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; John Cusick; Charles M. Dertinger; J. Michael Dowd; Margaret Ferraro; Lamont G. McClure, Jr.; Leonard N. Zito, Solicitor to Council, and Frank E. Flisser, Clerk to Council. Absent was Diane Neiper.

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 June 19, 2008 meeting shall be approved.

Mrs. Ferraro seconded the motion.

The motion was adopted by voice acclamation, with Mr. Dertinger abstaining and Mr. McClure not present at this time.

Courtesy of the Floor

Mr. Ken Biship, 2716 Columbia Street, Easton, PA – advised he had a son in Northampton County Prison, who had been waiting for two months to see the psychiatrist to have his medicine changed and he wanted to know what could be done to help his son. Additionally, he wanted to know who was on the Prison Advisory Board and what their duties were.

Mrs. McHale stated the Prison Advisory Board was a group of
volunteers that met once a month in the Prison and visited the different tiers to talk to each inmate and listen to their concerns. She further stated those concerns were then brought to the attention of the Prison Administration, who reviewed them and had to respond to each one.

Mr. Bishop advised he had spoken to several individuals from the Administration, but received no assistance.

Mrs. McHale informed Mr. Bishop that she would have someone look into the matter.

Mr. McClure arrived at the meeting at this time.

Mr. Thomas Guillen, 1019 Friendly Tavern Lane, Forks Township, PA - stated Palmer Township wanted to put a bike path directly behind his house and he was concerned about how he would protect himself from the water if there was a flood. He then asked County Council not to vote for this project.

Mr. Richard Baranowski, 1025 Friendly Tavern Lane, Forks Township, PA - advised he would like to see the vote on the Palmer Township bike path project tabled. He further advised Palmer Township took their properties by condemnation and they never received fair market value for the land.

Mr. James McCann, 1201 Friendly Tavern Lane, Forks Township, PA - stated he was also against the bike path and indicated he would like to see a set of plans for the proposed project.

Consideration of the Appointment of Director of Court Services

Mrs. McHale advised the County Executive presented County Council with his nominee to serve as Director of Court Services on June 11, 2008, and withdrew the nomination at the County Council meeting held on June 19, 2008. She noted he then resubmitted it on June 27, 2008 for consideration.

Mr. Cusick introduced the following resolution:

R.38-2008 WHEREAS, Northampton County Home Rule Charter, Section 906. Heads of Agencies Under the County Executive (a) Appointment., further provides, "The County Executive shall have the power to appoint the head of any agency
immediately under his direction and supervision, who is a member of the exempt service subject to confirmation by the County Council. An appointment shall not be effective unless the County Council by resolution confirms it or fails to reject it within sixty (60) days after the appointment. The appointee shall serve until so rejected by the County Council or until his removal from office, whichever is sooner."

WHEREAS, on June 27, 2008, the County Executive submitted the appointment of Archie Disidore to serve as Director of the Department of Court Services (a copy of the appointment is attached hereto and labeled as Exhibit “A”); and

WHEREAS, Northampton County Home Rule Charter Section 202. Powers (3) provides that, “The County Council shall have, among others, the following powers: (3) to confirm the appointment by the County Executive of the heads of agencies immediately under his direction and supervision.”

NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Council that Archie Disidore III shall be confirmed in his appointment as Director of the Department of Court Services, at step 7-G, $59,503, of salary range IV $54,489 to $77,488, effective this 10th day of July 2008.

Mrs. McHale asked if there were any questions or comments regarding this resolution.

Mr. McClure stated he was a big supporter of Mr. Grube’s idea to move these departments, which were currently under the authority of the County Executive, to the Courts. He further stated he was aware a lot of work had to be done before that could happen because an amendment of the Home Rule Charter was required.

Mr. McClure commented he found Mr. Disidore’s private sector qualifications very impressive, but felt he was not qualified to serve in this position due to his lack of government experience, which he felt was important. He further commented he also contemplated the sorry history of the County Executive’s Administration, particularly with regard to this office, noting in the middle of the Fogel incident, Ms. Mary Ensslin jumped ship and then Mr. William Hillanbrand, who
indicated he would stay in this position, jumped ship in the middle of another less severe problem.

With that said, Mr. McClure acknowledged one thing he knew was a ship was better piloted with a captain than without so after a lot of soul searching, he decided to support this nomination despite his misgivings about the nominee’s lack of government experience.

