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.; 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. Dowd made the following motion:

Be It Moved By the Northampton County Council that the minutes of the February 19, 2009 and March 5, 2009 meetings shall be approved.

Mr. McClure seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - stated the only issue he had with the last meeting and the adoption of the Articles of Incorporation was that Mrs. Ferraro asked if something could be included with regard to competitive grants and after the Solicitor indicated County Council could, the matter disappeared.

Mr. Pfenning advised he had been asked if he was going to be on the gaming authority and he answered he was not for two
reasons. He noted the first reason was Section 15.12, which he felt was a stupid law in that it was aimed at undue influence, however, he could not see anything the gaming authority did benefitting the ownership of any licensed entity. He noted he mentioned to Mr. Cusick as head of the Personnel Committee that the applicants should be made aware of this law because they could be fined $1,000 and up to a year in jail.

Mr. Pfenning stated the second reason was because there were nine members on the authority and he assumed the five contiguous municipalities representatives would represent the opinions of their governing bodies so there would be five people who believed some sort of formula grant situation was better than competitive grants. Therefore, he could not be on an authority that was for something he was adamantly against.

Mr. Angle asked Mr. Martino to supply a written opinion why he believed this authority, as established by County Council, was completely legal.

When Mr. Martino indicated he had already provided several opinions with regard to that issue, Mr. Angle asked him if he had researched the power of the authority as to what it could do.

Mr. Martino replied the power of the authority was outlined in the Gaming Act and anyone who served was obligated to serve in the capacity as a member of the authority and to act appropriately in distributing the funds and doing things they were required to do under the law. He further replied it could not be assumed just because someone was from one municipality or another, they would not be fair or act appropriately.

In response to Mr. Angle’s question as to what his opinion was, Mr. John Stoffa, County Executive, advised he provided his reasons when he returned the ordinance unsigned. He further advised some of his reasons were he felt the authority was being given more authority than it should have, there was the question of whether there would be funding for staffing and the Controller’s Office was an independent body and should not be part of the authority.

In answer to Mr. Angle’s question, Mr. Martino stated he had no question as to the legality with regard to the
authority’s composition or the powers it was given.

Mr. Gene Auman, 518 East Main Street, Bath, PA - advised he was up for re-appointment to the Personnel Appeals Board and he just wanted to say he felt this was a very important piece of the County’s operation in resolving any grievances on behalf of the employees. He further advised he would really like to be re-appointed to the board.

Mr. Angle stated during the Personnel Committee meeting, it was indicated that there was trouble in getting meetings convened and he wondered if Mr. Auman experienced that trouble.

Mr. Auman advised he did, but he could not say exactly where the problem was, however, in one instance it was because the Director of Human Resources was not available. He further advised he was also concerned about the timing of the meetings scheduled.

In response to Mr. McClure’s question, Mr. Stoffa stated he was not aware there were issues in arranging meetings and he would look into the matter in an effort to expedite the process.

Mr. Darin Steward, 1259 Northampton Street, Easton, PA - advised he was a Deputy Sheriff for Northampton County and Treasurer of the Sheriff’s Association. He further advised in the past, the County had sponsored an Easter Egg Hunt for the children of employees, however, it was stopped last year when the person in charge could no longer do the job. Therefore, they would like to take on that tradition with Ms. Gretchen Kraemer, who worked in the Criminal Division. He noted his purpose for addressing County Council was to ask if they would be willing to contribute $500 to this event as they had done in the previous years.

Mrs. McHale made a motion that County Council take $500 from its Contingency Fund and have it directed to the Easter Egg Hunt.

Mr. McClure, Mr. Dertinger and Ms. Neiper seconded the motion.

Mrs. McHale stated the motion was passed by voice acclamation.
Confirmation of Appointments

Mrs. McHale advised the Personnel Committee met on March 18, 2009, to review re-appointments to the Personnel Appeals Board and the Industrial Development Authority.

Mr. Cusick introduced the following resolution, noting the Personnel Committee recommended these re-appointments be presented to County Council for approval:

R. 19-2009 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their re-appointments as indicated hereafter:

PERSONNEL APPEALS BOARD:

Re-appointments: Terms to Expire: 2/3/11
Eugene R. Auman, SPHR
518 East Main Street
Bath, PA 18014

David Sanders
69 East Goepp Street
Bethlehem, PA 18018

INDUSTRIAL DEVELOPMENT AUTHORITY

Re-appointment: Term to Expire: 3/17/14
Marilyn A. Lieberman
1587 Pen Argyl Road
Pen Argyl, PA 18072

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


The resolution was adopted by a vote of 9-0.
Consideration of the Administrative Code Article XIII Contract Approval Resolution - SunGard Public Sector

Mrs. McHale stated at the meeting held March 5, 2009, the resolution pertaining to the SunGard contract was referred to the Finance Committee. She further stated the Finance Committee met on March 18, 2009 to review the SunGard contract.

Mr. McClure introduced the following resolution:

R. 20-2009 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 February 16, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the estimated amount of $439,719 (with allowance of an additional $100,000 to be encumbered at the County’s option for additional services related to this agreement), with SunGard Public Sector, Inc. for enterprise resource planning software solution including licenses, implementation and yearly maintenance.

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 SunGard Public Sector, Inc. for enterprise resource planning software solution including licenses, implementation and yearly maintenance.

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

The vote: McClure, “yes”; Cusick, “yes”; Dertinger, “yes”;
Consideration of the Affordable and Accessible Health Care Resolution

Mrs. McHale advised this resolution was voted upon at the meeting held March 5, 2009, however, the vote was 4 - 3 - 1 abstention - 1 present. She further advised the Solicitor subsequently opined in a memorandum that the resolution was not properly adopted so it was being presented again for consideration.

