A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; Ron Angle; John Cusick; Charles M. Dertinger; J. Michael Dowd, Jr.; Margaret Ferraro; Lamont G. McClure, Jr.; Diane Neiper; Anthony J. Martino, Solicitor to Council and Frank E. Flisser, Clerk to Council. Absent was Wayne Grube, Vice President.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. Dowd made the following motion:

Be It Moved By the Northampton County Council that the minutes of the October 16, 2008 meeting shall be approved.

Mr. Dertinger seconded the motion.

The motion was adopted by voice acclamation, with Ms. Ferraro and Mr. McClure abstained.

Courtesy of the Floor

Mrs. McHale asked if there was anyone from the public who wished to address County Council. There were no respondents.

December Meetings

Mrs. McHale stated as a reminder the County Council
meetings for December would be held on December 4, 2008 and December 11, 2008. She further stated the December 4, 2008 meeting will begin at 6:30 p.m. and the December 11, 2008 meeting would begin at 4:00 p.m. She noted those dates and times were set via adoption of resolution No. 11-2008.

Executive Session to Discuss Pending Litigation: John Stoffa V. Northampton County Council No. 011436

Mrs. McHale advised an Executive Session was requested to discuss pending litigation with regard to the County Executive’s lawsuit pertaining to Northampton County Ordinance No. 488-2008 regarding Administrative Code Article XIX and the Duties of the Director of Human Resources.

Mr. Dertinger made a motion for County Council to move to Executive Session.

Mr. Angle seconded the motion.

The motion was adopted by voice acclamation.

Mr. Martino stated it was 6:35 p.m. and County Council would be adjourning to Executive Session to discuss the pending litigation - John Stoffa against Northampton County Council, Docket #11436 of 2008 in the Court of Common Pleas, Northampton County.

Mr. Martino advised it was 6:50 p.m. and County Council would reconvene following the Executive Session.

Mr. Angle made a motion to authorize the Solicitor to take all legal action required to defend Northampton County Council in the Declaratory Judgement action commenced by the County Executive concerning Ordinance No. 488-2008 and to maintain the status quo until the hearing on the merits of the case scheduled for December 15, 2008.

Mr. Dowd seconded the motion.

Mrs. McHale called for the vote.

Dertinger, "yes".

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

Presentation of the Compassionate Friends Video - John Szabo and Worldwide Candle Lighting Day Resolution

Mr. John Szabo, a member of the Lehigh Valley Chapter of The Compassionate Friends, presented a video which was viewed by members of County Council and all those present.

Mr. Szabo stated the Lehigh Valley Chapter of The Compassionate Friends would be holding a special service of remembrance on December 8, 2008, at 7:00 p.m., at the Sacred Heart Hospital Auditorium in Allentown. He further stated with regard to the contribution received last year, the Bethlehem Area Vocational Technical School was still working on the plans to develop the garden.

Mr. Szabo advised he wanted to thank Council County for their previous support and their consideration of the resolution declaring the second Sunday in December as Worldwide Candle Lighting Day.

Mrs. McHale introduced the following resolution:

R. 68-2008  WHEREAS, every year in the United States nearly 150,000 infants, children, teens and young adults die and countless tens of thousands are born still or are miscarried; and

WHEREAS, we recognize that our children are our Country's, our State's, and our County’s future; and

WHEREAS, the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, siblings and grandparents can work through their grief with the help of others traveling the same road; and

WHEREAS, The Compassionate Friends Worldwide Candle Lighting, the second Sunday in December, has become a symbolic day when these children are remembered around the globe.

NOW, THEREFORE BE IT RESOLVED, the County Council of the
County of Northampton, Easton, Pennsylvania hereby declares and proclaims the second Sunday of December 2008 as Worldwide Candle Lighting Day.

BE IT FURTHER RESOLVED that all residents are encouraged to observe this day by lighting a candle for one hour at 7:00 p.m., the second Sunday of December, in support of bereaved families in the Northampton County and participate in other appropriate activities in remembrance of all children who have died.

Mr. Dertinger asked this resolution be approved by acclamation.

Mrs. McHale called for a vote by acclamation.

After the voice vote, Mrs. McHale advised the resolution was unanimously adopted.

