Easton, Pennsylvania

September 4, 2008

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

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. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 21, 2008 meeting shall be approved.

Mr. Dowd seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

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

Public Hearing on the 2008 Intergovernmental Transfer Ordinance

Mrs. McHale advised the following Intergovernmental Transfer ordinance was introduced by Mrs. Neiper and Mr.
AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAX AND
REVENUE ANTICIPATION NOTE SERIES OF 2008 IN THE
MAXIMUM PRINCIPAL AMOUNT OF

$12,100,000; PROVIDING FOR THE DATE, INTEREST RATE, MATURITY
DATE, PLACE OF PAYMENT AND PREPAYMENT PROVISIONS IN RESPECT OF
THE NOTE; ACCEPTING THE PROPOSAL OF THE BANK OF NEW YORK MELLON
FOR THE PURCHASE AND FINANCING OF THE NOTE; PROVIDING FOR THE
SECURITY OF THE NOTE; AUTHORIZING THE PROPER OFFICERS TO EXECUTE
AND DELIVER THE NOTE; AUTHORIZING AND DIRECTING THE PREPARATION,
CERTIFICATION AND FILING OF THE PROCEEDINGS WITH THE DEPARTMENT
OF COMMUNITY AND ECONOMIC DEVELOPMENT; PROVIDING FOR A PAYING
AGENT; SETTING FORTH A FORM OF NOTE; AND REPEALING INCONSISTENT
ORDINANCES

WHEREAS, Northampton County, Pennsylvania (the "Issuer")
has determined to borrow money during the fiscal year
beginning January 1, 2008, in amounts not exceeding Twelve
Million One Hundred Thousand Dollars ($12,100,000) at any one
time outstanding in anticipation of the receipt of taxes and
other current revenues, such borrowing to be evidenced by its
tax and revenue anticipation note or notes (the "Note") in a
principal amount up to $12,100,000 at any one time outstanding
(the "Approved Principal Amount"), provided that the principal
amount of the Note outstanding shall satisfy the limitations of
Section 8122 of the Local Government Unit Debt Act, as amended
(53 Pa.C.S. §800 1, et seq.; the "Act"); and

WHEREAS, a proposal (the "Proposal") has been submitted by
The Bank of New York Mellon for the purchase and funding of the
Note in the Approved Principal Amount at a purchase price equal
to the principal amount thereof, such Note to bear interest as
follows (the "Approved Interest Rate"):

(a) in the event a draw hereunder is repaid
before the close of the banking day on which
the draw occurred, no interest shall be
payable thereon. For purposes of this
provision, the term "banking day" shall mean
that period from 8:30 a.m. to 5:00 p.m. on any single day; and

(b) in the event a draw hereunder is not repaid before the close of the banking day on which the draw occurred, interest thereon shall accrue at a rate per annum (computed on the basis of a year of 360 days and actual days elapsed) equal to (i) for each day on or prior to December 12, 2008, the sum of (A) 0.5% plus (B) the rate of interest announced by the Bank from time to time as its prime rate (the "Prime Rate"), such rate to change automatically effective with each change in the Prime Rate and (ii) for each day after December 12, 2008, the sum of (A) 2% plus (B) the Prime Rate.

WHEREAS, the Approved Principal Amount of the Note does not exceed 85% of the taxes levied for the fiscal year in which the Note is to be issued and other current revenues for such year remaining to be collected or received in such fiscal year during the period in which the Note will be outstanding as evidenced by a certificate of officers of the Issuer heretofore executed in accordance with Section 8126 of the Act;

NOW, THEREFORE, be it enacted by the governing body of the Issuer, as follows:

1. The Note in the Approved Principal Amount to be drawn down and repaid during the current fiscal year in accordance with the terms and conditions of the Proposal, and the sale and issuance of the Note pursuant to the Act is hereby approved, and is authorized and directed to be undertaken and done.

2. The Proposal, in the form presented at this meeting, is hereby approved, and the Note is hereby awarded to The Bank of New York Mellon (the "Bank") on the terms named therein. The County Executive of the Issuer is authorized and directed to execute an endorsement to the Proposal, including the Issuer's acceptance thereof, and to deliver the same to the Bank. The Note shall be issued in the Approved Principal Amount, shall bear interest at the Approved Interest Rate, shall be subject to prepayment as provided herein, shall mature on December 12, 2008 ("Maturity"), and otherwise shall be in accordance with the
Proposal, the terms of which are incorporated herein. A copy of the Proposal shall be placed in the records of the Issuer and filed with the Pennsylvania Department of Community and Economic Development.