Mr. Angle advised he felt this position was made a political appointment by previous County Executives, but not this one. He further advised he believed there were several members of County Council who would be changing their vote and as his vote had been challenged, he planned to abstain from voting.

Mrs. Ferraro stated she felt Ms. Ensslin did a very good job in that office, as well as others who have headed that department. She further stated Ms. Ensslin did not jump ship, but was offered a great career opportunity, which she accepted and would probably resent such a disparaging remark being made against her.

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


The resolution was adopted by a vote of 7-0, with one abstention.

In response to Mrs. McHale’s question, Mr. Zito advised a member of County Council may abstain if he believed a conflict existed with regard to the issue.

In answer to Mr. McClure’s questions, Mr. Zito stated a conflict could be if a business or personal relationship was involved or if a direct fiduciary benefit would result based on the outcome of the decision. He further stated in order to obtain a reason for the abstention, a member would have to ask the person who was abstaining for the reason.
On a request by Mr. McClure, Mrs. McHale asked Mr. Angle the reason for his abstention.

Mr. Angle commented Mrs. McHale’s inquiry was duly noted.

Mr. Grube advised after receipt of Mr. Zito’s opinion with regard to transferring this department from the Administration to the Courts, he would like to place the issue with the Legal, Judicial and Operations Committee to evaluate, debate and then recommend to County Council, as a whole, whether to proceed or not proceed. He further advised if it was decided that County Council should proceed, then legislation should be drafted for the voters to approve or disapprove.

Consideration of the Resolution Designating the Delaware and Lehigh Drive as a Pennsylvania Byway

Mrs. McHale stated the Open Space Committee met on Monday, July 7, 2007, to consider a resolution designating the Delaware and Lehigh Drive as a Pennsylvania Byway.

Mr. Dertinger introduced the following resolution:

R. 39-2008  A RESOLUTION OF THE COUNTY OF NORTHAMPTON SUPPORTING THE PROPOSAL TO DESIGNATE THE DELAWARE AND LEHIGH DRIVE AS A PENNSYLVANIA BYWAY

WHEREAS, the Delaware and Lehigh National Heritage Corridor Commission has prepared a Management Action Plan to stimulate economic development in the region while promoting the preservation of natural, cultural and recreational resources; and

WHEREAS, this Management Action Plan documents the need for a continuous vehicular route, to be known as the Delaware and Lehigh Drive, to help interconnect these resources in a manner that fosters economic development in coordination with conservation practices; and

WHEREAS, the Delaware and Lehigh Drive will traverse the County of Northampton along existing roads; and

WHEREAS, the Delaware and Lehigh National Heritage Corridor Commission is encouraging municipalities through which the
Delaware and Lehigh Drive passes to pursue a byway designation for this route from the Pennsylvania Byways Program administered by the Pennsylvania Department of Transportation; and

WHEREAS, the Delaware and Lehigh National Heritage Corridor Commission and its partners, such as Heritage Conservancy, will provide technical support, in accordance with a Memorandum of Understanding, to local municipalities that pursue a byway designation; and

WHEREAS, the County of Northampton will benefit from such support and from coordinating resource conservation and economic development activities with other municipalities along the proposed byway, in addition to county, regional and state agencies; and

WHEREAS, a byway designation will highlight the unique features of the County of Northampton along the Delaware and Lehigh Drive including: Wy-Hit-Tuk Park, Fry’s Run Park, Northampton County Historical and Genealogical Society, Lafayette College, Delaware Canal State Park, National Canal Museum (including Hugh Moore Park), The Crayola Factory, The State Theater, Annual Shad Tournament, among others; and

WHEREAS, a byway designation will also provide funding opportunities to preserve and enhance the unique features along the Delaware and Lehigh Drive for the education, enjoyment and safety of residents and visitors, now and for posterity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the Council supports the nomination to designate the following existing roads as a Pennsylvania Byway:

The entire traffic circle in the City of Easton at the intersection of State Route 2022 (Northampton Street) and Third Street (Route A 172 owned by the City of Easton); and

Third Street (Route A 172 owned by the City of Easton), from its intersection with State Route 2022 (Northampton Street) to its intersection with State
Route 2026 (Washington Street) and State Route 611; and

State Route 611, from its intersection with Third Street (Route A 172 owned by the City of Easton) and State Route 2026 (Washington Street) through the Township of Williams to the boundary line with the County of Bucks.