Consideration of the Railroad Service Resolution

Mrs. McHale stated the railroad service resolution was originally introduced at the October 16, 2008 County Council meeting and the vote on the resolution was 4-2, however, it failed due to an insufficient affirmative vote. She noted according to the Home Rule Charter, five votes were needed to adopt a resolution or ordinance. She further stated at the request of Mr. Dowd, the resolution was being reintroduced at this meeting.

Mr. Dowd advised his purpose in reintroducing this resolution was because a lot of people believed rail service was a thing of the future and if Northampton County was going to put itself in a position to take advantage of any Federal funding, it should do so at this time. He further advised Lehigh County and the Lehigh Valley Economic Development Corporation (LVEDC) have approved their allocations, therefore, he felt it was appropriate that Northampton County adopt this resolution to allow this study to move forward.

Mr. Dowd introduced the following resolution:

WHEREAS, New Jersey Transit is studying the extension of
commuter rail service to Phillipsburg, New Jersey; and

WHEREAS, this rail study could be expanded to include the possibility of extending rail service into the Lehigh Valley and Northampton County; and

WHEREAS, local funding is required to complete this study; and

WHEREAS, the Lehigh Valley Economic Development Corporation has committed to contribute $100,000 to fund this study; and

WHEREAS, commuter rail service could provide an additional travel choice during a time of historically all time high gasoline prices and rapidly increasing traffic congestion; and

WHEREAS, commuter rail service could benefit the local economy of Northampton County; and

WHEREAS, commuter rail stations could contribute the vitality of local downtown areas.

NOW BE IT, THEREFORE, RESOLVED that the Northampton County Council does hereby support the concept of conducting the rail service study for the Lehigh Valley.

Further, the Northampton County Council hereby allocates the sum of $75,000 from the 2008 Contingency Account 305000-76050 to the Lehigh Valley Planning Commission as the Northampton County share toward expanding the New Jersey Transit commuter rail study to include Northampton County and the Lehigh Valley.

Mr. Dowd made a motion to add an amendment to this resolution that the allocation of Northampton County funding was contingent upon the other parties, referenced in the resolution, having allocated their portion of the funding.

Mr. McClure seconded the motion.

After Mr. Dowd informed her that the other parties did not refer to the Federal government, Mrs. Ferraro asked if it was known the Federal government planned to consider funding after
the study was completed.

Mr. Dowd stated they were going to be adopting a budget in several weeks that assumed Federal and State monies would be there, however, there was no guarantee. He further stated there was legislation moving through Congress appropriations to provide funding for rail transit. He noted this country had allowed rail transit to fall apart, but if you looked at other industrialized nations, passenger rail was a significant part of their transportation network.

Mrs. Ferraro commented with the current economic situation, she felt it would be better to review this matter at a later date.

Mr. Dertinger advised the government had been discussing a stimulus package that would include significant spending on infrastructure as that was one of the best ways to bring money to the middle class economy. He further advised a resolution was passed in California overwhelming for rail transportation, this did seem to be an element that was catching on across the country. He noted if Northampton County did not do a study then it would not be in a position to receive any money.

Mrs. McHale called for a vote on the amendment to the resolution.


The motion to amend the resolution was passed by a vote of 8-0.

Mr. Angle stated he had attended the meetings of the LVEDC and the Lehigh Valley Planning Commission (LVPC) and Mr. Mike Kaiser, Executive Director, LVPC, had made it very clear that he did not see any Federal money in the foreseeable future for a rail system. He further stated Mr. Kaiser was not opposed to the study, but it was his opinion there was no money to be received.
In response to Mr. Angle’s comment that Mr. Dowd should abstain as he was connected to the LVEDC, Mr. Dowd replied he was not.

Mr. Angle advised he felt the County should not invest in this study because it had enough issues to contend with at this time. He further advised this was a small group of young professionals who moved here from New York, drove up our school taxes and now want transportation to allow them to go back to New York for work and recreation.

Mr. Dowd stated there were a lot more people who have been here for quite a while that had an interest in rail service. He further stated if you were to look at the towns that were along where rail service was offered, they enjoyed enormous economic development and he felt it would provide economic growth particularly for the cities of Easton and Allentown. Further, highways have been continually built, but have not met the needs of the people.

