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; John Cusick; Charles M. Dertinger; Margaret Ferraro; Lamont G. McClure, Jr.; Diane Neiper; 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

Mrs. Neiper led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 5, 2009 meeting shall be approved.

Mr. Dowd seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - stated an ordinance was being introduced tonight with regard to a gaming revenue authority and asked if that was going to be reviewed by a County Council committee before the public hearing at the next meeting.

Mrs. McHale advised she did not think it would be, but asked Mr. McClure as he was the head of the Legal, Judicial and Operations Committee.
Mr. McClure replied it was not their intention because there was an Intergovernmental Affairs Committee meeting held just recently where this matter was discussed.

Consideration of the Applications to Fill the At-Large Vacancy on the Northampton County Council

Mrs. McHale stated the first item of business would be to consider the applications of those individuals who want to fill the at-large vacancy on County Council. She further stated the individuals who applied would be given an opportunity to make a brief statement to County Council, after which County Council members will be given the opportunity to ask questions.

Mrs. McHale asked Mr. Joseph Zarecky to come forward. Mr. Zarecky was not present.

Mrs. McHale asked Mr. Mark Schwartz to come forward.

Mr. Schwartz advised he ran for a position on County Council in 2007 against Mr. McClure, which he lost. He further advised he was in his third term as a Township Supervisor for East Allen Township and was an Emergency Medical Services Technician for 18 years and was a volunteer in that capacity for the township.

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

In response to Mrs. McHale’s question as to whether he would run after this term was completed, Mr. Schwartz stated he would never restrict his right to run.

In answer to Mr. McClure’s question with regard to the Hatch Act and whether the position he served in was funded by Federal funds, Mr. Schwartz advised it was not. He further advised he was a civilian, not a trooper. He noted when he ran in 2007, he had to apply to the Governor’s Office for permission to run because whereas troopers were not allowed to run for an office at all, civilians had to ask for permission.

In response to Mr. Angle’s question as to whether one of the requirements was the candidate would not run, Mrs. McHale answered it was not a requirement.
Mrs. McHale asked Mr. William Wallace to come forward.

Mr. Wallace stated he was a teacher in the Penn Ridge School District for 27 years and lived in Williams Township. He further stated he also ran for County Council, but lost to Mr. Dowd. He noted the assets he would bring to County Council was his experience in working with people, noting he was a volunteer coach and a referee so he understood the pressure of being in the heat of the moment and making the right calls. He further noted he had been active in politics for 20 years even though he had never been elected to anything and spent his time going to different municipal meetings to see what their issues were, which he felt would be a benefit if he were to serve on County Council.

Mrs. McHale asked Mr. Bob Birk to come forward.

Mr. Birk advised he had been active in politics in one capacity or another and served on the Bethlehem Township Board of Commissioners for 12 years, two years as Board President, indicating he was now the Treasurer of Bethlehem Township. He further advised he ran for County Council in 1999 and lost and this was his third application for a vacancy. He noted he had been in the hotel service oriented industry for more than 20 years, therefore, he had a lot of experience working with people in different capacities. He further noted he had included in his letter that he would not run if he was appointed.

Mr. McClure stated there had been a great deal of discussion and activity by the Administration with respect to development of a low impact offender prison in Bethlehem Township and he asked Mr. Birk if he had taken a position on that issue.

Mr. Birk replied he was in favor of it.

Mrs. McHale asked Mr. Joseph Capozzolo to come forward.

Mr. Capozzolo advised he was a lifelong resident of the County and he had been the Mayor of Bangor Borough for eight years. He further advised he would not be running for re-election to that office and he would not run for this office if he was appointed. He noted he had worked with Mr. Wayne Grube,
through Representative Richard Grucela’s office, in creating the Slate Belt Veterans Association in 2003 and opening a Veterans clinic. He further noted he was appointed to the Public Utility Commission by Senator Lisa Boscola and was on the Consumers Advisory Council, serving one term as Chairman of the Council. In conclusion, he commented that one asset he would bring to County Council was bipartisanship.

Mrs. McHale stated she believed Mr. Capozzolo would have to give up his seat as the Mayor of Bangor if he was appointed to fill the vacancy.

Mr. Capozzolo advised that issue was ruled on by former County Council Solicitor Len Zito when Mr. Anthony Branco was appointed in 2006. He further advised Mr. Branco actually served on County Council after being appointed and also served on the Hellertown Borough Council.

