A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; Ron Angle; John Cusick; 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 Wayne Grube, Vice President.

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. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 7, 2008 meeting shall be approved.

Mrs. Neiper seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - stated he was present to give an update on the Gambling Impact Committee. He further stated a meeting was held on December 10, 2007, to which representatives from four of the five continuous municipalities to Bethlehem attended. He noted they reviewed their concerns and indicated the big issue was how the funds
would be awarded. He further noted three of the municipalities made a proposal, however, since the other two municipalities had not signed onto it, they were told to get the other municipalities on board and then it would be reviewed. He indicated he felt it was a very productive meeting and everyone seemed willing to work together. He further indicated he planned to attend the General Purpose Authority meeting on Tuesday to see if they would be willing to process the grant paperwork. Lastly, he reported their next meeting would be Monday, February 11, 2008 at 6:30 p.m., in the County Council Meeting Room.

Mr. Angle questioned what the Committee hoped to accomplish for the municipalities that would be affected, but not direct recipients of any money.

Mr. Pfenning advised under the law, 50% of the County’s 1.2% of the gross revenue had to go for municipal grants for any municipality in the County with priority given to the continuous five municipalities. He further advised the law also stated the granting process had to be done by a County authority and they were still exploring how that was going to happen.

Mrs. McHale asked if the General Purpose Authority agreed to process all the paperwork for the grants, would there be a fee involved.

Mr. Pfenning stated there was no provision for a fee in the law, however, it was an issue that would need further investigation.

Mr. Alan Brau, Bethlehem, PA - advised he opposed, on record, the purchase of the computerized voting machines from Advanced Voting Solutions and was now concerned about the purchase of another bad system. He further advised he attended the Election Commission meeting earlier in the day and heard a lot of good comments about Sequoia Voting Systems and agreed with it being a strong system from a hardware standpoint and the set up was very user friendly. He noted he talked to Dr. Rebecca McCurry (ph) who was a computer specialist in New Jersey who had been dealing with a lot of the legislation in New Jersey and she indicated that Sequoia Voting Systems had been in contempt for not providing the paper audit trail. Therefore, he had a concern about their ability to deliver the paper audit trail as promised. He further noted he believed a paper ballot
filled out by the voter and then either counted by hand or scanned into an optical scanner was the most reliable way for a voter to know that his or her vote was recorded accurately. He stated the only scanner machine presented at the meeting was one that had problems and no one really liked, however, he would have liked to have seen a presentation of the ESSM100 which was used in a number of other counties, including Bucks County. He further stated he understood the Administration wanted a decision to be made tonight, but he was concerned about another mistake being made. Therefore, he suggested the County take a look at the ESSM100 which had been certified in Pennsylvania or to hold a paper ballot election so other systems could be looked at because electronic touch screen voting machines tended to be the most expensive, have the highest maintenance record and the greatest failure/breakdown rate and he did not want the County to get itself into another bad situation.

In response to Mr. Angle’s questions, Mr. Brau advised he did not feel enough options were presented. He acknowledged five or six different systems were presented, however, only one was an optical scan and pricing was not provided for any of them. He further advised he did not see any drawbacks with conducting a paper ballot election for the April primary. He noted he felt the County needed time to decide what it required and how it could be achieved effectively, accurately and least expensively, expressing it was a shame the State and Federal governments were forcing this decision. He further noted a scanner cost about a third less than an electronic machine.

In answer to Mrs. McHale’s question, Mr. Brau stated he did address his concerns to the Election Commission, but he did not think they were on the same page because the Election Commission was looking at what made the election run best, which he understood, but to him there was more to an election than running it such as results, costs and confidence in the system.

In response to Mrs. Ferraro’s question, Mr. Brau acknowledged strain marks were a problem for optical scanners, but if a ballot was rejected, the voter could fill out another ballot or it could be hand counted. He advised his best choice would be paper ballots because they were the least expensive and most accurate.

Mr. Dertinger stated most of the machines were not optical
scanners, but digital scanners which still relied on accountable software. He further stated year after year it was getting harder to get individuals who wanted to be responsible for counting the ballots late in the evening especially in the areas where they have long lines of voters.

Mr. Greg Simmons, Bangor, PA - advised in August of 2005, his shed was broken into by Mr. Kenneth Gibbs and he asked the District Attorney’s Office to notify him of the court date so he could be present, but he received no notification. He further advised he also asked Mr. Gibbs’ probation officer, Mr. Bernie Mikulski, to advise him of any court dates, but again, received no notification. He further noted between Christmas and New Year’s Day, he had off so he came down to the Courthouse to see about this matter and the District Attorney’s office could not provide him with any information as to why he was not notified and he could not reach Mr. Mikulski at all. Additionally, he went to the Criminal Division and found only two people that worked these cases and they were so overwhelmed, they could not give him the time of day. Therefore, he wondered if he had to do the work himself in order to recoup his loses.