Mr. Angle advised one of the dilemmas of the Lehigh Valley was it had very cheap land and there were people to the east that wanted more affordable housing so they moved here and put their children in the school systems that now required more schools and higher taxes without having the industry to offset it. He further advised it had been pointed out that where rail went, people would follow, which meant housing developments would now spring up around the stations and asked if that was what everyone wanted. He commented the people have stated overwhelming they wanted to preserve more farmlands and open space, therefore, was this not defeating that measure.

Mr. Angle stated Mr. Kaiser had pointed out for rail service to be viable, and Mr. Paul Marin even agreed, it required a certain number of people to ride the rails in concentrated areas. Therefore, it would not be viable in the Lehigh Valley because there were not enough people who would ride it.

Mr. Angle advised Mr. Marin had stated even if the Federal government for some reason provided money to build a rail system, it would not be self-supporting unless more people
moved in, which meant more schools and higher taxes, so it would have to be subsidized.

Mr. Angle stated he might have supported this if it concerned a freight rail system because it could bring in major industry, but not to bring in more people.

Mrs. Ferraro advised she felt this was a visionary proposal and she believed in it, but she just did not think this was the right time to address it and would like to hold off to see if the financial markets improved.

Mrs. Ferraro made a motion to amend the resolution to set this matter aside and review it in four to six months.

Mr. Angle seconded the motion.

Mrs. McHale called for the vote on the motion.


The motion failed by a vote of 5-3.

Mr. Angle made a motion to table this resolution to allow the $75,000 to remain in the budget process for next year.

Mrs. Ferraro seconded the motion.

Mrs. McHale called for the vote on the motion.


The motion failed by a vote of 5-3.

Mrs. McHale called for a vote on the following amended resolution:

R. 69-2008 WHEREAS, New Jersey Transit is studying the extension of commuter rail service to Phillipsburg, New Jersey; and
WHEREAS, this rail study could be expanded to include the possibility of extending rail service into the Lehigh Valley and Northampton County; and

WHEREAS, local funding is required to complete this study; and

WHEREAS, the Lehigh Valley Economic Development Corporation has committed to contribute $100,000 to fund this study; and

WHEREAS, commuter rail service could provide an additional travel choice during a time of historically all time high gasoline prices and rapidly increasing traffic congestion; and

WHEREAS, commuter rail service could benefit the local economy of Northampton County; and

WHEREAS, commuter rail stations could contribute to the vitality of local downtown areas.

NOW BE IT, THEREFORE, RESOLVED that the Northampton County Council does hereby support the concept of conducting the rail service study for the Lehigh Valley.

Further, the Northampton County Council hereby allocates the sum of $75,000 from the 2008 Contingency Account #05000-76050 to the Lehigh Valley Planning Commission as the Northampton County share toward expanding the New Jersey Transit commuter rail study to include Northampton County and the Lehigh Valley. The allocation of Northampton County funding is contingent upon the other parties, referenced in the resolution, having allocated their portion of the funding.

Mrs. McHale called for the vote.


The resolution was adopted by a vote of 5-3.
Election Process

Mr. Cusick stated he asked when the County purchased its voting machines if enough machines were purchased. Now, in view of the past election, he was asking if there were enough machines in the right places to do the job.

Mr. John Conklin, Director of Administration, advised the recommendation at the time it was presented to the Election Commission was 300, which they purchased. He further advised they planned to hold a meeting to discuss how the election went, but he felt in general, it went very well.

Mr. Cusick stated one of the things that was sold to them when the machines were brought was that they would resemble the old lever machines. He further stated he believed the lever machines were horizontal. He noted there were complaints during the primary that the ballots were vertical, however, they appeared that way again for this election. Additionally, third party candidates were listed quite some distance away from the two primary parties.

Mr. Conklin advised the ballot layout was the Election Registrar’s responsibility.

Mr. Dertinger stated when he had previously brought up his concerns about the election, he was told the County was in better shape than it had ever been. However, according to the County’s website 1800 fewer people voted in this last election. He further stated the County did not have the appropriate number of people doing the input to get people onto the rolls, to deal with the absentee ballots or the new registrations.

Mr. Dertinger advised Lehigh County had 15 extra staffers working and when he asked how many Northampton County had, he was told they were in better shape than ever before, however, extra staff did show up after that conservation. He further advised it was discovered there were a lot of people who were not registered and in the Voter Book. Additionally, some people did not receive their Voter Registration Card in enough time and those that did, received them a week before, but it indicated they were not eligible to vote for ten more days.
Mr. Dertinger stated this election was a screw up of epic proportions that did not have to occur because during prior presidential elections, the County had a significant amount of extra staff doing input. He further stated there was no reason for the County to be so ill prepared. He noted the number of machines was fine, but the problem was with people checking in.