In response to Mr. Angle’s question, Mr. Dertinger advised the Open Space Committee unanimously approved this project.

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 Open Space Project Resolutions

Mrs. McHale advised the Open Space Committee reviewed these resolutions at their meeting on July 7, 2008, and they were now being presented to County Council. She further advised each resolution would be considered separately.

Lower Property (Allen Township Fee Simple Acquisition)

Mr. Dertinger introduced the following resolution:

R.40-2008 WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the fee simple acquisition, by Allen Township - County of Northampton, of the Vernon C. Lower, Charles C. Lower and Javalyn A. Ramer property (hereafter referred to as the Lower Property), which is described more fully in Exhibit “A”, a copy of which is attached hereto.
WHEREAS, the Northampton County funding will be used to acquire properties as follows:

Property Owner(s): Vernon C. Lower, Charles C. Lower and Javalyn A. Ramer

Site Location: Towpath Road, Allen Township
Northampton County

Parcel Identification: K03-14-001, K03-15-001, K03-17-001

Site Information: Approximately 45 acres located along the Lehigh River mostly wooded

Average Appraised Value: $242,500.00

County Grant Request: $112,500.00

Other Grants: $112,500.00 Pennsylvania DCNR

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to complete the fee simple acquisition, by Allen Township - County of Northampton, of the Lower property located at Towpath Road, Allen Township, Northampton County, Pennsylvania, being approximately 45 acres, and also known as Northampton County Uniform Parcel Identifier #K03-14-001, #K03-15-001, and #K03-17-001.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $112,500.00 as consideration for the fee simple acquisition, by Allen Township, of the Lower Property.

Mr. Dertinger stated this was a fee simple acquisition of a property in Allen Township which went along the canal towpath which abutted a very large piece of Pennsylvania Power and Light property. He further stated it was an excellent acquisition and
consistent with the County plans and those of the Lehigh Valley Planning Commission. He noted the Open Space Committee unanimously voted to recommend this acquisition to County Council.

In answer to Mrs. McHale’s question, Mr. Dertinger advised the funds for this proposal, as well as for the other proposals being presented tonight, were allocated in the budget and were currently available.

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


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

Smejkal Property (Heritage Conservancy Conservation Easement)

Mr. Dertinger introduced the following resolution:

R. 41-2008 WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004, on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the purchase of a conservation easement in perpetuity for the William Smejkal property which is described more fully in Exhibit “A”, a copy of which is attached hereto.

WHEREAS, the Northampton County funding will be used to acquire a conservation easement as follows:

Property Owner: William Smejkal

Site Location: 97 Old Well Road, Williams Township
Northampton County

Parcel Identification: N09-07-019A
Site Information: approximately 29 acres mostly wooded with a creek and scenic views

Appraised Value: $113,390.00

County Grant Request: $44,222.00

Other Grants: $56,695.00 Pennsylvania DCNR  
$12,473.00 Williams Township

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to acquire a conservation easement in perpetuity for the Smejkal property.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $44,222.00 as consideration for the purchase of said conservation easement in perpetuity.

(3) The County of Northampton shall be designated as a joint easement holder on the easement recorded in the office for the recording of deeds in the County of Northampton.

Mr. Dertinger stated this property had been on the County’s books for quite some time. He noted it was a 29 acre parcel which was continuous to a number of other parcels that have been through or would be coming through the program. He further noted the Open Space Committee unanimously voted to recommend this acquisition for approval.

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


The resolution was adopted by a vote of 8-0.
Lower Saucon Township Municipal Park Project

Mr. Dertinger advised money was set aside for this project, and the other two projects for the municipalities to enrich their townships by either development of parks, park acquisitions or the like.

Mr. Dertinger stated this was a very impressive park and the Open Space Committee unanimously voted to recommend for approval.

Mr. Dertinger introduced the following resolution:

R. 42-2008 WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Lower Saucon Township, Polk Valley Park, Phase III project.

WHEREAS, the Northampton County funding will be used as follows:

Property Owner: Lower Saucon Township
Site Location: Polk Valley Road, Lower Saucon Township, Northampton County
Parcel Identifications: R07-12-009
Park Development Description: Construction of a path to connect the park to the school district campus, a pedestrian bridge to span the Polk Valley Run, and needed playground structures.
Appraised Value: No acquisition involved
Municipal Allocation: $219,811
County Grant Request: $57,525
County post 1999 Acquisition Credit: $34,515
Total County: $92,040
Other Grants: $23,010 Lower Saucon Township
NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council:

(1) The Northampton County Council hereby approves the Lower Saucon Township, Polk Valley Park, Phase III project. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $92,040 as the Northampton County contribution to the Lower Saucon Township, Polk Valley Park, Phase III project.

