Easton, Pennsylvania       December 10, 2009

A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; J. Michael Dowd, Vice President; Ron Angle; Joseph H. Capozzolo; John Cusick; Charles M. Dertinger; Margaret L. Ferraro; Lamont G. McClure, Jr.; Gerald E. Seyfried; Anthony J. Martino, 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

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

Approval of the Minutes

Mrs. McHale stated that due to a malfunction in the transcription unit software, the minutes for the November 9, 2009 and November 16, 2009 budget meetings were not completed.

Mrs. McHale asked for a motion to approve the minutes.

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the October 19, 2009, October 26, 2009, November 30, 2009 and December 3, 2009 meetings shall be approved.

Mr. Dowd seconded the motion.

The motion was adopted by voice acclamation, with Mr. Seyfried abstaining.

Courtesy of the Floor
Mr. Matt Glennon, Plainfield Township, PA - advised he provided a letter to County Council pertaining to the Open Space monies (see Attachment #1). He further advised there was an agreement with County Council to retain the .5 mill tax for open space and under this budget, the funds would decrease from approximately $3.6 million to approximately $2.3 million. He noted he was concerned if this budget was passed, next year’s taxes would have to be increased for open space or it could be the end of the open space program.

Mr. Armando Greco, Executive Director, Lehigh and Northampton Transportation Authority (LANTA) - stated at the November 30, 2009 meeting, their grant allocation was reduced by $50,000. He further stated all the funding they received from Lehigh and Northampton Counties were used to match Federal and State dollars. He noted for every dollar of local funding, they received approximately $16 in operating assistance mainly from the State and some money from the Federal government. He further noted for capital assistance to buy things to keep their operation going, i.e., buses, etc., for every dollar they received in local funds, they got $30.

Mr. Greco advised according to their Charter, a $50,000 reduction in Northampton County’s budget would result in a $50,000 reduction in Lehigh County’s budget. Therefore, considering everything, the impact would actually be a loss of approximately $2 million in their capital and operating budgets.

Mr. Greco stated there were some requirements under Act 44 at the State level whereby they had to maintain their level of effort to obtain local funding and this action may jeopardize that obligation. He further stated with this reduction, they would have to direct all their money to operating and their capital program would be greatly affected hindering their ability to buy buses and to fix equipment and facilities.

Mr. Greco advised they originally presented to both County Executives a budget request of $449,500, however, due to budgetary concerns, they were asked to reduce their request to $407,500. He noted they then worked their budget to comply with that request.

Mr. Greco asked County Council to carefully consider this
Mr. Fred Williams, Chairman, LANTA Board of Directors – stated this cut would have a devastating effect on the overall operations of LANTA, noting they had many major projects and capital improvements planned which could be jeopardized. He further stated the people who used LANTA consisted of people of lower income, senior citizens and the disabled who relied on the buses every day to get them back and forth to work, their various appointments and shopping trips.

Mr. Williams advised a study to specifically plan the future direction of LANTA for the next ten years compared similar transportation authorities in other areas of the country and it determined that LANTA got more for its money than any other authority.

Mr. Williams stated he hoped County Council would restore these funds because the trickle down effect would have a major impact on the operations of LANTA and its ability to provide service and purchase items that were needed.

In answer to Mr. Seyfried’s question as to whether Lehigh County had agreed to restore their $50,000, Mr. Williams replied when they approved their budget, it contained the $407,500.

Mr. Angle advised that the Lehigh Valley Planning Commission’s (LVPC) budget was cut by $50,000 and they also received matching funds. He further advised the County was facing a large tax increase and he was sure a lot of its departments could use more funding.

Ms. Bea Kemmerer, 150 Diehl Road, Easton, PA – stated she appeared before County Council once before with reference to the $300 she felt Mr. John Stoffa, County Executive, had cheated her out of, but before she addressed that issue, she wanted to talk about her husband’s pension.

Ms. Kemmerer advised her husband worked for the County for 26 years and he took an option whereby he would cut his pension to guarantee that she would receive the same amount, but turned out not to be the case. She noted she had been discussing this issue for the last five years with the Pension Board whom Mr.
Stoffa informed her had no say in the matter so she wanted to know where she could go for help.

Ms. Kemmerer stated the County let her buy her secondary insurance at the employee rate, but then two years later, they terminated her because she was on COBRA. She further stated she was told she could buy secondary insurance as long as she wanted to unless they changed the plans.

Ms. Kemmerer advised she showed Mr. Stoffa where they charged her double for three months and then notified her in August that she was not covered since the end of July.

Ms. Kemmerer stated all she wanted was to have an arbitrator or a judge hear her concerns because she should be getting the same pension as her husband.

Mrs. McHale advised that Ms. Kemmerer had appeared previously before County Council and the Pension Board and it was her impression that her situation was resolved.

Mr. Stoffa stated the situation was handled, but not to her satisfaction. He further stated the County could not do what she was asking because it would be breaking the law. He added he did not want to discuss this matter in public.

Mr. Seyfried advised he could only speak with regard to Mr. Kemmerer’s pension. He further advised Mr. Kemmerer’s pension was originally $106 a month and through the years, Cost of Living Allowances brought it up to approximately $390. He noted the State Act was very clear that if the retiree died, the spouse could not receive the COLA so the pension went back to the basic payment, which in this case was $106 a month. He noted he could not address the medical insurance issue.

