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

**Prayer**

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

**Pledge of Allegiance**

Mr. Grube led County Council in the pledge of allegiance.

**Approval of the Minutes**

Mrs. McHale stated as the minutes of the July 10, 2008 meeting were not fully transcribed due to the closeness of the meetings, they would be presented at the meeting to be held on August 7, 2008.

**Courtesy of the Floor**

Mr. Eric David - advised he was with a group called Drop the Lines. He further advised the Pennsylvania Power and Light Company (PPL) planned to bring high tension wire through Northampton County which would have a negative effect on the health, environment, quality of life and property values of its citizens, to provide power to New Jersey and New York. He provided a copy of a petition that contained more than two thousand signatures of citizens seeking a resolution condemning the acts of PPL and opposing Route C.

Mrs. McHale stated a resolution was being presented tonight
regarding this issue which she hoped would meet with his approval.

County Commissioners Association of Pennsylvania (CCAP) Outstanding Chief Clerk Award

Mrs. Neiper advised every year, CCAP honored a Chief Clerk from the different counties and she, on behalf of the members of County Council and the Administration, nominated Mr. Flisser. She further advised she was pleased to announce that Mr. Flisser was selected as the Outstanding Chief Clerk for the year 2008.

Mrs. McHale presented Mr. Flisser with a Certificate of Recognition awarded by the members of Northampton County Council.

Mrs. Neiper presented Mr. Flisser with Certificates of Recognition from the offices of the Governor of Pennsylvania and the State Senate of Pennsylvania.

Mr. Flisser stated this was really a tribute to every member of County Council, elected officials and the employees of Northampton County.

Confirmation of Appointments

Mrs. McHale advised the Personnel Committee met on Wednesday, July 16, 2008, to consider appointments to the Higher Education Authority, Hospital Authority and General Purpose Authority.

Mr. Cusick introduced the following resolution:

R. 47-2008 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their re-appointments as indicated hereafter:

HIGHER EDUCATION AUTHORITY

Re-appointment: J. Michael Dowd Term to Expire: 12/31/13
Mr. Cusick stated he would like to reiterate his continuing opposition to the appointment of elected officials to authorities.

In light of Mr. Cusick’s statement, Mr. McClure asked that these re-appointments be considered separately.

Mrs. McHale called for the vote on the re-appointment of Mr. Dowd to the Higher Education Authority.


This portion of the resolution was adopted by a vote of 7-1.

Mrs. McHale called for the vote on the re-appointment of Mr. John Stoffa to the Hospital Authority.


This portion of the resolution was adopted by a vote of 5-
3.

Mrs. McHale called for the vote of the re-appointment of Mr. Lazaro Fuentes to the General Purpose Authority.


This portion of the resolution was adopted by a vote of 6-2.

Based on the votes, the resolution was adopted in its entirety.

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**Introduction of the Resolution Opposing the PPL Susquehanna-Roseland Power Line Project, Route C Alternative**

Mrs. McHale advised at the request of Mrs. Neiper, a resolution was prepared which stated Northampton County Council was opposed to Route C of the proposed PPL Power Line Project.

Mrs. Neiper stated for those who were not aware, PPL was looking to put a power line in from Berwick over to New Jersey and in some cases the towers were going to be 200 feet high. She further stated they had three proposed routes, with the route affecting Northampton County being called Route C. She noted PPL held a series of workshops throughout the County where they did not answer questions, but basically discussed their plans. She further noted she was informed they planned to announce the route they had chosen the first week of August, but would not be presenting it to the Public Utilities Commission (PUC) before the last quarter of the year because after a route was chosen, they had to hold another series of workshops in the area that would be effected.

Mrs. Neiper advised she was told they would be sending a letter to all the municipalities affected, as well as to the municipalities of the routes that were not chosen. She further advised she was informed all the information they received via
meetings, letters, e-mails and phone calls would be taken into consideration, noting Representatives Craig Dally and Richard Grucela have voiced their opposition to Route C. Therefore, she believed it was important to present this resolution tonight so it could be sent to PPL before the end of July to let them know County Council was against Route C.

