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; Charles M. Dertinger; Margaret Ferraro; Lamont G. McClure, Jr.; Diane Neiper; Anthony J. Martino, Solicitor to Council and Frank E. Flisser, Clerk to Council. Absent was John Cusick.

Prayer

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

Pledge of Allegiance

Mr. Capozzolo 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 December 9, 2008 and January 15, 2009 meetings shall be approved.

Mrs. McHale seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Lawrence Fox, 1834 Pennsylvania Avenue, Allentown, PA - stated he was present to speak with regard to the gaming ordinance.

Mrs. McHale informed him he could speak during the public hearing on that ordinance.
Mrs. McHale then asked if there was anyone else who wished to address County Council. There were no respondents.

Public Hearing on the Ordinance Authorizing the Establishment of the Northampton County Gaming Revenue and Economic Development Authority

Mrs. McHale advised this ordinance was introduced by Messrs. McClure and Dertinger at the meeting held January 15, 2009, and authorized the establishment of a Northampton County Gaming Revenue and Economic Development Authority.

Mrs. McHale stated it was important to note that this ordinance did not actually create the authority, but only indicated that it was the intent and desire of County Council to organize such an authority. She further stated should this ordinance be enacted, a second companion ordinance establishing the Articles of Incorporation for such an authority would then have to be considered.

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC DEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF

WHEREAS, Northampton County Council anticipates that a licensed gaming entity known as Sands Casino Resort Bethlehem will begin operation in the City of Bethlehem, County of Northampton, in accordance with the provisions of the Pennsylvania Race Horse Development and Gaming Act, (Title 4 Pa. C.S.A. Section 1101, et. seq.); and

WHEREAS, Northampton County Council also anticipates that the operation of that licensed gaming entity will generate gross
terminal revenue, a portion of which is required by law to be distributed to Northampton County for the purpose of making municipal grants within the County in accordance with Title 4 Pa. C.S.A. Section 1403(c)(2)(iii)(D.1); and

WHEREAS, said gross terminal revenue is required to be used to fund grants to the municipality in which the licensed facility is located; the County in which the licensed facility is located; and, to the municipalities which are contiguous to the municipality in which the licensed facility is located and which are located within the County. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, these grants are required to be administered by Northampton County through an economic development or redevelopment authority. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, there does not presently exist within Northampton County an entity which falls strictly within the definition of an economic development or redevelopment authority; and

WHEREAS, Northampton County Council has determined that it is most beneficial for the residents of Northampton County for County Council to create an economic development authority for any and all purposes which may be permitted by the Economic Development Financing Law, (Title 73 P.S. Section 371, et. seq.) and the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1101, et. seq.) in order to administer the grants funded by the gross terminal revenue.

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

I. STATEMENT OF INTEREST

Northampton County Council hereby signifies its intent and desire to organize an authority under the provisions of the Economic Development Financing Law (Title 73 P.S. Section 371, et. seq.), the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1101, et. seq.), and the Home Rule Charter of Northampton County for the purpose of exercising any and all powers conferred upon such an authority by those laws.
II. AUTHORIZATION

The County Executive and the Clerk to County Council are authorized and directed to execute, on behalf of the County, Articles of Incorporation for such Authority in form consistent with the Economic Development Act for the purposes herein above set forth, and naming as the initial Board of that Authority, persons to be appointed by Northampton County Council by separate enactment.

III. PUBLICATION

The County Executive and the Clerk to County Council are authorized and directed to cause notice of the adoption of this Ordinance to be published as required by the law.

IV. FILING OF PROOF

The County Executive and the Clerk to County Council are authorized and directed to cause Articles of Incorporation for the Authority created hereby to be prepared upon appointment of the initial Board of Authority, and thereafter, together with necessary proofs of publication to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate to effect the incorporation of the Authority, including payment of any fee necessary in connection therewith.

V. REASON FOR ENACTMENT

The enactment of this Ordinance is deemed necessary for the benefit and preservation of the public health, and general welfare of and is expected to increase the prosperity of the citizens of Northampton County.

VI. TERM

The initial term of this Authority shall be fifty (50) years and for such further periods as shall be specified from time to time in the manner permitted by the provisions of the Authorities Act.
VII. REPEALER

All Ordinances or parts of Ordinances, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

Public Hearing

Mrs. McHale asked if there was anyone from the public who wished to address this issue.

Mr. Fox provided a handout to County Council entitled, “Observations Regarding The Disbursal of Gambling Revenues” (see Attachment #1).

In response to Mrs. McHale’s question, Mr. Fox stated he was the Solicitor for the Borough of Freemansburg and did have the acquiescence of four of the five municipalities that were contiguous to the gambling campus. He further stated Bethlehem Township was also represented tonight, but he did not have their acquiescence.

Mr. Fox advised this was his document, but it contained the collective ideas of a number of individuals and the bottom line was the contiguous municipalities that he spoke for desired to have an even distribution of the gambling proceeds. He further advised this would save a lot of time and money because the municipalities would not have to ask for a grant and it would also allow them to put a budget into place. Furthermore, the municipalities would be in favor of coming back each year to see whether this formula made sense.

Mrs. McHale noted the statement reflected by the letter (h), in the document, indicated litigation could follow if this request was ignored.

Mr. Fox advised he was not suggesting there would be litigation only that if the money was distributed evenly, then litigation would be avoided because there would be no adversarial conflict.

In response to Mrs. McHale’s question as to whether this document was ever presented to the Gaming Committee, Mr. Fox stated he attended the meetings and mentioned this proposal to
the members, but this document was just drafted for presentation tonight.

Mr. Martino advised as County Council was here tonight just to express its intention to create a separate authority to administer the revenues, he asked Mr. Fox if he, or anyone he knew, had a legal position in opposition to that notion.

Mr. Fox stated he was in favor of a new authority being created, noting the Act mandated it, however, nothing in his document precluded that entity from distributing the money equally.

In answer to Mr. Angle’s question as to whether the law provided that projects were to be judged on their merit, Mr. Martino advised there was a provision in the law that the money had to be prioritized within the continuous municipalities and other entities apart from those municipalities which would imply that there should not be just an even split to the continuous municipalities.

Mr. Fox stated there was nothing in the law that indicated there could not simply be an even split between them.

Mr. Angle advised the intent of the State was for somebody to review the projects to see that the money was being spent on things that would assist with the problems that were caused by the gambling.

Mr. Fox stated that could be the case, but he believed the representatives of Freemansburg knew best how to spend the money for their municipal improvements.

Mr. Angle stated what County Council was here to judge was whether the intent of the law was being carried out as it was written. He agreed Mr. Fox’s proposal would be the easiest way, but this money was meant to pay for the problems caused by gambling and he was concerned that it may not be used wisely. He further stated there were people who wanted the money distributed on a per capita basis because they felt the larger municipalities would be affected more than a smaller municipality.