Mrs. McHale asked Mr. Jeffrey Corpora to come forward.

Mr. Corpora stated he lived in the Borough of Nazareth. He further stated he had been teaching for 21 years and was currently a teacher at Easton Area High School. He noted he had served one term on the Nazareth Borough Council and was currently in his second term on the Nazareth Library Board of Directors.

Mrs. McHale asked Mr. Mike Pittaro to come forward.

Mr. Pittaro was not present.

Mrs. McHale asked Mr. Larry Kisslinger to come forward.

Mr. Kisslinger advised he was a lifelong resident of Bethlehem and in 1973, he was the youngest Councilman ever elected to the Bethlehem City Council and served for two terms. He further advised he served on the Bethlehem Area School Board from 1989-1993 and was President during his last year. He noted he had been involved in public and volunteer service for more than 40 years. He further noted he did not plan to run for the office if appointed. In conclusion, he commented Mr. and Mrs. Grube were very good friends of his and he was doing this for them and the community.
Mrs. McHale asked Mr. Nathan Woodring to come forward.

Mr. Woodring stated he was a former diver for Pennsylvania Water Rescue and served on the General Government Health Sanitation and Highway Committee for the Wilson Borough Council. He further stated he was a former candidate for Allentown Mayor before he moved back to Northampton County. He noted he ran for the office of County Council twice, but his name was pulled because he did not meet the deadlines. He further noted he had been involved in politics since he was 18 and was going for certification as a District Justice.

Mrs. McHale asked Mr. Max Lampenfeld to come forward.

Mr. Lampenfeld advised he was a resident of Lehigh Township and was a member of the Constitution Party. He further advised he was currently serving on the Lehigh Township Municipal Authority. He noted he served in the Air Force, was 70 years old and the only credentials he had were the good sense God gave him and the willingness to serve.

Mr. Angle stated he happened to hear a financial report from the Lehigh Township Municipal Authority and they were in good shape.

Mr. McClure advised he had heard of the Constitutional Party, but was not familiar with their principles and asked Mr. Lampenfeld if he could provide a brief explanation.

Mr. Lampenfeld stated they were in favor of limited government and concerned about its inability to govern due to party lines. He further stated they wondered about legislation that was either accepted or rejected on party lines because they felt it should be accepted or rejected on its own merits.

Mrs. McHale asked Mrs. Marilyn Lieberman to come forward.

Mrs. Lieberman advised she lived in Plainfield Township, was a former County Council member and served on many different committees and authorities. She further advised she did not plan on running if she was appointed and she applied for this position because she wanted to govern, but did not have a political agenda. She noted she served on the Pen Argyl School Board for six years. She further noted because of her experience as a former member of County Council, she could hit the ground
Mr. Cusick remarked that Mrs. Lieberman was on County Council when the 2001 Bond Issue was passed and asked if she voted for it.

Mrs. Lieberman stated she supported the Bond Issue, but she did not vote for it because she was not present when the vote occurred.

In answer to Mr. McClure’s question as to what committees she served on, Mrs. Lieberman advised she served on several and they were listed on her resume, but, at this time, could only name the Intergovernmental Affairs Committee and the Retirement Board.

Mrs. McHale asked Mrs. Esther Lee to come forward.

Mrs. Lee stated she was a resident of Bethlehem and was seeking to be appointed to the seat vacated by Mr. Grube, whom she knew and respected. She further stated she had been employed for 53 years, but was currently retired and had the time to contribute to whatever the needs might be for working on County Council. She noted she had been active in politics for more than 30 years and in 1971, was the first Negro/Afro-American elected to the Bethlehem Area School Board.

Mrs. Lee advised she had been involved with many committees and organization within the confines of Northampton and Lehigh Counties. She further advised she had served in many leadership capacities and knew how to work with people. She noted she was President of the Bethlehem NAACP and acknowledged she was an activist. She further noted she was interested in many issues that concerned her community and the County, particularly the Prison. In conclusion, she commented she was asking County Council to allow her to serve to finish out the term of the Mr. Grube.

Mrs. McHale asked Mr. Bruce Gilbert to come forward.