3. The Note shall be payable as to principal and interest at Maturity or earlier prepayment or redemption in lawful money of the United States of America, at the office of the Bank, in Pittsburgh, Pennsylvania. The Bank of New York Mellon (including any successor by merger or consolidation) is hereby appointed as the Issuer's paying agent with respect to the Note or such other bank as shall be so appointed from time to time by the Issuer. The Note shall be payable in full at Maturity or may be sooner prepaid by paying Bank 100% of the principal amount outstanding under the Note plus interest accrued to the date of prepayment.

4. The Note, and the obligations of the Issuer for payments on account of draws under the Note, shall be payable from and is secured by the pledge of, security interest in, and lien and charge upon, the taxes and other revenues of the Issuer to be received during the period in which the Note is outstanding, as set forth in the certificate of the Issuer prepared pursuant to Section 8126 of the Act. The Issuer shall cause financing statements to be filed, registered and recorded in such manner and at such places as may be required by law fully to protect the security interests of the owner of the Note and from time to time shall perform or shall cause to be performed any other act as provided by law, and shall execute and shall cause to be executed any and all further instruments as may be required by law, for such protection or preservation of the security interests of the owner of the Note. This Ordinance and the Act shall constitute a security agreement between the Issuer and Bank or such other owner from time to time of the Note.

5. The Note shall evidence the ability of the Issuer to make up to two draws under the Note provided that the principal amount at any one time outstanding shall not exceed $12,100,000.

6. The Note shall be executed by the manual or facsimile signature of the County Executive of the Issuer, and shall have the corporate seal of the Issuer or a facsimile thereof affixed thereto, duly attested by the manual or facsimile signature of the Director of Fiscal Affairs of the Issuer; provided, that at
least one manual signature shall appear on the Note. The County Executive of the Issuer is authorized and directed to deliver or cause to be delivered the Note to Bank.

7. The Note shall be in substantially the form as set forth in Exhibit "A" attached hereto and made a part hereof, and may be executed and delivered in substantially such form with such appropriate changes as may be approved by the officer or officers of the Issuer manually executing the same; and such execution shall constitute approval of such changes by the officer or officers on behalf of the governing body of the Issuer.

8. The proper officers of the Issuer are hereby authorized and directed to take such additional action in accordance with the Act and the terms of the Proposal, as may be incidental to the issuance of, and necessary for the validity of, the Note, including the filing of a certified copy of this Ordinance, the Certificate as to taxes and revenues remaining to be collected, and a copy of the Proposal with the Pennsylvania Department of Community and Economic Development, all as required by the Act.

9. This Ordinance shall be in full force and effect only upon the filing with the Pennsylvania Department of Community and Economic Development of the documents set forth in Section 8 hereof; provided, however, with respect to Bank as purchaser of the Note, that this Ordinance shall be effective and enforceable as of the date of acceptance by the Issuer of the Proposal.

10. The proper officers of the Issuer are authorized to deliver the Note, fully executed, to the Bank and to take such actions and execute such documents necessary to effect up to two draws under the Note.

11. All ordinances or parts of ordinances inconsistent herewith are hereby rescinded.

Mrs. McHale asked if there were any questions or comments from the public. There were no respondents.

Mrs. McHale asked if there were any questions or comments from the members of County Council.

As there were no respondents, Mrs. McHale called for the
vote:


The ordinance was adopted by a vote of 6-0.

Gaming Revenues

Mrs. McHale stated at the last meeting, she had mentioned the possibility of her bringing an ordinance regarding the gaming revenues to the table at the September 18, 2008 meeting. She further stated as some additional work was required with regard to the ordinance and she would like to have it reviewed by the committee first, she would be delaying its introduction.

Introduction of the Ordinance Providing for Amendments to Northampton County Administrative Code Article XIX Department of Human Resources, Sections 19.01 Organization, and 19.02 Duties

Mrs. McHale advised at the request of Mr. Dertinger, an ordinance was prepared which addressed and clarified the duties of the Director of Human Resources with respect to promulgating changes in the Career Service Regulations and Employee Policies Manual.

Mrs. McHale stated Mr. Dertinger and Mr. Cusick, as well as herself, were introducing the following ordinance. She noted the public hearing, debate and possible vote was scheduled for the September 18, 2008 County Council meeting.

