A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; J. Michael Dowd, Vice President; Ron Angle; Joseph H. Capozzolo; John Cusick; Charles M. Dertinger; Margaret Ferraro; Lamont G. McClure, Jr.; 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. Angle 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 June 4, 2009 meeting shall be approved.

Mr. McClure seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Tom Bachik, 3481 Nathaniel Drive, Upper Nazareth, PA - advised he was an employee by the Northampton County Sheriff’s Department. He further advised he was aware of the recent incidences that occurred when a member of their Association tried to bring their grievances against the Department of Human Resources to County Council and Mr. Martino’s opinion that County Council could not hear them. However, he felt this was an issue County Council could address because he was requesting an audit.
Mr. Bachik stated he would like County Council to request the Controller’s Office to perform an audit to determine how some of the payroll money from the Sheriff employee’s back pay was taken. He further stated he was specifically referring to grant money that was received through the Easton Police Department. He noted in 2006 and 2007, they were contracted through the Easton Police Department to work saturation patrols and were paid one and a half times their salary through Federal grant money that was provided to the Easton Housing Authority to work designated areas that were high in crime.

Mr. Bachik advised when their contract came down, there were some differences in how overtime was calculated from how it was previously calculated and so Payroll informed them, they should have been paid at straight time and not time and half and took essentially four hours of pay from them. Therefore, his question was whether that money was returned to the Easton Police Department and the Easton Housing Authority to go back to the Federal government or was it put in the General Fund of the County for its use.

Mr. Bachik stated he believed County Council did have the authority to request an audit and this did not involve any kind of labor issue with their union. He acknowledged that grievances had been filed with regard to the back pay that was taken from them, but that was with regard to County money not Federal grant money that he believed they were entitled to and never should have been taken. He further stated if the County did deem it appropriate to take it, he did not believe they had a right to keep it and it should have been returned.

Mr. McClure advised it was not Mr. Martino’s advice to County Council that the Sheriff’s Association could not come forward and speak to the members about issues concerning them. However, Mr. Martino did advise that the members of County Council could not engage in a discussion that would place them in the position of negotiating or the appearance of negotiating.

Mr. Martino stated he believed this was a matter that could be taken under review, but no action should be taken tonight nor should County Council engage in any further dialogue.

Bob Pfenning, 2830 Linden Street, Bethlehem, PA - advised
he wanted to congratulate the contiguous municipalities for doing a traffic impact study.

With regard to the reconstructed Northampton County Gaming Revenue and Economic Redevelopment Authority, he agreed with Mr. Angle’s suggestion to add representatives from the Nazareth and Slate Belt Council of Governments. He also suggested that the City of Easton should also be represented.

Mr. Pfenning stated the Department of Community and Economic Development in Harrisburg was currently beginning the process again of handing out economic development grants from Montgomery County gaming funds received from Mt. Airy Lodge. He further stated last year only two entities from Northampton County received grants, but that could be because they were the only ones who applied. Therefore, he urged the members of County Council to reach out to their constituent governments to remind them this money was available. He noted they were holding public meetings next week to provide information and there was also information available on their website.

Mr. Pfenning advised House Bill 21, which was the table game bill, was introduced and if it was passed in its current form, the County would be getting sixth tenths of one percent of the gaming revenue from the table games and the distribution would be identical to the slot revenue.

Ken Nagy, Forks Township, PA - stated the bi-County health department was nothing more than the merging of the Allentown and Bethlehem Health Departments to create a welfare medical department. He further stated he understood why Lehigh County was anxious for a health department because they were afraid they were going to have to inherit the $4 million plus it costs the City of Allentown, who had a deficit they cannot capture now and it was only going to get bigger.

Mr. Nagy advised in 1980, Allentown and Bethlehem were a joint health department and one of the reasons they broke up was because of the element of cost and who was getting their proper share. He further advised both the Allentown and Bethlehem departments were very influential in the service design of the bi-County health department and allowing their current staff to
Mr. Nagy questioned how the Counties would split or pro rate the cost of the bi-County health department. He stated the presentation on March 27, 2009, indicated the cost was approximately $10.8 million with 164 employees, but it did not include any facilities for outlying areas. Therefore, the taxpayers would be asked to foot the bill for facilities that were located pretty exclusively to the cities.

Mr. Nagy asked if the bi-County health department was really necessary and questioned the support of the citizens because he attended every one of the Interim Health Board meetings and he was usually the only citizen. He advised many of the services that would be offered by the bi-County health department, such as smoking cessation, cancer and heart prevention and lead poisoning, were personal responsibilities, and the other services were offered by the various hospitals in the area.

In conclusion, Mr. Nagy stated the funding for this health department was discretionary and today, Governor Edward Rendell cut $9 million from health care in his budget so any grants could be risky. He further stated this health department would bail out the hospitals and a few cities, but it would do nothing for the rest of the citizens.

Mr. Angle agreed with Mr. Nagy’s comments, but he left out the fact that a lot of politicians supported this because they hope to garner the support of the healthcare people at election time. He advised the shame of this was the money that was being used to continue this endeavor could be used to help these people get services now.

Mr. Nagy stated one solution for the hospitals to keep people out of their emergency rooms, would be to create a nonprofit agency and/or free clinics.
Mrs. McHale asked Mr. Nagy if he ever attended a Board of Directors meeting of any of the hospitals to suggest this to them. Mr. Nagy replied he had mentioned it to a board member, but never attended a meeting because he did not think they would listen to him.