Mr. Fox advised a case could be made for per capita, but
one could also be made for the radius from the gambling casino, which would mean Freemansburg could walk away with all the money.

Mr. Angle stated he was not sure if that was correct. However, when he indicated he did not believe just handing out money was the intent of the law, Mr. Fox stated he did not think the law precluded it.

In response to Mr. Angle’s question as to whether the authority should be made up of the municipalities, Mr. Fox advised he did not have a problem with that and if each municipality had a representative on the authority, he felt that would be very appropriate.

In answer to Mr. Angle’s comment that it appeared the municipalities were asking for the money without having anyone else look at it, Mr. Fox advised they were only asking for an even split for the first year and then they would come back to the authority so they could review it.

In answer to Mr. Angle’s question, Mr. Fox stated they would be glad to provide a list of what they were spending the money on, noting everything would be open for examination.

In response to Mr. Angle’s question as to whether they were asking for the money without anyone voting as to whether it was being used appropriately, Mr. Fox reiterated it was just for the first year.

When Mr. Angle questioned why an authority would even be needed then, Mr. Fox replied they did feel it was necessary, but the Act required it.

Mr. McClure commented, and Mr. Fox agreed, it was his understanding that there was no objection from four of the five municipalities that an authority be created and that each municipality and the City of Bethlehem, should be provided a seat on that authority.

Mr. McClure advised it was his view, and that of the Solicitor for County Council, that any predetermined agreement to split the money would be illegal. However, once the authority was created and depending upon how the Articles of Incorporation were drafted, the authority may have a Solicitor
that differed with this view and would allow the money to be split equally.

Mr. Fox stated if the authority agreed to the equal split for the first year, then unlike the case in Erie County, the money would not be sitting in escrow for the next five years.

Mr. McClure advised this was ultimately an issue for the authority to decide and beyond drafting and passing the Articles of Incorporation, County Council would not be able to dictate to the authority what to do.

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA stated Mrs. Ferraro was perfectly correct in raising the question as to whether or not another authority was needed and Mr. McClure was also correct when he stated the authority would have to meet the requirements of the law to be an economic development or redevelopment authority.

Mr. Pfenning advised in June, the Solicitor for the General Purpose Authority (GPA) prepared some paperwork that he felt was necessary to be approved by County Council for them to function properly, however, he did not know if the paperwork ever got to County Council or not.

Mr. Pfenning stated instead of County Council creating a new authority, they could just tweak an old authority. He further stated if County Council went forward with creating a brand new authority, they must look at the issue raised by Mrs. Ferraro and Mr. Martino as to how this authority would be funded because it was creating another level of bureaucracy for the taxpayers. He noted it would be nice if the gambling municipal grant money could be used to fund that bureaucracy rather than some other place, adding the GPA had other sources of funding which might cover this issue.

With regard to the equality split, Mr. Pfenning advised it was estimated that during the first year of operation, if everything went as planned, the County would receive $500,000. He further advised this was not a lot of money and perhaps the other entities who were entitled to some of the money would just allow it to be split equally. However, County Council must bear in mind that there were seven entities that were directly able to apply for the grants and they were the five continuous
municipalities who had priority, the County and the City of Bethlehem.

Mr. Pfenning stated the Solicitor for County Council had also indicated that there might be some uncommitted funds at the end of the year that could be used to pay the bills. He further stated if the money was distributed equally to the five continuous municipalities, there would be no funding money left.

Mr. Pfenning advised even though the issue tonight was the possible establishment of a new authority, everyone should keep in mind that there was going to be other parties interested in receiving some of this money.

In response to Mr. Angle’s question as to whether or not he was concerned about splitting the money equally, Mr. Pfenning stated if he did not have to worry about a lawsuit the first year, he could probably compromise and agree to an equal split if in the following years the total impact on all of the areas was considered because these were impact funds.

Mr. Martino remarked that a correction should be made to the ordinance and that was Statement of Interest should be Statement of Intent.

Mr. Jack Cahalan, Lower Saucon Township, PA - advised County Executive John Stoffa came to Lower Saucon Township several years ago and asked for a proposal, which they provided, for a grant process. He further advised in that grant process, they asked that only 60% of the money be distributed to the five continuous municipalities, leaving 40% of it still available for other municipalities to receive on a competitive basis. He noted the municipalities were agreeable to submitting documentation describing what they were going to use the money for, which would be related to the impact caused by the casino.

As far as the authority, Mr. Cahalan commented they had no interest in it other than it was a decision for County Council to make.

With regard to the even split, Mr. Cahalan stated they felt it would simplify the process and not create a competitive process where the five municipalities would be fighting each other.
Mr. McClure advised the authority, once it was constituted and seated, may have a Solicitor that would conclude that particular plan met the criteria as set out by the statute.

Mr. Charles Luthar, Borough Manager, Hellertown, PA - stated they did work on a plan that indicated the 40% that was designated beyond the 60%, was actually further split into a 20% portion that would be available for a grant process to all the municipalities and another 20% was available for the non-continuous municipalities under a grant structure.

Mr. Luthar advised the original 60% was not on a grant type basis, but they would have to demonstrate that it was spent on issues related to the casino and its causes.

Mr. Angle stated he was never in favor of gaming and he understood that police and roads would be a concern, but he felt an even bigger concern was the demand on human services.

Mr. Conklin advised that issue was constantly brought up at the Gambling Impact Committee meetings and if it was felt the County required more money for those services, it would probably go after some of the 20% of the grant competitive funding. He further advised that Bucks County had indicated it actually became a strain on their District Justices.

Mrs. Ferraro commented that no one had really answered her question which was how the County was going to fund another authority, noting it was going to take money away from other areas. She further commented that was why she suggested expanding the GPA to include the five continuous municipalities because they would be able to cover some of the expenses.

Mr. McClure stated while it was possible that the GPA would be an appropriate entity to collect and distribute the money, the Act was quite clear that it had to be an economic or redevelopment authority. Therefore, his concern was whether it would make the County vulnerable, in the future, to a lawsuit such as occurred in Erie County.

Mr. McClure advised Mr. Angle raised a good point about the strain on human services, however, it was his understanding after the continuous municipalities made their applications and
assuming they were granted, the City of Bethlehem and the County could then make grants. He further advised the Administration had consistently indicated they wanted to use the County’s share of the gaming revenue to fund the regional health department and crime center, therefore, he wondered where the money was going to come from to address the other problems that would probably arise.