Mrs. McHale asked if there were any questions or comments. There were no respondents. She then called for the vote.


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

Bangor Borough Municipal Park Project

Mr. Dertinger introduced the following resolution:

R.43-2008 WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Bangor Borough - Improvements to Bangor Memorial Park and Pennico Park projects.

WHEREAS, the Northampton County funding will be used as follows:
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Property Owner: Bangor Borough

Site Location: Bangor Memorial Park, Eisenhardt Street; Pennico Park, Murray Street, Bangor Borough, Northampton County

Parcel Identifications: Bangor Memorial Park: E09-11-009, E09-11-010; Pennico Park: E09-26-004A

Park Development Description: 34.6 Acres (Bangor Memorial Park, 32.2 acres; Pennico Park: 2.4 acres) Bangor Memorial Park - replace curbs and fencing, landscaping, track renovations; Pennico Park - fencing, playground equipment, fall zone safety material, and handicapped parking area

Appraised Value: No acquisition involved

Municipal Allocation: $125,218

County Grant Request: $125,218

Other Grants: $126,000 Pennsylvania DCNR $ 28,782 Bangor Borough

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council:

(1) The Northampton County Council hereby approves the Bangor Borough - Improvements to Bangor Memorial Park and Pennico Park projects. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $125,218 as the Northampton County contribution to the Bangor Borough, Improvements to Bangor Memorial Park and Pennico Park projects.

Mr. Dertinger advised Bangor Borough had an ongoing contract with the Bangor Area School District to repair the track at Memorial Park.
In answer to Mr. Grube's question, Mr. Dertinger stated the track may not be very old, however, Bangor Borough had money allocated to it and they requested the funds be used to repay them for the repair of the track.

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


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

Palmer Township Municipal Park Project

Mr. Dertinger introduced the following resolution:

WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Palmer Township - Bushkill Creek Bike Path Extension Project.

WHEREAS, the Northampton County funding will be used as follows:

Property Owner: Palmer Township

Site Location: Along the Bushkill Creek from Northwood to Edgewood Avenues, Palmer and Forks Townships, Northampton County

Parcel Identifications: K09SW4-10-001, L09-01-002, L09NW1A-03-001, L09NW1D-01-002, L09NW1D-04-002, L09NW1D-03-001, L09-06-001A, L09-06-001D

Park Development Description: Approximately 1 mile - Develop 12' wide bike path that will connect to existing bike paths to the north and south.

Appraised Value: No acquisition involved

Municipal Allocation: $363,308
County Grant Request: $120,000
Other Grants: $200,000 Pennsylvania DCNR
$80,000 Palmer Township

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council:

(1) The Northampton County Council hereby approves the Palmer Township - Bushkill Creek Bike Path Extension Project. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $120,000 as the Northampton County contribution to the Palmer Township Bushkill Creek Bike Path Extension Project.

Mr. McClure made a motion to refer this resolution back to the Open Space Committee for further investigation pursuant to the information County Council received at this meeting.

Mr. Angle seconded the motion.
The motion was adopted by voice acclamation.

Mr. Cusick suggested the County Council Solicitor review this situation, as well because there were some things that were mentioned tonight that the Open Space Committee was not aware of.

Mr. Dertinger commented he was originally a strong advocate for this project and was surprised by what he heard.

When Mr. Zito asked if the members of County Council were referring to the comments made with regard to compensation not being given, he was answered in the affirmative by several members.

Mrs. McHale advised she had promise to hold public comment
regarding this matter and asked if any there was anyone who wished to speak.

Mr. Richard Baranowski stated Palmer Township did take his and some other residents property for a bike path. He further stated this was private property with a private road and they wanted fair compensation for the property.

In response to Mr. Angle’s question, Mr. Zito advised there were several entities that were entitled to exercise eminent domain - public utilities’ companies, power companies, certain private companies that provided services for the public and municipalities. He further advised a municipality was exempt from the requirement to appraise a property or post a bond. He noted a municipality was permitted to take the property and pay later, therefore, the residents could still receive payment.