Mrs. Ferraro advised she too was very upset to see the vertical ballot once again and would have liked to have seen a horizontal ballot.

Mr. Dertinger made a motion that the Northampton County Council recommends to the Northampton County Election Commission that a horizontal ballot should be used in future elections.

Messrs. McClure and Cusick seconded the motion.

Mrs. McHale called for a vote by acclamation.

After the voice vote, Mrs. McHale stated the motion was passed unanimously.

Public Hearing on the Proposed 2009 Northampton County Budget

Mrs. McHale stated the Northampton County Home Rule Charter required County Council to conduct a public hearing on the 2009 Budget as submitted by the County Executive. She further stated it should be noted that, in accordance with the Charter, a copy of the proposed budget and Capital Improvements Plan was duly submitted to public libraries and to the offices of each city, borough and township in Northampton County.

Mrs. McHale asked if there was anyone from the public who wished to speak with regard to the 2009 proposed budget. There were no respondents.

Mrs. McHale advised County Council would be considering adoption of the budget at one of its December meetings.

Public Hearing on the Proposed 2009 Northampton County Capital Improvements Plan
Mrs. McHale stated the Northampton County Home Rule Charter required County Council to conduct a public hearing on the 2009 Capital Improvements Plan as submitted by the County Executive. She further stated it should be noted that, in accordance with the Charter, a copy of the Capital Improvements Plan was duly submitted to public libraries and to the offices of each city, borough and township in Northampton County.

Mrs. McHale asked if there was anyone from the public who wished to speak with regard to the 2009 Capital Improvements Plan. There were no respondents.

Mrs. McHale advised County Council would be considering adoption of the Capital Improvements Plan at one of its December meetings.

Introduction of the 2009 Real Estate Tax Millage Rate Ordinance

Mrs. McHale stated the millage rate ordinance was being introduced at this meeting to enable County Council to adopt it at either of the December meetings. She further stated the public hearing and debate was scheduled for the meeting to be held on November 20, 2008. She noted the vote would take place at one of the December meetings when the 2008 budget would be adopted.

Messrs. Angle and Cusick introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE REAL ESTATE TAX MILLAGE RATE IN THE COUNTY OF NORTHAMPTON FOR THE YEAR 2009

IT IS HEREBY ORDAINED AND ENACTED, that the millage rate for real estate tax purposes for the year 2009 shall be set at 10.8 mills on every dollar of assessed valuation of taxable real estate or $1.08 on every $100.00 of assessed valuation.

Introduction of the Ordinances Providing for Amendments to the Term of Appointment for Northampton County Members of the Joint Northampton County Department of Health: Amendment to Ordinance No. 482-2008

Mrs. McHale advised the Human Services Committee recently
became aware that the terms of some of the appointments for Northampton County’s appointees to the Joint Northampton-Lehigh County Department of Health may have been incorrect. She further advised the matter was presented to the County Council Solicitor for review and based upon his recommendation, a corrective ordinance was prepared for County Council’s consideration.

Mrs. McHale stated the public hearing, debate and possible vote on this ordinance were as scheduled for the November 20, 2008 meeting.

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

AN ORDINANCE AMENDING ORDINANCE NUMBER 482 WHICH WAS ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) AS A COMPANION ORDINANCE TO ORDINANCE NO. 475, ENACTED DECEMBER 7, 2007 EFFECTIVE JANUARY 6, 2008 APPROVING THE APPOINTMENT OF THE NORTHAMPTON COUNTY MEMBERS OF THE JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH BY THE JOINT NORTHAMPTON-LEHIGH COUNTY HEALTH COMMISSION AND ESTABLISHING THE TERMS OF OFFER FOR SUCH APPOINTEES, UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, SECTION 1, 16 P.S. 12001, 10007 (THE ACT)

WHEREAS, on December 7, 2007, Northampton County Council enacted Ordinance No. 475, effective January 6, 2008, adopting a resolution of Northampton County Council creating and providing for the establishment of the Joint Northampton-Lehigh County Department of Health, under the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, Section 1, 16 P.S. 12001, et seq.; and

