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.; Diane Neiper; Leonard N. Zito, Solicitor to Council and Frank E. Flisser, Clerk to Council.

Prayer

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

Pledge of Allegiance

Mrs. Neiper 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 February 21, 2008 meeting shall be approved.

Mrs. Neiper seconded the motion.

Mrs. Neiper called for the vote.


The motion was passed by a vote of 7-0, with two abstentions.

Courtesy of the Floor

Ken Nagy, Forks Township, PA - stated he had a few comments regarding the health department because he was still confused about what it would be. He remarked if it was going to be a bi-
County department that meant 150 people would be put on the payroll at the taxpayers’ expense. He further stated with the progress he was seeing, he felt this was going to be a very expensive endeavor.

In answer to Mr. Nagy’s question as to whether it was going to be a non-profit or an authority, Mr. Ross Marcus, Director of Human Services, advised it was going to be a commission.

When Mr. Nagy questioned if the employees would be County employees, he was told that had not been determined. At that time, he stated these were the things that should have been worked out before the County decided to move forward. He further stated it appeared they were taking the costs of running the two current health departments and putting them on the County taxpayers.

Mr. Nagy advised another concern was whether or not the municipalities would have the option of bowing out because there were people who were going to being paying for this who would not be using the services. He further advised he felt the voters should have had the opportunity to vote on this issue.

In conclusion, he stated he felt a lot more work was required with regard to this issue before it went any further.

With regard to the Bachmann Publick House, Mr. Nagy remarked the County’s only responsibility was to recoup its $500,000 and any proposal beyond that should not involve the County.

Mr. Angle remarked that Mr. Nagy’s questions were good questions which have never been answered. He further remarked his greatest concern was as a representative of the Northern tier, a set time was never placed on when, if ever, they would receive any services, therefore, why should they be paying for services other municipalities would be receiving.

Discussion and Review of the Bachmann Publick House

Mrs. McHale advised the citizens group was ready to issue a progress report regarding the Bachmann Publick House.
Ms. Colleen Lavdar, Executive Director, Northampton Historical and Genealogical Society (NCHGS), read a letter from the President of their Board, Mr. L. Anderson Daub, who was not able to be present (see Attachment #1) wherein he encouraged County Council to support the proposal for the Bachmann Publick House.

City of Easton Mayor Sal Panto stated he felt the proposal being presented tonight for a public/private partnership was a good step in achieving the goal of preserving the Bachmann Publick House, noting the Bachmann Publick House was Northampton County. He commended the members of the Committee, and in particular Dr. Daniel Weiss, President of Lafayette College, because his leadership in the project was what really brought it to fruition. He further stated the County’s leadership could bring the vision to reality because losing a treasure like this to the private sector would be like turning our backs on the significant transactions that took place there which were a very integral part in the development of this country.

Dr. Weiss provided his prospectus for the revitalization of the Bachmann Publick House (see Attachment #2). He advised Lafayette College had a vital interest in the well being of the City of Easton and the proposal being presented was an opportunity to contribute to its revitalization and preserve one of the most important historical assets in this community.

Dr. Weiss stated the proposal was a partnership between Northampton County, Lafayette College, the City of Easton and the NCHGS, with the principal partners being Northampton County and Lafayette College.

Dr. Weiss advised the cost to operate the facility with academic and cultural programming would be approximately $205,000. He further advised Lafayette College proposed to contribute for a four year period $75,000-$80,000 a year which would be used to hire a curator. He noted if the County would contribute $30,000 a year that would provide support for the physical facility, the operations of the building, as well as the educational and interpretative programs that would be operating within.

Dr. Weiss stated they foresaw a social, academic and
cultural facility that would be opened on a somewhat regular schedule to the public and for school visits. He further stated they were offering their support, leadership and resources to try and make this happen, however, it could not be done without the County’s support and participation.

In response to Mrs. Ferraro’s question, Dr. Weiss advised there would be a board who would hire a curator that would report programming matters to and receive ongoing supervision by the college. He further advised the board would also oversee the operating budget and the programming to be put in place and would be answerable to the County and to others.