Mrs. McHale stated she sympathized with Mr. Simmons, however, County Council was not the venue to address this issue. She further stated if Mr. Simmons would provide a copy of his letter to County Council, it would be forwarded to the District Attorney’s office.

Mr. William Hillanbrand, Director of Court Services, advised he would speak with Mr. Simmons after the meeting in an effort to rectify the situation.

**Confirmation of Appointments**

Mrs. McHale stated the Personnel and Finance Committees met on Wednesday, January 16, 2008, to consider the County Executive’s appointments/re-appointments to the Area Agency on Aging Advisory Council; the Children, Youth and Family Advisory Board; the Lehigh Valley Planning Commission and the Mental Health/Mental Retardation/Drug and Alcohol Advisory Board.

Mr. Cusick introduced the following resolution:
R. 1-2008 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

**AREA AGENCY ON AGING**
**ADVISORY COUNCIL**
Term to Expire: 7/30/09

Appointment:
Sandra Strausser
2745 Washington Street
Easton, PA 18045

**CHILDREN, YOUTH AND FAMILIES**
**ADVISORY BOARD**
Terms to Expire: 12/15/10

Re-appointments:
Alan Moore Musselman
740 Jennings Place
Bethlehem, PA 18017
Nancy Rovinski
1728 Butztown Road, B1
Bethlehem, PA 18017

Reverend David G. Goss
208 E. First Street
Wind Gap, PA 18091

**LEHIGH VALLEY PLANNING COMMISSION**
Terms to Expire: 12/31/08

Elected Official

Appointment:
Michael D. Reph
249 East Main Street
Bath, PA 18014

Re-appointments:
MENTAL HEALTH/MENTAL RETARDATION
DRUG AND ALCOHOL ADVISORY BOARD

Re-appointments:
Polly Beste Term to Expire: 8/30/10
1191 Jacobsburg Road
Wind Gap, PA 18091

Pamela L. B. Clark, MPH, CHES, CPS Term to Expire: 9/30/10
2701 Fleetwood Street
Easton, PA 18045

James R. McIntosh, Ph.D. Term to Expire: 11/30/10
25 Wall Street
Bethlehem, PA 18018

Mr. Cusick stated all the individuals were unanimously recommended by the Personnel Committee.

Mrs. McHale called for the vote.


The resolution was adopted by a vote of 8-0.
Public Hearing on the Ordinance Providing for the Reorganization of the Department of Administration, Office of Sheriff & Division of Emergency Management Services, Administrative Code Articles III and X

Mrs. McHale advised this ordinance was introduced by Mr. Angle and Mrs. Ferraro at the meeting held December 6, 2007. She further advised it provided for a reorganization of the duties and responsibilities of various personnel in the Division of Emergency Management Services and it transferred the Division of Emergency Management Services from the Sheriff’s Office to the Department of Administration.

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE III DEPARTMENT OF ADMINISTRATION AND ARTICLE X OFFICE OF THE SHERIFF

WHEREAS, Northampton County Home Rule Charter Section 905. Administrative Organization provides that: “The County Executive shall have the power to organize and reorganize the structure of the agencies under his direction and supervision and to assign and reassign their functions, powers, and duties by submitting to the County Council a written proposal on the matter. If the County Council fails by resolution to reject or by ordinance to adopt or to modify such a written proposal within sixty (60) days after the date of its submission, such written proposal shall have the force and effect of an ordinance amending the Administrative Code.”

WHEREAS, Section 202(1) and 602(a)(1) of the Home Rule Charter empowers Northampton County Council to adopt and repeal Ordinances for the purpose of amending the Northampton County Administrative Code.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that Northampton County Administrative Code Article III - Department of Administration and Article X - Office of the Sheriff shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with **bold underline** have been added):

III

ARTICLE
DEPARTMENT OF ADMINISTRATION

Section 3.01 Organization
3.02 Duties
3.03 Division of Weights and Measures
3.04 Conservation District Division
3.05 Division of Emergency Management Services

Section 3.01 Organization

a. The Department of Administration shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of this Department and for the coordination of the administration of all County agencies under the direction of the County Executive. The specific nature of the duties of the Director of Administration in coordinating the administration of all such agencies shall be determined by the County Executive.

b. The purpose of the Department of Administration is to facilitate and assist the effective operations of all County agencies in their respective delivery of County Government services.

c. The Department shall be organized into the following divisions:

(1) Division of Weights and Measures;
Section 3.02  Duties

The Director of Administration, in person or through subordinates, shall:

(1) direct the negotiation of collective bargaining agreements with County employees;

(2) direct the central administration services of the County including supplies, communications and similar services required for County government operation;

(3) direct and supervise the enforcement of state laws and County ordinances governing weights and measures;

(4) direct and supervise plans and programs for soil conservation, erosion and sedimentation control;