Confirmation of Appointments

Mrs. McHale advised the Personnel Committee met on Wednesday, June 17, 2009, to consider the County Executive’s appointments to the Area Agency on Aging Advisory Council, the Children and Youth Advisory Board and the Lehigh and Northampton Transportation Authority (LANTA).

Mr. Cusick reviewed the appointments and advised all of the candidates were unanimously recommended by the Personnel Committee.

In answer to Mrs. McHale’s question as to whether Mr. Lazaro Fuentes would have difficulty attending the LANTA meetings due to his work schedule, Mr. Stoffa stated upon being asked that question, he indicated he would not.

In response to Mr. McClure’s request to conduct the votes separately, Mrs. McHale asked for the vote on the appointment of Ms. Ruth Terres to the Area Agency on Aging Advisory Council.


The appointment was approved by a vote of 8-0.

Mrs. McHale called for the vote on the appointment of Mr. Rodney Freyman to the Children, Youth and Families Advisory Board.


The appointment was approved by a vote of 8-0.
Mrs. McHale called for the vote on the appointment of Mr. Fuentes to LANTA.


The appointment was approved by a vote 7-1.

As a result of the votes on the appointments, the following resolution was adopted:

R. 52-2009 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

AREA AGENCY ON AGING ADVISORY COUNCIL

Appointment: Term to Expire: 7/1/12
Ruth Ann Terres
1580 Chaucer Lane
Bethlehem, PA 18017

CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD

Appointment: Term to Expire: 6/1/12
Rodney M. Freyman
233 E. Elizabeth Avenue
Bethlehem, PA 18018

LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY

Appointment: Term to Expire: 3/2/14
Lazaro G. Fuentes
629 Getz Road
Pen Argyl, PA 18072
Public Hearing on the Ordinance Providing for Amendments to Northampton County Administrative Code Article VI - Department of Human Services

Mrs. McHale advised this ordinance was introduced by Mr. Dowd and Mrs. McHale at the meeting held June 4, 2009.


WHEREAS, Northampton County Home Rule Charter Section 905 Administrative Organization provides that, The County Executive shall have the power to organize and reorganize the structure of the agencies under his direction and supervision and to assign and reassign their functions, powers, and duties by submitting to the County Council a written proposal on the matter. If the County Council fails by resolution to reject or by ordinance to adopt or to modify such a written proposal within sixty (60) days after the date of its submission, such written proposal shall have the force and effect of an ordinance amending the Administrative Code.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY the Northampton County Council that the Administrative Code Article VI - Department of Human Services, shall be amended as indicated hereafter (sections marked with **bold and underlining** have been added; sections marked with *strikeout* have been deleted):

ARTICLE VI
DEPARTMENT OF HUMAN SERVICES

Section 6.01 Organization
6.02 Duties
6.03 Area Agency on Aging Division
Section 6.01 Organization

a. The Department of Human Services shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of the Department.

b. The purpose of the Department of Human Services is to provide social services to meet the needs of all citizens of Northampton County.

c. The Department shall be organized into the following divisions:

(1) Area Agency on Aging Division

(2) Children and Youth and Families Services Division

(3) Drug and Alcohol Services Division

(4) Gracedale Division (County Home)

(5) Mental Health, Early Intervention and Developmental Programs /Mental Retardation/ Drug and Alcohol Division

6.04 Children and Youth and Families Services Division

6.05 Drug and Alcohol Services Division

6.06 Gracedale Division

6.07 Mental Health, Early Intervention and Developmental Programs /Mental Retardation/ Drug and Alcohol Division

6.08 Veterans Affairs Division

6.09 HealthChoices Division

6.10 Information and Referral/Emergency Services Division
Developmental Programs /Mental Retardation/Drug and Alcohol Division; and Veterans Affairs Division

(6) HealthChoices Division

(7) Information and Referral/Emergency Services Division

Section 6.02 Duties

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

(1) review annual plans, budgets and contracts of each Division;

(2) establish an ongoing system of program review for each Division;

(3) assure compliance of each Division with governmental contracts and/or regulations, the Charter and this Code;

(4) develop and maintain a management information system which will include fiscal, personnel, and client information for each Division, and for the Department;

(5) recruit administrators and other top-level personnel to fill vacancies in the Division, participating in final selection of key personnel;

(6) orient new administrators to the work of the Divisions and to the County structure;

(7) provide input to boards and commissions of the several Divisions;

(8) develop working relationships as appropriate with County, other public and private agencies;

(9) establish a system for coordinated planning and provision of services that will reduce or eliminate duplication and maximize the use of existing funds;

(10) negotiate, administer and monitor contracts for purchases of service agreements with public and private agencies to augment and extend County services;

(11) monitor the payment to private and public agencies of funds allocated to them in the County budget;

(12) maintain internal auditing procedures to assure compliance with Federal, State and County requirements;

(13) provide information to the public about the services of the Department;

(14) perform such other duties and functions related to social services as are assigned by the County Executive; and
Section 6.03 Area Agency on Aging Division

a. The head of the Area Agency on Aging Division shall be the Director Administrator of the Area Agency on Aging.

b. The Area Agency on Aging Division shall, with the guidance and assistance of its advisory board, offer social services to residents of the County who are 60 years of age and older.

c. The Director Administrator, in person or through subordinates, shall:
   (1) provide, directly or through purchase of service agreements, services which may include:
      (a) outreach;
      (b) service care management;
      (c) information and referral;
      (d) transportation;
      (e) counseling;
      (f) protective services;
      (g) congregate and home-delivered meals;
      (h) recreation and education;
      (i) senior citizens center services and activities;
      (j) volunteer services; and
      (k) home care services and
      (l) foster care.
   (2) administer and coordinate services within the Division;
(3) provide community education and training;

(4) monitor and assure service standards for Division-operated and purchased services;

(5) represent the Division at meetings and conferences;

(6) serve as liaison to cooperating agencies; and

(7) perform such other duties and functions related to services for the aging as are assigned by the Director of Human Services or the County Executive.

