A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; Wayne Grube, Vice President; Ron Angle; Charles M. Dertinger; J. Michael Dowd; Margaret Ferraro; Lamont G. McClure, Jr.; Diane Neiper; Leonard N. Zito, Solicitor to Council and Frank E. Flisser, Clerk to Council. Absent was John Cusick.

Prayer

Mr. Dowd led County Council in prayer to open the meeting.

Pledge of Allegiance

Mrs. Ferraro led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 17, 2008 meeting shall be approved.

Mr. McClure seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Frank Ferraina, Palmer Township, PA – advised the renovations to the County Council Meeting Room looked nice, but he wondered why the chairs were not a better quality. With regard to an increase in the salaries, he did not believe if the salaries were higher, the County would get better people.

Mr. Billy Givens, Easton, PA – stated he read in the paper the County was having trouble finding a site for an additional
facility for the prison. He further stated he was in favor of making the position of the Controller full time because he was going to have his work cut out for him auditing the finances of this County. He noted he did not understand why the resolution regarding the Kirkland Village required County Council’s approval.

When Mr. Angle asked that an explanation be given, Mrs. McHale advised Mr. Givens’ concern would be addressed when the resolution was introduced.

Mr. Bernie O’Hare, Nazareth, PA – stated he supported County Council’s decision last week to vote for the voting machines and the process involved. He further stated, according to the State Supreme Court, local Home Rule governments could now adopt campaign finance reform, indicating it was already being proposed in Bethlehem. He noted this would place a cap on the amount of money that could be spent on an election and for a specific office. He further noted he did have information regarding this issue if any member of County Council was interested in introducing such a resolution.

In response to Mr. Angle’s question, Mrs. McHale advised she felt this was an issue to be handled by the Finance Committee. Mr. Angle then asked Mr. O’Hare to bring this up at a Finance Committee meeting.

Executive Session – Wind Gap Industrial Road Litigation

Mrs. McHale stated a request was received from the County Executive to hold an Executive Session and called on Mr. Zito to address the matter.

Mr. Zito advised he was informed that the County Executive and the County Solicitor had requested that an Executive Session be held for the purpose of providing County Council with an update as to the status of the litigation pertaining to Wind Gap Industrial Road.

Mr. Dowd made a motion to move to Executive Session.

Mr. McClure seconded the motion.

The motion was passed by voice acclamation.
Mrs. McHale called the meeting back to order and asked Mr. Zito to report on the Executive Session.

Mr. Zito stated County Council adjourned to Executive Session at 6:43 p.m. and was held exclusively for the discussion concerning the status of the Wind Gap litigation. He further stated County Council returned from the Executive Session at 7:30 p.m.

Public Hearing on the Elected Officials Salary Ordinance

Mrs. McHale advised the following ordinance providing for elected officials salaries was introduced by Mr. Cusick and Mrs. Neiper at the meeting held February 7, 2008:

AN ORDINANCE PROVIDING FOR COMPENSATION OF ELECTED OFFICIALS IN THE COUNTY OF NORTHAMPTON

WHEREAS, Northampton County Home Rule Charter Section 106. Compensation provides that, “The County Council shall have the power by ordinance to set the salary of each elected official. No ordinance shall increase or decrease the salary of an elected official during his term of office. No ordinance which increases or decreases the salary of an elected official shall take effect less than one (1) year after its date of enactment.”

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that:

I. Effective January 1, 2012, the County Controller of the County of Northampton shall be compensated on a per annum basis in the amount of fifty thousand dollars ($50,000.00).

II. Effective January 1, 2010, the County Executive of the County of Northampton shall be compensated on a per annum basis in the amount of eighty-five thousand dollars ($85,000.00).

III. Effective January 1, 2010, the members of the Northampton County Council shall be compensated on a per annum basis in the amount of nine thousand five
hundred dollars ($9,500.00). The President of County Council shall receive an additional five hundred dollars ($500.00) per annum as compensation for his/her responsibilities as presiding officer.

IT IS FURTHER ORDAINED AND ENACTED, that the Northampton County Council shall review the salaries of all Northampton County Elected Officials within four years of the effective date of this ordinance.

Mrs. McHale asked if anyone from the public had any questions or comments regarding this ordinance.

Mr. Frank Ferraina, Palmer Township, PA - stated, as he did earlier, he did not believe increasing the salaries would attract better people. He further stated individuals who seek these positions do so to serve the people.

Mr. Angle made a motion to table this ordinance as Mr. Cusick, who was the primary sponsor for this ordinance, was not in attendance and he would like to have a full vote of County Council.

Mrs. Neiper seconded the motion.

Mrs. McHale called for the vote by acclamation. She indicated six members voted for the motion, with Mr. Grube and Mr. McClure voting against the motion.

The motion was passed by a vote of 6-2.