(5) direct the planning process of all County agencies, together with such other appropriate County employees, officers and elected officials and such other individuals as may be deemed appropriate. In this capacity the Director shall also coordinate the County's relations with all County Authorities, Boards and Commissions;

(6) direct the relations of the County with other
municipalities and joint Authorities, Boards and Commissions, the Commonwealth of Pennsylvania and the United States of America, including any agencies of such governments;

(7) maintain a workshop relationship with local municipal officials, members of the General Assembly of the Commonwealth of Pennsylvania and the members of the United States Congress representing the citizens of Northampton County;

(8) direct the process of applying for grants from governmental and non-governmental sources;

(9) direct the County's relationship with other organizations in which the County maintains membership, e.g., National Association of County Governments, The Pennsylvania Association of County Commissioners, etc.;

(10) direct those County services related to the development and maintenance of civic, social and cultural activities in the County;

(11) direct the County's public information program;

(12) perform such other duties and functions as are assigned by the County Executive; and

(13) have administrative control over all County employees, under the supervision of the County Executive, not assigned to any other agency of the County; and
(14) direct the administration of the County insurance program.

Section 3.03 Division of Weights and Measures

The head of the Division of Weights and Measures shall be the Inspector of Weights and Measures. The Inspector, in person or through subordinates, shall:

(1) enforce applicable State laws and County ordinances governing weights and measures; and

(2) perform such other duties and functions related to weights and measures as are assigned by the Director of Administration or the County Executive.

Section 3.04 Conservation District Division

The head of the Conservation District Division shall be the Executive Assistant to the Northampton County Conservation District. The Executive Assistant, in person or through subordinates, shall:

(1) administer Federal, State and County laws and regulations governing the conservation of soil, water and other natural resources;
(2) conduct surveys, investigations and research on the nature of soil erosion and the control measures needed;

(3) develop and recommend comprehensive policies and plans to the County municipal officials for the conservation of soil, water and other natural resources;

(4) cooperate with and maintain appropriate relationships with Federal, State, regional and other local conservation agencies; and

(5) perform such other conservation duties and functions as are assigned by the Director of Administration or the County Executive.

Section 3.05 Division of Emergency Management Services

The head of the Division of Emergency Management Services shall be the Coordinator Director of Emergency Management Services. The Coordinator Director of Emergency Management Services, in person or through subordinates, shall:

(1) administer Federal and State laws and regulations governing civil-defense emergency management programs in the County;

(2) conduct civil-defense coordinate emergency
services training programs for County employees and civil defense emergency services volunteers;

(3) prepare and publicize a list of civil defense emergency management shelters in the County;

(4) develop and publicize instruction and other materials related to civil defense emergency management; and

(5) perform such other civil defense emergency management duties and functions as are assigned by the Sheriff Director of Administration or the County Executive.

(6) maintain contact with, and coordinate the efforts of, all County public safety user agencies;

(7) independently investigate and evaluate all complaints and inquiries regarding the County’s emergency communications system;

(8) monitor the day-to-day operations of the County’s emergency communications system, as well as the communications infrastructure within that system;

(9) supervise, and oversee, the work performed by subordinate 9-1-1 staff;

(10) administer, and insure compliance with Federal and State laws and regulations governing emergency
ARTICLE X

OFFICE OF THE SHERIFF

Section 10.01 Organization
10.02 Duties
10.03 Division of Emergency Management Services
10.04 Division of Emergency Communications and 911 Oversight

Section 10.01 Organization

a. The Office of the Sheriff shall be headed by the Sheriff who shall be responsible to the County Executive for the performance of the functions of the Office.

b. The purpose of the Office of the Sheriff is to provide those services required of his Office by law.

c. The Sheriff shall be treated as an exempt position, and subject to the following hiring procedures:

(1) The County Executive shall publicly advertise and recruit qualified individuals to apply for this position. The method and manner of such publication shall be at the discretion of the Executive, but in any event shall, at a minimum, include
one daily paper of local circulation, and one daily paper of regional circulation.

(2) The Chief County Solicitor shall receive all applications and, upon review of same, make qualified applicants available to the Executive.

(3) The County Executive shall review the qualified applications, and forward a list of three names, chosen at the Executive’s discretion, to the President Judge of the Court of Common Pleas.

(4) The President Judge shall review the three applications forwarded by the Executive, and indicate, by rank, the Court’s preferences regarding this position.

(a) The Court may, at its sole discretion, include the name of an additional applicant or applicants for the Executive’s consideration who, in the Court’s evaluation, would satisfactorily fulfill the responsibilities of Sheriff.

(b) If the Court elects to thus exercise its discretion, the Court will rank the additional applicant or applicants with the initial three as discussed supra, for the Executive’s consideration.

(5) The Executive will, at the Executive’s discretion, after consultation with the Court, nominate one
individual for the position of Sheriff, and forward the name of that nominee to County Council for confirmation.