Mr. Gilbert stated he was a lifetime resident of Easton and was one of the captains of Mr. Grube’s final undefeated football teams. He further stated he was a Vice President and Senior
Financial Specialist with Wachovia Bank and has always been known as an effective communicator with an ability to bring people together to find a common goal. He noted he would bring fiscal strength, fiscal education, ingenuity and the ability to look at the platform with a fresh set of eyes. He further noted he was a Professor of Business Management and Financial Services at Muhlenberg College and an instructor at Northampton County Community College in the field of financial accounting.

Mr. Gilbert advised he saw this seat being filled with someone who would bring a fresh prospective and was willing to go above and beyond any type of partisan behavior. He further advised he was willing to serve to the best of his capability.

Mrs. McHale asked Mr. Peter Koehler to come forward.

Mr. Koehler was not present.

Mrs. McHale asked Ms. Karen Clarkson to come forward.

Ms. Clarkson stated she would not go over her resume because County Council already had it, but she felt being a team player was very important. She further stated her experience had been as Chair of the Pocono Builders Association Legislative Committee to work with other legislative committees, both Chambers of Commerce in the area and she was now involved in legislative committees through her company, Pennsylvania Land Title Association.

Ms. Clarkson advised she was very concerned about infrastructure, noting she had lived for a while in Monroe County, which experienced tremendous unplanned growth. She further advised she was for growth, but it was important that growth was controlled and planned.

In response to Mr. Cusick’s question as to whether her organization had any position on assessments and reassessments of property, Ms. Clarkson stated with the Pennsylvania Land Title Association, it had not been an issue, but with the Pocono Builders Association, it was a very large issue because new construction tended to be hit with huge assessments, which they felt was unfair.

Mr. McClure advised this Administration and County Council have been very aggressive in preserving open space and farmland,
therefore, he wanted to know what she would do with respect to those issues.

Ms. Clarkson stated development was going to come and she did not know if the County could preserve as much farmland as they would like because farmers needed the money. However, open space would be easier to preserve by allowing smaller lots to be developed and keeping some land for open space.

When Ms. Clarkson indicated to Mr. Angle that she was not familiar with conservation by design, Mr. Angle informed her she should look into it because it was actually what she was talking about. He noted it was fairly new and there were only about five Counties involved in it.

Mrs. McHale advised that concluded the interviews and thanked everyone who applied, adding it was going to be a very difficult decision because there were many qualified candidates. She then asked if there were any nominations from the members of County Council to fill the vacancy.

Mr. McClure stated before the nominations began, he wanted to state County Council was very fortunate to have the crop of candidates who were willing to come forward and serve the public and echoed Mrs. McHale’s sentiment that they should all be commended for being present tonight.

Mrs. McHale remarked she hoped for those who were not chosen that it would not discourage them from considering running for the position.

Mr. Dertinger agreed there were a lot of qualified candidates, but there were some whom he felt would fill the void a little better.

Mr. Dertinger made a motion to nominate Marilyn Lieberman because of her previous experience and that she had continued to serve the County.

Mrs. Neiper seconded the nomination.

Mr. Cusick made a motion to nominate Bruce Gilbert.
Mr. Dowd seconded the nomination.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.

Mrs. McHale asked if there were any other nominations.

Mrs. Ferraro made a motion to nominate Esther Lee.

Mr. Dowd seconded the nomination.

Mr. Dertinger made a motion to nominate William Wallace.

Mr. McClure seconded the nomination.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.

Mr. Dowd made a motion to nominate Joseph Capozzolo.

Mrs. Ferraro seconded the motion.

Mrs. McHale asked if there were any other nominations.

Mr. Cusick made a motion to nominate Karen Clarkson.

There was no second to this motion.

Mr. McClure made a motion to nominate Marilyn Lieberman.
Mrs. Neiper seconded the nomination.

Mr. Angle made a motion to re-nominate Karen Clarkson.

Mr. Cusick seconded the nomination.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-3-1.

Mr. McClure asked Mr. Martino if there were three nominations, would there still have to be five votes to pass the nomination.

Mr. Martino replied with three nominations, it was still conceivable that there could be a majority based upon the vote.

Mrs. McHale asked if there were any nominations.

Mr. Cusick made a motion to nominate Larry Kisslinger.

Mrs. Ferraro seconded the nomination.

Mr. McClure made a motion to nominate Marilyn Lieberman.

