The 2009 organizational meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; Ron Angle; John Cusick; Charles M. Dertinger; J. Michael Dowd; 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

Mr. McClure 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 November 18, 2008, December 2, 2008, December 4, 2008 and December 11, 2008 meetings shall be approved.

Mr. Dertinger seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Lawrence Otter, Doylestown, PA - stated he had submitted to County Council his resume for the position of County Council Solicitor.

In response to Mr. Angle’s question as to why Mr. Otter felt he would be more qualified than a Northampton County attorney, Mr. Otter advised he did not have any Northampton
County political axes to grind and he was not beholden to any political party so he could provide candid legal advice.

In answer to Mr. Angle’s question as to whether Mr. Otter had ever served as a solicitor to either a County or municipality, Mr. Otter replied he had not.

Selection of County Council Officers

**President of County Council**

Mrs. Neiper stated she would like to nominate Mrs. McHale for the office of President of County Council.

Mr. Dertinger seconded the nomination.

Mrs. McHale asked if there were any other nominations.

Mr. Angle advised he would like to nominate Mrs. Ferraro.

Mr. Dowd seconded the nomination.

Mrs. Ferraro remarked that for all intent and purposes, this County Council was deadlocked, 4 Republicans/4 Democrats. She further remarked in the past she felt party labels disappeared once the members were sworn into office, however, she did not feel that was now the case and County Council was more polarized than ever. Therefore, she would like to make a motion that the newly elected President and Vice-President be from opposite parties.

In response to Mrs. McHale’s comment that there was already a motion on the floor, Mrs. Ferraro stated she just wanted to make her statement so it could be taken into consideration before the vote was taken.

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

When the question arose if the nominees could vote for themselves, Mr. Martino advised it was a personal decision for each of them.

Mrs. McHale and Ms. Ferraro both indicated they would abstain.

The vote was 3-3, therefore, no one was selected President of County Council due to the lack of a majority vote.

Mrs. Ferraro indicated she would like to reintroduce her motion that County Council elect a President and Vice-President from opposing parties.

Mr. Dowd seconded the motion.

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


As the vote was 4-4, the motion failed due to a lack of majority.

Vice-President of County Council

Mrs. McHale asked if there were any nominations for the position of Vice-President of County Council.

Mrs. McHale made a motion to nominate Mrs. Neiper.

Mr. McClure seconded the motion.

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

Mrs. Ferraro seconded the motion.

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

The vote was 3-3, therefore, no one was selected Vice-President of County Council due to the lack of a majority vote. There was no vote cast by Mr. Angle or Mr. Dertinger because they each wanted to vote last.

President and Vice-Present of County Council

Mrs. Ferraro made a motion to nominate Mrs. McHale as President and Mr. Cusick as Vice-President of County Council.

Mrs. McHale commented they should be voted on separately.

Mr. Dowd made a motion to nominate Mrs. McHale for President.

Mrs. Neiper seconded the motion.

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


By a vote of 6-2, Mrs. McHale was elected President of County Council.

Mr. Dowd made a motion to nominate Mr. Cusick for Vice-President of County Council.

Mrs. Ferraro seconded the motion.

Mr. McClure made a motion to nominate Mrs. Neiper for Vice-President of County Council.

Mrs. McHale seconded the motion.

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

The vote was 4-4, therefore, no one was selected Vice-President of County Council due to the lack of a majority vote.

Vice-President of County Council

Mr. Dertinger made a motion to nominate Mr. Dowd for Vice-President of County Council.

Mr. McClure seconded the motion.

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


The vote was 8-0, therefore, Mr. Dowd was elected Vice-President of County Council.

Consideration of the County Council Vacancy

Acceptance of the Resignation of Patricia S. Grube

Mrs. McHale introduced the following resolution:

R. 1-2009       WHEREAS, Patricia S. Grube was selected and confirmed to fill the at-large vacancy on the Northampton County Council at the County Council meeting held December 4, 2008; and

       WHEREAS, in a letter dated December 16, 2008, tendered her resignation from the Northampton County Council.

       NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby accept the resignation of Patricia S. Grube from the Northampton County Council effective this 5th day of January 2009.

       Mr. Angle advised it was nice to have Mrs. Grube for one meeting and he wished she would have stayed longer. He further advised he would like for County Council to accept her resignation.
As there were no further questions or comments, Mrs. McHale called for the vote.


The resolution was adopted by a vote of 6-2.

Discussion of the Process to Fill the Vacancy on the Northampton County Council

Mrs. McHale stated County Council had thirty days from today, which would be February 5, 2009, to fill this vacancy and asked the members of County Council as to the procedure they would like to follow. She further stated some of the things to consider were how would the vacancy be advertised, the deadline for filing an application and if County Council wanted to interview each applicant and if so, would it be done at a County Council meeting or Personnel Committee meeting.

Mr. McClure asked Mrs. McHale what her suggestions would be for handling the situation.

Mrs. McHale advised in the past, the applicants would appear before County Council at a regular meeting and then individually, came forward to address County Council as to why they wanted to become a member of County Council.