Ms. Kemmerer stated that law should not apply to her because it became effective after her husband retired.

Mr. Terry Boos, 51 West Saucon Street, Hellertown, PA - advised he would like to encourage County Council to restore the open space funding because it provided many benefits to the County.
He further advised with the depressed real estate market now was the best time to spend money for additional open space.
Ms. Sherry Acevedo, 3 North Lehigh Avenue, Wind Gap, PA - stated she was with the Delaware and Lehigh Heritage Corridor and the local manager and coordinator of the Pennsylvania Department of Conservation and Natural Resources (DCNR)- Lehigh Valley Greenways Initiative. She further stated DCNR had designated seven special areas across the state as significant natural resource areas, noting the Lehigh Valley was the first one that was created.

Ms. Acevedo advised it was designated as a special area to help support everyone’s efforts to retain the County’s vital natural resources and landscape. She further advised she supported the open space programs. She noted DCNR had been matching the County’s funding and seven municipalities, through local bond issues, had also matched funds.

Ms. Acevedo stated she understood times were tough, but noted through everyone’s efforts, they have been able to preserve more than 1200 acres of environmentally sensitive lands and more than 10,000 acres of farm land, but there was a lot more work to be done. She thanked the County Council for its efforts, but she would like them to consider restoring the funding.

Mr. Scott Cope, 3701 Orchid Place, Emmaus, PA - advised he was the Chief Program Officer with Wildlands Conservancy and thanked the County for their work over the years. He further advised they recognized these were tough economic times, but he hoped County Council would reconsider lessening the allocation for open space.

Consideration of the 2010 Salary Resolution for Part-Time Professional Employees and Full-Time Employees

Mrs. McHale stated the first item for consideration with regard to the 2010 budget were the salary resolutions. She further stated if these resolutions were adopted, they would provide for a 2.25% salary increase. She noted a COLA was not being applied to either of these scales, however, the union pay scales were different in that many provided for a COLA, and a step increment.

Mr. Cusick introduced the following resolution:
R. 100-2009  RESOLVED, By the Northampton County Council that the 2010 salaries of part-time professional employees shall be as indicated on the attached pay scale.

In response to Mr. Angle’s question as to how these raises stacked up against the union contract raises on average, Mr. Stoffa replied the union’s was probably doubled or tripled.

When Mr. Angle questioned why the non-union employees always seemed to get penalized, Mr. Stoffa advised they were going to try and maintain the same thing with the unions.

Mr. Angle stated that was fine, but for 2010, the non-union employees were going to get less of an increase than those that joined a union which was one of the reasons there were so many unions in the County.

Mrs. McHale advised Mr. Stoffa did send letters to all the unions to ask them to renegotiate their contract.

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


The resolution was adopted by a vote of 8-0, with 1 abstention.

Mr. Cusick introduced the following resolution:

RESOLVED, By the Northampton County Council that a salary increment, if applicable, shall be given to all Career Service and Exempt employees, not within Collective Bargaining Units, on the effective date of this resolution, whose job classifications are within the parameters of the Northampton County Career Service and Exempt Pay Scales, respectively.

Pay increases for Bargaining Unit employees shall become effective in 2010 in accordance with the terms of any Collective Bargaining Unit Agreement in effect at present for 2010, or otherwise negotiated, and approved by County Council, prior to December 31, 2010.
This resolution shall become effective January 1, 2010.

Mr. Seyfried made a motion to amend the resolution to delete the second paragraph.

Mr. Cusick seconded the motion.

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

The vote: Cusick, "yes"; McClure, "yes"; McHale, "yes"; Seyfried, "yes"; Angle, "yes"; Capozzolo, "yes"; Dertinger, "yes"; Dowd, "yes" and Ferraro, "yes".

The motion passed by a vote of 9-0.

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

R. 101-2009  RESOLVED, By the Northampton County Council that a salary increment, if applicable, shall be given to all Career Service and Exempt employees, not within Collective Bargaining Units, on the effective date of this resolution, whose job classifications are within the parameters of the Northampton County Career Service and Exempt Pay Scales, respectively.

This resolution shall become effective January 1, 2010.

The vote: Cusick, "yes"; McClure, "yes"; McHale, "yes"; Seyfried, "no"; Angle, "no, because it was not fair that non-union employees were only going to receive a 2.25% increase"; Capozzolo, "yes"; Dertinger, "yes"; Dowd, "yes" and Ferraro, "yes".

The resolution was adopted by a vote of 7-2.

Consideration of Amendments to the Proposed 2010 Budget

Mrs. McHale stated adoption of this resolution would approve the various amendments to which an apparent consensus by County Council was reached. She further stated the Administration had presented two new proposals, which were
$500,000 reductions to the County Parks Open Space allocation and to the County’s Farmland Preservation Open Space allocation. She noted if the amendments were adopted as indicated, it would call for a tax increase of one tenth of one mill, which would equate to approximately a 1.3% tax increase to the current millage rate of 10.8. She added additional changes could affect the final millage rate.

Mrs. McHale advised before this resolution was introduced, she would like to make a motion to restore $50,000 to LANTA’s budget.

Mr. Dowd seconded the motion.