Mr. Dertinger seconded the nomination.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.
Mr. Angle commented it was quite evident there was a split, four democrats and four republicans, but pointed out the republicans were willing to vote for a democrat. He then asked if the democrats were at least willing to vote for a democrat because the republicans were willing to give them a democrat, but did it have to be their democrat.

In response to Mr. Angle’s comment, Mr. Dertinger advised County Council was only seeking someone to fill a seat for eleven months. He further advised it would seem sensible to fill it with someone who actually sat here, who even agreed not to run, because they would know what was going on. Therefore, there was no one more uniquely qualified to fill this position than Mrs. Lieberman.

Mr. Angle made a motion to nominate Mark Schwartz.

Mrs. Ferraro seconded the motion.

Mr. McClure made a motion to nominate William Wallace.

Mrs. Neiper seconded the motion.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.

Mrs. McHale asked if County Council was ready for the Courts to make the decision.

Mr. Dertinger stated the democrats were admonished for the partisanship that had been shown, however, they had chosen someone who had previously served in this position and continued to serve the County. He further stated seeing as they were selecting someone who would advocate best for the people of this County, he was at a loss as to why she was not acceptable.
Mr. McClure commented he would challenge his colleagues who feel they could not vote to confirm Mrs. Lieberman to explain why they did not believe she was the best candidate because she had previously served and had experience with some of the issues that would be coming before County Council. He further commented she was not even seeking an electoral advantage for her party because she indicated she would not run even though she would be replacing a position which was filled by an elected democrat.

Mr. Angle advised he was not always proud of the Republican Party, but he was proud of his republican colleagues here tonight because they were willing to vote for a Negro from a different generation; an Afro-American from a more modern generation. He further advised they were also willing to vote for a democrat, therefore, it could not be said the republican members of County Council were not willing to work with the democrats. He noted it was business as usual, the democrats wanted to have their one person.

Mrs. Ferraro stated Mr. Gilbert had a fantastic resume and he would bring a fresh, new prospective of finance to County Council.

Mr. Dertinger advised Mrs. Ferraro had just recommended the former Republican Chair for Bethlehem and this was a democratically elected body. Therefore, what they were trying to do was steal the balance of County Council after the death of one their colleagues. He further advised he did not appreciate the attempt to make this a race issue, but noted neither one of those individuals had ever sought this office.

Mrs. Ferraro made a motion that County Council let the nomination go to the Courts.

Mr. Cusick seconded the motion.

Mr. Angle made a motion to amend Mrs. Ferraro’s motion and second that they petition the Courts.

Mr. Martino stated after 30 days expired and there was no appointment, a member of County Council could petition the Court.
Mrs. McHale advised after the vote was taken, County Council would take that action as a body if the motion was passed.

Mr. Martino stated they could select one person and then he would be authorized to prepare the appropriate paperwork.

Mr. Angle made a motion that Mrs. Ferraro’s motion be amended to read that at the end of the 30-day period, County Council instruct the Solicitor, on County Council’s behalf, to petition the Courts to fill the vacancy.

Mrs. Ferraro and Mr. Cusick agreed to the amendment.

Mr. McClure advised he felt this was a complete abdication of County Council’s responsibility to fill this seat and to give up now was defeatism in the extreme and the worst possible resolve was to send this to the Courts without everyone trying harder to come up with a ninth member. He reiterated this was County Council’s responsibility and not the Courts’ responsibility and anyone who voted to send it to the Courts was abdicating their responsibility.

Mrs. McHale remarked she could not agree with him more.

Mr. Angle stated he could not disagree with him more because it was quite evident that the republicans offered the democrats a compromise on three different occasions and were turned down. Therefore, County Council would be negligent in not asking the Courts to fill the position because the people were entitled to have a representative. He further stated he was willing to compromise, but the democrats were set on Mrs. Lieberman.

Mrs. McHale called for the vote on the motion to send the selection of a ninth member of County Council to the Courts.


The motion failed due to a lack of a majority as the vote was 4-4.
Mr. McClure made a motion to nominate Rodney Applegate.

Mr. Dertinger seconded the motion.

Mr. Cusick made a motion to nominate Bruce Gilbert.

Mr. Dowd seconded the motion.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.

Mr. Angle made a motion to nominate retired Judge James Hogan.

Mrs. Ferraro seconded the motion.

Mr. McClure made a motion to nominate Marilyn Lieberman.

Mr. Dertinger seconded the motion.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of majority as the vote was 4-4.