Mr. Cusick stated it was his understanding that a portion of this building was rented by a massage therapist and part by an art studio. Therefore, he wondered if the intention was to continue those commercial rentals or would they be asked to move so the space could be used for more historical purposes.

Dr. Weiss advised the opportunity to generate revenues to support the operation of this facility was something they took seriously. He further advised what they did not put in the proposal was the supposition that there would be rentals in the near term to offset the costs because they did not know what they would be, however, they would like these facilities to be rented and if it was by historically significant and entirely appropriate rentals that would be great.

Mr. Dowd stated he had been in support of this project from the beginning. He then asked if this facility would be available to the community for events, such as weddings, dinners, receptions, planning events, etc., so that the citizens who were absorbing some of the costs would have access to it.

Dr. Weiss advised they did have in the plan that the facility would be available for rental for such events as a way of allowing people to utilize the facility and to generate supplemental income.

In answer to Mrs. Neiper’s question, Dr. Weiss stated their proposal gave four years to develop a program that would work effectively and to truly understand what the revenue generating opportunities were by charging for the various programs. He further stated at the end of that time, they would revisit the issue and hopefully the City of Easton would be in a different
place that they could make investments. However, he could not say unequivocally that Lafayette College was prepared to make this investment in perpetuity, but they believed there was enough happening to justify a shift in their circumstances so that in four years from now, it would not be necessary to have this conversation.

Mr. Angle advised he was skeptical about this group being able to come back with a workable business plan and if he was correct, they were anticipating $205,000 worth of expenses per year. He further advised other than the money for the curator, he did not see any breakdown with regard to the maintenance of the building.

Dr. Weiss stated the $205,000 would include salaries, programming costs, utilities and maintenance.

Mr. Angle advised according to the business plan, they were anticipating costs to be approximately $205,000 and income was anticipated to be approximately $15,350. Therefore, based on this plan, at the end of four years, there was nothing to indicate to him that things would be any different than they are right now. He further advised the way he saw it, the County was not going to recoup its $500,000, but it was being asked to contribute $130,000 per year.

Mr. Angle commented that Lafayette College was sitting on an endowment of $780 million, therefore, they could give the County their $500,000 and take over the Bachmann Publick Tavern.

Dr. Weiss stated the Bachmann Publick Tavern was not Lafayette College’s problem. He further stated their endowment was used to provide free education to some students, they spent $10 million on property acquisitions around Third Street and several $100,000 in various investments in the City of Easton this year alone. Therefore, what he was looking for was leverage and a co-investment because they were willing to take some risks if others were willing to do the same because he did not think it was in the best interest of the City for the college to come in every time and throw money at the problem and take it over.

Mr. Angle advised he believed it was not in the best interest of the County to not recoup their $500,000 and invest
$130,000 a year of taxpayers’ money into a building in the hopes at the end of four years, it would turn a profit. He then asked where the City of Easton’s contribution, as well as that of the NCHGS, was in this endeavor.

Mr. Dowd stated Lafayette College had been a remarkable investor in the City of Easton and the County’s investment in this endeavor would be an investment in its culture and history and to preserve something unique as a cultural asset for the County.

Mr. Dertinger advised he felt this proposal had quite a bit of merit to it. He noted the County had put $500,000 into a cupola which no one was going to walk through, however, it could be seen from just about anywhere and provided something very important to the community. He further advised the County may simply be better served to sell the Bachmann Publick Tavern out and perhaps raze the old courtroom because that was getting old and the County could really recoup a lot of room that it needed or it could recognize that it had two courthouses, both the Bachmann Publick Tavern and the old courtroom, that it would continue to support because they were important to the area.

Mr. Angle stated the downfall of the people who previously ran the Bachmann Publick Tavern was they could not generate enough income to make it pay for itself and he did not see anything in this plan that would indicate this building would be turning a profit at the end of four years. Therefore, the realty was the County was being asked to invest $130,000 a year perpetually into this money pit while Lafayette College was only going to invest $75,000 – $80,000 for four years. He further stated everybody was upset about this property going into private hands, but many of the greatest buildings in America were in private hands and this property had enough covenants in the deed that it would have to be maintained, to a great degree, as a historical building. He noted anyone buying this building should have a business plan that was financially sound and this one was not. In conclusion, he commented that public/private partnerships were great, but in the end, the taxpayers ended up paying for them.