Section 6.04  Children, and Youth and Families Services Division

a. The head of the Children, and Youth and Families Services Division shall be the Director Administrator of the Children, and Youth and Families Services Division.

b. The Children, and Youth and Families Services Division shall with the guidance and assistance of its advisory board offer comprehensive services to protect, safeguard, and provide for the welfare of children and youth in the County.

c. The Director Administrator, in person or through subordinates, shall:

(1) provide, directly or through the purchase of
service agreements, services which may include:

(a) information, screening and referral;
(b) protective services;
(c) foster family care;
(d) service to children, unmarried parents and families;
(e) adoption services;
(f) family day care;
(g) service to children in their own homes;
(h) 24-hour emergency care and services;
(i) homemaker services;
(j) care in day care centers; and
(k) institutional and other group care.

(2) administer and coordinate services within the Division;
(3) provide community education and training;
(4) monitor and assure service standards for Division operated and purchased services;
(5) represent the Division at meetings and conferences;
(6) serve as liaison to cooperating agencies; and
(7) perform such other duties and functions related to children and youth as may be assigned by the Director of Human Services or the County Executive.

Section 6.05 Drug and Alcohol Services Division

a. The head of the Drug and Alcohol Services Division shall be the Administrator of the Drug and Alcohol Services Division.

b. The Drug and Alcohol Services Division shall, with the guidance and assistance of its advisory board, operate a program of education, prevention and control of drug and alcohol use.

c. The Administrator, in person or through subordinates, shall:
(1) develop a County plan, updated annually, for the control and prevention of drug and alcohol abuse;
(2) prepare educational materials, publications and programs designed to prevent and control drug and alcohol abuse;
(3) design and implement programs for preventive intervention, treatment and counseling to assist persons affected by drug and alcohol abuse;
(4) develop and maintain relationships as appropriate with public and private social service and criminal justice
agencies to assist and augment the County's drug and alcohol abuse program;

(5) develop and maintain relationships as appropriate with Federal, State and local governmental agencies in the development and implementation of the County program;

(6) represent the Division at meetings and conferences;

(7) serve as liaison to cooperating agencies;

(8) perform such other duties and functions related to the prevention and control of drug and alcohol use assigned by the Director of Human Services or the County Executive.

Section 6.06 Gracedale Division (County Home)

a. The head of Gracedale Division (County Home) shall be the Administrator of Gracedale.

b. The purpose of Gracedale is to provide adequate residential and patient care for medically and financially needy residents of Northampton County.

c. The Administrator of Gracedale, in person or through subordinates, shall:

   (1) administer and supervise the County Home in accordance with policies and directives established by the County Executive and the Director of Human Services;

   (2) provide residential, medical, nursing and other programs, services, and facilities for the care of the medically
and financially needy of the County;

(3) administer admission policies and procedures established by the County Executive and by the Director of Human Services;

(4) administer the Federal, State and County programs and regulations as they relate to residents of the County Home;

(5) prepare monthly and quarterly reports of admissions, discharges, and deaths of patients for Federal, State and County officials;

(6) represent the Division at meetings and conferences;

(7) serve as liaison to cooperating agencies; and

(8) perform such other duties and functions related to the County Home as are assigned by the Director of Human Services or the County Executive.

Section 6.076 Mental Health, Early Intervention and Developmental Programs /Mental Retardation/Drug and Alcohol Division

a. The head of the Mental Health, Early Intervention and Developmental Programs /Mental Retardation/Drug and Alcohol Division
Division shall be the Administrator of the Mental Health, Early Intervention and Developmental Programs and Mental Retardation Division programs.

b. The Mental Health, Early Intervention and Developmental Programs and Mental Retardation Division programs shall, with the guidance and assistance of its advisory board, promote good mental health, and prevent, detect, and treat developmental mental disabilities.

c. The Director Administrator, in person or through subordinates, shall:

   (1) develop, administer and implement a comprehensive mental health, early intervention and developmental /mental retardation programs;

   (2) provide for an adequate program of preventive and treatment services, including emergency care, inpatient care, outpatient and aftercare services, rehabilitation and training, and information and referral services;

   (2) (a) Mental Health - provide a full range of treatment, rehabilitation and support services that aid the recovery vision by promoting hope for the future, self-determination and choice, as well as active, successful participation in the community.
(b) Early Intervention – provide a full range of therapeutic services to children, from infancy to their third birthday, that experience significant delays in one or more areas of development.

(c) Developmental Programs – improve the quality of life for persons with developmental problems through the guiding principles of self-determination and the provision of treatment, rehabilitation and support services.