In answer to Mr. McClure’s question as to whether Judge Hogan would have accepted the appointment, Mr. Angle advised it did not matter because he had always answered the call to duty and he truly believed he would do so in this case.

When Mrs. Ferraro and Mrs. McHale both commented that this
process was going nowhere, Mr. Angle remarked it was because the democrats were set on Mrs. Lieberman.

Mrs. McHale stated she was voting for Mrs. Lieberman because she previously served on County Council, knew the ins and outs of County government and there were only eleven months left to serve in the term.

In response to Mrs. Ferraro’s question as to why they would not vote for Judge Hogan, Mr. Dertinger advised this was the exact question Mr. McClure asked with regard to Mrs. Lieberman and no answer was provided.

Mr. Cusick stated he was not supporting Mrs. Lieberman because of her support for the 2001 Bond Issue.

Mr. McClure made a motion to nominate William Wallace. Mrs. Neiper seconded the motion.

Mr. Angle made a motion to nominate Joseph Capozzolo. Mrs. Ferraro seconded the motion.

As there were no further nominations, Mrs. McHale called for the vote.


The motions failed due to a lack of a majority as the vote was 4-4.

As there were no other nominations, Mrs. McHale advised they would move onto other business and it would have to be turned over to the Courts.

Mr. Martino stated the next meeting will be the thirty-first day and as no one would have been appointed within the thirty-day period, one member of County Council should be designated to file a petition with the Courts.

Mrs. McHale indicated she would like to be that designee if it was okay with her colleagues.
Mr. Angle remarked he would like to throw his name in to be a joint designee with her so there would be one person from each party.

Mr. McClure made a motion to nominate Mrs. McHale to be the designee.

Mrs. Neiper seconded the motion.

Mr. Dowd made a motion to nominate Mr. Angle.

Mrs. Ferraro seconded the motion.

Mr. McClure advised the Charter indicated one person could do it.

Mr. Angle stated Mr. Bernie O’Hare had already prepared the papers for him so he would be ready to do it on the thirtieth day.

Mr. Martino asked Mrs. McHale to clarify that he was authorized to do the paperwork unless she wanted a member to do his own legal work or hire some lawyer.

Mr. Angle made a motion that Mrs. McHale and he be appointed to sign the documents for the Solicitor in petitioning the Courts to fill the vacancy.

When Mrs. McHale asked Mr. Martino if that was what he was asking, he replied what he indicated was since a member of County Council had to file a petition, he would like County Council’s authority to do the legal work so there would not be a member who was just out there doing his own work or having someone else do it.

Mr. Angle advised he amended his motion to authorize Mr. Martino to do the paperwork.

Mrs. Ferraro seconded the motion.

When asked what the actual motion was, Mr. Flisser stated Mr. Angle made a motion that the Solicitor to County Council be authorized to prepare the necessary paperwork to petition the
Courts to fill the vacancy and that Mr. Angle and Mrs. McHale be authorized to sign the documents.

Mr. Cusick advised he wanted to amend that motion to remove Mr. Angle and replace him with Mr. Dowd who was County Council’s Vice President.

Mr. Dowd seconded the motion.

Mrs. McHale called the vote on the motion to amend Mr. Angle’s motion.


The motion passed by a vote of 6-2.

Mrs. McHale then called for the vote on the amended motion.


The amended motion passed by a vote of 6-2.

Confirmation of Appointments

Mrs. McHale stated the County Executive provided County Council with re-appointments to the Conservation District.

Mr. Cusick introduced the following resolution:

R. 2-2009 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their re-appointments as indicated hereafter:

CONSERVATION DISTRICT:

Re-appointments: Terms to Expire: 12/31/12
Brian Fulmer
653 Jones Hill Road
Pen Argyl, PA 18072-9762
As there were no questions or comments, Mrs. McHale called for the vote.


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

Public Hearing on the Northampton County Council Open Records Policy Ordinance

Mrs. McHale advised the County Council Open Records ordinance was introduced by herself, Mrs. Ferraro and Mr. Cusick at the meeting held December 4, 2008.

AN ORDINANCE OF NORTHAMPTON COUNTY COUNCIL ADOPTING AN OPEN RECORDS POLICY

IT IS HEREBY ENACTED AND ORDAINED by Northampton County Council, as follows:

Northampton County Council hereby adopts the following Open Records Policy:
Section I. Short Title.