AN ORDINANCE OF THE COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA (“COUNTY”) ENACTED UNDER 1.2-202(7)OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.2-202(7)AMENDING ARTICLE XIX OF THE NORTHAMPTON COUNTY ADMINISTRATIVE CODE PERTAINING TO THE DUTIES OF THE DIRECTOR OF HUMAN RESOURCES DEFINING POLICIES AND REGULATIONS APPLICABLE TO NORTHAMPTON COUNTY EMPLOYEES; CONFIRMING THE PROCEDURE FOR THE APPROVAL BY NORTHAMPTON COUNTY COUNCIL OF NORTHAMPTON COUNTY CAREER SERVICE REGULATIONS AND ESTABLISHING A
PROCEDURE TO VALIDATE NORTHAMPTON COUNTY EMPLOYEES
POLICIES MANUAL(S) AND CAREER SERVICE REGULATIONS

WHEREAS, Article 1.8-805 (348 Pa. Code 1.8-805) of the Northampton County Home Rule Charter pertaining to Career Service Regulations requires the County Executive and the Department of Human Resources to prepare and submit proposed Career Service Regulations for consideration and recommendation to the Northampton County Personnel Commission (Commission), for the Commission to report its recommendations to the County Executive or Director of Human Resources and to Northampton County Council and for Northampton County Council to approve, reject or amend the regulations; and

WHEREAS, Article 1.8-805 (348 Pa. Code 1.8-805) of the Northampton County Home Rule Charter blends the terms “Regulation(s)” and “Policies” in its various provisions; and

WHEREAS, Northampton County Council recognizes a distinction between a Regulation and a Policy, the former being a power which County Council has delegated to the County Executive and Department of Human Resources through Section 1.8-805 (348 Pa. Code 1.8-805) of the Northampton County Home Rule Charter in order to create a standard of behavior for Northampton County Career Service employees and the latter being an interpretation by the County Executive and the Department of Human Resources of the law regulating the behavior of Northampton County employees; and

WHEREAS, the Northampton County Executive and the Director of Human Resources have periodically created, published and promulgated to Northampton County career service and merit employees a Northampton County Employee Policies Manual; and

WHEREAS, Northampton County Council has determined that the Employee Policies Manual now contains provisions which regulate the behavior of Northampton County employees without such regulations having received a recommendation of the Northampton County Personnel Commission or the subsequent approval, rejection or amendment by Northampton County Council as is required under Section 1.8-805(a)(b)(c) (348 Pa. Code 1.8-805(a)(b)(c)) of the Northampton County Home Rule Charter; and

WHEREAS, Northampton County Council by this Ordinance intends to assure that all Northampton County employees are
bound and protected by regulations that have been recommended by
the Personnel Commission and approved by Northampton County
Council under Section 1.8-805(a)(b)(c)(348 Pa. Code 1.8-
805(a)(b)(c)) of the Northampton County Home Rule Charter.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County
Council of the County of Northampton, as follows:

1. Article XIX of the Northampton County Administrative
Code, Section 19.01 (Organization) and 19.02 (Duties) are hereby
amended as follows:(sections marked with bold underline have been
added):

Section 19.01  Organization

The Department of Human Resources shall be headed by a
Director who shall be responsible to the County Executive and
who shall be the chief administrative officer and principal
supervisor for the Department of Human Resources. The Director
of Human Resources shall be an exempt cabinet level position
directly responsible to the County Executive. Subject to 19.02
pertaining to the duties of the Director of Human Resources, the
specific nature of the duties of the Director of Human
Resources, in coordinating the administration of all such
functions within the Department of Human Resources, shall
otherwise be determined by the County Executive.

Section 19.02  Duties

The Director of Human Resources, in person or through
subordinates, shall:

(1) develop policy for all matters pertaining to
personnel, salary scales, benefit packages and pension benefits;

(2) create, publish and promulgate printed Career Service
Regulations and an Employee Policies Manual for all Northampton
County employees;

(3) in creating, publishing and promulgating the Career
Service Regulations, as well as the Northampton County Employee
Policies Manual, the Director of Human Resources shall first
submit to the Personnel Commission the proposed statement of
policy or regulation for a written determination by the Personnel Commission as to whether the proposed statement is a regulation or policy, as well as for the consideration and recommendation of regulations in accordance with Northampton County Home Rule Charter 1.8-805(a) (348 Pa. Code 1.8-805(a));

(4) within the time limitations set forth in 1.8-805(b), if the Personnel Commission determines that the statement is a regulation, it shall then follow the procedure in Section 1.8-805(a)(b) (348 Pa. Code 1.8-805(a)(b)) of the Northampton County Home Rule Charter to report its recommendation and Northampton County Council shall thereafter consider the matter under Section 1.8-805 (10)(c);

(5) within the time limitations set forth in 1.8-805(b), if the Personnel Commission determines in writing that the statement is a policy, then the Director of Human Resources is authorized to publish and promulgate the policy to all Northampton County employees;

(6) in the publishing and promulgating of the regulations and policies, the publication shall contain a reference to the written determination of the Personnel Commission as to whether or not the statement is a regulation or a policy, the date of such determination and in the case of a regulation, the date approved, rejected or amended by Northampton County Council under Section 1.8-805(10)(d) (348 Pa. Code 1.8-805(10)(d)). No publication shall be binding upon any Northampton County employee which does not contain a reference to the determination of the Personnel Commission as to whether it is a policy; or, as to the recommendation and approval by the Personnel Commission and Northampton County Council respectively in the case of a regulation;

(7) oversee job classification and appeals by employees for job reclassification requests;

(8) periodically review the Northampton County salary guide;

(9) enforce all relevant laws and regulations promulgated by the Federal, State and County governments;

(10) develop a job growth and job vacancy policy;
(11) formulate, update, evaluate and implement job testing procedures;

(12) enforce Career Service and Civil Service regulations including termination procedures;

(13) perform such other duties and functions as are assigned by the County Executive.