Dr. Weiss advised the County may pursue this as an investment that required a return or pursue it as providing an opportunity to give them four years to establish a program that
could be re-evaluated.

Mrs. Ferraro commented she wanted to thank Lafayette College and the citizens who stepped forward to give the County this four year breathing room to save such a wonderful structure that was a most important building.

Public Comments

Mr. Dwight Harris, Easton, PA - stated he was a member of the committee who put this proposal together and he felt it was very conservative. He further stated there were other public funds that could be available and this project had a number of revenue driven capabilities that the other management team did not have. Lastly, he felt this was a business plan that could work and could be used as a model for other projects the County had.

Ms. Nita Guida - advised she was one of the volunteers who worked at the Bachmann Publick House. She further advised she was sick and tired of everyone always worrying about the bottom line. She commented everyone had a duty to bring up young people who had an understanding and love about the past and not just worry about the dollars and cents.

Mr. Ken Brown - stated the Bachmann Publick House was a part of history and the people who worked there had a passion for teaching people and allowing them to experience its history. He implored the members of County Council to support this endeavor and preserve history.

Mr. William Marley, Easton, PA - advised County Council should think long and hard about this decision. He further advised he was part of the group of people who came before County Council when the prison expansion was on the table and tried their best to get a new prison built on other property the County owned rather than tear down the Archives Building. However, the decision was made to proceed with the prison expansion, which apparently did not solve the problem, and a perfectly good building was lost. He noted that was allowed to occur because things were not thought through so he urged County Council to think this through because once the Bachmann Publick Tavern was gone, there was no turning back.
Mr. Polly Hunt, Forks Township, PA - stated this business plan provided a four year period wherein a marketing plan could possibly be developed to link all the historic buildings together and generate more revenue.

Mr. Dennis Lieb, Easton, PA - advised he was a lifelong resident of Easton and a former member of the Easton Heritage Alliance (EHA). He further advised Easton did not have a lot, but one thing it did have was a real history which played an important part in the creation of this country. He noted he was very dismayed being a member of EHA when people were asking questions with regard to the finances of this project and the repayment of the debt and they were being told to either be quiet or resign from the board. He further noted because of that he took a leave of absence and eventually resigned still feeling somewhat guilty even though he had nothing to do with incurring the debt. He agreed there were management issues before, but Lafayette College was a competent organization and the City of Easton was committed to this project.

Ms. Maryanne Riker, Phillipsburg, NJ - stated many priceless moments would be lost for the children who would not have the opportunity to experience history. She further stated even though she was from across the river she would hate to see the loss of such a historical building that she loved to come and see.

Mr. Michael Hollingsworth, 843 Cattell Street, Easton, PA - advised he was involved as a volunteer with the Bachmann Publick Tavern for approximately three years before it was shutdown. He commended Mr. Angle for being a fiscal watchdog, however, the Bachmann Publick Tavern was on life support and it should be given the opportunity to continue operating.

Mr. Matthew Pfeiffer, Forks Township, PA - stated he was a tour guide for the Bachmann Publick Tavern for a number of years and a price could not be put on the look of amazement in the eyes of the children and adults he gave tours to. He further stated the County could not let the Bachmann Publick Tavern be turned over to a private entity because it must be saved and kept as an educational source, indicating it not only reflected American history, but also that of the County and City.
In answer to Mr. Angle’s question, Mr. Harris advised he had put together approximately 100 business plans and he felt this plan could generate enough money in the future to cover the expenses.

Mr. Angle stated this building was located in Easton, however, he did not see in the business plan where Easton was contributing any money. He further stated there were other municipalities that had historical buildings located in them and questioned if equal money was going to be put into those buildings. He noted if other members of County Council agreed to do this, then they should just vote to give the building to the NCHGS because then only $500,000 would be lost.