(3) develop and implement consultative and educational services for the community;

(4) coordinate mental health, early intervention and mental retardation developmental programs and services;

(5) maintain and protect patient records in accordance with applicable law; and

(6) represent the Division at meetings and conferences;

(7) serve as liaison to cooperating agencies; and

(8) perform such other duties and functions related to mental health, early intervention and developmental programs mental retardation services as are assigned by the Director of Human Services or the County Executive.
The Drug and Alcohol component of the Division shall, with the guidance and assistance of its advisory board, operate a program of education, prevention and control of drug and alcohol use.

c. The Drug and Alcohol program staff shall:
   (1) develop a County plan, updated annually, for the control and prevention of drug and alcohol abuse, and provision of services to adults;
   (2) prepare educational materials, publications and programs designed to prevent and control drug and alcohol abuse;
   (3) design and implement programs for preventive intervention, treatment and counseling to assist persons affected by drug and alcohol abuse;
   (4) develop and maintain relationships as appropriate with public and private social service and criminal justice agencies to assist and augment the County’s drug and alcohol abuse programs;
   (5) develop and maintain relationships as appropriate with Federal, State and local governmental agencies in the development and implementation of the County program;
   (6) represent the program at meetings and conferences;
serve as liaison to cooperating agencies;
perform such other duties and functions related to the prevention and control of drug and alcohol abuse assigned by the Director of Human Services or the County Executive.

Section 6.082 Division of Veterans Affairs

The head of the Division of Veterans Affairs shall be the Director of Veterans Affairs. The Director of Veterans Affairs, in person or through subordinates shall:

(1) administer Federal and State laws and regulations governing veterans affairs;

(2) assist veterans and their families in obtaining financial allowances and support under Federal and State laws and regulations;

(3) maintain such records as are required by Federal and State laws;

(4) prepare and submit to appropriate officials reports as required by law and regulations; and

(5) perform such other veterans affairs duties and functions as assigned by the Director of Human Services or the County Executive.
Section 6.09 HealthChoices Division

a. The head of the HealthChoices Division shall be the HealthChoices Coordinator.

b. The HealthChoices Division shall, with the guidance and assistance of its advisory board, offer behavioral health services to residents of the County who are receiving Medical Assistance from the Commonwealth of Pennsylvania.

c. The HealthChoices Coordinator, in person or through subordinates, including the County’s Managed Care Organization shall:

   (1) provide, directly or through purchase of service agreements, services which may include:

   (a) inpatient psychiatric hospital services;
   (b) inpatient drug and alcohol detoxification;
   (c) psychiatric partial hospitalization services;
   (d) inpatient drug and alcohol rehabilitation;
   (e) non-hospital residential detoxification, rehabilitation and half-way house services for drug/alcohol abuse or dependence;
   (f) psychiatric outpatient clinic, licensed psychologist and psychiatrist services;
(g) behavioral health rehabilitation services (BHRS) for children and adolescents with psychiatric, substance abuse or mental retardation disorders;

(h) mental health residential treatment services for children and adolescents (JCAHO accredited and non-JCAHO);

(i) outpatient drug and alcohol services, including Methadone Maintenance Clinics, when used to treat narcotic/opioid dependency and dispensed by an in-plan drug and alcohol services provider;

(j) clozapine support services;

(k) laboratory and diagnostic studies and procedures for the purpose of determining response to behavioral health medication and/or treatment ordered by behavioral health rehabilitative services providers acting within the scope of their license;

(l) crisis intervention services (telephone and mobile with in-home capability);

(m) family-based mental health services for children and adolescents;

(n) targeted mental health case management (intensive case management and resource coordination);

(o) mobile mental health treatment;
(p) peer support services;
(q) psychiatric rehabilitation services;
(r) outpatient drug and alcohol rehabilitation services.

(2) administer and coordinate services within the Division;
(3) provide community education and training;
(4) monitor and assure service standards for Division-operated and purchased services;
(5) represent the Division at meetings and conferences;
(6) serve as liaison to cooperating agencies; and
(7) perform such other duties and functions related to HealthChoices services as are assigned by the Director of Human Services or the County Executive.

Section 6.10 Information and Referral/Emergency Services Division

a. The head of the Information and Referral/Emergency Services Division shall be the Casework Manager II within that Division.

b. The Information and Referral/Emergency Services
Division shall offer social services to residents of the County who are in need of information and referral and/or emergency services.

c. The Casework Manager II, in person or through subordinates, shall:

(1) provide, directly or through purchase of service agreements, services which may include:

(a) information and referral for persons requesting services for residents of Northampton County;

(b) information about the availability of County and community services;

(c) a single point of entry for persons requesting services provided by Northampton County;

(d) evaluation and assessment of referrals for immediate intervention;

(e) 24-hour response to crisis and emergency situations including:

(1) mental health assessments for involuntary commitments under the Pennsylvania Mental Health Act;

(2) emergency placement of children who are assessed to be at high risk of abuse or neglect when there are
no other options;

(3) referral and transportation to shelter care for runaway children found in Northampton County;

(f) 24-hour telephone crisis counseling;

(g) mobile crisis counseling provided in the community on both an individual and team level (provided seven days per week);

(h) walk-in crisis counseling provided in the office;

(i) crisis services/response for all non-Gacedale Human Services divisions;

(2) administer and coordinate services within the Division;

(3) provide community education and training;

(4) monitor and assure service standards for Division-operated and purchased services;

(5) represent the Division at meetings and conferences;

(6) serve as liaison to cooperating agencies; and

(7) perform such other duties and functions related to information and referral and/or emergency services as are
assigned by the Director of Human Services or the County Executive.

Public Hearing

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

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

In answer to Mr. McClure’s question as to whether there were any meaningful changes, Mr. Dowd stated there were none.

Mr. Capozzolo advised he previously suggested adding gambling to the Division of Drug and Alcohol because most likely the same people would be seeking treatment, but he was informed there was no funding for gambling. However, since there was a possibility the State may provide funding for gambling rehabilitation in the future, he suggested the County remain aware of it so it could be added if that time came.