This ordinance shall be known as the Northampton County Council Open Records Policy Ordinance.

Section II. Purpose.

The purpose of this policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended in order to assure access to public records of Northampton County Council (hereinafter "County Council"); to preserve the integrity of Northampton County Council's records; and to minimize the financial impact to the residents of the County regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of
Section III. Designated Open Records Officer.

It is the policy of County Council to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of County Council. County Council designates the County Council Clerk (hereinafter referred to as “Clerk”) as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

A. The Clerk may designate certain employee(s) to process public record requests.

B. The Clerk is responsible for minimizing, where possible, the financial impact to the County Council regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

C. All requests for public records of County Council under this policy shall be specific in identifying and describing each public record requested. In no case shall County Council be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which County Council does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address, and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.

D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

E. County Council shall facilitate a reasonable response to a request for County Council public records. In no case shall County Council be expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with County Council's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
F. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If County Council does not respond within five (5) business days of receipt thereof the request is deemed denied.

G. The response provided by County Council shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee or (3) denial of access to the record requested.

H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of County Council. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect County Council public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. County Council may at its discretion waive fees.

J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed $100.00, the Open Records Officer shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expenditure of County Council's resources.

K. If the request is being reviewed, the notice provided by County Council shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If County Council does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

(a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
(b) The record requires retrieval from a remote location;

(c) A timely response cannot be accomplished due to staffing limitations;

(d) A legal review is necessary to determine whether the record requested is a public record;

(e) The requester has failed to comply with County Council's policy and procedure requirements;

(f) The requester refuses to pay the applicable fees; or

(g) The extent or nature of the request precludes a response within the required time period.

L. Upon a determination that one of the factors listed above applies, County Council shall send written notice to the requester within five business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five business days allowed for, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

M. If access to the record requested is denied, the notice provided by County Council shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Northampton County Council Records."

N. If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of
Open Records within fifteen (15) business days of the mailing date of the County's notice of denial, or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the agency for delaying or denying the request.

0. Within thirty (30) days of the mailing date of the final determination of the appeals officer, the requester or County Council may file a petition for review or other document as required by rule of court with the Court of Common Pleas of Northampton County. The decision of the Court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review under this section shall stay the release of documents until a decision is issued.

P. This policy shall be available for review at the office of the County Council Clerk.

Section IV. Repealer.

That any Ordinances, or part of Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section V. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Northampton County Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. Effective Date.

This Ordinance shall become effective on January 1, 2009.
As there were no questions or comments from the public or members of County Council, Mrs. McHale called for the vote.


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

Introduction of the Ordinance Providing for the Creation of the Northampton County Gaming Revenue and Economic Development Authority

Mrs. McHale stated at the request of Mr. McClure, an ordinance was prepared which provided for the creation of a new Northampton County Gaming Revenue and Economic Development Authority.

Mrs. McHale advised the ordinance was being introduced by Messrs. McClure and Dertinger. She further advised the public hearing, debate, and possible vote would be held at the February 5, 2009 County Council meeting.

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.
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 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.

In answer to Mr. Angle’s question, Mr. Martino stated this
ordinance, which he drafted, merely created the authority,
noting the Articles of Incorporation would still have to be
established by a County Council in the future. He further
stated it was a two step process, which was required by law, and
was used when the General Purpose Authority was created.

Mr. Dertinger advised this issue had been discussed in the
past at a committee meeting and was more recently discussed at
the Intergovernmental Affairs Committee meeting.

Mrs. Ferraro stated just prior to holding the
Intergovernmental Affairs Committee meeting, she learned that
Mr. McClure had taken it upon himself to have this ordinance
drafted. She further stated this issue was discussed, but she
had hoped to have another Intergovernmental Affairs Committee
meeting before any ordinance was introduced because she felt
things were moving forward too hastily.

Mr. McClure advised it was felt, but he disagreed, that the
grant should be administered on equal basis between the
municipalities, which Mr. Martino had indicated was unlawful as
the statute was drafted, and should be distributed through the
General Purpose Authority. He further advised the ordinance
being introduced complied with the law in that it began the
process and created an authority with the Articles of
Incorporation to be filled in later. He noted this process
would probably take at a minimum of four meetings and people
would be able to be heard during those meetings.