Mrs. Neiper advised one of the issues that always came up when the County purchased buildings in Easton was that they took away revenue from the City, therefore, she felt this was a way for the County to give back and support the City.

In response to Mr. McClure’s question, Mayor Panto stated he felt the City had given the County a lot because as it expanded it took away vast amounts of taxable properties. He further stated, at this time, the City was not able to make any financial contribution, but he was offering his staff to do any painting, plumbing or electrical work that was required and to help in the maintaining of the building. Additionally, the money the County was contributing was coming from the hotel tax and that really should be coming back to the City, as well as other areas.

Mrs. McHale advised no action would be taken in this matter tonight as County Council had just received this proposal and she suggested everyone take a good close look at it. She further advised she planned to have the Economic Development and the Finance Committees review the proposal as well before a decision was reached.

Consideration of the Elected Officials Salary Ordinance

Mrs. McHale stated the elected officials salary ordinance was introduced by Mr. Cusick and Mrs. Neiper at the meeting held January 17, 2008. She further stated the public hearing on the
ordinance was held at the February 7, 2008 County Council meeting after which time the ordinance was tabled as all the members were not present to vote on it. She noted at the County Council meeting held February 21, 2008, no motion was made to remove the ordinance from the table as there was not a full complement of County Council members.

Mr. Dowd made a motion to remove this ordinance from the table.

Mrs. Ferraro seconded the motion.

The motion was adopted by voice acclamation, with Mr. McClure voting against removing it.

Mr. McClure advised he did not understand why County Council was considering raising their salaries when the economy was teetering on the edge of recession and because no one present was doing this job for the money. He suggested not voting on this ordinance until it was decided the County would rebate across the board 10% of the $60 million budget surplus, which would be approximately $8,100,000. He noted this would give County Council the opportunity to do its part to get money back into the economy and to show the taxpayers that they were not going to take more of their money than was necessary to run the government.

Mr. McClure made a motion to table this ordinance until such time as a vote was taken on a plan to rebate 10% of the property taxes to the taxpayers.

Mr. Dertinger seconded the motion.

Mrs. McHale called for the vote on the motion.


The motion failed by a vote of 3-6.

Mrs. McHale stated several months ago, this ordinance was adopted by County Council, but vetoed by the County Executive. She further stated she supported the ordinance then, but was not
going to support it now because the Hay Group was conducting a salary study for all the various divisions throughout the County and she felt it would be a good idea to have them review these three positions to determine a fair and reasonable salary. Further, a referendum was going to be put on the ballot to make the County Controller’s position full time and it was not known what that salary should be. Therefore, she would be willing to take money from the County Council’s Contingency Account, if needed, to have these salaries reviewed.

In answer to Mrs. Ferraro’s question, Mr. Conklin advised he believed the salary study should be completed by the end of the year.

Mrs. Ferraro stated maybe a study should be done to see what the salaries should be, but she felt it was time to act on this ordinance because it would put Northampton County in line with other Counties.

Mr. Dertinger advised he originally voted against this ordinance because the County was in the midst of contract negotiations. He further advised he would not support this ordinance at this time because again, it was not the right time due to the general economic situation.

Mr. Angle stated he intended to support this ordinance because it was a common sense issue.

Since Mr. Angle mentioned that $85,000 was not enough for the County Executive, Mrs. Neiper asked if he wanted to change that amount.

Mr. Angle advised he would amend the ordinance if he knew there would be support for it. He further advised he would be very disappointed if Mrs. McHale did not support this ordinance as she and he were the ones who initiated this in the first place.

Mr. McClure made a motion to remove Section III of the ordinance so if it did pass, the raises for County Council members would not be included.

Mr. Dertinger seconded the motion.
Mrs. McHale called for the vote.

The vote: McClure, "yes"; Dertinger, "yes"; Dowd, "no"; Ferraro, "no"; Grube, "no"; McHale, "no"; Neiper, "no"; Angle, "no" and Cusick, "no".

The motion failed by a vote of 2-7.

Mr. Cusick read the following ordinance which was originally introduced on January 17, 2008:

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

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

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

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

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

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

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

Mrs. McHale called for the vote on the ordinance.