Mr. Conklin responded obviously certain projects would have to take a backseat to others. He further indicated Mr. Stoffa had stated all along that the health department would be his priority for the funding from the gaming revenue.

Mr. Angle agreed the GPA would not be the right entity to handle this issue, but he did not feel that a perfect redevelopment authority should consist of five members from the municipalities because the merits of the proposals should be decided by individuals who did not have a vested interest in the funding.

Mr. Cahalan stated the money that was coming into Northampton County was split 50/50, with 50% going to Northampton County for their needs and the other 50% was going to the municipalities and could not be touched by the County.

Mrs. McHale advised she believed the County would get its portion, however, of the remaining portion, the five continuous municipalities, as well as the City of Bethlehem and the County, would be eligible to be considered for grants after the grant process for the municipalities took place.

Mr. Angle asked if this ordinance passed and later there were five votes for the GPA, what would happen to this ordinance.

Mr. Martino stated this ordinance could be rescinded.

Mrs. Ferraro suggested the ordinance should be amended to state it authorized the establishment of the Northampton County Gaming Revenue and Economic Redevelopment Authority instead of Economic Development Authority.

Mr. McClure advised he had no objection to that amendment.
As there were no further questions or comments, Mrs. McHale called for the vote on the following amended ordinance:

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF

WHEREAS, Northampton County Council anticipates that a licensed gaming entity known as Sands Casino Resort Bethlehem will begin operation in the City of Bethlehem, County of Northampton, in accordance with the provisions of the Pennsylvania Race Horse Development and Gaming Act, (Title 4 Pa. C.S.A. Section 1101, et. seq.); and

WHEREAS, Northampton County Council also anticipates that the operation of that licensed gaming entity will generate gross terminal revenue, a portion of which is required by law to be distributed to Northampton County for the purpose of making municipal grants within the County in accordance with Title 4 Pa. C.S.A. Section 1403(c)(2)(iii)(D.1); and

WHEREAS, said gross terminal revenue is required to be used to fund grants to the municipality in which the licensed facility is located; the County in which the licensed facility is located; and, to the municipalities which are contiguous to the municipality in which the licensed facility is located and which are located within the County. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, these grants are required to be administered by Northampton County through an economic development or redevelopment authority. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, there does not presently exist within Northampton County an entity which falls strictly within the definition of an economic development or redevelopment authority; and
WHEREAS, Northampton County Council has determined that it is most beneficial for the residents of Northampton County for County Council to create an economic development authority for any and all purposes which may be permitted by the Economic Development Financing Law, (Title 73 P.S. Section 371, et. seq.) and the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1403(c)(2)(v)) in order to administer the grants funded by the gross terminal revenue.

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

I. STATEMENT OF INTENT

Northampton County Council hereby signifies its intent and desire to organize an authority under the provisions of the Economic Development Financing Law (Title 73 P.S. Section 371, et. seq.), the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1101, et. seq.), and the Home Rule Charter of Northampton County for the purpose of exercising any and all powers conferred upon such an authority by those laws.

II. AUTHORIZATION

The County Executive and the Clerk to County Council are authorized and directed to execute, on behalf of the County, Articles of Incorporation for such Authority in form consistent with the Economic Development Act for the purposes herein above set forth, and naming as the initial Board of that Authority, persons to be appointed by Northampton County Council by separate enactment.

III. PUBLICATION

The County Executive and the Clerk to County Council are authorized and directed to cause notice of the adoption of this Ordinance to be published as required by the law.

IV. FILING OF PROOF

The County Executive and the Clerk to County Council are authorized and directed to cause Articles of Incorporation for the Authority created hereby to be prepared upon appointment of
the initial Board of Authority, and thereafter, together with necessary proofs of publication to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate to effect the incorporation of the Authority, including payment of any fee necessary in connection therewith.

V. REASON FOR ENACTMENT

The enactment of this Ordinance is deemed necessary for the benefit and preservation of the public health, and general welfare of and is expected to increase the prosperity of the citizens of Northampton County.

VI. TERM

The initial term of this Authority shall be fifty (50) years and for such further periods as shall be specified from time to time in the manner permitted by the provisions of the Authorities Act.

VII. REPEALER

All Ordinances or parts of Ordinances, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.


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

Public Hearing on the Ordinance Amending Northampton County Ordinance No. 474-2007, City of Bethlehem LERTA Program

Mrs. McHale stated this ordinance was introduced by Mrs. McHale and Mr. Dertinger at the meeting held January 15, 2009. She further stated the ordinance extended the Bethlehem LERTA program through December 31, 2010. She noted there were no
other changes to the Bethlehem LERTA program and the City of Bethlehem, the Bethlehem Area and Saucon Valley School Districts have all approved the extension of the deadline.

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 474-2007, CITY OF BETHLEHEM LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) PROGRAM


NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED By the Northampton County Council that Ordinance No. 474-2007 shall be amended (sections marked with strikeout have been deleted and sections marked with bold underline have been added) as indicated hereafter:

AN ORDINANCE OF THE COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ENTITLED LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE - LERTA TAX ABATEMENT AREA, PURSUANT TO ACT 76 OF 1977; P.S. SECTION 4722 ET SEQ., BY CONTINUING THE LERTA PROGRAM THROUGH DECEMBER 2008

WHEREAS, the City of Bethlehem held a public hearing which included the County of Northampton, the Bethlehem Area School District and the Saucon Valley School District, in accordance with said Act, on October 2, 2007 to determine the boundaries of said deteriorated areas; and

WHEREAS, at said public hearing the appropriate planning agencies, having jurisdiction in and about the County of Northampton and its subordinate governmental units, and other public and private agencies and individuals presented to the Northampton County Council, the City of Bethlehem, Bethlehem Area School District and the Saucon Valley School District their recommendations concerning the location of the boundaries of deteriorated neighborhoods in deteriorating areas.
NOW, THEREFORE, BE IT ORDAINED by the County Council of Northampton County:

I. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

A. “Deteriorated area”, means that portion of the City of Bethlehem which the City of Bethlehem has determined to be physically blighted pursuant to Act 76 of 1977 of the General Assembly of the Commonwealth of Pennsylvania, as amended (72 P.S. 4722 et seq.)

B. “Deteriorated property”, means any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorating area, as provided by Resolution of the Northampton County Council, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance or regulations. Buildings wherein at least 30% of the usable gross or business use shall, if otherwise qualified, be considered a ‘deteriorated property’ within this Article.