Mr. Angle stated he would like to make a motion to amend Mrs. McHale’s motion to also allocate $50,000 to LVPC’s budget, contingent upon Lehigh County doing the same.

Mr. Seyfried seconded the motion.

Mr. Dertinger stated representatives of LANTA appeared before County Council and explained the financial impact not providing the $50,000 would have on their operation, but they have not heard from LVPC.

As there were no further questions or comments, Mrs. McHale called for the vote on Mr. Angle’s motion to amend her original motion.


The motion passed by a vote of 5-4.

Mrs. McHale called for the vote on the motion to provide $50,000 to LANTA and $50,000 to LVPC, with the stipulation that Lehigh County increased their contribution.

The motion, as amended, passed by a vote of 7-2.

Mr. Dertinger advised the County was going to do some value engineering at the Wayne A. Grube Memorial Park to reduce costs which would include a second bridge crossing the Catasauqua Creek. He further advised doing two crossings at once saved money because the engineering would be paid for once. He remarked, as was learned on this project, every time something was put off, new rules and regulations arose and things had to be done differently than originally planned which usually increased the costs.

Mr. Dertinger stated another value engineering item was not to have an equipment shed built at this time, but there was not a better time to build than right now. He further stated other projects that were done within the last year, had come in at much less than the expected cost. However, the Wayne A. Grube Memorial Park had come back to be more expensive each time it was delayed.

Mr. Dertinger commented from his viewpoint as a contractor, value engineering only told him that he would be able to make more money from a contract in the future than he would during the bid process. He further commented he felt this action was particularly shortsighted and by putting it off, it would just increase the cost or allow the possibility for it to never come to fruition. Therefore, he wholeheartedly supported not to take this funding away.

Mr. Angle advised the Administration had determined they could take $500,000 from next year’s budget and still eventually complete the project.

Mr. McClure stated he believed this was truly the best time to invest in parks and open space and to preserve farm lands and environmentally sensitive lands, therefore, he could not support cutting the funding.

Mr. Dertinger made a motion to return the $500,000 to the Wayne A. Grube Memorial Park.

Mr. Seyfried seconded the motion.
Mr. John Conklin, Director of Administration, advised there was nothing more the Administration wanted than to see the completion of the Wayne A. Grube Memorial Park and when the budget was first presented, it had a tax increase that would allow this funding to be kept in place. However, after the budget hearings, it became very evident that County Council did not want a tax increase so they took this action in an effort to accomplish that. He noted there was still going to be a building for the storage of equipment and the taxpayers’ overall benefits from the park would not be diminished. He further noted there was $1 million in farmland preservation funding to be used for State matches.

Mr. Dertinger stated they were cutting back on some items in the project with the anticipation of doing them at a later date, but all that was doing was delaying the work and adding to the cost of the project.

Mr. Angle advised, at this point in time, he did not think the citizens of the County were concerned as to whether there were one or two bridges, but they were concerned as to whether they were going to be able to keep a roof over their heads and food on their tables.

Mr. McClure stated this was looking like the end to the .5 mill tax that was suppose to be dedicated to open space. He further stated money was already cut from environmentally sensitive lands and he did not think further cutting was necessary.

Mr. Seyfried advised he felt this money and the money cut from environmentally sensitive lands should be put back into the budget. He further advised financially there was never a right time to do things, but this County should not go back on its word to the people.

Mrs. Ferraro stated she was very uncomfortable going back on the promise made to the taxpayers and if the taxes had to be slightly increased, she could support it.

As there were no further questions or comments, Mrs. McHale called for the vote on the motion to restore $500,000 to the Wayne A. Grube Memorial Park project.
Mr. Seyfried requested that the $500,000 for farmland preservation be restored, as well as the $1.6 million for environmentally sensitive lands.

Mrs. McHale called for the vote on the motion to restore the $500,000 for farmland preservation and the $1.6 million for environmentally sensitive lands.


The motion failed by a vote of 4-5.

Mrs. McHale called for the vote on restoring the $500,000 for the Wayne A. Grube Memorial Park.


The motion failed by a vote of 4-5.

Mr. Cusick advised the preserving of environmentally sensitive lands was better handled through local zoning ordinances so he was making a motion to move $700,000 from environmentally sensitive lands to farmland preservation.

Mr. Angle seconded the motion.

Mr. Conklin stated there was $400,000 worth of environmentally sensitive land projects that were ready to come before County Council early next year for approval.

Mr. Cusick advised he felt there was a stronger desire for farmland preservation than the preserving of environmentally sensitive lands.

Mr. Dertinger stated when the Open Space Initiative Program was passed, farmland preservation scored less than environmentally sensitive lands and park development. He further stated there was a larger amount of support from the community and environmentally sensitive groups for the
preservation of environmentally sensitive lands. Furthermore, municipalities could not zone for environmentally sensitive lands in their planning code.

Mr. Dertinger advised the County employed a staff to run the farmland preservation program, but not for environmentally sensitive lands. He further advised there were more square miles of environmentally sensitive lands in Northampton County than farmland. He noted the Secretary of DCNR was shown what they were doing and he obtained a commitment from Harrisburg and now the County was willing to throw away all the work that was done and the funding that was obtained.

Mr. Conklin stated the County was closing on two environmentally sensitive properties within the next few weeks. However, he did agree with Mr. Angle that these funds were already in the budget.