Mr. John Stoffa, County Executive, stated the Commonwealth had one contract with a provider for the entire State.

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


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

Public Hearing on the Bangor/Portland KOZ Ordinance

Mrs. McHale advised this ordinance was introduced by Messrs. Dertinger and Angle at the meeting held June 4, 2009.

AN ORDINANCE EXTENDING THE TERM OF REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES
WITHIN A SPECIFIC GEOGRAPHIC AREA IN NORTHAMPTON COUNTY DESIGNATED AS A KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE OR KEYSTONE OPPORTUNITY IMPROVEMENT ZONE IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF THE BOROUGHS OF PORTLAND AND BANGOR AND THE BANGOR AREA SCHOOL DISTRICT, COUNTY OF NORTHAMPTON AND COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS

WHEREAS, Northampton County, Pennsylvania recognizes the need to encourage investment in a defined geographical area of Northampton County (see Attachment A) that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base; and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for an extension of the term of the applicable benefits within the respective unoccupied portion(s) of the KOZ, KOEZ or KOIZ, granting exemptions, deductions, abatements or credits from all local taxes identified in the Act.

WHEREAS, approval of extending the term of the benefits provided in the Act will result in improving both the economic, physical, and social conditions within the subject KOZ, KOEZ or KOIZ by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein described tract(s) of land by the termination date of the extended term of the zone.
NOW, THEREFORE, BE IT RESOLVED by the County Council of Northampton County that effective as of this date, ________, 2009 contingent only upon DCED's approval of the application for the proposed extended term of the existing zone the following provisions as set forth in numbers 1 through 4 below shall apply to the extended term once the parcel is occupied for:

A. For a period of seven years from the current expiration date of the Zone, currently December 31, 2010. Upon DCED's approval, all current local KOZ benefits of unoccupied parcels will terminate on December 31, 2010 and will not continue until such time that the unoccupied parcel becomes developed or occupied or:

1. Real Property Tax on the herein described tract(s) is 100% exempt in accordance with the provisions and limitations hereinafter set forth within the boundaries of the proposed in accordance with the Act, such exemption to terminate 12/31/2017.

2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The County of Northampton also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the proposed extended term of the existing zone attributable to business activity conducted with said zone terminating on 12/31/2017.

3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.

4. This Ordinance shall be effective upon execution, conditioned upon the approval of DCED of the application; and the execution of an agreement between the property owner
and the County of Northampton for a payment in lieu of tax in the amount of 110% of the applicable County property tax for the 2009 year and subject to increase as permitted by state legislation.

The following are the parcels designated for this project:

<table>
<thead>
<tr>
<th>Parcel Location</th>
<th>Owner</th>
<th>Parcel ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portland Borough</td>
<td>Portland Industrial Park LP</td>
<td>C11 4 5</td>
</tr>
<tr>
<td>Bangor Borough</td>
<td>Bangor Borough Authority</td>
<td>D9 19 4</td>
</tr>
<tr>
<td>Bangor Borough</td>
<td>Bangor Borough Authority</td>
<td>D9 19 5A</td>
</tr>
</tbody>
</table>

Public Hearing

Mrs. McHale asked if there was anyone from the public who wished to make a comment. There were no respondents.

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

In response to Mr. Cusick’s question as to whether there were any prospective developers interested in either of these properties at this time, Ms. Alicia Karner, Economic Development Analyst, Department of Community and Economic Development, stated a study regarding the Bangor property had been shared with a developer who requested it. She further stated there also had been some interest in the Portland study.

Mr. Capozzolo advised he would be abstaining from any conversation due to a conflict of interest.

Mr. Dowd advised a letter was received from the Portland Borough Council asking for County Council’s support to add this property to their KOZ (see Attachment #1).

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

The ordinance was adopted by a vote of 7-0, with 1 abstention.

Mr. Capozzolo stated he abstained from voting because he was the Mayor of Bangor Borough and he owned property in the KOZ. He further stated he wanted to express his disappointment with the Easton and Bangor school boards for their efforts to eliminate KOZ sites because they were afraid they would be residential. He noted he did not want to see tax free sites for residents, but they could not constantly use that as an excuse because if the KOZ sites were done correctly, they could be beneficial.

Mr. Angle advised he could understand the apprehension of the school boards because there have been several instances where areas were put into a KOZ and nothing came from them.

Public Hearing on the Ordinance Addressing the Salaries of Elected Officials

Mrs. McHale stated this ordinance was introduced by Messrs. McClure and Dertinger at the meeting held June 4, 2009.

AN ORDNANCE ADDRESSING THE SALARIES OF NORTHAMPTON COUNTY ELECTED OFFICIALS

WHEREAS, Northampton County Ordinance No. 481 of 2008, the Ordinance titled, “AN ORDNANCE PROVIDING FOR COMPENSATION OF ELECTED OFFICIALS IN THE COUNTY OF NORTHAMPTON” (a copy of which is attached hereto and labeled as Attachment “A”), was adopted by the Northampton County Council on March 6, 2008, was duly enacted on March 7, 2008 and became effective as such on April 6, 2008; and

WHEREAS, subsequent to the enactment of Ordinance No. 481-2008, the economy of the United States has worsened into a deep
recession which has adversely affected nearly every aspect of our economy.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that the pay raises set forth in Ordinance No. 481-2008 shall be suspended, and the provisions of Ordinance No. 481-2008 shall not be implemented until such time that the National Bureau of Economic Research determines that the economy of the United States of America is no longer in a recession.