Section 10.02 Duties

The duties of the Sheriff, in person or through his duly appointed deputies, shall be to:

(1) provide for the security of the courtroom whenever in session;

(2) transport prisoners;

(3) serve warrants and other legal papers and notices;

(4) administer the foreclosure, repossession and sale of real and personal property;

(5) administer the Division of Emergency Management Services;

(6) administer the Division of Emergency Communications and 911 Oversight; and

(7) perform such other duties as may be required by law, and specific orders and directives of the Court and the County Executive.
Section 10.03  Division of Emergency Management Services

The head of the Division of Emergency Management Services shall be the Coordinator of Emergency Management Services. The Coordinator of Emergency Management Services, in person or through subordinates, shall:

1. administer Federal and State laws and regulations governing civil defense programs in the County;
2. conduct civil defense training programs for County employees and civil defense volunteers;
3. prepare and publicize a list of civil defense shelters in the County;
4. develop and publicize instruction and other materials related to civil defense; and
5. perform such other civil defense duties and functions as are assigned by the Sheriff or the County Executive.

Section 10.04  Division of Emergency Communications and 911 Oversight

The head of the Division of Emergency Communications and 911 Oversight shall be the 911 Coordinator. The 911
Coordinator, in person or through subordinates, shall:

(1) maintain contact with, and coordinate the efforts of, all County public safety user agencies;

(2) independently investigate and evaluate all complaints and inquiries regarding the County’s emergency communications system;

(3) monitor the day-to-day operations of the County’s emergency communications system, as well as the communications infrastructure within that system;

(4) supervise, and oversee, the work performed by subordinate 9-1-1 staff;

(5) administer, and insure compliance with Federal and State laws and regulations governing emergency communications in the County;

(6) perform such other duties and functions as are assigned by the Sheriff, or the County Executive.

Effective Date: This ordinance shall become effective thirty (30) days after date of enactment.

Mrs. McHale asked if anyone from the public wished to address this ordinance. There were no respondents. She then asked if there were any members of County Council who wished to comment. There were no respondents.
Mrs. McHale called for the vote.


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

Public Hearing on the Ordinance Providing for the Reorganization of the Department of Community and Economic Development - Administrative Code Article XX

Mrs. McHale stated this ordinance was introduced by Mrs. Neiper and herself at the meeting held December 13, 2007. She further stated this ordinance provided for a reorganization of the duties and responsibilities of personnel in the Department of Community and Economic Development.

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XX - DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

WHEREAS, Northampton County Home Rule Charter Section 905. Administrative Organization provides that: “The County Executive shall have the power to organize and reorganize the structure of the agencies under his direction and supervision and to assign and reassign their functions, powers, and duties by submitting to the County Council a written proposal on the matter. If the County Council fails by resolution to reject or by ordinance to adopt or to modify such a written proposal within sixty (60) days after the date of its submission, such written proposal shall have the force and effect of an ordinance amending the Administrative Code.”

WHEREAS, Section 202(1) and 602(a)(1) of the Home Rule Charter empowers Northampton County Council to adopt and repeal Ordinances for the purpose of amending the Northampton County Administrative Code.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that Northampton County Administrative Code Article XX - DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections
ARTICLE XX

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Section 20.01 Organization

20.02 Duties

20.03 Authorities and Public Finance

20.04 Community Development and Grants Division

Section 20.01 Organization

a. The Department of Community and Economic Development shall be headed by a Director who shall be responsible to the County Executive for the administration, supervision and operation of the Northampton County Department of Community and Economic Development. The Director of the Department of Community and Economic Development shall be an exempt cabinet-level position directly responsible to the County Executive. In accordance with Northampton County Home Rule Charter Article VIII, Section 802, the Director of the Department of Community and Economic Development shall be entitled to hire one confidential or clerical employee, who shall be in the exempt service. The specific nature of the duties of the Director of Community and Economic Development in coordinating the administration of community and economic development programs and initiatives shall be determined by the County Executive.
b. The Department of Community and Economic Development shall be organized into the following Divisions:

(1) Authorities and Public Finance Economic Development Division; and

(2) Community Development and Grants Division.

Section 20.02 Duties

The Director of the Department of Community and Economic Development, in person or through subordinates, shall:

(1) supervise, administer and implement the Northampton County Economic Development Initiative;

(2) serve as the Northampton County staff representative to the Lehigh Valley Economic Development Corporation (LVEDC), and shall coordinate all activities between Northampton County and the LVEDC;

(3) determine the long and short-range goals, programs, as well as strategic plans, and shall develop general policies for the implementation of same;

(4) confer with, and advise the County Executive on the development, progress, and performance of economic development initiatives and activities; and

(5) supervise and manage all staff personnel within in the Department;

(6) monitor and oversee all contracts, and/or professional service agreements, pertaining to economic development activities in the County; and

(7) perform such other duties and functions as are assigned by the County Executive.
Section 20.03 **Authorities and Public Finance Economic Development Division**

