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; 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 Charles M. Dertinger.

Prayer

Mr. Dowd 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

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the June 5, 2008 and June 11, 2008 meetings shall be approved.

Mr. Cusick seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Ms. Colleen Lavdar, Executive Director, Northampton County Historical and Geological Society (NCHGS) - advised the NCHGS Board met today and the issue of the Bachmann Publick House came up. She further advised she was present to ask that the County, Lafayette College and NCHGS explore the possibility of forming a partnership with NCHGS eventually taking over the responsibility for the Bachmann Publick House at the end of the four year plan currently being presented by Lafayette College.
Confirmation of Appointments

Mrs. McHale stated the Personnel Committee met on Wednesday, June 18, 2008, to consider appointments to the Area Agency on Aging Advisory Council and the Prison Advisory Board. Mr. Cusick introduced the following resolution:

R. 36-2008 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

AREA AGENCY ON AGING ADVISORY COUNCIL

<table>
<thead>
<tr>
<th>Appointments:</th>
<th>Terms to Expire: 7/1/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia Brockelman</td>
<td>19 Flintlock Drive</td>
</tr>
<tr>
<td>Mt. Bethel, PA 18343</td>
<td></td>
</tr>
<tr>
<td>Mary Ann Catino</td>
<td>350 North Eighth Street</td>
</tr>
<tr>
<td>Bangor, PA 18013-2616</td>
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PRISON ADVISORY BOARD Term to Expire: 12/31/10

<table>
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<th>Appointment:</th>
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</thead>
<tbody>
<tr>
<td>Daniel W. Hood</td>
<td>4380 Eisenhower Drive</td>
</tr>
<tr>
<td>Bethlehem, PA 18020</td>
<td></td>
</tr>
</tbody>
</table>

Mr. Cusick noted the Personnel Committee unanimously approved to recommend these appointments.

Mrs. McHale called for the vote:


The resolution was adopted by a vote of 8-0.
Mrs. McHale advised Northampton County and the General Purpose Authority have supported several GEDP and City of Easton initiatives and called on Mr. Dowd to address this matter.

Mr. Dowd introduced Mr. Gary Evans who gave a power point presentation (see Attachment #1). Mr. Evans stated this was the GEDP report to its stockholders and they were going around making presentations to the various entities, such as the County, that had supported Downtown Easton and the GEDP just to let them know their investments were paying off and to show some of the things that were being accomplished with them.

Mr. Evans advised one of the programs the County had sponsored was the Main Street Program, which enabled them to get excess matching support from the State and was one of the premiere programs in the Commonwealth. He further advised this program was a national program and Easton’s Main Street Program had achieved the requisites to become certified nationally.

Mr. Evans stated their partnerships included Northampton County, City of Easton, businesses, educational institutions, non-profit organizations and the residents of Easton. He further stated there were many individuals who volunteered their time to maintain Downtown Easton and keep the program running which was a great financial benefit to them.

Mr. Evans advised they had a newsletter, website and speakers that kept the community informed about what was taking place and how things were progressing.

In conclusion, Mr. Evans thanked County Council for the opportunity to give this presentation because it was important to show those who had made commitments to the various parts of this program to see it encompassed a lot of activities, a lot of volunteers and a great variety of partners ranging from the public to private sectors all of which were making Easton cleaner, safer, more hospitable and turning it into a destination that would be attractive and beneficial not only to the City, but to the County.
Consideration of the Bachmann Publick House Resolution

Mrs. McHale stated at the request of Mr. Dowd, the following resolution was prepared which stated that Northampton County supported the “PROSPECTUS FOR THE REVITALIZATION OF THE BACHMANN PUBLICK HOUSE, EASTON, PA”, which was presented by a group of prominent Northampton County citizens, led by Daniel Weiss, Ph.D., President, Lafayette College, at the County Council meeting held March 6, 2008:

WHEREAS, the Bachmann Publick House is an Early American Living History and Heritage Center, providing a unique educational venue, a rare resource and vital historic attraction, serving the public and complementing other components of downtown Easton’s current revitalization in the National Register Historic District; and

WHEREAS, the Bachmann Publick House is one of the most valuable public cultural resources existing in Northampton County whose historical significance extends to many local, regional, state, national and international levels, notably:

$ The Bachmann Publick House is the only Colonial period (up to 1776) tavern to survive in the Easton area and it retains the highest percentage of its original historic building fabric.

$ The Bachmann Publick House was the location of the first Northampton County Court of Sessions and County meetings in 1754. These functions were for the area that now includes all of twelve and parts of three counties, forming the Northeast Region of Pennsylvania.