The vote: Cusick, "yes" Neiper, "yes"; Dertinger, "no"; Dowd, "yes"; Ferraro, "yes"; Grube, "before he voted he just wanted it noted that County Council, having served for 19 years on this Council, should be about $10,500 and the County Executive should be $105,000. We’re cheating our people, we’ve all waited, I’ve waited, Peg’s waited, but I think we are not giving them what they deserve. I am, however, going to vote, ‘yes’"; McClure, "no"; McHale, "no" and Angle, "yes".

The ordinance was adopted by a vote of 6-3.

Archives Building

In response to Mr. Cusick’s question, Mr. Steve DeSalva stated they received five responses to the Request for Quotes which were sent out and they were currently being reviewed.

Treatment Center

Mr. Angle asked Mr. John Stoffa, County Executive, if he felt the way the announcement that the treatment center would be located in Bethlehem Township could have been handled differently even though the response would have probably been the same.

Mr. Stoffa advised someone from County Council leaked the information to the newspapers.

Mr. Grube stated the right way to have handled this was to go to the Supervisors first.

Mr. Stoffa disagreed, indicating he felt he did the right
thing by informing the members of County Council first because if he did not have the support of County Council then there would be no reason to proceed.

In answer to Mr. Angle’s question, Mr. Stoffa advised he planned to continue with the plan.

Parking Lot

Mr. Dertinger stated a few years ago, there was a discussion regarding the inaccessibility from the parking lot to the entrance of the Courthouse. He then asked if there was any decision regarding that plan.

Mr. DeSalva advised a definitive decision had not been made because it was going to be incorporated with the overall parking deck project.

Consideration of the Administrative Code Article XIII Section 13.16C Contract Approval Resolutions TuWay Communications

Mrs. McHale stated from time to time County Council was asked to approve certain contracts, as per the requirements of Administrative Code, Section 13.16C. She further stated County Council had been asked to approve contracts with TuWay Communications for 911 Phone/Recorder system maintenance services.

Mr. Grube introduced the following resolution:

R. 18-2008 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 March 3, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with TuWay Communications for E-911 Phone/Recorder services for Northampton County.

**NOW, THEREFORE, BE IT RESOLVED** that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to TuWay Communications for E-911 Phone/Recorder services for Northampton County.

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


The resolution was adopted by a vote of 9-0.

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**Personnel/Finance/Human Services Committees**

Mr. Cusick advised that he and Mrs. Neiper have scheduled a joint meeting of the Personnel and Human Services Committees for March 12, 2008, at 4:00 p.m., to discuss and review the County Executive’s appointments to the proposed Joint Northampton-Lehigh Department of Health.

Mrs. Neiper stated the Finance Committee would also be part of the meeting.

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**Council Solicitor's Report**

Mr. Zito provided a copy of his Solicitor’s Report for this
meeting (see Attachment #3).

Public Comment

Ms. Felicia Miller, Bethlehem Township, PA - advised the location where the treatment center was being proposed currently housed a pain management office where medication was provided to patients every day and a half mile down the road there was a surgical center where medication was also distributed to patients. She further advised a mile the other way, a methadone clinic was located. She acknowledged this was going to be a facility for nonviolent offenders, however, some of these individuals will be there for drug charges and it did not make sense to have them so close to places that contained drugs.

Mr. Angle stated he did not feel that was a significant argument because the Prison was not that far from Easton Hospital and there were numerous doctor offices between there and the Prison.

Ms. Miller advised as taxpayers, this was something that would force some residents to move out. She further advised they probably would not mind paying a little more in taxes to have these individuals sent to another facility.

Mr. Ken Nagy, Forks Township, PA - stated the County’s original decision to get involved with the Bachmann Publick Tavern was emotionally and some members of County Council were still being emotional. He further stated the duty of County Council was to be fiduciary not historical. He suggested the County recoup its $500,000 and let someone else take it over because the County would only lose more money if it agreed to this proposal.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dertinger seconded the motion.

The motion passed by acclamation.