She introduced the following resolution:

R. 48-2008 WHEREAS, the PPL Corporation is considering upgrades to its electrical systems, and has identified the following three alternative routes that could be used for this project:

Route A begins at the PPL Electric Utilities switching station near Berwick and travels northeast through Luzerne and Lackawanna counties on a path of an existing 230-kV power line. The line then travels east through Lackawanna and Wayne counties primarily on the path of existing power lines before heading east-southeast through Pike County; and

Route B begins at the PPL Electric Utilities switching station near Berwick and travels through Luzerne, Lackawanna and Wayne counties on the same power line rights of way as Route A. Route B separates from Route A at a point northeast of Lake Wallenpaupack and travels south through the Delaware State Forest on the path of an existing 230-kV power line; and

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, Routes A and B, the two northern routes, pass through more remote areas of Pennsylvania and New Jersey while Route C would pass through the more populated areas, in
particular the townships of Lehigh, Moore, Bushkill, Plainfield, Washington and Lower Mt. Bethel in Northampton County; and

WHEREAS, Route C, the Lehigh-Valley-Warren County Route would require more property acquisition and/or building on undeveloped rights-of-way than either Routes A or B. Further, only 55 percent of Route C would be built on existing rights of way, compared with 60 and 95 percent for the other routes; and

WHEREAS, many concerned residents of Northampton County have publically expressed concerns for the planned Route C, most notably that: (1) the high voltage power line would generate strong electro magnetic fields which could adversely affect the health of those who live in the vicinity of the power line and (2) the construction of Route C, and the related loss of trees would adversely affect the environment in the area near the base of the Blue Mountains, the Appalachian Trail and the headwaters of three creeks.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that, due to the reasons set forth above, it does hereby express its formal opposition to the proposed Route C. Further the Northampton County Council, after reviewing the publically presented information pertaining to Route C, believes, that another option would better serve the goal of PPL to improve electric service, in a way that is less intrusive on the lives of Northampton County residents, less harmful to the environment, and less adverse to the quality of life in Northampton County.

Mr. Angle stated when this issue first arose, he called PPL and asked if they planned to hold a hearing in the northern end of the County where there were municipalities that would be effected and he was told they were. However, it turned out they held one hearing in the Borough of Northampton and one in Forks
Township, neither of which would have lines going through them. He further stated he, along with Mr. Stoffa, sent a letter to PPL requesting them to hold a hearing in one of the municipalities in Region IV, who would be effected by their proposal.

Mr. Angle advised they received a letter from PPL which indicated they already held their two meetings, which he agreed were not to answer any questions, but just provide information regarding their plans.

Mr. Angle stated he introduced a resolution, which was unanimously adopted, requesting PPL to hold a hearing in Region IV, but he had not, as yet, received a response and felt this resolution would not help to get such a hearing. He further stated he believed they should obtain the details of PPL’s plans and if it was unacceptable, then present a resolution in opposition based on that information.

Mr. Dertinger advised he appreciated Mr. Angle’s efforts, but it appeared PPL was not interested in holding a hearing to answer questions. He further advised this resolution would let them know that County Council was opposed to their plans for Route C.

Mr. McClure stated a petition of 2300 Northampton County citizen signatures crying out for action now was received this evening and this resolution would give them a voice. He further stated the only information PPL would provide at a hearing was that which was required by law.

Mr. Grube advised PPL may never respond to Mr. Angle’s letter, therefore, by adopting this resolution, County Council would show their support to the citizens who would be effected by this plan.

Mrs. Ferraro stated if PPL was truly in an information gathering stage during the month of July, she felt it was
imperative this resolution be presented to them to show them County Council’s position. She further stated they could not wait for the possibility there may be a hearing because she honestly did not feel there would be one.

Mr. Angle commented he would like to win this battle and there would be a lot more ammunition to win it if PPL were to grant a hearing. He agreed there was a possibility PPL may not have the hearing, but if they did, there would be a transcript of what their answers were to show the Public Utilities Commission why specifically County Council felt this was not the right choice.

Mrs. Neiper advised she hoped Mr. Angle would get another meeting, but the workshops PPL held were public input workshops and not hearings. She noted the hearings would come after the route was chosen, therefore, it was really important this resolution be presented now.