WHEREAS, the Joint Northampton-Lehigh County Health Commission has recommended for approval by Northampton County Council the following appointees to the Joint Northampton-Lehigh County Department of Health; and

WHEREAS, Ordinance No. 482 was adopted by Northampton
WHEREAS, said Ordinance approved and confirmed the appointment of David Thomas Lyon for an initial term of two (2) years from the second Monday in January 2009 in accordance with Section 12007 of The Act (16 P.S. Section 1200); and

WHEREAS, said Ordinance also approved and confirmed the appointment of John F. Reinhart for an initial term of two (2) years from the second Monday in January 2009 in accordance with Section 12007 of the Act (16 P.S. Section 1200); and

WHEREAS, Northampton County Council now desires to amend the term of each of those appointments so that they conform to the requirements of Section 12007 of the Act.

NOW, THEREFORE, BE IT ENACTED UNDER NORTHAMPTON COUNTY HOME RULE CHARTER 1-602 (14) AND RESOLVED AS LAW THAT:

1. The appointment of David Thomas Lyon is approved and confirmed for an initial term of four (4) years from the second Monday in January 2009 in accordance with §12007 of The Act (16 P.S. 1200).

2. The appointment of John F. Reinhart is approved and confirmed for an initial term of four (4) years from the second Monday in January 2009 in accordance with §12007 of The Act (16 P.S. 1200).

3. The appointees shall serve and conduct meetings and be compensated only as provided for as specified in the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, §1, 16 P.S. 12001, et seq., as amended.

4. This Ordinance is a companion to Ordinance No. 475 of Northampton County Council enacted December 7, 2007 and constitutes legislative action under paragraph 4 of that ordinance.

5. To the extent that any provisions of Ordinance No. 482 conflict with this Ordinance, those provisions are hereby declared invalid and of no force or effect.
Introduction of the Ordinance Providing for Approval of the Appointment of the Northampton County Members of the Joint Northampton-Lehigh County Department of Health

Mrs. McHale advised the County Executive recently presented County Council with the joint Northampton and Lehigh County appointment to the Joint Northampton-Lehigh County Department of Health. She further advised this was the ninth and final member of the Department of Health Board.

Mrs. McHale stated the public hearing, debate and possible vote on this ordinance were scheduled for the November 20, 2008 meeting.

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


WHEREAS, on December 7, 2007, Northampton County Council enacted Ordinance No. 475, effective January 6, 2008, adopting a resolution of Northampton County Council creating and providing for the establishment of the Joint Northampton-Lehigh County Department of Health, under the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, §1, 16 P.S. 12001, et seq.; and

WHEREAS, the Joint Northampton-Lehigh County Health Commission has recommended for approval by Northampton County Council the following appointee to the Joint Northampton-Lehigh County Department of Health.
NOW, THEREFORE, BE IT ENACTED UNDER THE NORTHAMPTON COUNTY HOME RULE CHARTER §1-602 (14) AND RESOLVED AS LAW THAT:

1. The appointment of Robert B. Black is approved and confirmed for the initial term of four (4) years from the second Monday in January 2009 in accordance with §12007 of The Act (16 P.S. 1200).

2. The appointee shall serve and conduct meetings and be compensated only as provided for as specified in the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, §1, 16 P.S. 12001, et seq., as amended.

3. This Ordinance is a companion to Ordinance No. 475 of Northampton County Council enacted December 7, 2007 and constitutes legislative action under paragraph 4 of that ordinance.

Consideration of the Contingency Transfer Resolution – Suburban North Family YMCA

Mrs. McHale advised at the request of Mr. McClure, a resolution was prepared which allocated the sum of $10,000 to the Suburban North YMCA in Catasauqua.

Mr. McClure stated State Representative Joe Brennan had brought this matter to his attention and indicated to him that the Commonwealth of Pennsylvania was also participating in this project.

Mr. McClure read from a letter he received from the YMCA (see Attachment #1).