C. “Improvement”, means the construction of new building structures, new additions to existing structures which result in an increase in assessed valuation of the deteriorated property. Such improvements shall have the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

For the purpose of this Ordinance, new construction, or the substantial renovation of residential structures shall not constitute an improvement eligible for real estate tax exemption under the provisions of this Ordinance; nor shall improvements or expansion to structures containing non-conforming uses be eligible for real estate tax exemption under the provisions of this Ordinance.
D. “Local taxing authority”, means the City of Bethlehem, the Bethlehem Area School District, the County of Northampton, the Saucon Valley School District or any other governmental entity having the authority to levy real property taxes within the City of Bethlehem.

E. “Municipal governing body”, means the County of Northampton.

F. “Becomes assessable”, means immediately following issuance of the state and local occupancy permits.

II. ELIGIBLE AREAS

The City of Bethlehem hereby determines with the approval and participation of the County of Northampton, Bethlehem Area School District and the Saucon Valley School District that the following areas of the City of Bethlehem, County of Northampton, contain “deteriorated” areas as defined in Act 76 of 1977, 72 P.S. §4722, et seq., and are eligible for tax exemption under this Act by Bethlehem City Resolution number 15163 on October 2, 2007:

CITY OF BETHLEHEM LERTA ZONE BOUNDARY DESCRIPTION

A. PART I: [Bethlehem Area School District]

BEGINNING at a point said point being the centerline intersection of the Lynn Avenue and East 4th Street, said point located at 2,634,866.583 Feet East and 474,843.179 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of East 4th Street in a westerly direction to a point being the intersection of the Centerline of East 4th Street and an extension of the southwest boundary of Northampton County Parcel “P7-6-6B” currently owned by “Lehigh Forge Corporation”.

Thence in three courses along the perimeter of Northampton County Parcel “P7-6-6B, first in a northwesterly direction along the extension of the southwest boundary and following the southwest boundary line to a point located at 2,633,587.667 Feet
East and 474,994.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a northerly direction following the western boundary line to a point located at 2,632,973.500 Feet East and 476,687.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a northeasterly direction following the northern boundary line to a point located at 2,633,971.333 Feet East and 477,079.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, to a point being the northeast corner of Northampton County Parcel “P7-6-6B” and the Northwest corner of Northampton County Parcel “P7-6-6H-3” currently owned by “10 Emery Street Associates LP”.

Thence along the northern boundary line of Northampton County Parcel “P7-6-6H-3” to a point being the northeast corner of Northampton County Parcel “P7-6-6H-3” and the Northwest corner of Northampton County Parcel “P7-6-6H-2” currently owned by “Lehigh Valley Industrial Park”. Said point located at 2,635,662.417 Feet East and 477,436.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the northern boundary line of Northampton County Parcel “P7-6-6H-2” to a point being the southeast corner of Northampton County Parcel “P7-6-6H-2” and the northern most point of Northampton County Parcel “P7-6-6F” currently owned by “United States Cold Storage LLC”. Said point located at 2,637,459.917 Feet East and 477,255.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the northern boundary of Northampton County Parcel “P7-6-6F” a distance of approximately 1.09 Feet to a point located at the northeast corner of Northampton County Parcel “P7-6-6F” and the northwest corner of Northampton County Parcel “P7-6-6-18” currently owned by “Brandenburg Bethlehem LLC”. Said point located at 2,637,461.000 Feet East and 477,255.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction following the eastern boundary line of Northampton County Parcel “P7-6-6-18” to a
point located at 2,638,496.833 Feet East and 475,913.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the southeastern corner of Northampton County Parcel “P7-6-6-18” and the northeastern corner of Northampton County Parcel “P7-6-6-14” currently owned by “Lehigh Valley Industrial Park”.

Thence in a southwesterly direction following the eastern boundary line of Northampton County Parcel “P7-6-6-14” to the southeast corner of Northampton County Parcel “P7-6-6-14”, a point located at 2,638,402.167 Feet East and 474,806.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the extension of the eastern property line of Northampton County Parcel “P7-6-6-14” to a point being the intersection of the extension of the eastern property line of Northampton County Parcel “P7-6-6-14” and the centerline of Shimersville Road. Said point located at 2,638,402.667 Feet East and 474,779.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the centerline of Shimersville Road to a point being the centerline intersection of Shimersville Road with East 4th Street. Said point located at 2,637,667.087 Feet East and 473,936.064 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northwesterly direction along the centerline East 4th St to a point being the centerline intersection of the Lynn Avenue and East 4th Street, located at 2,634,866.583 Feet East and 474,843.179 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone said point being the place of BEGINNING.

B. PART II: [Bethlehem Area School District]

BEGINNING at a point said point being the centerline intersection of Shimersville Road and the extension of the western boundary of Northampton County Parcel “P7-22-2-4A”, currently owned by “Lehigh Valley Industrial Park”. Said point being located at 2,638,511.083 Feet East and 474,833.167 Feet

Thence in a northerly direction along the centerline of Shimmersville Road to a point being the intersection of the centerline of Shimmersville Road with the extension of the northern boundary line of Northampton County Parcel “P7-22-2-4” currently owned by “Lehigh Valley Industrial Park”. Said point being located at 2,638,858.750 Feet East and 476,021.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the northern boundary of Northampton County Parcel “P7-22-2-4” in a northwesterly direction to a point being the northeast corner of Northampton County Parcel “P7-22-2-4”, the southeast corner of Northampton County Parcel “P7-22-1”, the Southwest corner of Northampton County Parcel “P7-8-2” and the Northeast corner of Northampton County Parcel “P7-15-3” currently owned by “Tecumseh Redevelopment Inc.”. Said point being located at 2,640,426.250 Feet East and 476,321.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the northern boundary of Northampton County Parcel “P7-15-3” in a northeasterly direction to a point located at 2,640,498.250 Feet East and 476,349.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in a northeasterly direction, an extension of the northern property line, to a point being the intersection of the extension of the previous section of property line for Northampton County Parcel “P7-15-3” and the centerline of Applebutter Road. Said point being located at 2,640,523.500 Feet East and 476,363.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Applebutter Road in an easterly direction to a point being the intersection of the centerline of Applebutter Road with the common school district boundary line of Bethlehem Area School District and Saucon Valley School District. Said point being located at 2,641,064.750 Feet East and 476,502.583 Feet North in the State
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Thence along the common school district boundary of Bethlehem Area School District and Saucon Valley School District in along the following three courses, first in a southerly direction south to a point being located at 2,641,537,500 Feet East and 472,261.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in an easterly direction to a point being located at 2,642,822,417 Feet East and 472,351.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a southerly direction to a point being located at 2,643,180,500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, said point being the intersection of the common school district boundary of Bethlehem Area School District and Saucon Valley School District with the centerline of South Easton Road and the City of Bethlehem municipal boundary.