Mr. Angle stated the hearings Mrs. Neiper referred to were PUC hearings, he wanted PPL to hold a hearing to answer questions.

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


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

Sheriff Sales Suspensions

Mr. McClure advised at the last meeting, County Council
chose to table the resolution he introduced requesting the Administration look into whether or not it would be lawful to suspend Sheriff Sales for a period of time. He further advised this week he noticed a news article and read the following: “The number of Pennsylvania homeowners who fell behind on their mortgage payments last month surged by nearly 80% over the June 2007 number according to the new figures. The rate of increase in foreclosure activity in Pennsylvania last month also outpaced the change nationally. A total of 4,060 Pennsylvania homes received at least one foreclosure related filing last month or about 1 in every 1343 households. The number represented an increase of 79.8% over June 2007 and an increase in 26.2% over May.”

Mr. McClure stated the crisis was here and wanted to know if the Administration had the answer to the question as to the legality of the suspension of Sheriff Sales.

Mr. Karl Longenbach, County Solicitor, advised he believed this matter referred to the City of Philadelphia’s pilot program, which struck him as a brief mediation process that would delay a sale, but would not prohibit or suspend it for any great length of time. He further advised he had not completed his research to determine if it was legal for the Sheriff to suspend the sales, but felt the Sheriff could be compelled to hold Sheriff Sales as part of his responsibilities.

Mr. McClure made a motion to remove the Sheriff Sale resolution from the table.

Mr. Dertinger seconded the motion.

Mrs. McHale called for the vote.

The motion was passed by a vote of 7-1.

Mr. Grube made a motion to change the resolution to reflect a period of 30 days instead of 90 days.

Mr. McClure indicated he would agree to that.

Mr. Dertinger seconded the motion.

The motion was passed by voice acclamation.

Mr. Dertinger stated at the last meeting, Mr. Angle had indicated that he participated in a lot of Sheriff Sales and wondered if there would be a conflict of interest if Mr. Angle were to discuss or vote on this matter.

Mr. McClure introduced the following amended 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 thirty (30) days.

Mr. Zito advised although it was not his assignment, he looked into the matter. He further advised Sheriff Sales and the business of the Court under the rules of civil procedures were contractual and procedural entitlements of citizens and could not be amended or pre-empted by any action of a government body.

Mr. Zito stated the action taken by Philadelphia was a response by the Court of Common Pleas using the Judicial Code, noting they had the power to install interlocutory means for any Court procedure.

Mr. Zito advised Northampton County Council did not have any authority in this matter, however, they could request the Common Plea Courts, the President Judge and the Court Administrator to install a procedure. He further advised the benefits County Council wished to confer upon the citizens who were troubled with mortgage foreclosures could be accomplished, but it could only be accomplished through the use of the Judiciary Code.

In response to Mr. Angle’s comment, Mr. McClure stated he was familiar with how the Philadelphia procedure unfolded and it only unfolded once the Sheriff took the unilateral action to suspend the Sheriff Sales. He further stated he had no objection to modifying this resolution to take into account Mr. Zito’s view point and directly ask the Courts to do this.

Mr. Dertinger advised this resolution was not directing
anyone to do anything, it was just asking them to look into slowing down this runaway train that was affecting so many of Northampton County’s citizens. He then, based on Mr. Zito’s statement, made a motion to amend the resolution to reflect the Court of Common Pleas and not the County Executive shall instruct the Northampton County Sheriff’s Office to immediately suspend Sheriff’s Sales for a period of thirty (30) days.

Mr. Zito advised he believed it was proper and appropriate for this body to take some action to provide relief, however, the resolution should be directed to the Court Administrator to forward to the Court of Common Pleas because ultimately the relief provided to Philadelphia was through the Judiciary Code.

Mr. Zito suggested the Legal, Judicial and Operations Committee approach the Court Administration, Court of Common Pleas and the President Judge to hold a meeting to discuss the concerns on behalf of the citizens.

Mr. Grube made a motion to have this matter moved to the Legal, Judicial and Operations Committee.

Mr. Angle seconded the motion.

The motion was passed by voice acclamation, with Mr. McClure and Mr. Dertinger opposing the motion.