The head of the **Authorities and Public Finance Economic Development Division** shall be the **Authorities Coordinator Economic Development Administrator**, who shall report directly to the Director of the Department of Community and Economic Development. The **Authorities and Public Finance Coordinator Economic Development Administrator**, in person or through subordinates, shall:

1. be responsible for administration, regulatory compliance, technical understanding and implementation of policies and procedures of the following Authorities: the Northampton County Higher Education Authority, the Northampton County Hospital Authority, the Northampton County General Purposes Authority, and the Northampton County Industrial Development Authority; and

2. assist qualified applicants in the application process for authority financing, and shall assist in the compliance with applicable laws, rules and regulations of the Commonwealth of Pennsylvania, pertaining to: the Northampton County Higher Education Authority, the Northampton County Hospital Authority, the Northampton County General Purposes Authority, and the Northampton County Industrial Development Authority, the Northampton County Loan and Development Fund, the Northampton County Affordable Housing Program, as well as any other viable economic development opportunities.; and

3. **work in partnership with other County economic development organizations to promote and to provide oversight**
and direction for economic development activities throughout Northampton County; and

(3) maintain all records and documents until closure, until projects are completed, and/or until obligations have been met; and

(4) document, track, and certify all applicable fees pertaining to the administration of projects which are processed through the Northampton County Department of Community and Economic Development; and

(5) work with the Director of Fiscal Affairs to develop and implement capital financing plans; and

(6) perform such other duties and functions as are assigned by the Director of the Department of Community and Economic Development, and/or the County Executive.

Section 20.04 Community Development and Grants Division

The head of the Community Development and Grants Division shall be the Community Development and Grants Coordinator (Grants Coordinator Administrator). The Grants Coordinator Community Development Administrator shall report directly to the Director of the Department of Community and Economic Development, and shall in person or through subordinates, shall:

(1) be responsible for administration, statutory compliance, technical understanding and implementation of policies and procedures of Community Development Grant Programs including Community Development Block Grants, Emergency Shelter Grants, HOME, Affordable Housing Trust Fund Program;

(1) administer the Community Development Block Grant program, and shall ensure compliance with all Federal, State and
Local rules and regulations;

(2) assist municipalities in all aspects of the CD related grant application process;

(3) responsible for securing grants that enhance economic development, and improve the quality of life, in Northampton County; and develop, implement and monitor new grant programs that enhance economic development, and improve the quality of life in Northampton County; and

(4) perform such other duties and functions as are assigned by the Director of the Department of Community and Economic Development, and/or the County Executive.

Effective Date: This ordinance shall become effective thirty (30) days after date of enactment.

Mrs. McHale asked if anyone from the public wished to address this ordinance. There were no respondents. She then asked if there were any questions or comments from the members of County Council.

Mr. Angle asked if Mr. John Kingsley, Economic Development Administrator, Department of Community and Economic Development, could provide his opinion regarding this ordinance.

Mr. Kingsley advised at present there was no director for his department so this ordinance would raise his position and that of Ms. Lori Sywenski, the Community Development Administrator, to a higher profile and provide them greater flexibility to address existing issues and those that would be generated in the next year or two. As far as economic development, there has been a great deal of discussion in terms of how their department worked with the Lehigh Valley Economic Development Corporation to implement economic development policies and they were adding an Economic Development Analyst that will allow them to do a little bit more as it related to prospected development, prospected follow up, new program management, new program development and administrating of
existing programs they have developed using the proceeds from both the General Purpose Authority and the Industrial Development Authority.

Mr. Angle stated he heard what Mr. Kingsley stated, however, it did not explain how their role would be any different with regard to economic development.

Mr. Kingsley advised this was just the beginning of a lengthy process in the formalizing of an agreement for services that the Lehigh Valley Economic Development Corporation was putting together. He further advised upon its completion, the County would implement the relationship between the Department of Community and Economic Development and the Lehigh Valley Economic Development Corporation in terms of oversight and enforcing the agreement.

In response to Mr. Angle’s question, Mr. John Stoffa, County Executive, stated that the Lehigh Valley Economic Corporation would still be doing most of the work for economic development in Northampton County.

Mr. Dertinger advised he had to agree with Mr. Angle in that he felt the County had diminished the strength of its own Department of Community and Economic Development by not having a director and allowing the Lehigh Valley Economic Development Corporation to make the choices that drive economic development in Northampton County. He further advised people tend to gravitate to titles and this reorganization seemed to be short on that. Further, he believed County Council would like to see a stronger sense of economic development and not be the stepchild of the Lehigh Valley Economic Development Corporation.

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


The ordinance was adopted by a vote of 6-2.

Introduction of the Elected Officials Salary Ordinance
Mrs. McHale stated at the request of Mr. Cusick, an ordinance was prepared which provided for the salaries of the County Executive, the Controller and County Council. She further advised this ordinance was nearly identical to the ordinance which was adopted by County Council in 2006, but subsequently vetoed by the County Executive. She indicated the public hearing, debate, and possible vote would be held at the February 7, 2008 County Council meeting.