$ It appears that the well preserved Bachmann Publick House is one of possibly only six surviving historic building/locations of Colonial period (1640 to 1776) County Courthouses in the Commonwealth of Pennsylvania, today.

$ The Bachmann Publick House was a significant quasi-government building during the October 1758 Easton Treaty Conference between British officials, the Colonial government of Pennsylvania and native
Whereas, on March 6, 2008, a group of prominent Northampton County citizens, led by Daniel Weiss, Ph.D., President Lafayette College, presented the "Prospectus for the Revitalization of the Bachmann Publick House, Easton, PA" (a copy of which is attached hereto and labeled as Exhibit "A" and which is hereafter referred to as the Prospectus); and

WHEREAS, the Prospectus proposes the following for the revitalization of the Bachmann Publick House: (1) Lafayette College will form a partnership with Northampton County to manage the renewal of the Bachmann Publick House for an inception period for up to four years; (2) A Management Board shall be created comprised of seven voting members; (3) an Executive Director/Curator shall be hired to manage the day to day Bachmann Publick House Revitalization efforts; (4) Lafayette College will pay the salary and benefits of the Program Director for program years one through four; (5) Northampton County will allocate $130,000 per year for program years one through four and (6) In year four a critical evaluation of all involved parties shall occur to prepare a "Review for Continuance"; and

WHEREAS, the Northampton County Council Economic Development Committee met on April 3, 2008 and May 1, 2008 to discuss the revitalization of the Bachmann Publick House, and on May 1, 2008, unanimously voted to endorse and support the proposes provisions of the Prospectus as the most viable option for the revitalization of the Bachmann Publick House; and

WHEREAS, over the past ten years the County of Northampton has made a significant financial commitment to the Bachman Publick House (During the period 2000 to 2008, the County of Northampton allocated $229,500 for the operation of the Bachmann Publick House, and in 2001, the Northampton County General Purpose Authority, through their Loan and Development Fund, granted the Bachmann Publick House a $500,000 loan.).

NOW, THEREFORE BE IT HEREBY RESOLVED, By the Northampton
County Council that: (1) It believes that the Bachmann Publick House is the preeminent historical icon existing in Northampton County which has played a significant role in the history of the United States; (2) It hereby endorses and supports the Prospectus as the most feasible and practical plan for the revitalization of the Bachmann Publick House; (3) It shall be understood that a duly created non profit representing both Lafayette College and the County of Northampton shall be created to carry out the provisions of the Prospectus; (4) The Northampton County Council directs the Northampton County Executive to allocate the sum of $130,000 per year in the County budget, for four consecutive years beginning with the budget year commencing on January 1, 2009, as Northampton County’s contribution toward the revitalization of the Bachmann Publick House; (5) It is recognized that County support for continued participation, beyond year four, shall be dependent upon a favorable recommendation in the “Review for Continuance,” as well as the adoption of a resolution, or other appropriate legislative act of the Northampton County Council, for continued support of the revitalization of the Bachmann Publick House.

Mr. Dowd advised based on the statement by Ms. Lavdar, it might be feasible for the County to enter into a period of negotiation with NCHGS and Lafayette College to ensure the right program was established, noting the resolution itself called for the formation of a 501(C)(3) corporation to manage the program for Northampton County. He further advised it was very clear that the NCHGS would still require the support of the County to continue to move this project forward.

Therefore, he was withdrawing this resolution and requested Mrs. McHale form a committee to enable further negotiations with the NCHGS and Lafayette College.

After receiving affirmation from the members of County Council to assemble this committee, Mr. Angle and Mr. Dowd were appointed as County Council’s representatives.

Public Hearing on the Ordinance Amending §13.15 of the Northampton county Administrative Code to Provide for an Exemption from the Appraisal Requirements of §13.15 to Grant Easements for Nominal Value for a Public Utility
Mrs. McHale stated the following ordinance was introduced by Mrs. Ferraro and Mr. Dowd at the meeting held June 5, 2008:

AN ORDINANCE AMENDING §13.15 OF THE NORTHAMPTON COUNTY ADMINISTRATIVE CODE TO PROVIDE FOR AN EXEMPTION FROM THE APPRAISAL REQUIREMENTS OF §13.15 TO GRANT EASEMENTS FOR NOMINAL VALUE FOR A PUBLIC UTILITY


WHEREAS, Public Utilities routinely request easements for public purposes be granted by Northampton County pertaining to Northampton County owned real estate; and

WHEREAS, §13.15 of the Northampton County Administrative Code (the Code) authorizes the County Executive to negotiate contracts for the purchase, sale or lease of real estate subject to approval by Northampton County Council; and