Mrs. Ferraro stated she did not feel the County needed to
create another government entity and the General Purpose
Authority was already set up and had funding so County dollars
would not have to be used which would be the case if another
authority was created. She further stated she had talked about an equal split, but was not set on it.

Mrs. Ferraro advised the only thing she would request was that this authority not be called an economic development authority, but an economic redevelopment authority so it would not be confused with the General Purpose Authority.

Mr. Dowd stated the policy had been to introduce an ordinance and then hold a public hearing for comments. He further stated at that point, if it was deemed necessary, County Council could table it and refer it back to a committee. Therefore, he suggested if anyone had any questions that they forward them to Mr. McClure and allow him an opportunity to prepare some answers.

Mr. Martino advised the only thing this ordinance did was create a separate authority as opposed to the General Purpose Authority.

Mr. McClure stated he was trying to adhere to the statute as closely as possible and the statute was very clear that it envisioned an economic development or redevelopment authority to receive the grant applications and distribute the money. He further stated the General Purpose Authority may suffice legally, but if it was between may and would, his thought was the County should have an independent economic redevelopment authority which would provide one less avenue of attack if anyone wanted to bring suits in the future.

Mr. Angle advised his concern was Mrs. Ferraro was Chairman of the Intergovernmental Affairs Committee and wanted to convene a meeting on this issue before anything was presented.

Mr. McClure stated, and Mrs. McHale agreed, that an ordinance did not necessarily have to go to a committee before being introduced.

Introduction of the Ordinance Amending Northampton County Ordinance No. 474-2007, City of Bethlehem Local Economic Revitalization Tax Assistance (LERTA) Program
Mrs. McHale advised the City of Bethlehem requested the County reauthorize the City of Bethlehem LERTA Tax Abatement Program through December 2010. She further advised County Council had been provided with documentation that indicated similar ordinances were adopted by the City of Bethlehem, the Bethlehem Area School District and the Saucon Valley School District. She noted the only change to the ordinance was to extend the expiration date to December 31, 2010.

Mrs. McHale stated the ordinance was being introduced by herself and Mr. Dertinger. She further stated the public hearing, debate and possible vote would be held at the February 5, 2009 County Council meeting.

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
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-F” 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-F” a distance of approximately 1.09 Feet to a point located at the northeast corner of Northampton County Parcel “P7-6-F” 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 North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the centerline of Shimersville Road to a point being the intersection of the centerline of Shimersville 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 Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

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.
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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.

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
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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 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 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, 2009 and shall terminate on December 31, 2010 unless otherwise repealed by Council. No later than August 1, 2010, 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, 2010. 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 and shall remain in effect thereafter from year to year, unless repealed, until December 31, 2008.

XV. REPEAL

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

Consideration of the Administrative Code Article XII Contract Approval Resolution - Tyler Industries, Inc.

Mrs. McHale advised 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 advised on December 22, 2008, the County Executive asked County Council to approve a contract with Tyler Industries for software maintenance in the Assessment office.

Mr. Dertinger introduced the following resolution:

R. 3-2009 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 December 22, 2008, 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 amount of $118,230.00, with Tyler Industries Inc. for software maintenance for the Assessment Division, Department of Fiscal Affairs.

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 Tyler Industries Inc. for software maintenance for the Assessment Division, Department of Fiscal Affairs.

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


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

Consideration of an Amendment to the Sheriff's Fee Schedule

Mrs. McHale stated Northampton County Ordinance No. 17-1979 provided that fees charged by agencies and offices of Northampton County shall be established by County Council via adoption of a resolution. She further stated the Sheriff had asked that the existing Sheriff fee scheduled be amended to include a $10.00 Temporary Emergency License Fee.

Mrs. Neiper introduced the following resolution:

R. 4-2009 WHEREAS, Northampton County Ordinance #17-79 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates as deemed necessary; and

WHEREAS, the Northampton County Sheriff has requested an amendment to the Sheriff's Office fee schedule pertaining to the license to carry a firearm fee.
NOW, THEREFORE, IT IS HEREBY RESOLVED By the Northampton County Council that the Sheriff's fee schedule shall be amended, to read as indicated hereafter, effective this 15th day of January 2009 (sections marked with bold underline have been added):

Current Fee

LICENSE TO CARRY A FIREARM

<table>
<thead>
<tr>
<th>Fee</th>
<th>$19.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Picture, Card</td>
<td>10.00</td>
</tr>
<tr>
<td>PA Temporary Fee(*)</td>
<td>5.00</td>
</tr>
<tr>
<td>PA Additional Fee(**)</td>
<td>1.00</td>
</tr>
</tbody>
</table>

TOTAL $35.00

TEMPORARY EMERGENCY LICENSE $10.00

IT IS FURTHER RESOLVED, that any other fee schedule inconsistent herewith is hereby repealed insofar as the same affects this fee schedule.