Mr. Seyfried advised to anyone who enjoyed the outdoors, environmentally sensitive lands meant more than farmland. He further advised the taxpayers voted to place this money into environmentally sensitive lands and that was where it should stay.

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


The motion failed by a vote of 2-7.

Mr. McClure introduced the following resolution:

R. 102-2009 RESOLVED, By the Northampton County Council that the proposed 2010 Northampton County Budget shall be amended as indicated on the attached documents.

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

The vote: McClure, “no”; Cusick, “yes”; Dertinger, “no”;
Adoption of the 2010 Northampton County Budget As Amended

Mr. McClure introduced the following resolution:

R. 103-2009 RESOLVED, By the Northampton County Council that the following 2010 Northampton County Budgets (incorporated by reference hereto) shall be adopted, as amended, this 10th day of December 2009.

1. General Fund
2. Special Revenue Funds
3. Capital Project Funds

As Mr. McClure indicated he would like to know the numbers before he voted on this resolution, Mrs. McHale called for a ten minute recess.

Mr. Dertinger made a motion to enter into a ten minute recess.

Mr. Dowd seconded the motion.

The motion was approved by voice acclamation.

Mrs. McHale called the meeting back to order.

Mr. McClure stated during the recess, it was determined that the gap to avoid a tax increase $1,078,300 and it was his understanding that the County Executive agreed to move the money from the unrestricted Fund Balance to balance the budget. Therefore, he suggested County Council move ahead and adopt the budget with no tax increase.

In answer to Mr. Angle’s question as to whether this would leave two months of reserve in the Fund Balance, Mr. Doran Hamann, Budget Administrator, replied it would not.

As there were no further questions or comments, Mrs. McHale

The resolution was adopted by a vote of 7-2.

Adoption of the 2010 Capital Improvements Plan

Mr. Dertinger introduced the following resolution:

R. 104-2009 RESOLVED, by the Northampton County Council that, in accordance with Home Rule Charter Section 702, the 2010 Northampton County Capital Improvements Plan, as amended, (a copy incorporated by reference thereto) shall be adopted this 10th day of December 2009.

Mr. Cusick advised after four years of discussions with regard to the Archives Building, the County was still paying rent which could have been used to obtain a permanent location; the treatment facility, which he felt was definitely needed, was going no where fast and lastly, there was not a good plan in place to address the repairs required at Gracedale. Therefore, he could not support the proposed Capital Improvements Plan.

Mr. Angle stated he agreed with Mr. Cusick and, therefore, he could not support this resolution.

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


The resolution was adopted by a vote of 7-2.

Adoption of the 2010 Real Estate Tax Millage Rate Ordinance

Mrs. McHale advised the final step in the adoption of the 2010 budget was the adoption of the 2010 milage rate ordinance.
She further advised this ordinance was introduced by Messrs. Seyfried and Capozzolo at the November 5, 2009 County Council meeting. She noted the public hearing was conducted at the November 19, 2009 meeting.

AN ORDINANCE PROVIDING FOR THE REAL ESTATE TAX MILLAGE RATE IN THE COUNTY OF NORTHAMPTON FOR THE YEAR 2010

IT IS HEREBY ORDAINED AND ENACTED, that the millage rate for real estate tax purposes for the year 2010 shall be set at 11.8 mills on every dollar of assessed valuation of taxable real estate or $1.18 on every $100.00 of assessed valuation.

Due to the adoption of the amended budget, Mr. Capozzolo made a motion to amend the millage rate to 10.8.

Mr. Seyfried seconded the motion.

Mrs. McHale called for the vote to amend the millage rate to 10.8.


The motion passed by a vote of 9-0.

Messrs. Capozzolo and Seyfried introduced the following amended ordinance:

AN ORDINANCE PROVIDING FOR THE REAL ESTATE TAX MILLAGE RATE IN THE COUNTY OF NORTHAMPTON FOR THE YEAR 2010

IT IS HEREBY ORDAINED AND ENACTED, that the millage rate for real estate tax purposes for the year 2010 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.

Mr. Seyfried stated tonight’s meeting reflected the art of compromise and everyone should be congratulated for that, however, at some point, the County was going to need a realistic Capital Improvement Plan.
Mrs. McHale advised she could not agree more and she did not support the abolishment of the five year plan when it was requested by the Administration.

Mr. Angle stated he was also not supportive of doing away with the five year plan, but it was not like everyone did not know what the problems were.

Mr. McClure advised he just wanted to congratulate the Administration for working with County Council on this budget and commended them for the compromises they made because they truly believed their original plan was the best plan for the County going forward.

Mr. Angle stated he agreed with Mr. Seyfried and suggested County Council and the Administration meet in January to discuss the many issues the County was going to be facing in the next few years and come up with a plan to deal with them.

As there were no questions or comments, Mrs. McHale called for the vote on the amended millage rate ordinance.


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

Bethlehem Tax Incremental Financing (TIF)

Mr. Angle advised it was just recently learned the City of Bethlehem wanted to switch their TIF from one project to another, however, he felt that would not be good for the citizens of Northampton County or the Bethlehem Area School District.