Mr. Tom Guillen stated the township was taking their tax money to put in this bike path, however, if there was a flood, it would be under water.

Mr. Tom Adams, Public Services Director for Palmer Township, advised he did not believe this property was acquired by eminent domain, it was an old railroad track that was purchased by Palmer Township. He further advised the residents appealed this acquisition of the land, however, the lower court ruling did not side with them. He added they then appealed it to a higher court and the decision was not overturned and finally they appealed it to the State Supreme Court, who let the lower court ruling stand. He noted it was his opinion there was no condemnation because it was purchased from the old railroad property.

Mrs. McHale stated based on the consensus of the members of County Council, this matter would be referred back to the Open Space Committee for further review.

Consideration of the General Purpose Authority – Lafayette College Project Resolution

Mrs. McHale advised in the past, County Council had been
asked to approve certain projects being considered by the Hospital Authority. She further advised since the General Purpose Authority assumed the financing duties of the Hospital Authority (as well as the Higher Education Authority), the General Purpose Authority was requesting County Council adopt a resolution pertaining to projects being considered by Lafayette College. She noted the General Purpose Authority had arranged for low cost financing for various projects that were being considered by Lafayette College and one of the conditions of obtaining this financing was that County Council certified, via adoption of a resolution, that the particular project was desirable for the health, safety and welfare of the citizens of the County. She further noted the County’s full faith, credit or taxing power was not pledged as a guarantee for the funds being borrowed by Lafayette College. Additionally, it was important to note that the hospital itself is the guarantor for the bonds being floated.

Mr. Dowd introduced the following resolution:

R. 44-2008

A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE COUNTY OF NORTHAMPTON FOR THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY TO UNDERTAKE A PROJECT FOR LAFAYETTE COLLEGE; APPROVING THE AUTHORITY’S ISSUANCE OF BONDS FOR THE PROJECT, AS REQUIRED UNDER SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS

WHEREAS, Lafayette College (the "College") has requested Northampton County General Purpose Authority (the "Authority") to approve the initiation of a plan of financing which may include issuing, pursuant to the provisions of the Municipality Authorities Act of 1945 Act of May 2, 1945, P.L. 382 now codified at 53 Pa. C.S.A., Chapter 56 (the "Authorities Act"), an amount not to exceed $100,000,000 aggregate principal amount of its College Refunding and Revenue Bonds in one or more issues and series (the "Bonds") to provide funds for a project consisting of: (i) the refunding of some or all of its outstanding debt in an amount of not more than $93,700,000
consisting of one or more of the following: (a) $20,430,000 Northampton County Higher Education Authority College Revenue Bonds - Series of 1997 (Lafayette College Project) (the "1997 Bonds"); (b) $23,575,000 Northampton County General Purpose Authority College Revenue Bonds Series 2004 (Lafayette College Project) (the "2004 Bonds"); (c) $29,500,000 Northampton County General Purpose Authority College Revenue Bonds Second Series 2004 (Lafayette College Project) (the "2004 Second Series Bonds") and (d) $19,830,000 Northampton County General Purpose Authority Lafayette College Revenue Notes Series of 2007 (the "2007 Notes") (collectively, the "Outstanding Debt") and (ii) the financing of an amount up to $6,300,000, the proceeds of which are to be applied to finance all or a portion of one or more of certain projects (the "New Money Project") consisting of: (a) various capital improvements to certain academic buildings, athletic facilities, residence halls, student facilities, administrative buildings and the College grounds; (b) renovations and improvements at 714 Sullivan Lane (also known as Phi Delta Theta), Easton, Pennsylvania and 616 Parsons Street, Easton, Pennsylvania; (c) acquisition of certain real estate at 228 Cattell Street, Easton, Pennsylvania and 225-229 North Fourth Street, Easton, Pennsylvania (collectively, the "Project") and (iii) payment of costs of issuing the Bonds and related capital and non-capital improvements and the financing of contingencies, capitalized interest, reserve fund deposits, insurance and credit enhancement costs, if any, and payment of costs and expenses incident to the issuance of the Bonds; and

WHEREAS, pursuant to the Authorities Act, the College and the Authority have requested the County Council of Northampton to declare, by this resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the College; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing was held by the Authority on June 24, 2008 in connection with the issuance of the Bonds; and

WHEREAS, such public hearing was held upon not less than 14 days' notice published in The Express Times in the form attached as Exhibit A hereto; and