Public Hearing

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

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

Mr. McClure advised he felt someone raising their own salary was absolutely the wrong thing to do while unemployment was heading toward 10% and that was what was behind the introduction of this ordinance. He further advised he also felt it was a very moderate ordinance as it called for the suspension of the salary increases until such a time as the economy was no longer in recession.

Mr. McClure stated subsequently an opinion was rendered by Mr. Martino and he felt Mr. Martino was absolutely right that the section which read, “shall not be implemented until such time that the National Bureau of Economic Research determines that the economy of the United States of America is no longer in a recession” ran afoul of Section 106 and that was the reason he was withdrawing the ordinance. However, he did plan to introduce another ordinance which would repeal these raises.

Mr. McClure advised he disagreed with Mr. Martino’s opinion that the ordinance was defective in that it ran afoul of the provision of Section 106 wherein the raises took effect one year from the date of the passage of the salary increase ordinance because according to the Home Rule Charter, no member could have an increase in their pay until after they were re-elected. He further advised his interpretation was there was no legal person to receive the increase until after the election took place,
therefore, there was no increase until there were legal people to receive the increase.

Mr. Angle stated he respected Mr. McClure’s reason for the introduction of this ordinance, but he did not want to deny anyone an increase in their pay. He suggested if Mr. McClure wanted to do the right thing, he could do as he did and open an account, put his pay in it and donate it back. He added he did not feel anyone was getting an exorbitant amount of money for what they did.

Mr. McClure advised that was a reasonable approach, but he felt it was unconscionable to be raising anyone’s pay when unemployment was increasing and people were struggling to remain in their homes. He noted he would take Mr. Angle’s suggestion under consideration.

Introduction of an Ordinance Repealing Northampton County Ordinance No. 481 of 2008, the Ordinance titled, “An Ordinance Providing for Compensation of Elected Officials in the County of Northampton”

Mrs. McHale stated at the request of Mr. McClure, an ordinance was prepared which repealed Ordinance No. 481 of 2008. She further stated the public hearing, debate and possible vote was scheduled for the July 9, 2008 County Council meeting.

Messrs. McClure and Dertinger introduced the following ordinance:

AN ORDINANCE REPEALING NORTHAMPTON COUNTY ORDINANCE NO. 481 OF 2008, THE ORDINANCE TITLED, “AN ORDINANCE PROVIDING FOR COMPENSATION OF ELECTED OFFICIALS IN THE COUNTY OF NORTHAMPTON”

WHEREAS, Northampton County Ordinance No. 481 of 2008, the Ordinance titled, “AN ORDINANCE PROVIDING FOR COMPENSATION OF ELECTED OFFICIALS IN THE COUNTY OF NORTHAMPTON” (a copy of which is attached hereto and labeled as Attachment “A”), was adopted by the Northampton County Council on March 6, 2008, was duly enacted on March 7, 2008 and became effective as such on April 6, 2008; and
NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 481 of 2008 is hereby repealed.

Consideration of the County Council Vacancy

Acceptance of the Resignation of Diane Neiper

Mrs. McHale advised in accordance with the past advice of the County Council Solicitor, the first action to be taken with respect to filling the vacancy on County Council was to first accept the resignation of Mrs. Neiper.

Mrs. McHale introduced the following resolution:

WHEREAS, Diane Neiper in November 2005, was elected to an at-large seat on the Northampton County Council and was sworn into office in January 2006; and

WHEREAS, in a letter received June 15, 2009, tended her resignation from the Northampton County Council.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby accept the resignation of Diane Neiper from the Northampton County Council effective this 18th day of June 2009.

Mr. Angle commented legally the date of Mrs. Neiper’s resignation was not the date of the letter, but the day County Council accepted it and Mr. Martino concurred.

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


The resolution was adopted by a vote of 7-1.

Mr. Angle suggested, and the members of County Council,
agreed, the resolution should reflect that Mrs. Neiper’s resignation was accepted with regret. Therefore, the following amended resolution was adopted:

R. 53-2009  WHEREAS, Diane Neiper in November 2005, was elected to an at-large seat on the Northampton County Council and was sworn into office in January 2006; and

WHEREAS, in a letter received June 15, 2009, tendered her resignation from the Northampton County Council.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby accept, with regrets, the resignation of Diane Neiper from the Northampton County Council effective this 18th day of June 2009.

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

Mrs. McHale stated a suggestion was made to follow the same process that was used this past January in filling the previous vacancy which was to run an advertisement on Monday, June 22, 2009, giving public notice of the at-large vacancy that was being filled. She further stated interested individuals would be given until Tuesday, June 30, 2009, 12:00 p.m., to send a letter/resume to County Council c/o Ann McHale Council President. She noted the applications would then be reviewed at the July 9, 2009 County Council meeting.

Mr. McClure advised he did not feel County Council had to go through this process, especially since the person would only be filling the position for a very short period of time, because the Home Rule Charter gave County Council plenary power to fill the position.

Mr. Martino stated there was no legal requirement, but it was a practice that had been followed in the past.

Mr. McClure advised his point was that County Council could potentially erode their own power by continuing this practice whereby it became the expected policy.
Consideration of the Resolution Approving the Creation of the Temporary Position of Special Detective

Mrs. McHale stated the Personnel Committee met to consider the District Attorney’s request for the temporary position of Special Detective.