Thence in a southeasterly direction along the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road to a point being the intersection of the intersection of South Easton Road, school district and municipal boundaries with the extension of the southern boundary line of Northampton County Parcel “P7-22-2-4C” currently owned by “Lehigh Valley Industrial Park”. Said point being located at 2,641,194.917 Feet East and 469,218,333 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in four courses along the perimeter of Northampton County Parcel “P7-22-2-4C”, first in an easterly direction along the extension of the southern boundary and following the southern boundary line to a point located at 2,640,894.250 Feet East and 469,179.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a northeasterly direction continuing along the southern boundary line to a point located at 2,640,993.500 Feet East and 469,666.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a westerly direction still following the southern boundary line to a point located at 2,640,814.000 Feet East and 469,653.333 Feet North in
the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, fourth in a northerly direction to a point along the southern boundary line of Northampton County Parcel “P7-22-2-4C” being located at 2,640,771.250 Feet East and 469,937.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction, keeping the same bearing as the previous line segment and crossing Northampton County Parcel “P7-22-2-4C”, to a point along the common boundary lines of Northampton County Parcel “P7-22-2-4C” and Northampton County Parcel “P7-22-54” currently owned by “Lehigh Valley Industrial Park”. Said point being located at 2,640,618.583 Feet East and 471,311.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence along the common boundary lines of Northampton County Parcel “P7-22-2-4C” and Northampton County Parcel “P7-22-54” in a westerly direction to a point located at 2,639,714.417 Feet East and 471,216.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System. Said point being the common corner of Northampton County Parcel “P7-22-2-4C”, Northampton County Parcel “P7-22-54”, Northampton County Parcel “P7-14-1C” currently owned by “Lehigh Valley Industrial Park” and Northampton County Parcel “P7-14-1B” currently owned by “Lehigh Valley Industrial Park”.

Thence along the southern and western boundary of Northampton County Parcel “P7-14-1C” in a northwesterly direction to a point being the northwestern corner of Northampton County Parcel “P7-14-1C”. Said point being a common point with western boundary of Northampton County Parcel “P7-22-54” and located at 2,638,380.250 Feet East and 471,844.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence along the western boundary of Northampton County Parcel “P7-22-54” in a northerly direction to a point being the northwest corner of Northampton County Parcel “P7-22-54”, the north east corner of Northampton County Parcel “P7-14-1B” and the southern right-of-way boundary of Commerce Center Boulevard. Said point being located at 2,638,375.583 Feet East and 471,923.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.
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Thence in a northerly direction crossing the Commerce Center Boulevard right-of-way, to a point along the northern right-of-way boundary of Commerce Center Boulevard being a common point with the southeast corner of Northampton County Parcel “P7-14-1” currently owner by “Lehigh Valley Rail Management” and the southwest corner of Northampton County Parcel “P7-22-2-4B” currently owned by “Lehigh Valley Industrial Park”. Said point being located at 2,638,369.083 Feet East and 472,034.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction along the western boundary line of Northampton County Parcel “P7-14-1” to a point being the Northwest corner of Northampton County Parcel “P7-14-1” and the Northeast corner of Northampton County Parcel “P7-22-2-4A”. Said point being located at 2,638,511.500 Feet East and 474,805.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction along the extension of the western boundary line of Northampton County Parcel “P7-14-1” to a point being the intersection of the western boundary line extension of Northampton County Parcel “P7-14-1” and the centerline of Shimersville Road, being located at 2,638,511.083 Feet East and 474,833.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

C. PART III: [Saucon Valley School District]

BEGINNING at a point said point being the intersection of the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road. Said point being located at 2,643,180,500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the following three courses of the common school district boundary of Bethlehem Area School District and Saucon Valley School District, first in a northerly direction to a point being located at 2,642,822,417 Feet East and 472,351.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a westerly direction
to a point being located at 2,641,537,500 Feet East and 472,261.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a northerly direction a point being the intersection of the centerline of Applebutter Road with the common school district boundary line of Bethlehem Area School District and Saucon Valley School District. Said point being located at 2,641,064.750 Feet East and 476,502.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Applebutter Road in a northeasterly direction to a point being the intersection of the centerline of Applebutter Road with the northerly extension of the western boundary line of Northampton County Parcel “P7-15-3”. Said point being located at 2,643,696.167 Feet East and 477,426.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the extension of the eastern property line of Northampton County Parcel “P7-15-3” and the common boundary line of the eastern property line of Northampton County Parcel “P7-15-3” and the western property line of Northampton County Parcel “P7-15-2” to a point being the southwest corner of Northampton County Parcel “P7-15-2” currently owned by Conectiv Bethlehem LLC. Said point being located at 2,643,922.917 Feet East and 476,534.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the southern boundary line of Northampton County Parcel “P7-15-2” to a point being the intersection of the southern boundary of Northampton County Parcel “P7-15-2” with the City of Bethlehem municipal boundary. Said point being located at 2,645,427.667 Feet East and 477,306.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the City of Bethlehem municipal boundary in a southeasterly direction to a point being the intersection of the City of Bethlehem municipal boundary with the common point of property boundaries of Northampton County Parcel “P7-15-3-2” currently owned by “Tecumseh Redevelopment Inc.”, Northampton County Parcel “P7-15-3-1” currently owned by “Lehigh Valley Industrial Park” and Northampton County Parcel “P7-15-3”. Said

Thence along the City of Bethlehem municipal boundary and the northeastern boundary line of Northampton County Parcel “P7-15-3” in a southeasterly direction to a point being the Northeast corner of Northampton County Parcel “P7-15-3”. Said point being located at 2,646,733.917 Feet East and 476,002.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction, keeping the same bearing as the previous line segment of Northampton County Parcel “P7-15-3”and the City of Bethlehem municipal boundary, crossing Northampton County Parcel “P7-22-53” currently owned by “Lehigh Valley Industrial Park” to a point being the intersection of the City of Bethlehem municipal boundary and the centerline of Ringhoffer Road. Said point being located at 2,647,003.347 Feet East and 476,063.540 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the centerline of Ringhoffer Road to a point being the intersection of Ringhoffer Road and the City of Bethlehem municipal boundary. Said point being located at 2,647,830.917 Feet East and 473,856.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the City of Bethlehem municipal boundary in a southerly direction to a point being the intersection of the City of Bethlehem municipal boundary and the centerline of South Easton Road.

Thence continuing along the City of Bethlehem municipal boundary and the centerline of South Easton Road in a southeasterly direction to a point, being the intersection of the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road, located at 2,643,180,500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.
III. EXEMPTION AMOUNT

A. The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.

B. The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Assessment Division of the Department of Fiscal Affairs of Northampton County Board of Assessment Appeals (hereafter referred to as Assessment Division).

C. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

IV. EXEMPTION SCHEDULE

Subject to the conditions, requirements and limitations set forth in this Ordinance, taxpayers making assessable improvements to deteriorated property located in the deteriorating area, may apply for and may be granted a real estate tax exemption limited to the amounts in Section III (A) and (B) as set forth above, subject to the following schedule:

(1) For the first year immediately following the date upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted.

(2) For the second year immediately following the date upon which the improvement becomes assessable 90% of the eligible assessment shall be exempted.

(3) For the third year immediately following the date upon which the improvement becomes assessable 80% of the eligible assessment shall be exempted.

(4) For the fourth year immediately following the date upon which the improvement becomes assessable 70% of the eligible assessment shall be exempted.
(5) For the fifth year immediately following the date upon which the improvement becomes assessable 60% of the eligible assessment shall be exempted.

(6) For the sixth year immediately following the date upon which the improvement becomes assessable 50% of the eligible assessment shall be exempted.

(7) For the seventh year immediately following the date upon which the improvement becomes assessable 40% of the eligible assessment shall be exempted.

(8) For the eighth year immediately following the date upon which the improvement becomes assessable 30% of the eligible assessment shall be exempted.

(9) For the ninth year immediately following the date upon which the improvement becomes assessable 20% of the eligible assessment shall be exempted.

(10) For the tenth year immediately following the date upon which the improvement becomes assessable 10% of the eligible assessment shall be exempted.

(11) After the tenth year the exemption shall terminate.

V. NOTICE TO TAXPAYERS

A. There shall be placed on the form application for building, zoning and alteration permits the following:

NOTICE TO TAXPAYERS

Under the provisions of City Ordinance No. 3070 you may be entitled to a property tax exemption on your contemplated new construction. An application for exemption may be secured from the City of Bethlehem and must be filed with the City at the time a building permit is secured.

B. At the time a building permit is secured for
construction upon an existing deteriorated property for which an exemption is requested, the taxpayer shall apply to the City of Bethlehem or any successor agency thereto for the exemption provided for in this Ordinance. The taxpayer shall be permitted to apply for the exemption provided in this Ordinance up to a period of sixty (60) days from the date a final executed building permit is secured. Request for the exemption must be in writing certified in full as prescribed by the City setting forth the following information:

(1) The date a final executed building permit was issued for said improvement.

(2) The type of improvement.

(3) The summary of the plan of the improvement.

(4) The cost of the improvement.

(5) That the property has been inspected and verified by the City of Bethlehem, Bureau of Inspections.

(6) Any or all such additional information the City may require.

VI. PROCEDURES FOR OBTAINING EXEMPTIONS

A copy of the request for exemption, on forms prescribed by the Northampton County Director of Fiscal Affairs, shall be forwarded to the Northampton County Assessment Division, and the Bethlehem Area School District or the Saucon Valley School District as would be applicable, by the City. Upon completion of the improvement, the taxpayer shall notify the City and the Northampton County Assessment Division so that the Northampton County Assessment Division may assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The City will then obtain from the Northampton County Assessment Division the amount of the assessment eligible for exemption and will notify the taxpayer. The Director of the Department of Fiscal Affairs is authorized to make refunds, if applicable, only after the Northampton County Assessment Division has notified the Director
of Fiscal Affairs of its separate assessment upon the improvement for which an exemption and the amount eligible for the exemption may be taken by the taxpayer of the City as provided by law.

VII. TERMINATION

This ordinance shall be effective retroactive to January 1, 2007 and shall terminate on December 31, 2009 unless otherwise repealed by Council. No later than August 1, 2008, the Mayor of the City of Bethlehem shall submit a written report to the Northampton County Council which shall inform the Northampton County Council as to how this Ordinance has been administered, the effects of this Ordinance on the community and include any suggestions or recommendations for this Ordinance’s re-enactment, modification or repeal. Nothing contained herein shall act to prohibit the Northampton County Council from enacting a similar ordinance after December 31, 2009. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule found in Section IV even if this Ordinance expires or is repealed.

VIII. HEARING BOARD

A Tax Abatement Hearing Board (hereafter referred to as Board) shall consist of the Business Administrator of the City of Bethlehem, the Director of the Department of Community and Economic Development of the City of Bethlehem as Chairperson, the Director of Fiscal Affairs of the County of Northampton, the Assistant to the Superintendent for Finance and Business Administration of the Bethlehem Area School District and the Business Manager of the Saucon Valley School District, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of this Ordinance.

The Hearing Board shall have the following powers:
(1) To hear appeals from any person aggrieved by the application of this Ordinance.

(2) To make rules with regard to conducting its hearings.

(3) To make such findings of fact as may be required by the application of this Ordinance.

(4) To decide questions presented to the Board.

(5) To affirm, revoke or modify the decision of the County of Northampton as to the eligibility of a particular property for the Property Tax Abatement as provided for in this Ordinance.

(6) The Board shall meet upon notice of the Chairperson within thirty (30) days of the filing of an appeal and shall render its decision within thirty (30) days after the appeal hearing.

(7) Every action of the Board shall be by resolution and certified copies furnished to the appellant.

(8) All hearings shall be public; and the appellant or any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

IX. RULES AND REGULATIONS

In accordance with the provisions of the Northampton County Home Rule Charter, Section 302, the County Executive of Northampton County is authorized and empowered to prepare, promulgate, execute and enforce rules and regulations made pursuant to the provisions of this Ordinance.

X. SEVERABILITY

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect
or impair any of the remaining sections, clauses, or sentences. It is hereby declared to be the intent of the Northampton County Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional sections, clauses, or sentences had not been included herein.

XI. CONTINGENCY

Notwithstanding any other provisions of this Ordinance, this Ordinance shall remain in full force and effect conditioned upon the City of Bethlehem, the Bethlehem Area School District and the Saucon Valley School District enacting similar ordinances or resolutions, with identical deteriorated areas as those designated by the City of Bethlehem and approved by Northampton County Council.

XII. DEFAULT

Tax abatement under this ordinance shall be available only for those properties for which real estate taxes are promptly paid and discharged when due. Any property that is declared delinquent as established by the statutes of the Commonwealth of Pennsylvania shall lose the LERTA benefits and any and all currently due and future taxes shall be due and payable at the full unabated assessment and tax rate.

XIII. APPEAL OF DEFAULT

Properties that have been declared delinquent may appeal the rescission of the LERTA benefits by providing a written request to the Hearing Board providing a basis for the appeal and the justification for the waiver of the requirements of Article XII.

XIV. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of enactment and be retroactive to January 1, 2007 2009 and shall remain in effect thereafter from year to year, unless
XV. REPEAL

All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby, repealed.