Mr. McClure introduced the following resolution:

R. 70-2008   WHEREAS, the Suburban North Family YMCA is a not-for-profit charitable organization dedicated to the development of spirit, mind and body, offering programs to promote healthy lifestyles and strengthen families; and

WHEREAS, the Suburban North Family YMCA Northampton County
service area encompasses the Boroughs of Bath, Northampton, North Catasauqua and Walnutport, as well as the Townships of Allen, East Allen, Lehigh and Moore; and

WHEREAS, the Suburban North Family YMCA welcomes all families to their facility regardless of their financial status and does not turn anyone away because of their inability to pay. As a result, the Suburban North Family YMCA provides financial assistance, based upon a sliding fee scale, to families and individuals so they are able to participate in the Suburban North Family YMCA programs; and

WHEREAS, sixty percent of the financial assistance provided by the Suburban North Family YMCA is awarded to individuals in Northampton County.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that it does hereby direct that the sum of $10,000 shall be transferred from the 2008 Contingency Account #05000-76050 to the Suburban North Family YMCA. It shall be understood that the allocation shall be used to provide financial assistance, in accordance with the Suburban North Family YMCA FINANCIAL ASSISTANCE POLICY, for Northampton County residents who wish to participate in Suburban North Family YMCA activities.

Mr. McClure advised he asked someone from Suburban North Family YMCA to be present tonight and Mr. Thomas Beidel, Executive Director, introduced himself and indicated he had been in that position for 35 years.

In response to Mr. Cusick’s question, Mr. Beidel stated the purpose of this request was not to match a State grant, however, they do apply for assistance every year to the State, noting sometimes they receive the funding and sometimes they did not.

Mrs. McHale commented this was what County government should be about. Helping people who were not in a position to help themselves.

When Mrs. Ferraro asked if there was anything in particular that differentiate this request from the other YMCA's, Mr. Beidel replied probably nothing specific, however, their financial assistance was geared for single parents whose children were registered in their child care and camp programs.
Mrs. Ferraro advised this was a great cause and in the past they have contributed to many of them, but recently they had limited these contributions to unique situations.

Mr. Angle stated the YMCAs catered to people of all ages and provided a lot for members of society that did not have anywhere else to go.

Mrs. McHale called for the vote on the resolution.


The resolution was adopted by a vote 8-0.

Consideration of the General Purpose Authority - Lehigh University Project Resolution

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

Mr. Cusick introduced the following resolution:

R. 71-2008 WHEREAS, by Articles of Incorporation, as amended, the County Council of the County of Northampton, Pennsylvania (the "County") pursuant to the Pennsylvania
Municipality Authorities Act, as amended (the "Act"), authorized and empowered the Northampton County General Purpose Authority (the "Authority") to exercise any and all powers which are authorized and conferred by the Act; and

WHEREAS, under the Act, the Authority is entitled to undertake projects for institutions of higher education if the Authority finds that the particular institution is an "eligible educational institution" as defined in the Act and the legislative body of the sponsoring municipality of the Authority finds that the Authority undertaking serves the health, safety and welfare of the citizens served by the Authority; and

WHEREAS, there now exists in the City of Bethlehem and Lower Saucon Township, Northampton County, Pennsylvania (the "City"), a nonprofit, nondenominational, coeducational university which was founded in 1865 and is known as Lehigh University (the University). The University's current facilities consist of approximately 130 academic, residential and research buildings on approximately 1,600 acres of land which are used to furnish various educational programs to approximately 4,876 undergraduate students, most of whom live in the City. The University has requested that the Authority undertake a project consisting generally of borrowing up to $65,000,000 aggregate principal amount (net of any original issue discount) of tax-exempt bonds to be issued by the Authority on behalf of the University in one or more series (the "New Money Bonds") for the purpose of (i) financing various capital projects to be located on the University's campus located in the County, including, but not limited to, the construction, improvement, renovation, furnishing and equipping of various campus facilities, including, but not limited to, student housing, classroom facilities, laboratory facilities, library facilities, sports facilities, student service facilities, administrative services facilities and a science/environmental studies building; and (ii) payment of all or a portion of the costs and expenses of issuing the New Money Bonds (the "Capital Project"); and

WHEREAS, the administration of the University may also desire, depending on market conditions, to borrow up to $70,000,000 aggregate principal amount (net of original issue discount) of tax-exempt bonds to be issued by the Authority on behalf of the University in one or more series (the "Refunding
Bonds" and, together with the New Money Bonds, the "2008 Bonds") for the purpose of (i) financing a project consisting of refunding all or a portion of the Northampton County General Purpose Authority Higher Education Revenue Bonds, Series of 2004 (Lehigh University) (the "2004 Bonds"), currently outstanding in the principal amount of $50,000,000; (ii) the refinancing or refunding of certain other debt of the University, as the University shall designate (the "Previously Incurred Debt"); and (iii) payment of all or a portion of the costs and expenses of issuing the Refunding Bonds (collectively, the "Refunding Project" and, together with the Capital Project, the "Project"); and