WHEREAS, Section 147(f) of the Code requires that the
applicable elected representatives of the governmental unit on behalf of which bonds are issued and of each governmental unit having jurisdiction over the area in which any facility with respect to which financing is to be provided, is located approve bonds after a public hearing in order for a private activity bond to be qualified bond under the Code; and

WHEREAS, the Northampton County Council hereby requests that the County Executive of Northampton County approve the issuance of the Bonds for purposes of Section 147(1) of the Code by executing and delivering a certificate of approval in substantially the form attached hereto as Exhibit B and directs that his signature be attested to by the Clerk to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council as follows:

SECTION 1. It is hereby determined and declared pursuant to the Authorities Act that it is desirable for the health, safety and welfare of the people in the area served by the College for the Authority to undertake the financing of the Project through the issuance of the Bonds in one or more series and issues in an aggregate principal amount not to exceed $100,000,000.

SECTION 2. The issuance of the Bonds and the financing of the Project are hereby approved subject to the approval of the issuance of the Bonds by the County Executive of Northampton County and the delivery by said County Executive of a certificate of approval in substantially the form presented to the Council today following the necessary hearing concerning the Project and the Bonds, with such changes as the County Executive shall deem appropriate, and the Clerk of the Council is hereby directed to attest his signature, the execution of such certificate to be conclusive evidence of the approval by the County Executive of the issuance of the Bonds and the Project.

SECTION 3. The foregoing determination, declaration and approval are for the purposes of the applicable provisions of the Authorities Act and the Code as aforesaid, and do not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.
SECTION 4. The credit of the County of Northampton is not to be used for the security of the Bonds and the County of Northampton will have no liability for any payment of principal of, premium, if any, and interest on the Bonds.

SECTION 5. All actions of this County Council will be taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

SECTION 6. This Resolution shall take effect immediately. All prior ordinances or resolutions or portions thereof inconsistent herewith are hereby repealed.

Mr. Cusick asked what was the status of the ongoing saga of the Hub Cap Store that he believed Lafayette College had been trying to negotiate some resolution to and would this be of help to that process.

Mr. Mitchell Wien, Chief Financial Officer, Lafayette College, stated that property could be a very minor component of this financing. He further stated the financing was originally created mostly to refund the existing General Purpose Authority debt and finance some other smaller projects.

In answer to Mr. Angle’s question, Mr. Wien advised much of the debt that they were retiring were short term notes and their rates were in the mid-threes and the rate they were borrowing at would be approximately four-twenty to five percent. Therefore, this financing was not providing a savings for the college, but it would lock them in.

Mr. Grube stated the locker room, training room and stadium of Lafayette College were second to none.

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 Sheriff’s Sale Resolution
Mrs. McHale advised at the request of Mr. McClure, the following resolution asking for a determination as to whether the County had the authority to suspend Sheriff’s sales, was prepared for consideration at this meeting.

Mr. McClure introduced the following resolution:

WHEREAS, the economy of the United States is teetering on the brink of a recession; and

WHEREAS, an alarming number of property owners are losing their homes through the foreclosure process due to the state of the economy; and

WHEREAS, the temporary suspension of Sheriff’s Sales in the County of Northampton will provide those in jeopardy of losing their homes, with a much needed opportunity to save their home; and

WHEREAS, Northampton County Home Rule Charter Section 202 (8) provides that the County Council shall have the powers “to require periodic and special reports from elected officials and their subordinates”.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the County Executive shall forthwith review and issue a written report to the Northampton County Council as to whether or not the County of Northampton has the legal authority to suspend Sheriff’s Sales.

IT IS FURTHER RESOLVED that if the County Executive concludes that the County of Northampton does have such authority, then the County Executive shall instruct the Northampton County Sheriff’s Office to immediately suspend Sheriff’s Sales for a period of ninety (90) days.

Mr. McClure stated the country was on the verge of having a segment of the middle class crushed and those who have attempted to get into the middle class through home ownership suffer massive foreclosures. He further stated he recently read a statistic whereby 70% of the people who were sold adjustable rate mortgages would have qualified for a fixed loan. He noted
there had been a great deal of predatory lending which lent itself to this crisis. He further noted he understood a lot of people took a gamble, however, there were many good, decent, hardworking Northampton County taxpayers who were on the verge of losing their home.