Update on the Gracedale Window Project

Mrs. McHale advised the County Executive requested the opportunity to present an update on the Gracedale window project.

Mr. Steve DeSalva, Director of Public Works, introduced Mr. Charles Tomko and Ms. Nicole Gasda from Cowan Associates and Mr. James Lynch from D’Huy Engineering, who provided the presentation.
Mr. Tomko gave a power point presentation and furnished a handout of it (see Attachment #1). He stated the project dealt with the Tower Building at Gracedale which was 10 stories tall. He further stated they installed a trial window on November 29, 2007, but left the interior unfinished for water testing inspection.

Mr. Tomko advised waterproofing of the wall around the trial window was completed on January 7, 2008 with the first certified testing being conducted on January 11, 2008. He further advised when the window was water tested, it only leaked along the bottom in the corners where the screw attached to the subsill. He noted the brick leaked in the mortar joint which dislodged the brick on the right side after approximately fifteen minutes of water and pressure. He further noted modifications were made to the window on January 14, 2008 and to the brick on January 15, 2008.

Mr. Tomko stated a second testing was conducted on January 22, 2008 and water was found to leak in three areas within the receptor system and one area of the brick. He further advised modifications were made to the window on January 28, 2008.

Mr. Tomko advised a third testing was conducted on February 5, 2008 and the window passed the water testing, however, some water penetrated through the brick along the side of the window. He then went through the scope of the construction work.

Ms. Gasda stated they would have a design team meeting with a delivery date of the plans to the County by February 11, 2008. She further stated they then intended to hold a meeting on February 18, 2008 with the finalized plans for bidding to be submitted sometime between February 18, 2008 and February 22, 2008.

Ms. Gasda advised, during that period, Cowan would be submitting the plans to the Department of Health for a six to eight week review process with probably one resubmittal after April 4, 2008.

Ms. Gasda stated the bids would go out for advertising on March 10, 2008 and March 17, 2008, with their being due back by April 10, 2008. She further stated after the bids were received, they would be reviewed and a recommendation made to
Mr. Lynch went over the construction schedule, noting they expected the project to be completed by November of 2010.

Mr. Angle asked Mr. Lynch if he could forward to County Council three geographical locations closest to the Courthouse where these windows had been installed at least ten years ago or more.

Mr. Dertinger questioned why they were allowing an eight week lead time for the windows because the County was only going to use a certain amount of windows at a time.

Mr. Lynch advised the time period included the bidding process and the time it would take for the manufacturer to produce the windows, however, if it could be done sooner, all the better.

In response to Mr. Dertinger’s question, Mr. Lynch stated the contractors were buying the windows under the general contract for the project. He further stated this would lessen the division of responsibilities for the installation, masonry work and testing.

Mr. Dertinger commented he felt the County was giving up two very important parts of the project – scheduling and financial.

In answer to Mr. Dertinger’s question, Mr. Lynch advised the break was because they did not want to encounter any problems by opening the building during the middle of winter. He further advised it was also not the time to caulk the windows or clean and waterproof the building.

In response to Mr. McClure’s question, Mr. Lynch stated as far as the two facades that did not involve residents’ rooms, the end of 2008 was a reasonable completion date. He further stated due to the issues with the residents’ rooms, he felt the total time period provided was appropriate.

Mr. Angle advised he felt the project was justifiable the
way it was presented because he did not want the County to have to be worried about different vendors unless it wanted to become the general contractor.

Mr. Dertinger questioned why two areas could not be done at one time and Mr. Lynch stated that was a valid question and he would suggest it to the staff.

Consideration of the Collective Bargaining Unit Agreement Between the County of Northampton and the Northampton County Corrections Officers – District Council 88, Local 2549, American Federation of State, County and Municipal Employees, AFL-CIO

Mrs. McHale stated the next item was the approval of the prison contact and asked if the Administration wanted to make any comment.

Mr. John Stoffa advised he had no comments unless anyone had a question.

Mr. Grube stated his biggest concern was the absenteeism at the prison and Gracedale. He further stated he would like a record of the absenteeism at the prison for 2007, which the Administration indicated would be provided to him.

Mrs. McHale introduced the following resolution:

R. 6-2008 WHEREAS, Northampton County Charter Section 202 (12) provides that, “The County Council shall have the power to approve any collective bargaining agreements with officers and employees”.

NOW, THEREFORE, IT IS HEREBY RESOLVED, By the Northampton County Council that the Collective Bargaining Unit Agreement between the County of Northampton and Northampton County Corrections Officers – District Council 88, Local 2549, American Federation of State, County and Municipal Employees, AFL-CIO, shall be approved this 7th day of February 2008.

As there were no further questions or comments, Mrs. McHale called for the vote.

The resolution was adopted by a vote of 8-0.