(*) State mandated fee to be remitted to PA State Treasury, Firearms License to Carry Modernization Account.

(**) State mandated fee to be remitted to PA State Treasury, Firearms License Validation System Account.

(***) State mandated fee per PA Act 131 of 2008.

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


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

Consideration of the Borough of Portland Community Development Block Grant (CDBG) Resolution
Mrs. McHale advised the Administration has requested that County Council approve an amendment to the Borough of Portland 2005 CDBG contract.

Mr. Angle introduced the following resolution:

R. 5-2009

AUTHORIZING SUBMISSION OF A REQUEST FOR MODIFICATION TO THE FISCAL YEAR 2005 COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT (CDBG)

WHEREAS, the Pennsylvania Department of Community & Economic Development granted the County of Northampton FFY 2005 CDBG funding, thereby requiring all proposed activities to be conducted as terms of the CDBG contract with PA DCED; and

WHEREAS, Northampton County allocated through contract a total of $159,000 in funding in that application to support the installation of a sanitary sewer system in the Borough of Portland; and

WHEREAS, the Borough of Portland has requested to modify its contract with the County of Northampton in order to also offset the cost of the construction of laterals to income-qualified homeowner-occupants when connecting to the sewer system, as provided for and in accordance with 24 CFR Part 570.202(b)(6), related to eligible activities of the Community Development Block Grant Program; and

WHEREAS, the County of Northampton has met and complied with the required regulations pertaining to the preparation and submission of the request for modification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request of the PA DCED revision to the 2005 CDBG contract on behalf of the Borough of Portland.

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

Consideration of the Resolution Changing the December 17, 2009 County Council Meeting

Mrs. McHale stated when County Council established the 2009 meeting schedule, it was an oversight that the December 17, 2009 meeting was not rescheduled to December 10, 2009. She further stated rescheduling the meeting was necessary so County Council could adopt the County budget before the County Charter prescribed deadline of December 17, 2009.

Mrs. McHale introduced the following resolution:

R.6-2009  WHEREAS, the Northampton County Council adopted resolution Number 104-2008 which established the 2009 regular meeting schedule for the first and third Thursday of each month with exceptions for the months of January and July 2009.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the regular meeting scheduled for December 17, 2009 shall be canceled and rescheduled for December 10, 2009, commencing at 4:00 p.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.

WHEREAS, the Northampton County Council adopted resolution Number 104-2008 which established the 2009 regular meeting schedule for the first and third Thursday of each month with exceptions for the months of January and July 2009.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the regular meeting scheduled for December 17, 2009 shall be canceled and rescheduled for December 10, 2009,
January 15, 2009

commencing 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 8-0.

Northampton County Council At-Large Vacancy

Mr. McClure advised he was so deeply concerned that County Council failed to fill the vacancy so he was making a motion to nominate Joseph Capozzolo.

Messrs. Dowd and Dertinger seconded the motion.

As there were no further nominations, Mrs. McHale called for the vote.


The motion passed by a vote of 8-0.

Human Services Committee Report

Mrs. Neiper stated the tenth floor at Gracedale was finished and there would be an Open House for County Council members on Wednesday, January 21, 2009, from 4:00 p.m. to 6:00 p.m..

Mr. Angle advised a report was released that showed Gracedale was not rated very well in comparison to other nursing home facilities.
In answer to Mrs. McHale’s question, Mr. Ross Marcus, Director of Human Services, stated he would provide County Council with a copy of that report.

Mr. Marcus advised like any other facility, Gracedale did have its weaknesses and they planned to address those issues. He further advised he just wanted to point out that in some of the important areas, Gracedale received a high rating.

Mr. McClure stated he believed a Human Services Committee meeting should be held to solely discuss this report.

**Council Solicitor's Report**

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

**Adjournment**

Mr. McClure made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.

Frank E. Flisser  
Clerk to Council