Mr. Cusick and Mrs. Neiper introduced the following ordinance:

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
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.

Health Bureau

Mrs. Neiper asked if Mr. Stoffa could provide an update on the Health Bureau.

Mr. Stoffa advised they have talked with several potential candidates, they have had discussions with Lehigh County and have worked on some of the details, but there was nothing definitive to report on at this time.

Bachmann Tavern House

Mr. Cusick stated in September, a group appeared before County Council who indicated they were going to put together a proposal for the Bachmann Tavern House and asked if there was any update.

Mr. Stoffa advised there was a preliminary report that Lafayette College had gotten involved and he believed they were planning to attend a County Council meeting in March.

Governor Wolf Building Parking Lot

In response to Mr. Angle’s comment that the project associated with the Governor Wolf parking lot was in serious trouble, Mr. Stoffa stated he understood it was being scaled back.

Mr. Angle stated the County never should have sold the lot and asked what contingency the County had in place if the transportation center was not built.
Mr. Karl Logenbach, Solicitor, advised there was a provision in the agreement of sale that provided if the transportation center was not constructed, their money would be returned and the lot would be returned to the County.

Prison

Mr. Angle asked if any determination had been made with regard to an off-site facility for minimum risk inmates to reduce the overcrowding at the prison.

Mr. Stoffa stated they looked at a site this week, however, the problem was no one wanted a facility in their backyard.

Discussion and Review of the Acquisition of Voting Machines

Mrs. McHale advised two resolutions were on the agenda to be considered which dealt with the approval of a contract to purchase voting machines since it exceeded the $100,000 threshold and the other dealt with transferring Contingency Funds to the Elections budget to cover the purchase.

Mr. Ken Kraft, Chair of the Election Commission, stated they had a vendors fair where five machines that were approved by the State were featured. He further stated the machines were ranked and their recommendation was the full faced one offered by Sequoia Voting Systems which allowed a voter to see the whole ballot at once. He noted they talked to other Counties that had Sequoias and found there were no maintenance issues and as it was not networked, it would be very difficult to change results. He further noted they looked at scanners and multi-face machines, but found some issues with them.

Mr. Kraft advised they looked at the capabilities of the machines as it related to usage by disabled individuals and found it very easy to use. He then relayed a message from Mr. Jack Rubisohn, Vice Chair of the Election Commission, who could not be present, but wanted to let everyone know that as a person who was disabled and whose wife was very visually impaired, he found the Sequoia to be a very acceptable choice for the voters of Northampton County.

In response to Mrs. McHale’s question, Mr. Kraft stated the
members of the Election Commission took into consideration all
the machines and formed their own opinion that this would be the
best choice.

Ms. Christine Valeriano, Sequoia Voting Systems, advised
they have been in the election business for more than 100 years.
She further advised they had 1200 of these units in Montgomery
County and in 18 of 21 counties in New Jersey, as well as all
over the country. She then provided a demonstration of the
Sequoia machine.

Mr. Andrew Wynham, Senior Project Engineer, Sequoia Voting
Systems, stated these machines could be retrofitted for a voter
verifiable paper audit trail. He further stated this machine
was rated 95% accessible which meant it had been determined that
95% of the people who were mobility restricted and confined to a
wheelchair could access the entire ballot service.

In answer to Mr. Angle’s question, Ms. Valari advised they
could not sell a machine that had a verifiable paper audit trail
unless it was certified by the State.

Mr. Angle stated it was suggested that the lever machines
be used for the primary so more research could be done with
regard to the purchase of a machine.

Mr. Wynham advised the transition from a full face ballot
to a paper based system would be close to catastrophic for the
voters in the County because most paper based systems do not
allow voters to keep their party line and paper ballots are
subject to interpretation. Also, Northampton County’s Election
Administration had been going in one direction for so many years
that the voters were comfortable with a full face ballot and the
delay, time and costs of printed ballots would be astronomical.

Mr. Angle stated the Federal government and the State of
Pennsylvania still did not know what they ultimately wanted,
therefore, he saw no harm in waiting another six months to see
if a determination would be made.

Mr. Wynham stated it would probably take only one retrofit
if the Federal and State governments determined they wanted a
verifiable paper trail. He further stated this machine was not
only HAVA compliment and disabled accessible, but a record of
every individual ballot cast would be stored in it. He noted there had never been an issue to upgrade this machine any time there was a mandated Federal or State change. He further noted this machine was designed with no external input point which is an added security feature.

In response to Mr. Angle’s question about waiting before buying a machine, Mr. Kraft advised because of the State’s regulation for this primary election, the County could not wait.

Mr. Dertinger stated to keep changing the voting scenarios would add to the systematic disenfranchisement of the voters. He further stated he felt this was the one system the voters would be most comfortable with because it was the green machine automated.