Mrs. McHale advised from time to time County Council was asked to approve certain contracts which exceeded $100,000 and were awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods.

Mrs. McHale stated in this particular matter, the County Executive requested County Council approve a contract for the Gracedale Chiller Study and Design services with D’Huy Engineering, Inc..

Mr. Angle introduced the following resolution:

R. 59-2008 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 August 21, 2008, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract with D’Huy Engineering, Inc. for Gracedale chiller and design services.
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 D’Huy Engineering, Inc. for Gracedale chiller and design services.

In response to Mrs. McHale’s question regarding alternative fuel, Mr. Steve DeSalva, Director of Public Works, advised it was brought to his attention there was a technology that existed for co-generation, however, at this point in time, it appeared this technology would be problematic in that it required gas and there was no gas at Gracedale. He further advised it worked on a hot water system and they had a steam generation system at Gracedale. He noted this did not mean there was not some potential for that technology to be used in the future.

Mr. DeSalva stated he did not want to slow down the process that the County had going on right now with regard to the new chiller system so it would be able to be used at the end of March or early April of next year.

Mr. Dertinger advised the system he had in mind was not co-generation, but tri-generation and would be compatible.

Mr. DeSalva stated he had forwarded all the necessary information regarding Gracedale’s system to the representative of the company Mr. Dertinger referred to him for their review and they were to send him an e-mail expressing their concern about doing anything at this point in time, but that there may be some potential for it in the future.

In answer to Mr. Cusick’s question, as to whether the contract with Johnson Controls was relevant or not, Mr. DeSalva advised the County was its own energy escrow company, noting it was doing what another company, like Johnson Controls, would do to save some money. Therefore, it would not make sense to pay Johnson Controls to do what the County was already doing right now.

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

The resolution was adopted by a vote of 6-0.

Finance Committee Meeting

In response to Mr. Grube’s question, Mr. Angle advised the Finance Committee had never looked at the pension. Therefore, since the pension group was going to appear at the Retirement Board meeting on September 12, 2008, it was determined the Finance Committee should join that meeting and then, if necessary, conduct a meeting afterwards to ask questions.

Personnel Committee Report

Mr. Cusick stated at the last meeting, the issue of the Sheriff’s Office certification arose and in a discussion with Sheriff Jeff Hawbecker, he mentioned that he would like a presentation to be made to County Council.

Mrs. McHale asked if the newly established Personnel Commission had met and if so, were they provided with the new Career Service Personnel Manual, as well as an old with the changes identified.

Mr. John Stoffa, County Executive, advised he did not believe they have met or received a copy of the new and old personnel manuals.

In answer to Mrs. McHale’s question, Mr. Stoffa stated they would usually meet when there was something to discuss and when she stated they had the manual changes to review, he commented the Administration did not feel that way. Mrs. McHale remarked County Council disagreed with that comment.

Blue Cross/Blue Shield Study

In response to Mr. Dowd’s question, Mr. Vic Mazziotti, Director of Fiscal Affairs, advised they asked the actuary to determine what impact the study of Blue Cross/Blue Shield health benefit for new hires would have on the County funds.
Mrs. McHale stated the Administration had considered eliminating benefits for new hires and asked if it ever considered amending the policies instead of eliminating the benefits.

Mr. Mazziotti advised it was a little late to include in the study, but they would ask.

Open Space Committee Report

Mr. Dertinger advised the Open Space Committee met prior to this meeting with regard to the Palmer Township Bike Path. He further advised, at this time, they were going to leave the issue on the table as there were a number of elements the two parties had to work out before it could be presented to County Council again.

Economic Development Committee Report

Mr. Dowd stated the Economic Development Committee would be meeting September 18, 2008, at 5:00 p.m., to look at the Department of Community and Economic Development and its reorganization to get a sense of how it was functioning and the job responsibilities of everyone. He further stated representatives from the Borough Business Revitalization Program would be giving an update on that program.

Farmland Preservation Liaison Report

Mr. Angle advised the Farmland Preservation had their 10,000 acre celebration.

Council Solicitor's Report

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

Adjournment

Mr. Angle made a motion to adjourn.
Mr. Cusick seconded the motion.

The motion passed by acclamation.