Mr. McClure advised he acknowledged the banks would not appreciate the approval of suspending Sheriff Sales. However, it was important to note that no tax money was being committed to help anyone save their home, but to give the home owners a little bit of breathing room to do so. He further advised he had conversations with people in the industry and with a 90-day suspension of Sheriff Sales, only approximately 9% of the people who reached that point would be able to save their home.

Mr. McClure stated when the Sheriff of Philadelphia County unilateral stopped Sheriff Sales, the banks became involved in litigation and what ultimately occurred was the Court created a process whereby once a petition for foreclosure was filed, the Court did not quite grant a stay, but immediately scheduled a debtor/creditor/mortgagee/mortgagor conference which had the same effect of postponing the Sheriff Sale. He further stated he was told by those involved that was the process whereby a home could be saved and about 30% of the individuals facing a Sheriff Sale when the initial complaint was filed, would probably be able to save their home.

Mrs. McHale commented there were some businesses who were also struggling who would fall into the same situation and asked if this would apply to them as well.

Mr. McClure advised the Administration could analyze the law with respect to all properties that were mortgaged and report to County Council what the County’s powers were with respect to Sheriff Sales for all types of properties.

Mr. Angle stated he reviewed the issue and appreciated Mr. McClure’s concern, however, he did not feel this would be effective. He further stated he did not see how the County could break a legal document such as a mortgage.
Mr. McClure advised he did envision any taxpayer money being utilized in this process and contractual relationships between a bank and borrower being interfered with. He further advised his hope was to create some procedures that would allow 30% of those facing foreclosure to be able to save their home.

Mr. Angle stated he did not have a problem with asking the Administration to look into the matter, but he could not support this resolution asking to suspend Sheriff Sales for a period of 90 days.

Mrs. Ferraro made a motion to table this resolution and just request the County Executive to look into the matter and report back to County Council his findings.

Mr. Angle seconded the motion.

Mrs. McHale called for the vote on the motion.


The motion to table passed by a vote of 5-3.

Consideration of Administrative Code Article XIII Section 13.16 C. Contract Approval Resolutions:

Mrs. McHale stated from time to time County Council was asked to approve certain contracts that met the threshold for approval as enumerated in Administrative Code Section 13.16c. She further stated two such contracts were being presented tonight. She noted one was with USA Architects for the Juvenile Justice Center expansion and the other with the County Commissioners Association of Pennsylvania (CCAP) for property and casualty insurance services.

Mr. Angle introduced the following resolution for USA Architects:

**R. 45-2008 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 June 18, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with USA Architects for architectural services for the Juvenile Justice Center project.

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 USA Architects for architectural services for the Juvenile Justice Center project.

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


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

Mr. Angle introduced the following resolution pertaining to CCAP for property and casualty insurance services:

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 June 18, 2008, the Northampton County Council received a request from the County Executive for County Council
to adopt a resolution endorsing a contract with the County Commissioners Association of Pennsylvania for property and casualty insurance 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 the County Commissioners Association of Pennsylvania for property and casualty insurance for Northampton County.

    Mrs. McHale advised this contract was in violation of the Administrative Code because it expired June 1, 2008 and County Council did not receive proper notification. She further advised because she had several concerns, she had not voted for this insurance in previous years and did not intend to vote for it tonight.

    Mrs. McHale stated she had many concerns, noting one was Pennsylvania Counties Risk Pool (PCoRP) did not cover joiner boards, advisory boards or any multi-County entity. Therefore, based on that, the bi-County health board would not be covered. She further stated the request was for a contract in excess of what PCoRP was offering.

    Mrs. McHale advised the Executive Order which was sent to County Council and received on June 18, 2008, indicated a five-year cost, however, the policy was written for one year. She noted PCoRP was unable to provide a three-year contract as their program mandated a one year contract.

    Mrs. McHale stated, along with some property issues, a major issue was the fact, according to the proposal, the actual insurance cost was $395,297, however, the lost fund contribution was $539,988.

    In response to Mr. Angle’s question, Mrs. McHale advised she felt the County could have gotten better coverage for a little more, but a world would have been saved with different deductibles.

    In answer to Mr. Grube’s comment, Mrs. McHale stated it could not be tabled or voted on because it was in violation of
the Administrative Code and the first installment had already been paid on June 25, 2008, which was prior to County Council approving any of it.

Mrs. McHale advised it was put out for bid and there were 13 companies that picked up the specifications. She further advised she reviewed the specification and in her opinion, they were so poorly written that no one else could comply.