Mr. Dertinger stated he felt letters should be sent to the individuals who previously applied when this vacancy first occurred to invite them to the meeting as well.

Mr. Martino advised he would recommend advertising the vacancy as this was a new process.

Mr. Angle made a motion that the vacancy be advertised as soon as possible.

In answer to Mr. Flisser’s question as to the deadline for receiving applications, Mrs. McHale stated it would be 3:00 p.m. on January 13, 2009.
Mr. McClure advised it did not have to be part of the motion to advertise, but could there be an understanding that the people who previously submitted their resumes be considered even if they did not submit an application this time.

Mr. Angle stated this was now a new process because they were filling a new vacancy. He further stated it should be advertised and new applications taken, however, the former applicants could resubmit their applications.

As there were no further questions or comments, Mrs. McHale advised the vacancy would be advertised with the resumes to be received at the office of County Council by 3:00 p.m., January 13, 2009.

Appointment of County Council Solicitor

Mr. McClure stated he had a resolution he would like distributed calling for the appointment of a Solicitor for County Council.

Mrs. McHale suggested she would like to wait until County Council had a full compliment before appointing a Solicitor, noting Mr. Martino had agreed to stay on in that position until then.

Mr. Angle advised he did not disagree with that suggestion, however, there was another issue involved. He further advised Mr. McClure sent a letter, which Mrs. McHale authorized, to Mr. Martino terminating Mr. Martino’s services. He noted the problem he had was Mr. Martino was hired by a County Council resolution. He further noted as President, Mrs. McHale should have told Mr. McClure that would be inappropriate as he was an interim Solicitor and they should wait until County Council met to act on it.

Mr. Angle stated he believed Mr. Martino had served County Council well, therefore, he felt some members of County Council had someone in mind to fill the position who was more of a political animal. He further stated he believed Mr. McClure did not like the fact that Judge Leonard Zito, County Council’s previous Solicitor, did not provide opinions that a majority of
County Council wanted to hear. He noted the job of a Solicitor was to give his interpretation of the law and defend County Council in legal actions. Therefore, he felt the sending of the letter by Mr. McClure was totally out of line.

Mrs. McHale advised she did not see the actual letter before it was sent. She further advised she was called and asked if it would be all right to send out a letter that was drafted by Mr. McClure.

Mr. Dertinger stated Mr. Karl Longenbach, a former County Council Solicitor, was dismissed in favor of Mr. Brian Monahan for political reasons. He further stated Mr. Martino was engaged as the interim Solicitor until County Council reorganized, therefore, sending him the letter was appropriate.

Mrs. Neiper advised she wanted to introduce the following resolution:

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

Mrs. Neiper stated her reasons for doing this were not because Mr. Martino had not done the job he was supposed to do because he had, but it was her understanding he was nominated as the interim because County Council determined it would be best to stay with the same firm. She further stated it was also her understanding that in January, it would be County Council’s right to appoint a Solicitor.

Mrs. McHale asked if there were any questions or comments.

Mr. McClure apologized to the members of County Council who were aggrieved by the letter he sent to Mr. Martino and noted Mrs. McHale was not aware of the full contents of the letter. He then read a portion of the letter he sent for the benefit of those present who might not be aware of its contents:

During my time on Council I have been tasked by President(s) Grube and McHale to be the Chairman of the Legal,
Judicial and Operations Committee. From time to time during my tenure on the committee, they have also asked me to perform specific inquiries. Recently, I have been asked to take a leadership role in the selection process to fill the vacancy in the position of County Council Solicitor upon Judge Zito's ascension to the bench. Let me first say on behalf of Council that we very much appreciate your time and effort in your role as interim Solicitor. You will recall that when Judge Zito was sworn in that it was decided by President McHale in consultation with Council that it would be best to finish out the year with a measure of continuity. We are now on the door step of reorganization. After much debate and consideration, I have recommended to President McHale that we move in a different direction with the appointment of Solicitor to County Council. Unfortunately, and this is by no means a reflection upon your brief service to us, I must inform you that we will not be appointing you Solicitor to County Council. Therefore, it will not be necessary for you to be in attendance at any future Council meetings.

Mr. McClure advised he believed the last two sentences were what offended some members of County Council and he again apologized to them. He then advised he wrote those sentences in an effort to avoid the type of situation that occurred when Ms. Marta Gabriel was nominated for an appointment and it was his attempt to not embarrass or humiliate anyone. He noted he now recognized it was not the appropriate vehicle for him to act, however, his recommendations did not change.

Mr. McClure stated it was his understanding, that the President of County Council’s recommendation, although there would ultimately be a vote, would be given a great deal of importance when choosing a Solicitor. He further stated based on the past, he made two assumptions which were that the recommendation would be given strong consideration by Mrs. McHale and once it was determined that was the course to take, County Council would ratify her recommendation.