WHEREAS, §13.15(2) of the Code requires two (2) sealed appraisals to be provided by the County Executive to County Council for its consideration in the approval of a purchase, sale or lease of real estate; and

WHEREAS, the granting of easements convey interest in land and as such are conveyances under the law of the Commonwealth of Pennsylvania; and

WHEREAS, Public Utility corporations as defined by the Public Utility Code routinely requests easements for public purposes to be granted by Northampton County over and across Northampton County real estate for public purposes; and

WHEREAS, Northampton County Council wishes to provide a process to exempt from the appraisal requirements of §13.15(2) of the Code easements granted by Northampton County Council to Public Utilities, for public purposes for nominal value or consideration without incurring the expense of the appraisal process.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by Northampton County Council, that:
1. §13.15 of the Northampton County Administrative Code is hereby amended to add subsection (c)(3) to be numbered §13.15(c)(3), which shall read as follows:

Notwithstanding anything in §13.15 or in this provision to the contrary, the granting of an easement over Northampton County owned real estate to a Public Utility as defined in the Public Utility Code of the Commonwealth of Pennsylvania, 1978, July 1, P.L. 598, No. 116 §1 (66 Pa.C.S.A. 101, et seq., 102(1)) for nominal value or for consideration not to exceed $1,000.00 may be exempted from the appraisal requirements of §13.15 by action of County Council but shall nevertheless require the approval by County Council by ordinance granting such easement.

2. Any Ordinance or any part of any other ordinance conflicting with the provisions of this Ordinance is hereby repealed.

Mrs. McHale asked if there was anyone from the public who wished to comment on this ordinance. There were no respondents. She then asked if any member of County Council had a comment.

In response to Mr. Grube’s question, Mrs. McHale advised Mr. Zito brought this issue forward at the request of the County Solicitor.

Mr. Zito stated on May 21, 2008, he received a memorandum from Mr. Flisser inquiring as to whether or not the grant of an easement to PPL required compliance with the appraisal process of Section 13.15 of the Administrative Code. He further stated he concluded that the appraisal process was required for the sale of any Northampton County real estate and a conveyance of an easement was included in the definition of a sale.

Mr. Zito advised on May 23, 2008, Mr. David Backenstoe, Assistant Solicitor, contacted him with regard to his opinion and informed him of the routine nature of the request for the easement and questioned how they could be exempted from the expense and time of the appraisal process. He further advised he reviewed the issue and concluded the only way this could be accomplished was if Section 13.15 was amended so County Council would be able to exempt an easement request from the appraisal
process. He noted with the amendment of the Administrative Code, County Council could use this option as a tool in order to accomplish the granting of these easements without the appraisal process.

Mr. Zito stated, on that basis, he prepared an ordinance which he forwarded to Mr. Flisser for distribution and consideration by County Council.

Mrs. McHale commented she felt if County Council adopted this ordinance, it would be setting a bad precedent even though it involved only a nominal dollar amount.

Mr. Dowd advised he supported this ordinance because sometimes appraisals were done on such nominal figures that the costs exceeded the value of the property.

Mrs. Neiper stated when she first read this ordinance, she felt it was such a good idea that she could not understand why it was not written that way originally. However, after further consideration, she thought there had to be a reason why it was not written that way and County Council could eventually regret changing it.

In answer to Mr. Angle’s question, Mr. Zito advised he was providing County Council a tool to determine whether or not an appraisal for an easement would be required. He further advised even if an easement was determined to be exempt, an ordinance would still have to be enacted.

Mr. Angle stated since Mr. Zito was only providing a tool and County Council still retained the final decision, he would support this ordinance.

Mr. Grube advised PPL was planning a large increase in their rates next year, therefore, he did not understand how anyone could feel sorry for the utility companies. He further advised he did not care if the easement was for a nominal fee or not because it would open a flood gate and the utility companies had more than enough funds to pay for appraisals.

Mr. McClure stated if County Council would approve this ordinance, they would be taking a “tool” out of the box that they already had and he was not certain this was the time to be
Mrs. Ferraro advised this ordinance had nothing to do with PPL because they just happened to be the company that raised the question. She further advised this ordinance was providing a tool for all future easements that were of nominal value.

Mr. Robert Toedter, Engineer of Record for Keystone Cement, stated he was representing their interest with regard to the $250 million project and the PPL easement that this particular exemption addressed was for the primary service line to feed into the new project. He further stated the easement crossed over 35 feet of a triangular land that was owned by Northampton County and was part of the conveyance many years ago when the rail companies abandoned their properties in this corridor. He noted they had been working with both Mr. Backenstoe and other County staff for the last couple of months trying to find a mechanism by which they could move forward this particular request because this pathway was the only pathway by which PPL could logically provide this service to the substation that had to be built in order to bring power to the land.