Mr. Angle advised he did not have a problem with the machine, but he agreed with Mr. Brau that the County should wait until a definitive decision was made by the State and Federal governments as to what they required of a voting machine.

Mr. Cusick advised earlier this evening Mr. Dertinger raised the issue of lines at certain polling places and what concerned him was the fact that the County purchased 600 of Advanced Voting Solutions machines, but was only purchasing 300 of these machines.

Mr. Dertinger stated the reason was these were full face machines and it would take less time to vote on them. He further stated the Federal government sets up a guideline as to how many people could vote at a machine and these fell right in line with the green machines. He noted they had 256 green machines so 300 would give the County two in every voting location.

Mr. Brau advised the reason he was against the County purchasing these machines was because the voter still does not know if their vote was counted.

Mr. Wynham stated he did not agree with the statement that a paper vote would more accurately reflect a voter’s choice than this machine. He further stated the machines were tested before the election to make sure they operated properly.
Mr. Dertinger introduced the following resolution:

R. 2-2008 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 $100,000.00 which was awarded using the Competition 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 Northampton County Elections Commission to adopt a resolution endorsing a contract with Sequoia Voting Systems for voting units, equipment, support, election management software and training.

NOW THEREFORE BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the Northampton County Elections Commission and that the County Executive is authorized to execute any and all required necessary documents and/or contracts to contract with Sequoia Voting Systems for voting units, equipment, support, election management software and training for an amount not to exceed $1,819,518.80.

Mrs. McHale called for the vote.


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

Mr. Angle introduced the following resolution:

R. 3-2008 WHEREAS, the 2008 budget as adopted by the Northampton County Council reserved the sum of $2,000,000.00 for the acquisition of electronic voting machines.
NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council that the sum of $1,819,518.80 shall be transferred from the 2008 Contingency account #05000-76050 to the Elections budget - Minor Equipment account #43700-63200 effective this 17th day of January 2008.

Mrs. McHale called for the vote.


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

Consideration of the Borough of Glendon Community Development Block Grant (CDBG) Resolution

Mrs. McHale advised County Council received a request from Mr. John Conklin, Director of Administration, to consider a request to adopt a resolution modifying the Borough of Glendon CDBG grant for 2004 & 2006.

Mr. Dowd introduced the following resolution:

R. 4-2008

AUTHORIZING SUBMISSION OF A REQUEST FOR MODIFICATION TO THE FISCAL YEAR FY 2004 & FY 2006 COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS (CDBG)

WHEREAS, the Pennsylvania Department of Community & Economic Development (PA DCED) granted the County of Northampton FY 2004 and FY 2006 CDBG funding, thereby requiring all proposed activities to be conducted as terms of the CDBG contracts with PA DCED; and

WHEREAS, Northampton County allocated through contract a total of $235,000 in funding in those applications to support the installation of a sanitary sewer system in the Borough of Glendon; and

WHEREAS, the Borough of Glendon has requested to modify its
contracts with the County of Northampton in order to offset the cost of special assessments to residents when connecting to the sewer system in District I, as provided for and in accordance with 24 CFR Part 570.482 (b)(1), related to eligible activities of the CDBG Program; and

WHEREAS, the County of Northampton has met and complied with the required regulations pertaining to the preparation and submission of the request for modification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request of the PA DCED revision to the 2004 and 2006 CDBG contracts on behalf of the Borough of Glendon.

Ms. Sywensky stated County Council’s approval was required when a CDBG was modified or revised. She further advised they were not asking for more money, just to have the money reallocated.

In answer to Mr. McClure’s question, Ms. Sywensky advised without the modification, each resident would have to pay approximately $6500 for the hookup.

In response to Mr. Angle’s question, Ms. Sywensky stated even this would not have any impact on the Portland project.

Mrs. McHale called for the vote.


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

Consideration of the 2008 Emergency Shelter Grant Resolution

Mrs. McHale advised from time to time in past years, County Council had certified that an unmet need existed pertaining to emergency shelter services and facilities for the homeless. She further advised this resolution was a requirement of the grant application process.
Mr. McClure introduced the following resolution:

R. 5-2008 WHEREAS, the County of Northampton is desirous of obtaining funds from the Pennsylvania Department of Community and Economic Development (PA DCED) in an amount not to exceed $233,000 for the operation of emergency shelter services and facilities for the homeless; and

NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Council that a significant unmet need exists because of the difficulty of obtaining the resources required to house and rehabilitate the homeless persons/families in the community, and the proposed projects will prevent and/or eliminate specific homelessness problems and influences by providing needed funds for the operation of existing shelters as well as expanded essential services.

BE IT FURTHER RESOLVED, that the County of Northampton will assure the provision of the full local share of the project costs via the applicable funds of the subrecipients.

BE IT FURTHER RESOLVED, that the County of Northampton will reimburse the Commonwealth of Pennsylvania for the State's share of any expenditures found by the DCED to be ineligible.