WHEREAS, the Authority has determined that the University is an "eligible educational institution" for Authority financing assistance as defined and provided in the Act for such purposes; and

WHEREAS, the University has requested that the Authority issue bonds or notes in an aggregate principal amount (net of any original issue discount) not to exceed $65,000,000 aggregate principal amount with respect to the New Money Bonds and $70,000,000 aggregate principal amount with respect to the Refunding Bonds under the terms of a trust indenture. The financing will be affected by the issuance and sale of bonds by the Authority and the application of the proceeds to the Project. The bonds to be issued by the Authority will be secured by a pledge of the gross revenues of the University. The Authority and the University will enter into a loan agreement, under which of the University makes payments sufficient to pay the principal of and interest on the bonds to be issued for the Project; and

WHEREAS, the Act limits the powers of the Authority by providing that none of the powers granted by law to the Authority may be exercised in the construction, financing, improvement, maintenance, extension or operation of any project which, in whole or in part, duplicates or competes with existing enterprises serving substantially the same purposes, unless the project among others, involves a project for private, nonprofit, nonsectarian colleges and universities, and municipality which organizes the authority declares, by resolution, that it is desirable for the health, safety and welfare of the people in the area served by such facilities to have such facilities
provided by an authority and in addition that such buildings and facilities, for such institutions, shall have been approved by resolution adopted by the municipality organizing the authority so long as such approval does not obligate the taxing power of the sponsoring municipality or any political subdivision thereof; and

WHEREAS, the University is an important part of the community as it provides jobs, educational opportunities and cultural amenities for the citizens thereof.

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

1. The Recitals set forth above are adopted herein by reference. It is declared desirable for the health, safety and welfare of the citizens of the County to have the University and Authority undertake the Project and provide the facilities described above, and the Project and the facilities including the financing thereof by the Authority, is hereby approved.

2. The approval of the financing and the undertaking of it by the Authority shall not obligate the general credit or taxing power of the County, or any political subdivision thereof, and any obligations issued by the Authority to finance the Project shall be special limited obligations of the Authority, payable solely from loan payments or other moneys payable by the University to the Authority.

Ms. Denise Blew, Associate Vice President of Financing, Lehigh University, stated she wanted to thank County Council for their consideration, noting the major component of the bond issue was the Science, Technology, Environment Policy & Society (STEPS) Building. She further stated what they hoped to do was build a community of top scholars dedicated to solving some of the most complex challenges facing the natural world.

Ms. Blew advised the cornerstone of the STEPS initiative was a new 135,000-square-foot building at the corner of Packer Avenue and Vine Street. She further advised the building would be designed to facilitate collaborative learning and eliminate boundaries between the classroom and the lab and will feature
state-of-the-art teaching and research areas mingled with seminar rooms, study lounges and faculty offices. She noted the $62.1 million facility would be a "green" building with the goal of Leadership in Energy and Environmental Design certification, the gold standard for sustainable architecture in the United States.

In answer to Mr. McClure’s question as to whether Lehigh University was finding it difficult to obtain credit, Ms. Blew stated they would find out when they went to the market, but they were optimistic that they would be able to issue the bond in the very near future.

Mrs. McHale called for the vote on the resolution.


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

Budget and Capital Projects

Mr. Angle advised as Chairman of the Finance Committee he had some major problems with the budget and felt there was a real possibility it may not be passed. He then wondered if any members of County Council were willing to vote for the budget as it was currently being presented.

Mr. Angle asked Mr. Conklin how he expected County Council to vote for a budget that called for major projects, such as the Juvenile Justice Center and parking deck, and not indicate how they planned to pay for it.

Mr. Conklin stated at the budget hearing, Mr. John Stoffa, County Executive, indicated his support for the Juvenile Justice Center project and they were working on a number of options for funding. He further stated they were only going to upgrade the existing parking deck.