Mr. Hamann stated the TIF agreement the County had with Bethlehem consisted of two phases. He further stated there was phase one, which had existed since 2005 and phase two that had never been addressed. He noted the County had paid the
authority since 2005 or 2006, a little more than $400,000, with the city and school district paying twice as much.

Mr. Hamann advised with the assessment of the casino at more than $74 million, the tax impact for the three taxing bodies was approximately $4.9 million. He further advised that meant $750,000 for the County, approximately $1 million for the city and more than $3 million for the school district.

In response to Mr. Cusick’s question as to whether that was for the duration of the TIF or annually, Mr. Hamann replied it was yearly at the current rate.

Mr. Hamann stated he put together a packet that consisted of the agreement which included several maps, an outline of how the plan was currently laid out and the master plan. He further stated where the casino was currently located was originally earmarked as a parking lot for the National Museum of Industry.

When Mr. Angle commented that any infrastructure at the location of the casino was paid for by the Sands, Mr. Hamann indicated he was correct.

In answer to Mr. Angle’s question as to what his understanding was with regard to what the Bethlehem Authority wanted to do now, Mr. Hamann advised he believed their interpretation was that phase two was included and should be subject to the same rates as phase one.

In response to Mr. Angle’s question as to whether phase two was ever approved, Mr. Hamann stated the agreement that was signed by everyone involved only addressed the 26 parcels that were in phase one.

Mr. Angle advised Bethlehem was stating it was their TIF and they could do what they want to do with it and were even considering floating a bond or borrowing against a line of credit based on it. He further stated he had spoken to two members of the Bethlehem Area School Board, who indicated they were very sure the board would be addressing this issue on Monday night, and they appeared to have the same concerns as he did as to how the City of Bethlehem was handling things.

Mr. Angle stated Mr. Martino was asked to set up a meeting
with representatives of Bethlehem, who indicated they could not meet until next week. He further stated he felt this was very deliberate on their part because County Council would not be meeting again until January and they could move ahead with their plans.

Mr. Vic Mazziotti, Director of Fiscal Affairs, advised it came down to a matter of interpretation and since it was a legal document, he would like to know what the attorneys thought of it.

Mr. Martino stated a meeting was set for December 18, 2009 with the City Solicitor and representatives of the outside law firm who did a study to determine if there was a substantial modification or not. He further stated he was told there was a verbal indication to the city that the attorneys that looked at this did not believe there was a substantial modification, but no written report was ever generated to confirm it. He noted based on the facts he was hearing, he did have some serious concerns that there were substantial modifications especially since in 2000, the casino was not even contemplated.

Mr. Angle advised he planned to introduce a resolution, noting Mr. Cusick agreed to be a cosponsor, requesting the County Council Solicitor obtain an injunction to stop the City of Bethlehem from moving forward and he hoped his colleagues would support it.

Mr. Martino advised he originally had a meeting set up with the Director of Planning for the City of Bethlehem to discuss this matter and then received a telephone call that any further inquiries had to go through their Solicitor’s Office. Therefore, he was not able to review their public records. He further advised he looked at the issue as to the manner in which the litigation should proceed and he believed the instruction must go to the County Solicitor rather than the County Council Solicitor.

Mr. Flisser stated it was already stated as such in the resolution.

Messrs. Angle and Cusick introduced the following resolution:
WHEREAS, Northampton County Ordinance No. 346-2000, entitled, "AN ORDINANCE PROVIDING FOR THE APPROVAL OF A TAX INCREMENTAL FINANCING PLAN FOR THE "BETHLEHEM WORKS" REDEVELOPMENT AREA," was enacted on May 5, 2000, and reads in part as follows:

WHEREAS, the City of Bethlehem, in conjunction with the participating taxing bodies has prepared a Tax Incremental Financing Plan in accordance with Act 113 of 1990 for the “Bethlehem Works” Redevelopment Area, (hereinafter referred to as the “Project”); and

WHEREAS, the Northampton County Council has reviewed a Tax Incremental Financing Plan for the “Bethlehem Works” Redevelopment Area located within the City of Bethlehem as described in Exhibit “A” attached hereto; and

WHEREAS, the participating taxing bodies in the Tax Increment District consist of the City of Bethlehem, the County of Northampton and the Bethlehem Area School District; and

WHEREAS, the Redevelopment Authority of the City of Bethlehem will be responsible for implementation of the project; and

WHEREAS, the Northampton County Council supports the plan to stimulate new private investment through the provision of infrastructure improvements to be repaid with increased tax yields generated from the Tax Increment District; and

WHEREAS, a Cooperation Agreement between the three participating taxing bodies and the Redevelopment Authority of the City of Bethlehem is to be executed by all parties;

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED, By the Northampton County Council that the Tax Incremental Financing Plan for the “Bethlehem Works” Redevelopment Area dated March 2000, is hereby approved and a copy of same shall be attached to the
BE IT FURTHER ORDAINED AND ENACTED, that the proper Northampton County Officials are authorized to execute the attached Cooperation Agreement with the other participating taxing bodies and the Redevelopment Authority of the City of Bethlehem. A certified copy of this ordinance shall be forwarded to the City Council of the City of Bethlehem.

IT IS FURTHER ORDAINED AND ENACTED, that any other ordinances, or parts of ordinances, inconsistent herewith are hereby repealed.