Mr. Cusick introduced the following resolution:

R. 54-2009 RESOLVED, by the Northampton County Council that one (1) temporary position of Special County Detective, pay grade CS-25, salary range $42,493 to $60,429, shall be created in the District Attorney’s Office, effective immediately. It shall clearly be understood that this is a temporary position that is to conduct investigatory work of various “cold” cases in the District Attorney’s Office and shall exist only for the length of said investigations.

Mr. Cusick advised he intended to support this resolution inasmuch as it was owed to the loved ones of the victims to see justice done and perhaps with the new technologies these cases could be solved.

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


The resolution was adopted by a vote of 7-1.

Consideration of the Resolution Approving the Elimination of One (1) FT Clerical Technician III and Create One (1) PT Clerical Technician III in the Department of Court Services, Criminal Division

Mrs. McHale stated the Personnel Committee considered this request at their meeting yesterday.
Mr. Cusick introduced the following resolution:

R. 55-2009 RESOLVED, by the Northampton County Council that one (1) existing full time position of Clerical III, pay grade CR-13, salary range $23,009 to $31,311, shall be eliminated and one (1) new part time position of Clerical III, pay grade CR-13, salary range $11.0622/hr. to $15.0535/hr. shall be created both in the Department of Court Services, Criminal Division.

Mr. Cusick advised it was the recommendation of the Personnel Committee to approve this request.

As there were further questions or comments, Mrs. McHale called for the vote.


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

Consideration of the Resolution Supporting the Re-Introduction of United States Senate Bill 889, the Federal Milk Marketing Improvement Act of 2009

Mrs. McHale stated County Council had been asked to consider adoption of a resolution which called for the support of this bill.

Mrs. Ferraro introduced the following resolution:

R. 56-2009

RESOLUTION TO SUPPORT THE ADOPTION OF UNITED STATES SENATE BILL 889, THE FEDERAL MILK MARKETING IMPROVEMENT ACT OF 2009

WHEREAS, our Nation’s vast farming industry contributes to our nation’s health and prosperity every day of the year and the dairy farming industry is prominent in of Northampton County; and

WHEREAS, it is estimated that dairy farmers are currently
being paid about 95 cents per gallon of milk, while it costs
them $1.50 to produce that same gallon and the rising costs of
production, along with the extreme drop in price per
hundredweight of milk has many dairy farmers in Northampton
County concerned about providing for their families now and in
the future; and

WHEREAS, United States Senators Arlen Specter and Robert P.
Casey, Jr. are leading an effort to reintroduce “The Federal
Milk Marketing Improvement Act of 2009” (SB-889) which is “an
act to amend the Agricultural Adjustment Act to require the
Secretary of Agriculture to determine the price of milk or for
manufactured purposes, which shall be classified as Class II
milk, by using the national average cost of production and other
purposes”; and

WHEREAS, this bill was designed to correct the disparity in
payment versus cost and the reintroduction of this bill would
mean a raise in the price per hundredweight from a current
approximate price of just under $12 to an approximate price of
$22.46.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County
Council supports the enactment of SB-889, the “Federal Milk
Marketing Improvement Act of 2009” and respectfully requests
that the Northampton County delegation to the United States
Congress support the enactment of SB-889, as a means to correct
the many inequities the dairy farming industry is facing in
Northampton County and nationwide.

Mr. Angle advised this resolution would solve the problems
of the corporate dairy farmers, but would create many more
problems in the agricultural community.

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

The vote: Ferraro, “yes”; Dowd, “yes”; McClure, “yes”;
McHale, “yes”; Angle, “no”; Capozzolo, “no”; Cusick, “yes” and
Dertinger, “yes”.

The resolution was adopted by a vote of 6-2.
Approval Resolution - Juvenile Center Renovations (4 contracts)

Mrs. McHale stated from time to time, County Council was asked to approve certain contracts in accordance with Administrative Code Article XIII. She further stated these contracts were reviewed at the Finance Committee meeting held Wednesday, June 17, 2009.

Mr. McClure introduced the following resolution:

R. 57-2009  WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1)(2) requires approval of County Council for: c.(1) “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.”, and c.(2) “Any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, on June 12, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing four contracts, in the amount of $3,239,490 with Everon Electrical for $438,490; Myco Mechanical, Inc. for $458,000; JBM Mechanical for $192,000 and Walter Brucker & Co for $2,151,000 for Juvenile Center Renovations.

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 contracts to Everon Electrical, Myco Mechanical, Inc., JBM Mechanical and Walter Brucker & Co. for Juvenile Center Renovations.

Mr. McClure advised at the meeting yesterday, Mr. Angle raised the question as to whether the provision that 80% of the workforce for these contracts be from Northampton and Lehigh Counties was legal. Therefore, he asked Mr. Karl Longenbach, Solicitor for Northampton County, for his opinion.
Mr. Longenbach stated it was lawful and it was part of the Administrative Code, however, there was a provision where the County Executive could seek a waiver to this provision.

Mr. Angle asked Mr. Martino for his opinion.

Mr. Martino advised he had not finalized his opinion, but he agreed with Mr. Longenbach that in general terms it was legal and was not unconstitutional.

Mr. Angle stated when the County went out for competitive open bids, its obligation to the taxpayers was to obtain the lowest responsible bid to do the job and by having that in there, it eliminated a lot of bids.

Mr. Angle advised his next question would be who was going to go out and check to insure 80% of the workforce was actually from Lehigh or Northampton Counties.

Mr. McClure stated the Controller was going to develop a system whereby he was going to insure, on a random basis, that this provision was being met. He further stated he believed each of these contractors were the low bidders, except for one that was the second lowest as the lowest was rejected for technical reasons, and they were apprised in advance of the requirement that 80% of the workforce be drawn from the Lehigh Valley.