Public Hearing

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - advised this LERTA project dealt only with brownfields and was meant to encourage the development of them. He further advised by voting for this ordinance, the County was not giving up anything because it was getting the base tax on the land as it sat. However, the County would be giving up some tax revenue it might have received earlier if the land were developed. Therefore, he strongly encouraged the members of County Council to approve this ordinance.

As there were no further questions or comments, Mrs. McHale closed the public hearing. She then asked if there were any comments or questions from the members of County Council.

Mr. Angle stated LERTA was a much different vehicle than Keystone Opportunity Zones because it encouraged the property to be improved and it was a good redevelopment tool.

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


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

Consideration of the Appointment of a Solicitor to the Northampton County Council

Mrs. McHale advised at the County Council organizational meeting held January 5, 2009, it was the opinion of a majority of the members that County Council would select a Solicitor once there was a full compliment of nine members.
Mr. Angle made a motion to table the following resolution as Mr. Cusick was not present and there was not a full compliment of nine members:

RESOLVED, By the Northampton County Council that shall be confirmed as Solicitor to the Northampton County Council, at the annualized salary of $49,141, effective, 2009.

Mr. Dowd seconded the motion.

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


The motion was passed by a vote of 7-1.

Consideration of the Motion to Rescind the Motion Pertaining to the County Council Vacancy

Mrs. McHale stated at the January 15, 2009 County Council meeting, County Council adopted a motion which directed the Solicitor to petition the Court to fill the then vacancy on County Council. However, subsequently County Council unanimously chose Mr. Capozzolo to fill that vacancy. She further stated based upon the advice of Mr. Martino, a resolution was prepared to rescind the motion to petition the Court.

Mrs. McHale and Mr. Capozzolo then introduced the following resolution:

R. 7-2009

A Resolution Rescinding the Authorization of the Solicitor for County Council to Prepare and File a Petition Requesting the Court of Common Pleas of Northampton County to Appoint an Individual to Fill the Vacancy on
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County Council Created by the Resignation of Patricia S. Grube

WHEREAS, on December 4, 2008, Patricia S. Grube was appointed by Northampton County Council to fill the vacancy on County Council created by the death of her husband, Wayne A. Grube; and

WHEREAS, thereafter Patricia A. Grube submitted her resignation from that position, which was accepted by Northampton County Council on January 5, 2009; and

WHEREAS, at its regularly scheduled meeting of January 8, 2009, Northampton County Council authorized the Solicitor to prepare a petition to be signed by the Council President Ann McHale and Council Vice President Michael Dowd and to file said petition with the Court of Common Pleas of Northampton County requesting the Court to appoint an individual to fill the vacancy created by said resignation; and

WHEREAS, Northampton County Council then appointed Joseph H. Capozzolo to fill said vacancy; and

WHEREAS, it is no longer necessary for the Solicitor to prepare and file said petition with the Court of Common Pleas of Northampton County.

NOW, THEREFORE, BE IT RESOLVED that the authorization of the Solicitor for County Council to prepare and file a petition requesting the Court of Common Pleas of Northampton County to appoint an individual to fill the vacancy on County Council created by the resignation of Patricia S. Grube shall be and is hereby rescinded.

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


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

North Catasauqua YMCA Grant
Mr. McClure advised he received a letter from the North Catasauqua YMCA, indicating because of the grant given by County Council, 61 Northampton County children were provided summer camp and child care services.

Consideration of the Administrative Code Article XIII Contract Approval Resolution - Continuing Care RX

Mrs. McHale stated in accordance with the provisions of Northampton County Administrative Code Section 13.16, from time to time, County Council was asked to approve certain contracts. She further stated on January 28, 2009, the County Executive asked County Council to approve a contract with Continuing Care RX for pharmacy services at Gracedale.

Mr. Capozzolo introduced the following resolution:

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 January 28, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the estimated amount of $4,350,000.00, with Continuing Care RX for pharmacy services at Gracedale, Northampton County Department of Human 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 Continuing Care RX for pharmacy services at Gracedale, Northampton County Department of Human Services.

Mrs. McHale advised she would not be supporting this
resolution because she had some negative feedback from some of the companies that submitted proposals. She further advised she had been told that this particular company had provided services to two other nursing home entities in this area and they ended their relationship with them supposedly for bad performance. Additionally, this was a new company and the County was giving it a five year contract without knowing how they would perform.

When Mr. Angle asked in lieu of Mrs. McHale’s statements if it was possible to make it a one year contract, Mrs. McHale remarked that the Executive Order had already been signed.

Mr. Conklin stated based on information received from Mr. Terry Beidelman, Deputy Director of Procurement, a committee consisting of staff from Gracedale assisted in making the selection.

Mrs. Ferraro questioned why an Executive Order was signed before the contract was approved by County Council.

Mr. Conklin replied that was a good question.

Mr. Angle made a motion to table this resolution.

Mrs. Neiper advised she did speak to Mr. Ross Marcus, Director of Human Services, about this contract and this decision was arrived at by a committee at Gracedale that reviewed all the companies. She further advised she asked him why they dropped the previous company and he informed her the old company only had one office in the area and this company had three so it was felt they would receive better service.

Mr. Dertinger asked if there was an escape clause that would allow the County to break the contract if the company did not perform as it claimed.

Mrs. McHale stated it was her understanding there were cancellation clauses in all County contracts, however, it would have to be for cause.

In answer to Mr. McClure’s question as to how the decision was made to make the contract for five years because this was a fairly long contract for a start up company, Mr. Conklin advised...
it was based on the best deal that could be made.

When Mr. McClure was informed that the contract expired at the end of last year and asked who was currently providing this service, Mrs. McHale stated she believed it was the company who held the previous contract.

Mr. Dowd advised it concerned him that there was an Executive Order signed for a contract that County Council had not seen and he would be in favor of tabling this because it appeared there were some issues to be resolved. He further advised it appeared there was still an ongoing issue with the contract process, which had been discussed in the past, and suggested starting the process earlier to allow County Council time to review them.

Mr. Angle made a motion that this resolution be tabled until such time as the County Council Solicitor could review the legality of County Council adopting it or not adopting it and provide him an opportunity to determine if the period of the contract could be shortened.

Mr. Dowd seconded the motion.

Mr. Dertinger stated he would amend the motion to request that County Council receive more information with regard to the company because it seems there was some level of miscommunication about the company itself.

Mr. Angle indicated he did not have a problem with including that amendment.

Mr. Brian Dallison, Continuing Care RX, advised they have been in business since 1992 and there was a 30-day without cause clause in the contract.