IT IS FURTHER ORDAINED AND ENACTED, that this ordinance shall become effective thirty (30) days after date of enactment.

WHEREAS, subsequent to the adoption of the Bethlehem Tax Increment Financing (TIF) District, questions have arisen as to whether substantial changes have been made to the Bethlehem TIF Plan; and

WHEREAS, recent news reports indicate that the Bethlehem Redevelopment Authority plans on floating a bond issue in the near future to complete certain projects within the TIF District.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it hereby directs the Northampton County Solicitor file an injunction to prevent the Bethlehem Redevelopment Authority from issuing bonds, or proceeding with the plans for issuing the bonds, with regard to the Bethlehem TIF District.

Mrs. McHale advised she felt this resolution was premature and would like an opinion or a report from both Solicitors first.

Mr. Angle stated there was no harm in asking for an injunction so the city could not move forward and borrow the money because the County did not tell them they could not.
Mr. Cusick advised all this resolution was doing was stopping them from proceeding and provides them an opportunity to appear before County Council to explain what they planned to do with the money. He further advised this could cause problems for the County, but not to the extent that it would affect the Bethlehem Area School District.

In answer to Mr. Seyfried’s question as to whether the City of Bethlehem could use this money to amortize a bond issue, Mr. Martino stated it had to be determined if a substantial change was made to the original plan and if so, the whole process had to be done again.

Mr. Angle advised what this basically came down to was the city had a TIF approved for a certain area in 2000, however, the Sands came in and developed the property on their own so now Bethlehem wanted to extend this TIF to phase two of the plan, which was never approved.

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


The resolution failed by a vote of 4-5.

Mr. Angle stated he did not understand why his colleagues did not want to support this resolution because this TIF was approved for only one phase of the project and since Bethlehem did not have to use it, they were going to use it to obtain a bond or a line of credit and that was just wrong.

In response to Mr. Seyfried’s question as to whether Mr. Angle believed they would do anything before the end of the year, he answered he knew for a fact they were moving ahead with either a line of credit or a bond issue.

Mr. Angle advised, under Roberts Rule, he wanted to reintroduce this resolution for reconsideration.

R. 105-2009  WHEREAS, Northampton County Ordinance No.
346-2000, entitled, “AN ORDINANCE PROVIDING FOR THE APPROVAL OF A TAX INCREMENTAL FINANCING PLAN FOR THE “BETHLEHEM WORKS” REDEVELOPMENT AREA,” was enacted on May 5, 2000, and reads in part as follows:

WHEREAS, the City of Bethlehem, in conjunction with the participating taxing bodies has prepared a Tax Incremental Financing Plan in accordance with Act 113 of 1990 for the “Bethlehem Works” Redevelopment Area, (hereinafter referred to as the “Project”); and

WHEREAS, the Northampton County Council has reviewed a Tax Incremental Financing Plan for the “Bethlehem Works” Redevelopment Area located within the City of Bethlehem as described in Exhibit “A” attached hereto; and

WHEREAS, the participating taxing bodies in the Tax Increment District consist of the City of Bethlehem, the County of Northampton and the Bethlehem Area School District; and

WHEREAS, the Redevelopment Authority of the City of Bethlehem will be responsible for implementation of the project; and

WHEREAS, the Northampton County Council supports the plan to stimulate new private investment through the provision of infrastructure improvements to be repaid with increased tax yields generated from the Tax Increment District; and

WHEREAS, a Cooperation Agreement between the three participating taxing bodies and the Redevelopment Authority of the City of Bethlehem is to be executed by all parties;

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED, By the Northampton County Council that the Tax Incremental Financing Plan for the “Bethlehem Works” Redevelopment Area dated March 2000, is hereby approved and a copy of same shall be attached to the
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minutes of the meeting during which this ordinance is enacted.

BE IT FURTHER ORDAINED AND ENACTED, that the proper Northampton County Officials are authorized to execute the attached Cooperation Agreement with the other participating taxing bodies and the Redevelopment Authority of the City of Bethlehem. A certified copy of this ordinance shall be forwarded to the City Council of the City of Bethlehem.

IT IS FURTHER ORDAINED AND ENACTED, that any other ordinances, or parts of ordinances, inconsistent herewith are hereby repealed.

IT IS FURTHER ORDAINED AND ENACTED, that this ordinance shall become effective thirty (30) days after date of enactment.

WHEREAS, subsequent to the adoption of the Bethlehem Tax Increment Financing (TIF) District, questions have arisen as to whether substantial changes have been made to the Bethlehem TIF Plan; and

WHEREAS, recent news reports indicate that the Bethlehem Redevelopment Authority plans on floating a bond issue in the near future to complete certain projects within the TIF District.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it hereby directs the Northampton County Solicitor file an injunction to prevent the Bethlehem Redevelopment Authority from issuing bonds, or proceeding with the plans for issuing the bonds, with regard to the Bethlehem TIF District.

Mr. Cusick stated he could understand the position of the city and maybe even the City Council and Mayor, but the people who lived in the other municipalities who were taxpayers of this school district were going to get hit hard.