Mrs. Ferraro stated one of the reasons she wanted to table this resolution at the last meeting was because she was concerned about legal ramifications. She further stated she appreciated Mr. Zito’s opinion and believed going through the Legal, Judicial and Operations Committee was the appropriate thing to do.

County Commissioners Association of Pennsylvania (CCAP) Insurance Coverage

With regard to the CCAP insurance coverage, Mr. Cusick
asked if there was any course of action County Council was going to take based on Mr. Zito’s opinion.

Mr. Longenbach stated he spoke to Mr. Zito and having reviewed all the facts in this matter, he did not ultimately disagree with his conclusion that County Council had the authority to reconsider the matter and to decide whether or not it wished to proceed with this contract. However, he did take issue with whether or not it was in violation of the Administrative Code only because in this incident, it was his understanding the existing previous contract renewed itself for one year. He further stated Mr. Stoffa had not signed any new contract, however, a partial premium had been paid and the policy remained enforced. He noted if County Council did not approve the existing renewed contract, there was a cancellation date, but noted it should remain enforced until County Council made its decision.

Mr. Angle commented he agreed with Mr. Zito’s opinion and believed there was a violation due to the fact County Council was placed in the position to either ratify it or declare it null and void.

Mr. Angle made a motion for County Council to ratify the County Executive’s renewal of the CCAP insurance policy.

Mrs. McHale indicated the motion died as there was no second.

Introduction of the Ordinance Providing for an Amendment to Northampton County Administrative Code, Article XV Authorities, Boards and Commissions, Section 15.02 Retirement Board

Mrs. McHale advised at her request, an ordinance was prepared which allowed the Northampton County Employee’s Retirement Association to nominate one of the two participating
members to serve on the Retirement Board, noting at the current time, the County Executive selected the two participating members.

Mrs. McHale indicated the public hearing, debate and possible vote was scheduled for the August 7, 2008 County Council meeting.

Mrs. McHale and Mr. McClure introduced the following ordinance:

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XV, AUTHORITIES, BOARDS AND COMMISSIONS, SECTION 15.02 RETIREMENT BOARD, AND FURTHER Delineating the appointment process for membership on the Northampton County Retirement Board

WHEREAS, Northampton County Home Rule Charter Section 202 Powers (7) provides that the County Council shall have the power “to adopt, amend, and repeal the Administrative Code;” and

WHEREAS, Northampton County Home Rule Charter Section 602. Ordinances (a) Acts Required (1) provides that the County Council shall “adopt an ordinance for any act which adopts or amends the Administrative Code, establishes or abolishes an agency, or assigns powers or duties among agencies.”

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that Northampton County Administrative Code, Article XV, Section 15.02 Retirement Board shall be amended as indicated hereafter (sections marked with bold underline have been added and sections marked with strikeout have been deleted):

ARTICLE XV
Section 15.01 Establishment

a. The following boards and commissions are established by the Charter:

(1) Personnel Appeals Board,
(2) Revenue Appeals Board,
(3) Election Commission; and
(4) Personnel Commission.

b. In accordance with Section 1304 of the Charter, the following authorities, boards, and commissions shall continue to exist unless specifically abolished by ordinance:

(1) Joint Planning Commission of Lehigh and Northampton Counties;
(2) Lehigh and Northampton Airport Authority;
(3) Lehigh and Northampton Transportation Authority;
(4) Northampton County Children’s Bureau Advisory Committee; (designated as the Advisory Board to the Division of
(5) Northampton County Conservation District;
(6) Northampton County Coordinating Committee of the Lehigh Valley Transportation Study;
(7) Northampton County Drug and Alcohol Commission;
(8) Northampton County Hospital Authority;
(9) Northampton County Housing Authority;
(10) Northampton County Industrial Development Authority;
(11) Northampton County Mental Health/Mental Retardation Advisory Board;
(12) Northampton County Overall Economic Development Committee;
(13) Northampton County Park Board;
(14) Northampton County Re-development Authority;
(15) Northampton County Solid Waste Authority;
(16) Northampton County Prison Advisory Board; and
(17) Northampton County Area Agency on Aging Advisory
All other authorities, boards and commissions are hereby abolished except as otherwise provided by ordinance or this Code.