Mr. McClure advised he was not the only County Council member who operated under that assumption. He noted he had an e-mail from one of the applicants to Mr. Cusick and Mr. Cusick’s reply. He noted the e-mail was dated December 15, 2008 and Mr. Cusick wrote, “Thank you for your interest in the County Council Solicitor position. Typically, this job is filled upon
Mr. McClure stated he did not think this validated the last two sentences of his letter, but it was the assumption that he was operating under, which, he believed, was shared by other people, at least by Mr. Cusick on December 15, 2008.

Mr. McClure advised that was the background for the letter and he thought those two sentences were regrettable, but he did not regret a thing about the process and he was prepared to talk to County Council about his recommendations.

Mrs. Ferraro stated she also felt that County Council should wait until there was a full body because there was a 4-4 divide and there was no majority. She further stated in the past, there was always a majority who worked with the Solicitor and that was the only problem she had with the letter.

Mr. McClure responded that they had selected a President and Vice-President and he had no doubt that they could leave this meeting tonight with the appointment of a Solicitor.

Mr. Angle commented in his letter, Mr. McClure indicated the President put him in a leadership role to come up with a new Solicitor. Therefore, he asked Mrs. McHale if she did assign him that task.

Mrs. McHale advised she gave it to the Legal, Judicial and Operations Committee, of which Mr. McClure was Chair, to come up with suggestions.

Mr. Angle stated that Mr. McClure, in the past, had made it very clear to the previous Solicitor, Mr. Zito, that he should give legal opinions that upheld what the majority of County Council wanted.

Mr. Angle then made a motion to table any vote on appointing a Solicitor tonight until the next meeting.

Mrs. McHale seconded the motion because she agreed it was appropriate to wait until there was a full body.
Mrs. McHale called for the vote.


As the vote was 4-4, the motion failed due to a lack of majority.

Mrs. McHale asked if there were any questions or comments with regard to the resolution presented by Mrs. Neiper.

Mr. Cusick advised he felt it was unfair to leave Mr. Martino in limbo as to his status as Solicitor.

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


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

Mr. McClure stated he agreed with Mr. Cusick and felt a Solicitor should be appointed. He then made a motion to nominate Ms. Barbara Hollenbach as Solicitor.

Mrs. McHale seconded the motion.

In response to Mrs. Ferraro’s comment that she did not know Ms. Hollenbach was a candidate, Mrs. McHale replied she was one of the individuals who had sent a resume after Mr. Zito was appointed a Judge and County Council was looking for a new Solicitor.

In answer to Mr. Angle’s comment about Mr. McClure wanting someone who would agree with him, Mr. McClure advised he had not spoken to Ms. Hollenbach before, but he had seen her resume and her reputation in the legal community was stellar.

Mrs. Neiper stated she felt there were compromises made
with regard to the selection of the Vice-President and wondered why there could not be a compromise on Mrs. McHale’s recommendation of Mr. Perrucci.

Mrs. Ferraro remarked again that she felt County Council should wait until there was a full body before appointing a Solicitor.

As this appointment should be done by resolution, Mrs. McHale called for the vote on the following resolution:

RESOLVED, By the Northampton County Council that Ms. Barbara Hollenbach shall be confirmed as Solicitor to the Northampton County Council, at the annualized salary of $49,141, effective January 5, 2009.


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

President-Elect Stimulus Package

Mr. Cusick advised the President-Elect had indicated he planned to introduce a new stimulus package and asked the Administration if they had submitted anything to members of the Pennsylvania Congress or Senate with regard to this package for funding for our bridges.

Mr. John Stoffa, County Executive, stated they were looking at a few bridges. He further stated they were not doing anything on their own, but were doing it through the Lehigh Valley Planning Commission.

Mr. Cusick advised he would like to see the Administration contact these offices to determine if there was any potential funding, especially for bridges.

Hay Study
In answer to Mr. Angle’s question as to where the County was on the Hay Study, Mr. Stoffa stated the Personnel Commission planned to meet in February.

Mr. Angle advised one of the most crucial things for a County was to have employees who were happy, but right now this Hay Study had a lot of people not happy. He further advised it seemed this process had been dragging on and on, therefore, he felt a leadership role had to be taken. He noted the Hay Study was so drastically flawed, he was tempted to make a motion to tell the Administration, County Council would not support it because he did not know how they could change it to make it supportable.

Mrs. McHale stated she would like to see the recommendations from the Personnel Commission because there was a procedure that had to be followed.

Joint Northampton-Lehigh Health Commission

Mrs. Neiper advised she wanted to remind everyone there would be a meeting of the Joint Northampton-Lehigh Health Commission at 6:30 p.m., on January 12, 2009. She further advised the Health Board would be holding their very first meeting at 4:30 p.m., in the Training Room.

County Council Solicitor

Mr. McClure stated before County Council adjourned, he felt it was important that they complete the re-organizational process and select a Solicitor.

Mr. Dertinger introduced the following resolution:

RESOLVED, By the Northampton County Council that Mr. Lawrence Otter shall be confirmed as Solicitor to the Northampton County Council, at the annualized salary of $49,141, effective January 5, 2009.

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

The resolution failed by a vote of 2-6.

Adjournment

Mr. Angle made a motion to adjourn.

The motion passed by acclamation.