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

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

Consideration of the 2010 County Council Meeting Schedule

Resolution

Mr. Dowd introduced the following resolution:

R. 106-2009 RESOLVED, by the Northampton County Council that: (1) In accordance with Northampton County Home Rule Charter Section 206(a), the Northampton County Council organizational meeting will be held on Monday, January 4, 2010, and will begin at 10:45 a.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.; (2) The regular schedule of meetings for the year 2010, shall be conducted on the first and third Thursday of each respective month, beginning at 6:30 p.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania, with the following exceptions: (1) for the month of April 2010 the meetings scheduled for April 1, 2010 and April 15, 2010 are canceled and rescheduled for April 8, 2010 and April 22, 2010, and are to begin at 6:30 p.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.; (2) for the month of December 2010, the meeting normally scheduled for December 16, 2010 is canceled and rescheduled for December 9, 2010 and will begin at 4:00 p.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.

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


The resolution was adopted by a vote of 7-2.
Consideration of the Compassionate Friends Resolution

Mrs. McHale advised at the request of Mr. John Szabo, representing the Compassionate Friends Organization, a resolution was prepared calling upon citizens to recognize the second Sunday in December as the day to light a candle in recognition of the Compassionate Friends Organization. She further advised this resolution was nearly identical to the ones County Council had adopted in the past.

In answer to Mr. McClure’s question as to whether there was an update on the memorial, Mrs. McHale replied nothing had been received.

Mrs. Ferraro introduced the following resolution:

R. 107-2009  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 2009 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.

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

Mr. McClure made a motion to vote by acclamation.

Mr. Angle seconded the motion.

The resolution was adopted by unanimous voice acclamation.

Consideration of the Gracedale Private Payor Rate Resolution

Mrs. McHale stated each year County Council was asked to adopt a resolution that established the private payor rate at Gracedale, which allowed for the maximization of Medical Assistance and Medical Revenues.

Mr. Angle introduced the following resolution:

R. 108-2009 RESOLVED, By the Northampton County Council that effective February 1, 2010, the Gracedale private payor rate shall be $250.00 per day.

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


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

Consideration of the Recorder of Deeds Fee Schedule

Mrs. McHale advised the Administration requested a State mandated change to the Recorder of Deeds fee schedule,
therefore, a resolution was prepared pertaining to this matter.

Mr. Dertinger introduced the following resolution:

R. 109-2009  WHEREAS, Northampton County Council Ordinance No. 17-79 provides that the Northampton County Council shall set fees, charged by various County agencies by means of a resolution; and

WHEREAS, Act 49 of 2009, recently signed by Governor Ed Rendell, makes several changes to the $10 Judicial Computer System/Access to Justice (JCS/ATJ) fee by amending Title 42 Section 3733 (a.1) as well as adding to Title 42 Section 3733.1. With regard to Recorder of Deed Offices, the changes to the JCS/ATJ fee are as follows:

1. The JCS/ATJ fee is temporarily increased from $10 to $24.50 for all filing in which the fee is currently collected. This temporary increase in the fee is only effective for a 25 month period beginning December 8, 2009 and ending on January 7, 2012. Thereafter, the fee charged on these cases shall be $12.25.

2. The JCS/ATJ fee shall now be charged for the filing of a Right to Way. The amount of the fee shall temporarily be $23.50 for a 25 month period beginning December 8, 2009 and ending January 7, 2012. Thereafter, the fee charged on these cases shall be $12.25.

NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Council that the fee schedule for the Recorder of Deeds Office shall be amended, so as to include JCS/ATJ fee herein set forth in the preceding paragraph.

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

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

Consideration of the Bethlehem Township 2001 Bond Issue

Resolution

Mrs. McHale stated on July 19, 2001, the 2001 Bond Issue was adopted and contained a grant of $200,000 for the acquisition of land for a new park for Bethlehem Township.

Mrs. McHale advised on July 31, 2008, the Bethlehem Township Manager, at the request of the Board of Commissioners of Bethlehem Township, requested the reallocation of approximately $128,400 of the original $200,000 to develop three youth soccer fields at the Bethlehem Township Municipal Park. She further advised on September 18, 2008, County Council approved and authorized the requested reallocation.

Mrs. McHale stated on December 2, 2009, Bethlehem Township requested that the $128,400 that was allocated to the development of three youth soccer fields be reallocated back to its original purpose. She further stated on December 7, 2009, Mr. Conklin brought this issue to County Council’s attention and a resolution was prepared.

Mr. McClure introduced the following resolution:

R. 110-2009 WHEREAS, on July 19, 2001, the Northampton County Council enacted Ordinance No. 371 of 2001, which is more commonly known as the 2001 Bond Issue Ordinance, which is titled, “AN ORDINANCE OF THE COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA (“COUNTY”), AUTHORIZING, PURSUANT TO THE PENNSYLVANIA LOCAL GOVERNMENT UNIT DEBT ACT (“DEBT ACT”), THE INCURRING OF LEASE RENTAL DEBT IN AN AMOUNT NOT TO EXCEED $125,000,000 TO BE IN THE FORMS OF AND EVIDENCED BY A LOAN AGREEMENT OR SIMILAR DOCUMENT WITH THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY (“AUTHORITY”) AND/OR A GUARANTY OR SIMILAR AGREEMENT PURSUANT TO WHICH THE COUNTY WILL PAY TO THE AUTHORITY SUCH AMOUNTS AS ARE NECESSARY TO EFFECT, OR WILL GUARANTEE, PAYMENT OF BONDS TO BE ISSUED BY THE AUTHORITY FOR
THE PURPOSES OF PROVIDING FUNDS TO BE APPLIED FOR AND TOWARD CERTAIN CAPITAL AND ECONOMIC DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY THE COUNTY AND THE AUTHORITY; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND/OR GUARANTY; SETTING FORTH THE AMOUNTS OF THE PAYMENTS TO BE MADE THEREUNDER AND COVENANTING TO BUDGET, APPROPRIATE AND PAY SUCH AMOUNTS; PLEDGING ITS FULL FAITH, CREDIT AND TAXING POWER FOR SUCH BUDGETING, APPROPRIATION AND PAYMENT; AUTHORIZING AND DIRECTING THE PREPARATION, EXECUTION AND FILING OF A TRANSCRIPT OF PROCEEDINGS, INCLUDING THE DEBT STATEMENT AND BORROWING BASE CERTIFICATE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AUTHORIZING AND DIRECTING THE TAKING OF NECESSARY OR APPROPRIATE ACTIONS, INCLUDING EXECUTION AND DELIVERY OF REQUISITE DOCUMENTS IN CONNECTION WITH THE ISSUANCE BY THE AUTHORITY OF SAID BONDS; AND TAKING RELATED ACTIONS”; and

WHEREAS, Exhibit “A” to Ordinance No. 371 of 2001 identifies capital and economic development projects for which the bonds were issued and included $12,986,460.00, for open space and farmland preservation.... and recreational improvements...., of which approximately $3,500,000.00 were grants to Northampton County municipalities. The 2001 Bond Issue Ordinance contained a grant of $200,000 for the Township of Bethlehem for the acquisition of land for a new park; and

WHEREAS, on July 31, 2008, the Bethlehem Township Manager, at the request of the Board of Commissioners of Bethlehem Township, requested the reallocation of approximately $128,400.00 of an original $200,000.00 2001 Bond Issue open space grant to develop three (3) youth soccer fields at the Bethlehem Township Municipal Park; and

WHEREAS, on September 18, 2008, County Council approved and authorized the reallocation of approximately $128,400.00, of the original $200,000.00 2001 Bond Issue open space grant, to the recreational development of three (3) youth soccer fields at the Bethlehem Township Municipal Park; and

WHEREAS, on December 2, 2009, Bethlehem Township requested that the $128,400.00 that was reallocated to the recreational development of three (3) youth soccer fields be reallocated to its original purpose as indicated in the Exhibit “A” of the 2001 Bond Issue as approved in Ordinance 371 of 2001.
NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes and approves the reallocation of remaining Bethlehem Township 2001 Bond proceeds to the original purpose as indicated in Exhibit “A” of the 2001 Bond Issue as approved in Ordinance No. 371 of 2001.

In response to Mr. Cusick’s question as to whether this project was ready to begin since several years have passed, Mr. Conklin replied it was his understanding that it was, indicating settlement was scheduled for tomorrow.

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


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

Consideration of the 2009 Contingency Account - Northampton County History

Mrs. McHale advised Mr. Seyfried was leading an effort to write the history of Northampton County for the period 1952 to 2002 and in order to complete this task, some funding would be needed. She further advised Mr. Seyfried requested the sum of $20,000 in 2009 Contingency funds be made available for this worthy endeavor.

Mr. Seyfried introduced the following resolution:

R. 111-2009 RESOLVED By the Northampton County Council that the sum of $20,000 shall be transferred from the 2009 Contingency account #0500-76050 and made available to the group (currently being organized by Gerald E. Seyfried, Northampton County Council) that will be writing the history of the Northampton County from 1952 to 2002. It shall be understood that should any funding remain after the group is finished with their work, those remaining funds shall revert to the County Council contingency account.

Mr. Seyfried distributed a document explaining why he felt this endeavor was important to the people of the County (see
In answer to Mr. Dertinger’s question as to whether this project would include only the last 50 years or would incorporate the original book, Mr. Seyfried stated it would be adding the last fifty years to the original book and possibly even having it reprinted. He further stated they also planned to ask various organizations for donations.

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


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

Presentation of Plaques

Mrs. McHale presented Mr. Dertinger with a plaque of recognition for his service as a member of County Council.

Mr. Dertinger advised he appreciated the opportunity to serve on County Council and it was truly a blessing in his life. He further advised this County Council could be proud of their accomplishments with regard to the preservation of open space.

Mr. Angle presented Mr. Capozzolo with a plaque of recognition for his service as a member of County Council.

Mr. Capozzolo thanked everyone for his appointment to County Council and he hoped he made Mr. Grube proud of the work he did. He stated he used to read in the newspaper that County Council was dysfunctional, but he did not see that, noting democracy was messy and loud, but he felt the members of County Council did a good job.

Mr. Angle presented Mr. Seyfried with a plaque of recognition for his service as a member of County Council.

Mr. Seyfried advised he wanted to thank everyone for the opportunity to serve on County Council and he wanted to announce
that his days of running for public office were over. He further advised this was about giving something back and it was a pleasure to serve with everyone. He noted if anytime in the future, he could be of service to anyone, they should not hesitate to call him.

Adjournment

Mrs. McHale called for a motion to adjourn.

Mr. McClure made a motion to adjourn.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council