In response to Mr. Grube’s question, Mrs. McHale stated her recommendation would be to put it out for bid.

In answer to Mr. Angle’s question, Mrs. McHale advised anything could be put out to bid at any time. She further advised they could not cancel the contract, however, she believed contracts with the County could be cancelled if the premium was not paid.

Mr. McClure stated he believed Mrs. McHale’s view was the contract was illegally entered into and the County could not breach that contract without facing the consequences. He then asked Mr. Zito his opinion as to Mrs. McHale’s concern with the legality of the contract and its ramifications.

In response to Mr. McClure’s question, Mr. Stoffa asked if they wanted to have the County be without coverage. He advised it was hard to get a company to insure the County because of the Prison. He further advised 46 counties had this coverage with no problems.

In answer to Mr. Angle’s question, Mr. Stoffa stated the reason they accepted this contract was because it went out for bid and there was only one respondent.

Mr. Dertinger advised the County recently had too many single bids which would reflect there had to be a bigger problem involved with the bids. He further advised this issue should have been brought to County Council a month or so before the policy expired. He noted there were thousands of prisons in the country that had insurance.

Mr. Dertinger stated this related right back to the new employment practices because they were not properly adopted and this was just another matter where County Council was being told
to either pass or not pass something that was not County Council’s fault or responsibility.

Mrs. McHale advised she contacted Mr. Conklin in January to offer her assistance in drawing up specifications so the County could put out a bid package and she was informed her services were not needed. She further advised she looked at the specifications and they were the worst she had ever seen.

Mr. Angle stated he did not want to see the County without insurance, but made a motion to have the County Council Solicitor review the issue and report back in Executive Session as to the legality as to what took place and any options that were available to resolve the matter.

Mrs. McHale seconded the motion.

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

The motion was passed by voice acclamation.

Pennsylvania Power and Light (PPL) Project Resolution

Mr. Angle advised he sent a letter to PPL requesting a hearing in the region of the County where they proposed to put the Susquehanna-Roseland power line. He further advised he received a letter today indicating at this time they were not prepared to hold such a hearing.

Mr. Angle introduced the following resolution:

R.46-2008 WHEREAS, the PPL Susquehanna-Roseland Power Line Project is undoubtedly one of the most significant public utility projects ever to be considered in Northampton County; and

WHEREAS, one of the possible routes being considered, Route C, begins at the PPL Electric Utilities switching station near Berwick and travels south primarily on an existing future-use right of way through Luzerne and Schuylkill counties. The line then travels east primarily on future-use or existing transmission power line routes in Schuylkill and Lehigh
counties. The line then moves east-northeast through Northampton County on the path of an existing power line; and

WHEREAS, Route C would pass through Lehigh, Moore, Bushkill, Plainfield, Washington, and Lower Mount Bethel Townships, which are municipalities that are located in the area of Northampton County that is referred to as District IV; and

WHEREAS, while there may be a need for upgrading electrical systems, given the amount and nature of development that has occurred in Northeastern Pennsylvania, we are nonetheless very concerned with the impact the project will have on the residents of Northampton County; and

WHEREAS, it was encouraging PPL was conducting open houses in Northeastern Pennsylvania to gather public input on the project, none of the open houses were conducted in any of the Northampton County municipalities through which the project will pass.

NOW, THEREFORE, BE IT RESOLVED, that it is the unanimous consensus of the Northampton County Council that it would be in the best interests of the citizens of Northampton County for PPL to conduct another public meeting, to discuss the PPL Susquehanna-Roseland Power Line Project, in the northern section of Northampton County in one of the Northampton County municipalities through which Route C passes. Accordingly, the Northampton County Council does, in its official capacity as the governing body of the County of Northampton, respectfully request that PPL Corporation conduct a public meeting in Northampton County in District IV to discuss the PPL Susquehanna-Roseland Power Line Project with the citizens of Northampton County. We believe that the Northampton residents directly affected by the project deserve another opportunity to comment on how they believe the project will affect their health, welfare, safety and quality of life.

Mr. Dertinger stated he agreed a hearing should have been held in the municipalities for those residents who would be affected by PPL’s decision.

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

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

Weller Center

Mr. Cusick advised he read a news article that indicated the Weller Center was going to close. He further advised he believed the County, through the General Purpose Authority, held the mortgage.

Mr. Angle stated there were ample funds to pay the County off.

Council Solicitor’s Report

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

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.