Mr. Angle advised he did not see any money in the budget being allocated for the parking deck. He further advised this was one of the most irresponsible budgets he had ever seen. He noted his advice to County Council was to either prepare their
own budget or drastically change the budget that had been presented.

Mrs. McHale suggested pulling those items line by line out of the budget and indicated to the Administration that they had to come to County Council with the projects they planned to do and where they were getting the funding for them.

Mr. McClure stated Mr. Angle was absolutely correct when he talked about the process for the Capital Improvements Plan. He then asked Mr. Doran Hamann, Budget Administrator, if the Capital Improvements Plan was put on hold because the County anticipated having difficulty borrowing money.

Mr. Hamann advised Mr. Vic Mazziotti, Director of Fiscal Affairs, was currently discussing financial arrangements with a financial advisor. He further advised he did not think the County would have any problem borrowing money because of their credit rating, but because of the situation with the current market.

Mrs. Neiper stated she believed at one of the Finance Committee meetings, Mr. Stoffa indicated he would provide Mr. Angle with his preliminary 30-year plan. She then asked Mr. Angle if he ever received it.

Mr. Angle advised he did not and for the past two years, County Council had been, on a regular basis, promised a plan, but he understood it could be difficult to draw up such plans. He further advised the County spent approximately $1.4 million for the Milides property on the belief that was the site for Archives, however, all that happened was Voters Registration was placed there. He noted with the cost of transporting and storing our documents in Allentown, if the Archives had been placed on the Milides property, it would have begun to pay for itself.

Mr. Angle stated County Council actively cooperated with the Administration on moving ahead the County Executive’s capital projects and now suddenly they went away. He further stated they were indicating they planned to move ahead with a Juvenile Justice Center, but did not show where they were getting the money.
In conclusion, Mr. Angle advised there was no responsibility on the part of the Administration in addressing the capital needs of the County and how they were going to be financed. He further advised he would like to do what Lehigh University was doing and get the projects in line, but wait until after the first of the year to see how the rates were. He noted the County could always put in a five year call feature then if the County did not like the rates or they got better, the bond could be called after five years.

Mr. Dertinger stated the issue of the rates was bizarre because they were not going to go up as fast as construction costs as the County had seen time and again with other projects.

Mr. Angle advised there were several other issues as well; namely, $320,000 to fix the design flaw pertaining to the Courthouse roof.

Mr. Dertinger stated that had been previously discussed and explained and it was not a design flaw, but a change order issue. He stated the County received a $900,000 savings from moving one element of it out from the sheet metal company to the roofing company, but other parts were not included in the transfer.

Mr. Dertinger advised he did not believe the County was going to be building anything, therefore, it needed to focus on what needed to be done now rather than waiting for a 30-year study.

In answer to Mrs. McHale’s question as to whether the renovations to the Executive and Administration offices was in the 2008 budget, Mr. Conklin stated they used some funds remaining from the Courthouse project.

In response to Mr. McClure’s question, Mr. Conklin advised the cost was less than $60,000.

Open Space Committee Report

Mr. Dertinger stated the Open Space Committee received a letter from Palmer Township in reference to the bike path extension. He further stated it was his intention to hold a
meeting on November 20, 2008 before the County Council meeting because nothing had been resolved and no clarification of the claim had been made at that time.

Human Services Committee Report

Mrs. Neiper advised according to the Health Act, the commission which included County Council and the Lehigh County Commissioners had to meet the second Monday of January every year. She further advised the first meeting for 2009 would be held in Northampton County.

Mr. Angle stated Mr. Stoffa had made the statement that as long as he was the County Executive, no Northampton County tax dollars would be used to pay for the health department, only State and Federal dollars and gambling funds. He then asked if she knew if Lehigh County was aware of this arrangement.

Mrs. Neiper advised it had been mentioned in the paper numerous times, but she could not vouch that every commissioner was aware of it.

In response to Mr. Angle’s question as to what guarantee the taxpayer had that no County tax dollars would ever be used, Mrs. Neiper replied there were no guarantees.

Mr. McClure stated one of the reasons he opposed the creation of the health bureau was because he never believed the argument that it would be funded from the gaming revenues. He asked since it appeared that revenue might not start flowing in the near future if it was known when Northampton County would have to start contributing its share of this endeavor.

Mrs. Neiper advised that would not be known until the board met and developed a plan for approval.

Council Solicitor's Report

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

Mr. McClure made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council