Mr. Toedter advised he did not believe the exemption placed a burden upon the County in the sense that it did not change the powers of authority of the grantor to the grantee, but merely provided a mechanism for land that had very little real estate value in terms of dollars and cents. He further advised in this particular application, they were crossing a parcel of land that could not be developed as it had no legal frontage and the amount of land was approximately 35 feet wide and with the easement was 100 feet. Therefore, since the value of the land was very small and to go through the exercise and time involved in getting the appraisals, having them forwarded, approved and negotiated was a critical element to them in this particular case. He noted they began working with the County to try and move this issue forward after PPL encountered some difficulties concluding an agreement with the County for this easement. Additionally, this ordinance, in and of itself, did not change any of the powers available to County Council, but provided an opportunity to appraise a particular application in a logical way and as there was no other mechanism to grant an exemption, it was being presented for approval.

In response to Mr. Angle’s question with regard to PPL’s
Mr. Longenbach advised the reason for this ordinance was because it did not seem reasonable for the County, because it would be their obligation, to spend thousands of dollars on appraisals when the amount involved was nominal. He further advised this ordinance did allow for appraisals to be obtained if the easement was for more than a nominal amount.

As there was no further discussion, Mrs. McHale called for the vote.


The ordinance failed by a vote of 2-6.

Public Hearing on the Ordinance Providing for the Conveyance of an Easement on Northampton County-Owned Real Property in East Allen Township to PPL Electric Utilities Corporation

Mrs. McHale stated the following ordinance was introduced by Mrs. Ferraro and Mr. Angle at the meeting held June 5, 2008:

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF AN EASEMENT ON NORTHAMPTON COUNTY-OWNED REAL PROPERTY IN EAST ALLEN TOWNSHIP TO PPL ELECTRIC UTILITIES CORPORATION

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which “conveys or leases or authorizes the conveyance or lease of any real property of the County.”; and

WHEREAS, PPL Electric Utilities Corporation has requested an electric and communication lines easement, across County-owned land in East Allen Township.
NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED, by the Northampton County Council that it does hereby agree to grant, in consideration of One Dollar ($1.00), an easement, on Northampton County-owned lands located in East Allen Township, Northampton County, Pennsylvania (more particularly described in certain deed dated December 23, 1980 and recorded in the Office for Recording of Deeds in and for Northampton County in Deed Book 622, Page 1030, being further described as Tax Identifier Number K6 15 1 PKB 0508C), to the PPL Electrical Utilities Corporation according to the terms and conditions of the easement agreement (a copy of which is attached and labeled as Exhibit “A”).

In answer to Mrs. McHale’s question, Mr. Zito acknowledged since the previous ordinance failed, this ordinance could not be considered without the appraisals.

Mrs. McHale withdrew this ordinance from consideration.

Executive Session

Mrs. McHale advised earlier today, she received a request for an Executive Session to discuss the acquisition of real property.

Mr. Dowd made a motion to enter into Executive Session.

Mr. McClure seconded the motion.

The motion was adopted by unanimous voice vote.

Mrs. McHale called the meeting back to order.

Mr. Zito stated County Council adjourned for Executive Session at 7:22 p.m. and reconvened at 7:26 p.m.. He further stated the purpose of the Executive Session was to discuss the acquisition of real estate by the County and was a proper subject for an Executive Session.

Consideration of the Proposed 2008 Bond Issue Resolution
Mrs. McHale advised the Finance Committee held a meeting on June 4, 2008, and requested the entire County Council consider a resolution supporting the concept of the proposed 2008 Bond Issue.

Mr. Angle introduced the following resolution:

**R. 37-2008**

WHEREAS, Northampton County Charter Section 707. Borrowing of Funds provides that, “The County Council shall have the power by ordinance to authorize the borrowing of money and the issuance of bonds or other forms of indebtedness for any purpose within the scope of the powers vested in the County...”

WHEREAS, at the Finance Committee meeting held June 4, 2008, the Northampton County Executive presented a progress report (a copy is attached hereto and labeled as Exhibit “A”) on a proposed $30 million bond issue which addresses capital projects and building needs of Northampton County. Further, at that June 4, 2008 Finance Committee meeting, the Finance Committee voted unanimously that it supported the concept of the proposed bond issue as presented by the County Executive.; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that it is the consensus of the Northampton County Council that it supports the concept of the proposed $30 million bond issue, as set forth in Exhibit “A.” Further, the Northampton County Council directs the County Executive to obtain additional information on the scope and cost of the projects listed on Exhibit “A.”