Section 15.02 Retirement Board

a. Establishment. There is hereby established the Northampton County Retirement Board.

b. Function. The Northampton County Retirement board shall administer the retirement system of the County in accordance with applicable law.

c. Membership. The Retirement Board shall be comprised of seven (7) members. The members shall be the County Executive, the Director of Administration, the Director of Fiscal Affairs, two (2) members of County Council (one of whom shall be President of Council), and two (2) participating members in the retirement system—, one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County
Employee’s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

Effective Date: This ordinance shall become effective thirty days after the date of enactment.

Introduction of the Ordinance Providing for Campaign Finance Regulations in the County of Northampton

Mrs. McHale stated at the request of Mr. Cusick, an ordinance was prepared which provided for campaign finance regulations in Northampton County. She noted this ordinance was patterned after the one considered in the City of Pittsburgh. She further noted the public hearing, debate and possible vote was scheduled for the August 7, 2008 County Council meeting.

Mr. Cusick and Mr. Dowd introduced the following ordinance:

AN ORDINANCE PROVIDING FOR CAMPAIGN FINANCE REGULATIONS IN THE COUNTY OF NORTHAMPTON

IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council as follows:

Section I DEFINITIONS.

For purposes of this ordinance, the following
definitions shall apply:

A. CANDIDATE:

(1) An individual who files nomination papers or petitions for County elective office.

(2) An individual who publicly announces his or her candidacy for County elective office.

B. COUNTY ELECTIVE OFFICE:

1. the nine (9) members of the Northampton County Council;

2. the Northampton County Executive;

3. the Northampton County Controller; and

4. the Northampton County District Attorney.

C. CONTRIBUTION: Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate.

D. COVERED ELECTION: Every primary, general or special election for County elective office.

E. PERSON: An individual, partnership corporation, sole proprietorship, or other form of business organization permitted under the laws of the Commonwealth to make political contributions.

F. POLITICAL COMMITTEE: Any committee, club, association, political party, or other group of persons, including the candidate political committee, as required by SECTION III. Candidate Political Committee Accounts, for the
purpose of influencing the outcome of a covered election.

SECTION II. CONTRIBUTION LIMITATIONS.

A. Except as provided in subsection C., no individual shall make total contributions per covered election, including contributions made to or through one or more political committees, of more than two thousand dollars ($2,000) to a candidate for a County elective office.

B. Except as provided in subsection C., no political committee shall make total contributions per covered election of more than five thousand dollars ($5,000) to a candidate for a County elective office.

C. The limitations imposed by this Ordinance shall not apply to contributions from a candidate's personal resources to the candidate's political committee. However, if such contributions total $100,000 or more (regardless of the time period over which such contributions are made), then the contribution limits set forth in this Section for all other candidates for that County elective office shall double.

D. The limitations imposed by this subsection shall not apply to volunteer labor.

E. No candidate for County elective office, and no political committee, shall accept any contribution which exceeds the contribution limits set forth in this ordinance.

SECTION III. CANDIDATE POLITICAL COMMITTEE ACCOUNTS.

A candidate for County elective office shall have no more than one political committee and one checking account for the County office being sought, into which all contributions for such office shall be made, and out of which all expenditures for that office shall be made. If the candidate for office maintains
other political or non-political accounts for which contributions are solicited, such funds collected in these accounts shall not be used for the purpose of influencing the outcome of a covered election.

SECTION IV. COMPETITIVE BIDDING AND DISCLOSURE.

A. Any person who makes a contribution of $1,000, or more, during an election cycle may not be awarded a contract relating to County affairs, without going through a competitive bidding process.

B. Any candidate seeking an elective office in the County must submit a disclosure form for every contributor who makes a contribution of five-hundred dollars ($500.00) or more:

1. Does business with or has a contract with the County, its Authorities, Boards or Commissions and the nature of said business or contract for the past five (5) years;

2. Is employed by the County, its Authorities, Boards or Commissions or was employed by the same in the past five (5) years;

3. Has an appointment to any Authority Board or any other Board or Commission of the County or has held one in the past five (5) years;

SECTION V. PUBLIC RECORD OF REPORTS.