Introduction of the Ordinance Providing for an Amendment to the Northampton County Home Rule Charter, Article IV, to Provide for the Full Time Status of the Controller of the County of Northampton

Mrs. McHale advised at the request of Mr. McClure, an ordinance providing for the full time status of the County Controller was prepared. She further advised the public hearing, debate and possible vote was scheduled for February 21, 2008.

Messrs. McClure and Dertinger introduced the following ordinance:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, TO PROVIDE FOR THE FULL TIME STATUS OF THE CONTROLLER OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA

BE IT HEREBY ORDAINED AND ENACTED, by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 4, 2008 General Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

"Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter Article
IV, Controller, so as to provide for the full-time status of the Controller of the County of Northampton, Easton, Pennsylvania, commencing with the term of office which begins January 2012. Article IV Controller Section 401. Titles and Status shall be amended so as to add the following section:

During his term of office the County Controller shall devote full time to the office, and shall not actively engage in any other business or occupation. The salary of the full-time County Controller shall be established by the Northampton County Council in accordance with the Northampton County Home Rule Charter.

SECTION II - EFFECTIVE DATE

A. This ordinance shall become effective thirty days after the date of enactment.


Mrs. McHale stated from time to time County Council was asked to approve certain contracts, as per the requirements of Administrative Code, Section 13.16C. She further stated County Council had been asked to approve such a contract with ProTech Monitoring.

Mrs. Neiper introduced the following resolution:

WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “...any contract exceeding $100,000 which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”
WHEREAS, on January 17, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with ProTech Monitoring for electronic monitoring services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to ProTech Monitoring for electronic monitoring services.

In response to Mrs. McHale’s comment about the Administration receiving updated insurance information, Mr. Dowd made a motion to add the phrase “subject to satisfaction of insurance requirements” to the last paragraph.

Mr. Dertinger seconded the motion.

The motion was passed by voice acclamation.

Mrs. McHale called for the vote on the following amended resolution:

R. 7-2008 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “...any contract exceeding $100,000 which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”

WHEREAS, on January 17, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with ProTech Monitoring for electronic monitoring services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to ProTech Monitoring for electronic monitoring services, subject to satisfaction of insurance requirements.

The resolution was adopted by a vote of 8-0.

Mrs. McHale advised from time to time County Council was asked to approve certain contracts, as per the requirements of Administrative Code, Section 13.16C. She further advised County Council had been asked to approve such a contract with Verizon.

Mrs. Ferraro introduced the following resolution:

R. 8-2008 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “...any contract exceeding $100,000 which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”

WHEREAS, on February 1, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with Verizon for telephone services for Northampton County.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Verizon for telephone services for Northampton County.

As there were no questions or comments, Mrs. McHale called for the vote.

Consideration of the Cumberland County Municipal Authority Resolution

Mrs. McHale stated from time to time County Council was asked to adopt resolutions which certified that a project financed by the General Purpose Authority was within the general good of the citizens of the County, which was also referred to as a health, safety and welfare resolution. She further stated County Council received a similar request from counsel for the Cumberland County Municipal Authority concerning a project they were involved in with Presbyterian Homes, Inc. She noted Presbyterian Homes requested the Cumberland County Municipal Authority issue tax-exempt bonds in an aggregate amount not to exceed $90,000,000 to finance projects for facilities owned and operated by Presbyterian Homes in a number of different counties in Pennsylvania. She further noted one of the Presbyterian Homes facilities, Kirkland Village, was located in Northampton County and a portion of the bond proceeds would be used there. Therefore, under Pennsylvania law, the Cumberland County Municipal Authority, as the issuer of the bonds, must make a health, safety and welfare finding to the effect that financing the project benefitted the health, safety and welfare of the people in the area served by the facilities being financed. She added Cumberland County had delegated such findings to the various Counties where the Presbyterian Homes facilities were located and so the following resolution was being presented.

Mr. Angle introduced the following resolution:

R. 9-2008

DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF NORTHAMPTON COUNTY FOR THE CUMBERLAND COUNTY MUNICIPAL AUTHORITY TO UNDERTAKE CERTAIN PROJECTS

WHEREAS, Presbyterian Homes, Inc., Presbyterian Housing and Services Corporation and Presbyterian Homes in the Presbytery of Huntingdon, each of which is a Pennsylvania non-profit corporation and a controlled affiliate of PHI (collectively, the "Borrowers"), have requested the Cumberland County Municipal Authority
Authority (the “Authority”), a body corporate and politic incorporated under the provisions of the Pennsylvania Municipality Authorities Act, Act 22 of 2001, approved June 18, 2001, 53 Pa. Cons. Stat. § 5601 et seq. (the “Municipality Authorities Act”), to issue its revenue bonds in one or more series in an aggregate principal amount not to exceed $90,000,000 (the “Bonds”) and lend the proceeds thereof to the Borrowers to finance or refinance health centers and retirement communities in several counties of the Commonwealth of Pennsylvania including Northampton County; and