IT IS FURTHER RESOLVED, that adoption of this resolution does not constitute approval by the Northampton County Council for the actual borrowing of funds, nor shall adoption of this resolution constitute approval by the Northampton County Council for any particular project, or dollar amount for any particular project, in a future bond issue. This resolution only expresses the consensus of the Northampton County Council to further explore the proposed $30 million bond issue as set forth in Exhibit “A”.

IT IS FURTHER RESOLVED, that approval for the proposed bond issue shall be granted by the Northampton County Council in accordance with the Northampton County Home Rule Charter.

Mr. Angle stated there were certain projects County
Council, as a whole, wanted included in the bond issue, and this resolution would allow the County Executive to continue to gather the figures and facts with regard to those projects. He further stated it did not commit County Council to any bond issue.

In response to Mr. McClure’s question, Mr. Angle advised he was presenting this resolution because the County Executive did not want to spend a considerable amount of administrative time gathering this information unless there was some reasonable intent that County Council would consider a bond issue.

Mr. McClure questioned if by adopting this resolution, County Council was not signaling to the public that it was their intention to proceed with borrowing the $30 million.

Mr. Angle stated if all the projects came in at a level that was acceptable to all parties, there was a distinct possibility County Council would approve the borrowing of the money.

In answer Mr. Cusick’s question, Mr. Angle advised Request of Proposals would have to be sent out for bond counsel after which County Council would make the final decision.

In response to Mr. McClure’s question, Mr. Flisser stated the County Executive sent out the Request for Proposals and would make the recommendation to County Council, but County Council had the final decision.

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


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

Mr. McClure advised he did not support this resolution because he did believe that he could be persuaded, when the time came to vote on the bond issue, that the County should borrow $30 million, which would cost $60 million to pay off, when it already had a long term debt of $124 million outstanding.
Consideration of the Resolution Confirming the Appointment of the Director of Court Services

Mrs. McHale stated the Personnel Committee met on Wednesday, June 18, 2008, to consider the appointment of the Director of Court Services.

Mr. Stoffa indicated he wished to withdraw this matter from consideration.

Mortgage Foreclosure Crisis

With regard to the mortgage foreclosure crisis, Mr. McClure questioned whether the Administration had done any preliminary legal review as to whether Sheriff Sales could be suspended for a period of time.

Mr. John Stoffa, County Executive, advised discussions have been held with regard to this matter.

Department of Court Services

Mr. Grube proposed the Solicitor research the legality and procedure of transferring the Department of Court Services from the Administration to the Court of Common Pleas.

Mr. Angle indicated he would also be interested to know the results of that research.

Mr. McClure stated he supported Mr. Grube’s request because he also felt these divisions should be under the Courts. He further stated he believed an amendment to the Home Rule Charter would be required.

Conservation District Liaison Report

Mrs. Ferraro advised Mr. Jim Wilson had been hired as the new Watershed Specialist.
Gambling Commission Liaison Report

Mrs. Ferraro stated Ms. Lynette Horner, who was the Director of the Office of Compulsive and Problem Gambling, Pennsylvania Gaming Board, provided a very informative report at their last meeting. She further stated there was a minimum of $1.5 million put into a fund every year for compulsive and problem gambling treatment.

Human Services Committee Meeting Report

Mrs. Neiper advised the Human Service Committee would be meeting on Monday, June 23, 2008, at 3:30 p.m., at Gracedale.

Finance Committee Meeting Report

Mr. Angle stated at yesterday’s Finance Committee, Mr. Stewart Cohen, Cohen Placitella & Roth, gave a presentation on a program where they monitored investments for various companies.

Mr. Angle advised the County’s pension fund was administered by a pension board, however, the responsibility of the pension was that of the County. Therefore, he asked the Solicitor to provide a legal opinion as to who had the authority to hire such a firm.

Economic Development Committee Meeting Report

Mr. Dowd stated the Economic Development Committee would be meeting on Thursday, July 10, 2008, at 5:30 p.m., to review matters related to the Lehigh-Northampton Airport Authority.

Convention and Visitors Bureau Liaison Report

Mr. Cusick advised the Convention and Visitors Bureau budget proposal was forwarded to County Council. He further advised they were opening and staffing an office at Three Rivers Landings in Easton.
Council Solicitor's Report

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

Adjournment

Mrs. Neiper made a motion to adjourn.

Mr. McClure seconded the motion.

The motion passed by acclamation.

Frank E. Flisser