All candidates and political committees shall submit campaign finance reports to the Northampton County Election Commission in a timely manner. The Northampton County Department of Fiscal Affairs, Information Services Division shall be responsible for maintaining an up-to-date and public
database that is searchable based on the following categories: candidate name, contributor name, contribution level, and, where applicable, employer.

SECTION VI. REQUIRED NOTICE OF CONTRIBUTION LIMITS.

The Northampton County Election Commission shall annually arrange for the publication of a notice setting forth the contribution limits set forth in this Chapter, together with a plain English explanation of the provisions of this Ordinance and the penalties and remedies for violations. Such notice shall also appear at all times on the County's official website.

SECTION VII. PENALTIES AND INJUNCTIVE RELIEF.

A. Any person residing in the County of Northampton, including the County Solicitor and the Northampton County Council Solicitor may bring an action for injunctive relief in any Court of competent jurisdiction to enjoin any violations of, or to compel compliance with, the provisions of this Ordinance. The Court may award to a prevailing plaintiff in any such action his or her costs of litigation.

B. The provisions of this Ordinance shall be subject to the jurisdiction of the Northampton County Election Commission.

SECTION VIII. SEVERABILITY.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void, or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.

SECTION IX. Effective Date; Implementation

A. This Ordinance shall take effect on January 1, 2009.
B. By November 1, 2008, the Northampton County Executive shall provide the Northampton County Council with a report on the County’s preparedness of the implementation of this ordinance.

Consideration of the Keystone Opportunity Zone (KOZ) Resolution

Mrs. McHale advised at the request of Mr. Cusick, a resolution was prepared which asked the County Executive to analyze the newly enacted State KOZ legislation.

Mr. Cusick stated Northampton County currently had six KOZs and the State Legislatures recently passed legislation that changed the rules and regulations that governed KOZs and he was requesting a report to analyze these zones to see if there was an opportunity for any additional ones based on the new legislation.

Mr. Cusick introduced the following resolution:

R. 49-2008 WHEREAS, the Northampton County Council has enacted and authorized six Keystone Opportunity Zones (KOZ) Ordinances No. 327 of 1998 (Original Creation), No. 367 of 2001 (Expansion Zone 2001), No. 402-2003 (Bangor), No. 403-2003 (Easton), No. 404-2003 (Washington Township) and No. 404-2003 (Easton) since the inception of the Keystone Opportunity Zone Program by the Commonwealth of Pennsylvania; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted, and the Governor has signed SB 1412 of 2008, p.n. 2285, which legislation which extends and amends the original Keystone Opportunity Zone legislation(P.L. 705, No. 92); and

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

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that the Northampton County Executive, or his designee, shall prepare and submit to the Northampton County Council a written report which: (1) analyzes the impact of the newly enacted Pennsylvania Keystone Opportunity Zone Legislation on the existing County of Northampton Keystone Opportunity Zone programs and (2) identifies any plan to include additional properties in a KOZ as a result of the new Pennsylvania KOZ legislation.

Mr. Angle advised he did not have a problem with reviewing the matter, but he did not want to see the County create any more KOZs because it appeared the County gave tax breaks to people who promised to do things that they ultimately did not do.

Mr. Dertinger stated one of the changes was the tax break was given only after the property was developed.

Mrs. McHale advised she attended a meeting of the Lehigh Valley Economic Development Corporation and Mr. Dertinger was correct that the tax break would not be given until the property was developed.

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


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

Mr. Angle stated Mr. Zito was asked to give his opinion regarding the situation with regard to this contract and he provided two courses of action. He further stated he made a motion to ratify the contract, however, no one seconded the motion. Therefore, he wanted to know what County Council planned to do about the situation.

Mrs. McHale advised her request was to have Mr. Zito provide an opinion as to whether the Administrative Code was violated and according to Mr. Zito, there was a violation.

Mr. Angle added that he requested an opinion as to a course of action County Council could take. He noted his point was there was now a contract in violation of the Administrative Code and Mr. Zito’s remedy was crystal clear that County Council could either ratify the contract or declare it null and void and rebid it.