WHEREAS, a portion of the proceeds of the Bonds is expected to be used to finance the costs of a project described in Exhibit “A” (the “Northampton County Project”) related to Kirkland Village, which is owned and operated by Presbyterian Housing and Services Corporation; and

WHEREAS, the Northampton County Project is located within the County of Northampton and primarily serves the people of Northampton County; and

WHEREAS, pursuant to a resolution duly adopted at a meeting of the Board of County Commissioners of the County of Cumberland held on December 12, 2007, the Board of County Commissioners of the County of Cumberland provided that prior to, and as a condition of, the Authority allocating money from the proceeds of the Bonds to facilities not serving the people of the County of Cumberland, a governmental unit whose residents are served by such facilities must pass a resolution declaring that it is desirable for the health, safety and welfare of the people in the area served by such facilities to receive proceeds from the Bonds;

NOW, THEREFORE, the County Council of the County of Northampton hereby resolves that:

It is hereby declared desirable for the health, safety and welfare of the people in Northampton County, Pennsylvania to have the Authority issue the Bonds for the purpose of financing or refinancing, among other things, the Northampton County Project. The Bonds shall not be in any way a debt or liability of the County of Northampton and the County of Northampton shall not have any obligation with respect to the payment of the
principal or redemption price of or interest on the Bonds.

All actions of this Council taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

Mr. Angle advised that he promised Mr. Givens an explanation regarding this resolution and asked Mr. Flisser if he would do so.

Mr. Flisser stated this resolution indicated a project being proposed was for the health, safety and welfare of Kirkland Village and was just a formality to allow Cumberland County to issue bonds for it at no cost or liability to Northampton County.

As there were no further questions or comments, Mrs. McHale called for the vote.


The resolution was adopted by a vote of 8-0.

Consideration of the 2008 Codification of Northampton County Ordinances

Mrs. McHale advised each year County Council adopted, by resolution, a codification of all ordinances, noting it was essentially a housekeeping function adopted annually.

Mr. Dowd introduced the following resolution:

R. 10-2008 WHEREAS, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law, and of the Charter, as amended.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that the attached codification, for the period ending December 31, 2007, shall be adopted this 7th day of February 2008.
As there were no questions or comments, Mrs. McHale called for the vote.


The resolution was adopted by a vote of 8-0.

Consideration of the Resolution Providing for Changes to the 2008 Northampton County Council Meeting Schedule

Mrs. McHale stated a resolution was prepared changing the 2008 County Council regular meeting schedule. She further stated this schedule represented the consensus of County Council members.

Mr. Dertinger introduced the following resolution:

R. 11-2008 WHEREAS, the 2008 meeting schedule of the Northampton County Council, established via adoption of Resolution No. 171-07, provides that regular meetings are to be held on the first and third Thursday of each month.

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council that: (1) The meeting scheduled for Thursday, March 20, 2008 shall be canceled and rescheduled for Thursday, March 13, 2008.; (2) The meeting scheduled for Thursday, July 3, 2008 shall be canceled and rescheduled for Thursday, July 10, 2008.; and (3) The meeting scheduled for Thursday, December 18, 2008 has been canceled and rescheduled for Thursday, December 11, 2008. The meetings will begin at 6:30 p.m., with the exception of the December 11, 2008 meeting which will commence at 4:00 p.m., and all of the meetings will be held in the County Council meeting room, third floor, room number 3116, Northampton County Courthouse, Easton, PA.

As there were no questions or comments, Mrs. McHale called for the vote.

The resolution was adopted by a vote of 7-1.

Human Services Committee Report

Mrs. Neiper advised a Human Services Committee meeting was held on January 27, 2008 in an effort to allow each department to provide an explanation as to their function. She further advised Mr. David Graf, Director of Veterans Affairs, appeared and provided a lot of information regarding the benefits available for veterans, as well as a number of forms that were used.

Mrs. Neiper stated an issue arose concerning a local representative issuing a grant a few years ago for a Veterans Memorial to the County. She further stated Mr. Ross Marcus, Director of Human Services, informed them the County was working on that and planned to present a proposal sometime in June.

Mrs. Neiper advised their next meeting would be held on February 18, 2008 to discuss the Division of Children, Youth and Families. She further advised a meeting to discuss Gracedale was also being planned which would include a tour of the facility.

In answer to Mr. McClure’s question, Mrs. Neiper stated they did not have any meetings planned to discuss the Health Department as they were awaiting the names of the people to be involved.

Council Solicitor’s Report

Mr. Zito provided a copy of his Solicitor’s Report for this meeting (see Attachment #2).

Adjournment

Mr. McClure made a motion to adjourn.
Mr. Dowd seconded the motion.

The motion passed by acclamation.

Frank E. Flisser