
Memorable Moments Youth Development Program Inc	Subsidized Day Care	12/1/17-*	N/A (Based on maximum State childcare allowance)	N/A
The Porters Day Care and Education Ctr	Subsidized Day Care	11/1/17-*	N/A (Based on maximum State childcare allowance)	N/A
Twole Learning Academy LLC	Subsidized Day Care	11/1/17-*	N/A (Based on maximum State childcare allowance)	N/A

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