Mr. Dertinger advised he agreed Mr. Zito’s opinion was clear inasmuch as most of the personnel regulations that were adopted over the last two years had not been done through the proper procedure. Therefore, if County Council were to ratify the insurance proposal as presented, there was the issue of whether or not fraud was being committed based on the fact that part of the documentation, the Employee Personnel Manual, was not clearly or properly put together.

In response to Mr. Angle’s question as to how County Council should proceed, Mr. Dertinger stated the first thing would be to adopt a proper employee policy code because he did not know how the County could move forward with getting insurance without the proper documentation required.

In answer to Mrs. McHale’s question, Mr. Zito advised the County Executive had taken the position this was an automatic
renewable contract, but nonetheless presented it to County Council for ratification. He further advised, at this point, the coverage was in effect because a partial premium had been made so there was no jeopardy unless the coverage was not correct for all the County agencies. Therefore, County Council was not required to take any action at this time, however, he suggested action should be taken to determine if they wanted to ratify this contract or terminate it before the next periodic payment was due because the contract could be considered ratified if no action was taken.

Mr. Angle made a motion that County Council ratify the first installment of the contract for insurance that was entered into by Mr. Stoffa. Further, that Mr. Stoffa notify the insurance carrier about the situation with regard to the personnel manual and present to County Council a proposal as to how he planned to handle the entire matter before any further payments were made.

Mrs. Ferraro seconded the motion.

Mr. McClure stated this was just one item in a long line of illegal or almost illegal actions taken by this Administration. He then asked Mrs. McHale if it was her professional opinion that if this contract was not ratified, the County could get insurance in a timely manner so it would not be without insurance.

Mrs. McHale replied in the negative indicating it would take too long and that was why she contacted the Administration in January to start working on this.

Mr. Dertinger advised it appeared this motion was an effort to correct a mistake made by the County Executive and County Council was being asked to vote on a matter that was in violation of the Administrative Code.

Mr. Stoffa stated 44 Counties had this insurance and it was
6% lower than last year. He further stated they increased the property coverage from $300 million to $350 million. Therefore, he did not understand why there was such an issue with this insurance.

With regard to the matter of the personnel manual, Mr. Stoffa advised they had done nothing wrong and disagreed with Mr. Zito’s interpretation. He further advised the personnel manual was updated the same way it had always been updated, noting it had never been put before the Personnel Commission.

Mr. Cusick stated he did have a problem with this issue, but with the nature of the motion made by Mr. Angle. He further stated he felt the proper thing to do would be to remove the resolution that was previously introduced from the table and then vote on it.

Mr. Angle withdrew his motion so that Mr. Grube could present his motion.

Mr. Grube made a motion that the County Council Solicitor, President of County Council, the County Executive and the County Solicitor shall meet, discuss and attempt to arrive at a resolution to the issues pertaining to the CCAP contract for property and casualty insurance.

Mr. Angle seconded the motion.

The motion was passed by voice acclamation.

Gracedale

Mrs. Neiper advised she met with Mr. Ross Marcus, Director of Human Services, and was informed that the Gracedale-CCAP Project would be completed by August. She further advised the window project had begun.
Finance Committee Report

Mr. Angle stated at the Finance Committee held yesterday, an update was received on the County’s finances for the first half of the year and the expenditures were where they should be, however, there would be some adjustments in line items in the budget forthcoming.

Mr. Angle advised the gathering of information for the Capital Improvements portion of the Bond Issue was moving along, but the time frame previously provided may change.

Agricultural Extension Liaison Report

Mr. Cusick stated the Northampton County 4-H Fair would be held from Friday, August 1, 2008 through Sunday, August 3, 2008 at the 4-H Center and invited all members to attend.

Correctional Food Service Management

Mr. Grube stated he received a notice from Procurement for Correctional Food Service Management. He further stated a few years ago, the County laid off two or three cooks and he wondered if any of them would be interviewed for that job.

Mr. Stoffa advised he believed approximately four individuals were laid off and the matter went to arbitration which the County lost. He further advised he would look into the matter and get a report to Mr. Grube.

Council Solicitor's Report

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

Mr. Angle made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser