

BUCKS COUNTY COMMISSIONERS

May 20, 2020

The Regular Meeting of the Bucks County Board of Commissioners was held today at 10:00 am, in the Bucks County Commissioners’ Meeting Room, 55 E. Court Street, Doylestown, Pennsylvania. In attendance were Commissioner Diane M. Ellis-Marseglia, Chair; Commissioner Robert J. Harvie, Vice Chair; and Commissioner Gene DiGirolamo. Commissioner Marseglia welcomed everyone to the meeting and advised that public comments on agenda items will be accepted until 10:05 via email at [publiccomment@buckscounty.org](mailto:publiccomment@buckscounty.org). Chief Financial Officer Dave Boscola, led the Pledge of Allegiance.

Commissioner Harvie requested a moment of silence in honor of Memorial Day this weekend, to remember all those who have given their lives for our country. Commissioner Marseglia announced that the Memorial Day flag supply problem has been resolved and they will be placing them on veteran’s graves this weekend. The county is supplying masks to all those helping.

Commissioner Marseglia asked that people bear with them as they work to perfect the livestreaming of the meeting. She also noted that everyone present has masks, but they have taken them off for the meeting since they are all sitting six feet apart.

PROCLAMATIONS

The Commissioners proclaimed May 2020 as “Community Action Month,” recognizing the Bucks County Opportunity Council’s efforts to reduce poverty and partner with the community to promote economic self-sufficiency.

The Commissioners proclaimed May 2020 as “Foster Care Month,” recognizing the Bucks County Children and Youth Social Services Agency for their commitment to recruiting and supporting a network of foster parents and volunteers to protect and embrace Bucks County children in need.

PUBLIC COMMENT – Agenda Items

To supplement the public access provided by the [publiccomment@buckscounty.org](mailto:publiccomment@buckscounty.org) e-mail address, the meeting was livestreamed via Facebook.

Bucks County Solicitor Joe Khan read the following email received from Andy Warren, former commissioner from Middletown Township, concerning agenda item 16a. Mr. Khan noted this is the proposed settlement agreement in the Taha class action matter:

*Could the Commissioners please briefly discuss the history/resolution of this item?*

*Andy Warren  
Langhorne*

Commissioner Marseglia advised that this will be discussed when they get to the regular agenda.

No other emails were received for public comment.

CONSENT AGENDA

Upon motion of Commissioner Harvie, seconded by Commissioner DiGirolamo, with the vote being 3-0, the following items on the consent agenda were approved:

- A. Minutes from the May 6, 2020 regular meeting
- B. Resolutions

1. AGRICULTURAL PRESERVATION	a. Kevin Willauer Quakertown, PA	Approve county’s portion of a 12.222 acre agricultural conservation easement on the Willauer farm located on John Fries Highway in Milford Township. (Subject to approval by County Solicitor) (TMP 23-010-090)	\$97,776 + settlement charges and adjustments (County 100%)
2. AREA AGENCY ON AGING	a. Associates Home Care, Inc. Bensalem, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$150,000** (County 0%)
	b. Bucks County Transport, Inc. Holicong, PA	Approve contract increase and extension to provide subsidized transportation services for seniors. 7/1/20 – 6/30/21	\$140,000** (County 0%)

	c.	Comfort Home Care, Inc. Feasterville, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$100,000** (County 0%)
	d.	Dacha Corporation Philadelphia, PA	Approve contract increase and extension to provide adult day services for seniors. 7/1/20 – 6/30/21	\$50,000** (County 0%)
	e.	Delcrest Medical Services Ivyland, PA	Approve contract increase and extension to provide delivery of medical supplies and equipment to homebound seniors. 7/1/20 – 6/30/21	\$20,000** (County 0%)
	f.	Epic Health Services (PA) LLC d/b/a Aveanna Healthcare Blue Bell, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$50,000** (County 0%)
	g.	Expert Home Care, Inc. Feasterville, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$100,000** (County 0%)
	h.	Homemaker Service of the Metropolitan Area, Inc. Philadelphia, PA	Approve contract increase and extension to provide personal assistance services to homebound seniors. 7/1/20 – 6/30/21	\$35,000** (County 0%)
	i.	Lifeline Systems Company Framingham, MA	Approve Amendment to Exhibit B of contract to provide personal emergency response systems and medication dispensing and monitoring services. 5/1/08 – ongoing	
	j.	Maximum Care Inc. Whitehall, PA	Approve contract increase to provide in-home services to homebound seniors. 7/1/20 – 6/30/21	\$400,000** (County 0%)
	k.	Penn Asian Senior Services, Inc. Philadelphia, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$20,000** (County 0%)
	l.	Precise Point Inc. d/b/a Unique Aid Lansdale, PA	Approve contract increase and extension to provide in-home services for seniors. 7/1/20 – 6/30/21	\$50,000** (County 0%)
	m.	PSI Personnel, LLC Doylestown, PA	Approve contract increase and extension to provide temporary clerical support staff for Area Agency on Aging and Board of Elections. 7/1/20 – 6/30/21	\$85,000** (County 76%)
	n.	The Peace Center Langhorne, PA	Approve contract increase and extension to provide mediation resolution services. 7/1/20 – 6/30/21	\$1,500** (County 0%)
	o.	Valued Relationships, Inc. Franklin, OH	Approve Amendment to Exhibit B of contract to provide personal emergency response systems and medication dispensing and monitoring services. 7/1/08 – ongoing	
3.		CHILDREN & YOUTH		
	a.	Northern Children’s Services Philadelphia, PA	Approve contract to provide foster care services. 7/1/19 – 6/30/20	\$32,000** (County 20%)
	b.	The Children’s Choice, Inc. Chester, PA	Approve contract to provide foster care services. 7/1/19 – 6/30/21	\$90,000** (County 20%)
4.		EMERGENCY MANAGEMENT		
	a.	Advaite Inc. Chester Springs, PA	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$20,000* (County 100%)

	b.	General Chemical & Supply Moorestown, NJ	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$22,325.69* (County 100%)	
	c.	Home Depot Pro Institutional Jacksonville, FL	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$26,448* (County 100%)	
	d.	Ionized, LLC Sugar Land, TX	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$379,719* (County 100%)	
	e.	Interboro Packaging Corp. Montgomery, NY	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$19,207.60* (County 100%)	
	f.	Manheim Medical Supply Lancaster, PA	Approve contract to purchase personal protective equipment and supplies for the COVID-19 pandemic. 4/1/20 – 5/1/20	\$23,387.40* (County 100%)	
	g.	NextGen Security LLC Exton, PA	Approve contract to replace surveillance camera system at the 911/Emergency Services Building. 5/20/20 – Completion	\$48,278 (County 100%)	
5.	GENERAL SERVICES	a.	Electri-Tech Inc. Folsom, NJ	Approve contract increase for electrical contractor for Administration Building renovation project.	\$139,319.34 (County 100%)
		b.	Gilmore & Associates, Inc. New Britain, PA	Approve contract increase for engineering design services for Bucks County Bridge #270, on Roudenbush Road over Kimples Creek in Haycock Township.	\$8,961.81** (County 100%)
6.	HOUSING & COMMUNITY DEVELOPMENT	a.	Bucks County Opportunity Council Doylestown, PA	Rescind contract to provide funding to assist clients impacted by the COVID-19 Pandemic. 3/19/20 – 3/18/21	(\$400,000)
		b.	Bucks County Opportunity Council Doylestown, PA	Approve contract to provide funding to assist clients impacted by the COVID-19 Pandemic. 3/1/20 – 12/30/20	\$500,000 (County 0%)
		c.	Pennsylvania Department of Community and Economic Development Harrisburg, PA	Approve decrease of 2020 Emergency Solutions Grant to fund Housing Locator activities, rental and financial assistance, and housing stability case management services. 11/30/20 – 5/30/22	(\$149)
7.	HUMAN SERVICES	a.	Bucks County Drug & Alcohol Commission, Inc. Doylestown, PA	Approve pass through of Human Services Block Grant funds to be used for prevention, treatment of and recovery from opioid use disorders. 7/1/19 – 6/30/20	\$279,000 (County 0%)
8.	INFORMATION TECHNOLOGY	a.	Core BTS, Inc. Exton, PA	Approve purchase of Cisco Meraki gear for Administration Building renovation project.	\$37,390.86** (County 100%)
		b.	High Availability, Inc. Eden Prairie, MN	Approve contract to provide hardware support for data centers. 7/1/20 – 6/30/21	\$15,861 (County 100%)
		c.	Lexis Nexis Miamisburg, OH	Approve contract increase and extension to provide on-line legal research access. 9/1/20 – 4/30/22	\$60,131.36* (County 100%)
		d.	Vertiv Corporation Columbus, OH	Approve contract to provide maintenance for uninterrupted power supply for data centers. 7/1/20 – 6/30/21	\$30,273.24 (County 100%)

9. LAW DEPARTMENT	a. Ishmael Ali Burk, Jr.	Approve payment in the matter of <u>Ishmael Ali Burk, Jr. v. Bucks County Correctional Facility, et.al.</u> for settlement of litigation and general release of claims.	\$2,000 (County 100%)
	b. Sandra Burk Trenton, NJ	Approve payment in the matter of <u>Ishmael Ali Burk, Jr. v. Bucks County Correctional Facility, et.al.</u> for settlement of litigation and general release of claims.	\$2,500 (County 100%)
	c. James Covington, Patrick Whalen, and Abramson & Denenberg, P.C. c/o Alan Denenberg Philadelphia, PA	Approve payment in the matter of <u>Covington v. Bucks County Correctional Facility, et.al.</u> for settlement of litigation and general release of claims. (Subject to approval by County Solicitor)	\$32,000 (County 100%)
	d. Pacific Life & Annuity Services, Inc.	Approve payment in the matter of <u>Covington v. Bucks County Correctional Facility, et.al.</u> for settlement of litigation and general release of claims. (Subject to approval by County Solicitor)	\$18,000 (County 100%)
10. NESHAMINY MANOR	a. Medline Industries, Inc. Northfield, IL	Approve contract to provide skin care protectant products for residents. 6/1/20 – 5/30/22	\$127,410* (County 0%)
11. PLANNING COMMISSION	a. Pennsylvania Emergency Management Agency Harrisburg, PA	Approve receipt of grant to complete update to the 2016 County Hazard Mitigation Plan. 10/31/18 – 4/1/22	\$60,000 (Revenue)
12. PURCHASING	a. CNS Acquisition Corp. d/b/a CNS Cleaning Company Bensalem, PA	Approve contract increase to provide janitorial services for 17 locations. 5/1/20 – 4/30/21	\$38,709* (County 100%)
13. VOTING MACHINES	a. Fares Farhat General Construction Services Halifax, PA	Approve contract to provide hauling of voting machines for the 2020 & 2021 elections. 5/20/20 – 12/31/21	\$39,290.40* (County 100%)

REGULAR AGENDA

14. COMMISSIONERS	a.	Approve resolution extending the Declaration of Disaster Emergency of March 13, 2020 relative to a pandemic outbreak through June 4, 2020.	
15. HOUSING & COMMUNITY DEVELOPMENT	a. Pennsylvania Department of Community and Economic Development Harrisburg, PA	Approve application and acceptance of Emergency Solutions – CARES Act (ESG-CV) grant funds to provide homeless assistance and support as a result of COVID-19. 4/1/20 – 10/1/22	\$996,400 (Revenue)
16. LAW DEPARTMENT	a.	Approve proposed Settlement Agreement in the class action matter of Taha v. Bucks County et al. (Subject to preliminary and final approval of court)	\$7,500,000 to \$14,000,000** (County 100%)
17. WORKFORCE & ECONOMIC DEVELOPMENT	a. Armada Analytics	Approve contract for financial review of CARES Act Grant applications.	\$150/application**

\*Unit Cost/Estimated for operational purposes only.      \*\* Unit Cost/Not to Exceed

Item 16a – Commissioner Marseglia said that she is the only current commissioner who was here back when this difficult case began and said that the prospect of the county having to come up with \$68 million kept her awake many nights. The commissioner commended Mr. Khan for the work that has been done to resolve this matter since he took the lead four months ago as County Solicitor.

Mr. Khan provided background information on this class action lawsuit that started eight years ago, eventually resulting with a jury verdict against the county for \$68 million. With the addition of attorney fees and other related costs, the liability to the county approached \$100 million. Mr. Khan advised that, once tasked with resolving this matter by the new administration, he, with the assistance of outside council Mark Aronchick and Burt Rublin, entered into mediation, resulting in a proposed resolution on all matters. This includes a reduction in the possible exposure to the county from the \$68 million class award (plus a service award to Mr. Taha) to no more than \$10 million, and the

potential attorneys' fees/costs capped at no more than \$4 million. As part of the settlement the county has also agreed that a portion of any amount not spent toward the \$10 million cap for the class will be dedicated toward expungement and addiction treatment services through the Bucks County Public Defender's Office.

Mr. Khan explained that by approving this matter today, the commissioners are authorizing the proposed settlement agreement to be submitted to the district court, which will conduct a hearing through Zoom on June 1<sup>st</sup>. If the judge preliminarily finds this to be a reasonable resolution, notices will be sent out to the class members to file claims. Eventually, the case would go back to the judge for a final approval hearing.

In response to Commissioner Harvie's request, Mr. Khan provided information about expungements. Commissioner Harvie added his thoughts about this case, noting that the potential legal fees and interests costs could have pushed the County's liability over \$100 million, and expressed his appreciation to Mr. Khan and his colleagues for all their work. Commissioner DiGirolamo also expressed his thanks to Mr. Khan, adding that he hopes that the judge sees that this a fair and reasonable resolution for everybody involved.

Item 17a – Commissioner Harvie explained that this contract will provide for the processing of applications for the Bucks Back to Work Small Business Grant program. The commissioner advised that the CARES Act funding will allow them to offer \$6 million in grants to small businesses in the county that have been negatively impacted by COVID-19. Business owners who are interested in applying are invited to a Zoom webinar tomorrow at 2 pm. Additional information about this and the grant application process is available on the county website. Applicants are encouraged to apply by email next Tuesday, May 26<sup>th</sup> between the hours of 5:00 am and 9:00 pm. Paper applications can be dropped off at the Administration Building on May 26<sup>th</sup> between 10:00 am and 4:00 pm. The commissioner also noted that, if not selected this time, applications will be held for consideration during future rounds.

Commissioner DiGirolamo spoke in support of this program to assist small businesses, and emphasized that applications that are not accepted this time will be held for future consideration.

**PERSONNEL**

Upon motion of Commissioner Harvie, seconded by Commissioner DiGirolamo, with the vote being 3-0, the following Personnel Actions were approved:

COMMISSIONERS LIST								
May 20, 2020								
As recommended by the Department of Human Resources								
Item numbers 1 through 39								
APPOINTMENTS								
REQUISITION #	NEW HIRE NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
1	4371	Johnny C. Ball III	Grounds Level II	General Services	02	40.0	5/26/2020	23.95 PH
2	4295	Lauren R. Cohen	Clerk Typist II	Children and Youth	04	37.5	5/26/2020	18.83 PH
3	4236	Rachael K. Neff	Housing & Human Services Director	Human Services	88	40.0	5/26/2020	110,000.00 PA
4	4381	Joseph Nocito	Trades Level I	General Services	02	40.0	5/26/2020	28.91 PH
5	4370	Michael Reinhard	Custodian	General Services	02	40.0	5/26/2020	21.22 PH
PER DIEM TO PERMANENT								
REQUISITION #	NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
6	4330	Violene Alphonse	Nursing Assistant - PD TO Nursing Assistant	NM Nursing Assistants	03	24.0 TO 40.0	5/23/2020	20.37 PH TO 20.78 PH
7	4330	Nasiyah N. Anderson	Nursing Assistant - PD TO Nursing Assistant	NM Nursing Assistants	03	24.0 TO 40.0	5/23/2020	20.37 PH TO 20.78 PH
8	4371	Joseph A. Hutflus	General Service - PD TO Grounds Level II	General Services	00 TO 02	40.0	5/26/2020	11.73 PH TO 23.95 PH
9	4330	Marie K. Saintine	Nursing Assistant - PD TO Nursing Assistant	NM Nursing Assistants	03	24.0 TO 40.0	5/23/2020	20.37 PH TO 20.78 PH
POSITION CHANGE								
REQUISITION #	NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
10	N/A	Jessica M. Kimmel	Project Administrator - CDBG TO Program Manager, Community Development	Housing & Community Development	00	40.0	5/23/2020	53,789.00 PA TO 69,500.00 PA
11	4369	Dawn A. Ricci	Custodian-NMH TO Custodian	General Services	02	40.0	6/8/2020	21.72 PH
TRANSFER								
REQUISITION #	NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
12	N/A	Jeffrey S. Fields	Director of Housing Services TO Director of Housing & Community Development	Housing TO Housing & Community Development	11	40.0	5/23/2020	87,394.00 PA TO 103,000.00 PA
13	N/A	Deanna M. Giorno	Deputy Chief Operating Officer TO Program Manager, Economic Development	Commissioner TO Workforce & Economic Development	00	40.0	5/23/2020	71,665.00 PA
SALARY ADJUSTMENT								
REQUISITION #	NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
14	N/A	David P. Boscola	Director of Finance & Administration TO Chief Financial Officer	Finance	88	40.0	5/23/2020	131,331.00 PA TO 145,000.00 PA
15	N/A	Andrew G. Heimark	Director of GIS Planning	Planning Administrative	00	40.0	5/23/2020	85,009.00 PA TO 90,009.00 PA
16	N/A	Shannon T. Kirby	Assistant Project Administrator	Community-Economic Development TO Housing & Community Development	00	40.0	5/23/2020	23.51 PH TO 24.03 PH
17	N/A	Deborah A. Kirkner	Project Administrator TO Project Administrator, Homeless Services	Housing TO Housing & Community Development	00	40.0	5/23/2020	57,909.00 PA TO 59,909.00 PA
18	N/A	Steven Mawhinney	Chief of Rangers	Park Rangers	00	40.0	5/23/2020	78,654.00 PA TO 83,654.00 PA
19	N/A	Deborah M. Robison	Project Administrator TO Project Administrator, Housing	Housing TO Housing & Community Development	00	40.0	5/23/2020	57,909.00 PA TO 59,909.00 PA
END OUT OF CLASS/TEMP ASSIGNMENT								
REQUISITION #	NAME	POSITION TITLE	DEPARTMENT	UNION CODE	HOURS	EFFECTIVE DATE	COMPENSATION	
20	N/A	Jeffrey S. Fields	Director Community & Economic Development TO Director of Housing Services	Community-Economic Development TO Housing	11	40.0	5/22/2020	89,337.00 PA TO 87,394.00 PA
21	N/A	Jessica M. Kimmel	Program Coordinator TO Project Administrator - CDBG	Community-Economic Development	00	40.0	5/22/2020	60,188.00 PA TO 53,789.00 PA



OTHER CIVICS

Upon motion of Commissioner Marseglia, seconded by Commissioner Harvie, with the vote being 3-0, the following Other Civics contribution was approved:

Bucks for Kids \$3,000

AND the proper officers are authorized to execute all documents necessary to carry this Resolution into effect.

CHIEF OPERATING OFFICER REPORT

Margie McKeivitt, Chief Operating Officer, reported on the following:

The governor announced yesterday that the state will be providing funding to food distributors to purchase dairy, meat, and produce from local farmers. They will then work with the food pantries and other non-profits to distribute the food to those families facing food insecurity. Two Bucks County food distributors that were awarded this funding were Derstine’s in Sellersville, and Stanley Marvel in Bensalem Township.

The Bucks County Opportunity Council is holding a food drive today in Doylestown until 12 pm at 100 Doyle Street. Any help is appreciated.

Thanks to all co-workers and departments for their efforts to get the buildings clean and ready for people to safely maintain social distancing.

SOLICITOR REPORT

(None. Mr. Khan mentioned during his comments on 16a that the Board had unanimously authorized the proposed Taha settlement in executive session. The Board met in executive session on several instances since the last Commissioners’ meeting to address ongoing litigation including the Taha matter.)

COMMISSIONER COMMENTS

Regarding the Bucks Back to Work Program, Commissioner Harvie advised that, thanks to input received from the Economic Recovery Task Force, they are working on developing guidelines and policies to help small businesses transition through this difficult time. They have also set up free counseling for businesses through the Upper, Central, and Lower Bucks Chambers of Commerce, and SCORE, Bucks County. The economic resources portal of the COVID-19 page on the county website is currently being revamped to include county, state, and federal guidelines and recommendations for businesses.

Commissioner Harvie said they hope to be moving to the yellow phase within the next few weeks and he thanked everyone for the steps taken and sacrifices made so far, including wearing masks and staying home as much as possible. These efforts have had an impact, as cases have dropped. They hope to continue moving in that direction even after the move to yellow. Please take a look at the website for more information.

Commissioner Harvie reflected on Memorial Day and all those who lost their lives in service to our country. The sacrifices they made were not for a specific group, but for everyone in the country as a whole. He asked that now when people are being asked to make sacrifices, that they remember it is not for themselves but for others they may come in contact with.

Commissioner DiGirolamo spoke about Memorial Day and said that originally it was called “Decoration Day” because they would decorate the graves of the fallen soldiers. He reflected on all those men and women who have given their lives throughout history to protect our county, as well as the hard work and sacrifice of those who are currently in serving. The commissioner recognized Dan Fraley, Director of Military and Veteran’s Affairs, for all of the work he and his staff do to help veterans in the county.

Regarding recent Facebook posts and emails, Commissioner Marseglia asked that people put aside the negativity and stick together. If those we honor on Memorial Day can follow each other into battle, we can follow each other to battle this virus. The commissioner said it is time to think about moving to the yellow phase on June 4<sup>th</sup>, adding that we can hold it together for another two weeks. Election day is June 2<sup>nd</sup>; think about voting and use mail-in ballots.

PUBLIC COMMENT

None

ADJOURNMENT

Upon motion of Commissioner DiGirolamo, seconded by Commissioner Harvie, with the vote being 3-0, the meeting was adjourned.

The next public meeting of the Bucks County Board of Commissioners will be held on Wednesday, June 3, 2020, at 10:00 a.m. in the Bucks County Commissioners' Meeting Room.

Approved: June 3, 2020

BUCKS COUNTY COMMISSIONERS

BY:

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Diane M. Ellis-Marseglia  
*Commissioner, Chair*

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Robert J. Harvie, Jr.  
*Commissioner, Vice-Chair*

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Gene DiGirolamo  
*Commissioner*

ATTEST:

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Gail Humphrey, *Chief Clerk*