In response to Mrs. McHale’s question as to whether they had provided services to any nursing home in this area, Mr. Dallison replied they had. She then asked if they were ever let go, he answered they have provided services for several homes in the area and have been let go from some, which was a normal occurrence with any pharmacy company, but there were some homes that have been with them since they started.
In answer to Mr. McClure’s question as to whether five years was a typical contract, Mr. Dallison stated they were usually between three to five years and the pricing would be based on the terms of the contract. He further stated the difference between a three year contract versus a five year contract was generally 2%.

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


The motion was passed by a vote of 7-1.

Consideration of the 2009 Codification of Northampton County Ordinances

Mrs. McHale advised the Northampton County Charter Section 606(c) required the Northampton County Council provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law, and of the Charter, as amended. She noted this was an annual housekeeping matter.

Mrs. McHale introduced the following resolution:

R. 8-2009 WHEREAS, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law, and of the Charter, as amended.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the attached codification, for the period ending December 31, 2008, shall be adopted this 5th day of February 2009.

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


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

Northampton County 250th Anniversary

Mrs. McHale stated she received a letter from former County Executive Glenn F. Reibman, which was as follows:

“As President of County of Northampton 250th Anniversary Committee, I have determined that the corporation’s remaining assets shall be distributed to the County of Northampton for the purpose of developing the proposed Weaversville Park, now the Wayne A. Grube Memorial Park.” (At this point, Mrs. McHale suggested taking out the word memorial and just naming it the Wayne A. Grube Park. She noted it was something that she wanted everyone to think about.) The community park is in East Allen Township and would be a 200 acre property acquired by the County in 1995. Additionally, I request that consideration be given to naming something in the new park for former County Executive Gerald Seyfried. Mr. Seyfried is an avid outdoors man who was instrumental in expanding the County’s park system. He remains passionate about preserving open space of the County and for future generations to enjoy so please find enclosed our check in the amount of $4,332.52.”

Mr. Angle made a motion to accept the check and place it into County Council’s Contingency Account.

Mrs. Neiper seconded the motion.

The motion was passed by voice acclamation.

Lehigh County Commissioner Andy Roman Letter

Mrs. McHale advised County Council received a letter from Lehigh County Commissioner Andy Roman which indicated since the bi-County health department was such a success, he wondered if Northampton County may be interested in pursuing any other bi-
Mr. Dowd suggested a bi-County corrections would be something worth taking a look at.

Mr. McClure stated this correspondence was timely in that last night the Bethlehem Township Zoning Board denied the waiver. He further stated it was not fair to the developer for the County to let this process move ahead any further without County Council giving its sense of what it wants to do with a work release facility, if anything.

Mrs. McHale advised it was suggested by Mr. Roman that a committee be formed with members from Lehigh County and Northampton County to discuss what services and/or facilities both Counties would be interested in pursuing together.

Mrs. Ferraro, Mr. Dertinger and Mr. Dowd all agreed to be part of a committee.

Treatment Center

Mr. Angle stated he did not get the sense the County Executive was leading the developer along with regard to the treatment center, noting he was not the owner of the property and only had options on the property and if they were successful, he would become the owner.

Mr. Angle made a motion that County Council support the County Executive in continuing his efforts, through the appeals process, for a treatment center in Bethlehem Township and if he was successful, a treatment center would be built there.

Mrs. McHale suggested putting this issue on the agenda for the next meeting.

Mr. Dowd advised he would be in favor of having a presentation, but it was an issue that the County needed to move forward on.

Mr. Angle asked if he was to believe that County Council was willing to let the County Executive continue the process
without him knowing whether County Council supported it.

Mr. Dertinger advised the County Executive went off on his own without asking anyone on County Council if they would support it.

Mr. Angle stated Mr. Stoffa had appeared before County Council and informed them of what he was doing and he did not hear anyone disagree. He further stated the County needed that facility and that property was zoned appropriately.

Mrs. Ferraro advised she was in favor of a treatment center and moving forward in Bethlehem Township, but she believed a building was becoming available in West Easton. She further advised she would like to know what the costs were going to be and what the County was locked into as far as a contract. She suggested the County should also look into the property in West Easton.

Mr. McClure stated he believed the developer had been assured the County was backing this process, however, he did not think it was fair to allow him to accumulate legal fees if that was not the case.

Mr. Angle made a motion to instruct the County Executive to give a presentation at the first meeting in March as to where the project was at and what he anticipated doing so County Council could either endorse it or not.

Mr. Dowd seconded the motion.

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


The motion passed by a vote of 7-1.

Executive Session

When Mr. Angle indicated he wanted to address the letter received by Attorney George Kounoupis with regard to the
Director of Human Resources, Mr. Martino suggested County Council convene into Executive Session.

Mr. Angle made a motion for County Council to adjourn to Executive Session to discuss this letter.

Mr. Dowd seconded the motion.

The motion was passed by voice acclamation.

Mrs. McHale announced County Council was adjourning into Executive Session at 7:54 p.m.

Mr. Martino advised at 8:07 p.m., County Council reconvened from Executive Session which was held to discuss the subject matter announced at the beginning of the Executive Session.

Mr. Angle made a motion that the Solicitor for County Council meet with the County Solicitor, Mr. Karl Longenbach, in the hopes of settling the matter before County Council involving the Director of Human Resources.

The motion failed for a lack of a second.

Sales Tax

Mr. Angle stated the State legislators were talking about the possibility of adding a 1% County sales tax to the State’s 6% sales tax. Therefore, he would like Mr. Flisser to meet with Mr. Doran Hamann, Budget Administrator, to find out if that was adopted what it would mean to this County.

Committee and Liaison Appointments

Mr. Angle advised he noticed that Mr. Dertinger was assigned as a liaison to the Farmland Preservation Board and questioned whether two liaisons were necessary.

Mrs. McHale stated she did that because he was Chairman of the Open Space Committee and they went hand in hand.

Mr. Angle advised in the last budget cycle, Mr. Dertinger
was not in favor of putting $1 million of the earned income tax revenue into farmland preservation.

Mr. Angle stated Mr. McClure was Chairman of the Finance Committee, Chairman of the Judicial, Legal and Operations Committee and on the Economic Development Committee, as well as some others and in the past, he had a poor attendance at committee meetings.

Mrs. McHale advised she believed everyone was on three committees, except for herself who was on four.

Mr. Angle stated no one else was Chairman of two committees.

Mrs. McHale advised the reason she did that was because Mr. Angle resigned as Chairman of the Finance Committee so she asked Mr. McClure if he would take that position. Further, he was also a member of the Retirement Board which also dealt with finances.

Mrs. McHale stated if Mr. Angle was not in favor of the committee structure as it was, he should let her know which ones he wanted to be on or off of.

Mr. Angle advised he would start with Farmland Preservation because he was the only one on County Council who was a farmer.

Adjournment

Mrs. Neiper made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.