BE IT FURTHER RESOLVED, that the County of Northampton will direct appropriate staff or agents to undertake the environmental review appropriate for this project.

BE IT FURTHER RESOLVED, that the Clerk to County Council is directed to execute a certification, and this resolution shall serve as certification, attesting to the adoption of this resolution. Further a copy of this resolution shall be forwarded to the PA DCED.

In response to Mr. Angle’s question, Ms. Sywensky stated the need for emergency shelters was up from last year.

Mrs. McHale called for the vote.

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

Consideration of the Resolution Pertaining to Changes in the 2008 Northampton County Council Meeting Schedule

Mrs. McHale advised the resolution to change the 2008 County Council meeting schedule was being withdrawn at this time and would be reviewed at another meeting after the members had a chance to check their schedules.

Courthouse Parking Deck

Mr. Cusick stated at the Personnel and Finance Committees meeting, an issue concerning major changes to the parking deck arose and he asked Mr. Steve DeSalva, Director of Public Works, if he had any comment.

Mrs. McHale advised Mr. Stoffa e-mailed her and informed her that a study was being conducted and upon its receipt, it would be presented to the Legal, Judicial and Operations Committee.

Council Solicitor's Report

Mr. Zito provided a copy of his Solicitor’s Report for this meeting (see Attachment #1).

Mr. Dertinger stated a request was received from the Election Commission asking what their role was and if they reported to the Administration. He further stated he was surprised to find under the Home Rule Charter, it appeared to be the case because it was a function the Administration had not been previously involved in.

Mr. Zito advised he received a directive from Mrs. McHale to investigate the authority and control of the Election Commission, noting it was listed under his open assignments. However, he would state the Election Commission was an
organization which was required to be put into place by each County under the Pennsylvania Constitution and the Home Rule Charter adopted this requirement under Article X. He further advised the Election Commission had quasi judicial powers, which meant they sat as judicial body in some instances, therefore, their duties needed to be completely independent as set forth in the Election Code. He noted the County had a duty to provide them with facilities, however, under the Pennsylvania Constitution, it was to remain an independent body and neither County Council nor the Administration had any role in its supervision as it did with other authorities, boards or commissions.

Mr. Zito stated another component of the request was whether or not the solicitor should be independent. He further stated not long ago, the law changed so a solicitor of a zoning board could not be the solicitor for the governing body. However, no such change had been made with regard to Election Commissions, however, a solicitor appointed to the Election Commission had to function as an independent professional and not as an extension of the Administration.

Mr. McClure advised it appeared to him that there was an inherited conflict when the solicitor was both an independent agent for the Election Commission and an employee of the Administration.

Mr. Zito stated it did appear that way, but not under the duties and responsibilities under the Professional Code of Lawyers because no matter who paid the lawyer, his duty would be to his client which, in this case, would be the Election Commission.

In response to Mr. McClure’s question, Mr. Zito advised County Council could create a position of solicitor for the Election Commission if the Election Commission requested it.

Mr. Angle stated that was the reason the change was made to the Zoning Hearing Boards so the supervisors could not influence the Zoning Hearing Board by selecting their solicitor. He further stated if County Council wanted to challenge a decision of the Election Commission, they would have to challenge it in court.

Mrs. McHale advised as there had recently been numerous changes to the Personnel Policies and Procedures Manual, she asked Mr. Zito to investigate whether the changes had to be approved by County Council.

Mr. Karl Logenbach, Solicitor, stated he believed Career Service regulations had to be approved by County Council, however, the power to change the policies and procedures resided with the County Executive.

Mrs. Neiper commented she had employees informed they were given a copy of the Policies and Procedures Manual when they were hired, however, with the current changes, they felt they were being wronged because their supervisors had enforced the polices and procedures differently.

In response to Mr. Zito’s comment, Mr. Logenbach agreed that the issue of the different interpretations of the policies and procedures should be examined.

Election Commission

Mrs. Ferraro advised she understood Mr. Zito’s explanation with regard to the Election Commission, however, she questioned if the office of the Voter Registrar was under the Election Commission or did it fall under the purview of the County Executive.

Mr. Dertinger stated he could not imagine how the Election Commission could act independently if they did not have the ability to govern the employees who were carrying out their directions.

Mr. Angle advised he believed the question was did the Election Commission have the right to hire the registrar and the staff and manage the office per se or was it the job of the County Executive to do so.

Mr. Dertinger stated with the exception of the registrar and the deputy, the staff was Career Service and were hired by
the County.

Mrs. McHale advised that was one of the issues Mr. Zito was going to investigate.

Larson Allen

Mr. Angle stated a letter was received from Larson Allen requesting an increase in their fee because the scope of the audit had been expanded. He further stated at the Personnel and Finance Committees meeting, it was determined the scope of the audit was not expanded and Mr. Zito was asked to take a look at the contract to see what the interpretation of the contract was. Therefore, at this time, no additional monies would be expended.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.

Frank E. Flisser