Mr. Dertinger advised the County spent a significant amount of money toward economic development where a project was actually being done here and would be developing jobs here. He further advised there was no reason why Northampton County should be sending money to another County and not having that money recycled through its own economy. As far as enforcing this policy, he noted this can be done by having the workers sign in when they arrive and sign out when they leave, which was a good policy anyway because it would ensure that everyone who entered the job site, left the job site.

In answer to Mr. Angle’s question as to whether there was a penalty if the bidder’s workforce did not consist of 80% from the Lehigh Valley, Mr. Martino replied there was none.

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


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

Consideration of the Administrative Code Article XIII Contract Approval Resolution – Northampton County Youth Center

Mrs. McHale stated from time to time, County Council was asked to approve certain contracts in accordance with Administrative Code Article XIII. She further advised this contract was also reviewed at the Finance Committee meeting.

Mr. McClure introduced the following resolution:

R. 58-2009 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1)(2) requires approval of County Council for: c.(1) “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.”, and c.(2) “Any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, on June 12, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract in the amount of $97,288 with D’Huy Engineering Inc. for additions, renovations and alterations at Northampton County Youth Center.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to D’Huy Engineering Inc. for additions, renovations and alterations at Northampton County Youth Center.
Mr. McClure advised this contract was done through non-competitive negotiation and he wondered why it was done that way.

Mr. Steve DeSalva, Director, Department of Public Works, stated when the County was anticipating doing a bond issue, it was evident they had to get this project done quickly. Therefore, as D’Huy Engineering had been involved in the design stage, he asked them to submit a proposal for assisted services. He further stated they provided what he felt was a very reasonable proposal, which was two percent of the bid cost, and they had been given the full support of everyone involved in the process.

In response to Mr. McClure’s question as to why this was being brought forward for approval as the cost was $97,288, Mr. DeSalva advised he believed it was because it was being funded from bond monies.

In answer to Mrs. Ferraro’s concern that the project may be too rushed for such a low rate, Mr. Dertinger commented that this was a very good price and if Mr. DeSalva had someone he felt comfortable with that could move this project forward, it was a good deal for the County.

In response to Mr. Angle’s question as to whether this was a unique service that only this company could provide, Mr. DeSalva replied other engineering firms could provide the service.

Mr. Angle remarked the law very clearly stated unless it was a service that could be uniquely provided by only that provider, the service had to be competitively bid. Therefore, he believed the law had been circumvented.

Mr. Martino stated Mr. Angle was discussing a general principle of the law, but there was also specific County regulations depending upon the size of the contract.

Mr. McClure stated Section 13.10 of the Administrative Code read as follows, “A contract may be awarded for a required or designated supply, services or time to a sole supplier using
Noncompetitive Negotiation when the County Executive or his
designee determines that it is not practical or prudent to use
other than the required or designated supply, service or item.
Prior to the award of the contract the County Executive shall in
accordance with Section 13.07 b., issue an Executive Order
stating the specific reasons for using Noncompetitive
Negotiation”.

Mr. Angle advised that was the Administrative Code, but the
law, according to the State of Pennsylvania on public bidding
stated that services were only exempt if only one person could
provide that service. He further advised the State law took
priority over the Administrative Code.

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

The vote: McClure, “yes”; Ferraro, “no”; Dowd, “no”;
and Angle, “no”.

The resolution was adopted by a vote of 5-3.

Consideration of the Resolution Approving the Creation of One
(1) New Full-Time Judicially Exempt Law Clerk Position

Mrs. McHale stated the Courts had asked that a full-time
judicially exempt law clerk position be created and it was
discussed at the Personnel Committee meeting.

Mr. Cusick introduced the following resolution:

R. 59-2009 RESOLVED, by the Northampton County Council
that one (1) new full-time judicially exempt position of Law
Clerk, pay grade CE-III, salary range $48,786 to $69,378, shall
be created in the Department of Court Administration, Court of

Mr. Cusick advised Mr. Jim Onembo, Court Administrator,
attended the meeting yesterday and advised the Courts were
seeking to add a clerk before the additional judge began his
term.

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


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

Executive Session

Mr. Angle made a motion to enter into an Executive Session to get a report on the personnel situation at the Prison.

Mr. Capozzolo seconded the motion.

As Mr. Dertinger asked to make a statement, Mr. Capozzolo withdrew his second at this time.

Mr. Dertinger made a motion to congratulate Erin and Stephen Barron on the arrival of their daughter, Delaney.

Mr. McClure seconded the motion.

Mrs. McHale called for a voice vote. The motion was adopted by unanimous voice vote.

Mr. Capozzolo re-instituted his second to Mr. Angle’s motion.

Mr. Martino announced County Council was adjourning to Executive Session at 7:55 p.m.. Mr. Martino announced County Council reconvened at 8:03 p.m. following an Executive Session to discuss a personnel matter.

Council Liaison Reports

Mr. Cusick stated at the last Convention and Visitors Bureau meeting, it was revealed that a feasibility process had begun to convert the old stock house in the steel yard in South Bethlehem to a visitors center.

In answer to Mr. Angle’s question with regard to where
LANTA was with the Easton Intermodel Center, Mrs. McHale advised they were working with the City of Easton on a site.

Council Solicitor's Report

Mr. Martino provided a copy of his Solicitor’s Report for this meeting (see Attachment #2).

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dertinger seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council