Mr. Dertinger introduced the following resolution:

A Resolution of the County of Northampton, urging the United States Congress to approve House Resolution 676 the United States National Health Insurance Act, or some other variation thereof, establishing the United States National Health Insurance Program to provide all individuals residing in the United States and in U.S. territories with free healthcare that includes all medically necessary care, such as primary care, prevention, prescription drugs, emergency care, and mental health services.

WHEREAS, many residents of Northampton County are uninsured and unable to afford access to decent health care on a regular basis; and

WHEREAS, the issue of access to affordable and accessible health care is not just a Northampton County issue, but one that affects Pennsylvania and our entire nation; and

WHEREAS, the right to affordable and accessible health care is not a Democratic issue or a Republican issue, but a human issue that should be entitled to all Americans; and

WHEREAS, we spend over $2.3 trillion, or $7,500 per capita, for healthcare in the United States, yet 42 percent of people under 65 have inadequate or no insurance coverage; and
WHEREAS, the healthcare coverage in the United States is ranked #37 in the world by the World Health Organization and yet we spend almost twice as much as any other country, enough to cover everybody with excellent comprehensive healthcare; and

WHEREAS, a bill has been proposed in Congress, HR-676, Non-Profit Medicare for All, that outlines a national healthcare program that will provide guaranteed, comprehensive, and affordable quality healthcare and prescription drugs to everyone in the country; and

WHEREAS, over 59 percent of physicians including two former United States Surgeon Generals now support a national, single-payer health insurance system for everyone; and

WHEREAS, under this proposed plan, we can pay for a comprehensive national health care program with the same money we are now spending by removing insurance companies and cover every single person in the United States; and

WHEREAS, the bill provides money for retraining and giving priority to those whose jobs as administrators in the insurance industry would be lost as a result of this shift.

NOW, THEREFORE, BE IT RESOLVED THAT we call on our members of Congress to pass HR 676, Non-Profit Medicare for All, so our people and our nation can have the excellent healthcare system we deserve. Healthcare is a human right and we call on our members of Congress to recognize that right.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Senators Arlen Specter, Robert Casey, Jr. and Congressman Charles Dent as evidence of the sincere sentiments of this legislative body.

Mr. Dertinger stated he would like to strike any reference specifically to HR 676 from this resolution and urge Northampton County’s representatives to Congress to support a change in moving forward in health care. He further stated he would like to remove paragraph nine because in the past few weeks there have been a number of significant changes in a number of other bills being proposed.

Mr. Angle advised he could not support this resolution
because it was a Federal issue and not an issue for County Council.

Mr. Dertinger stated the County did have a stake in it because it provided health insurance to 2600 employees and significantly more retirees. He further stated the County was providing insurance at a higher cost as the cost took into consideration the uninsured who received health care.

Mr. Cusick apologized for the confusion his vote at the last meeting caused, but at the time the National Association of Counties (NACo) had not taken a position on HR 676. He commented now that Mr. Dertinger had removed reference to it, NACo did have a platform that related to health insurance and the health care system, however, this resolution did not coincide with that platform. Therefore, he would be voting against this resolution, but if Mr. Dertinger were to bring a resolution back in a form that accurately represented the NACo’s position, he would support it.

Mr. Dertinger advised he had not seen the NACo position, but he would be willing to look at it.

Mr. McClure stated he supported the original resolution and he would support the amended resolution, however, another issue arose with this vote. He further stated under the Home Rule Charter, in order for business to be conducted, there had to be a quorum of members present and Section 14(f) required a majority of the members to amend or adopt a proposed ordinance. Therefore, County Council could have five members present, which was a quorum, have a 4-1 vote and not have a sufficient number of votes to pass it. Therefore, he felt it was worth taking a look to determine why this was done when the Home Rule Charter was drafted and perhaps change it to bring it in line with the way most legislative bodies conducted their business, which was a major vote of a quorum that was present.

Mr. Dertinger advised he would be withdrawing this resolution.

Mrs. McHale suggested Mr. McClure contact some of the authors of the Home Rule Charter to see if they would be willing to attend a Judicial, Legal and Operations Committee meeting to discuss the matter.
Mr. McClure indicated he would be willing to do that.

Lehigh-Northampton Airport Authority (LNAA) Study

Mr. Angle stated the LNAA study, which was partially paid for by the County, had been received and he wanted to know what the County planned to do about it.

Mr. Dowd advised he planned to hold a meeting of the Economic Development Committee on April 16, 2009, and to invite Mr. George Doughty, Executive Director, and Mr. Glenn Walbert, Chairman, Board of Governors, to discuss this report.

Mr. Angle stated it was a bi-County authority and Lehigh County and Northampton County each appointed a certain number of individuals, however, it was never asked for any accountability. He further stated there were too many members and many of them did not attend the meetings or were productive. He noted he was talking mostly about the Lehigh County appointees because Northampton County put a stop to placing a person on the authority just because they wrote a check.

In answer to Mr. Angle’s question as to whether the Airport Authority was doing a good job, Mr. Stoffa advised two things the study recommended was to decrease the number of people and for the Counties to get more involved in the operation. He further advised he felt the study was a great tool for the County to determine what it had to initiate and follow through on. He agreed the airport could function a lot better and the authority was not as involved as it should be.

In response to Mrs. McHale’s question, Mr. Stoffa stated he believed the people who conducted the study would appear before County Council.

Consideration of the 2009 Contingency Allocation - Nazareth Food Bank
Mrs. McHale advised at the request of Mrs. Ferraro, a resolution allocating $20,000 to the Nazareth Food Bank was prepared.

Mrs. Ferraro stated the Nazareth Food Bank had operated out of a very small area in a church, but recently moved to a new location that would require some repairs, renovations and upgrades. She further stated Mr. Dean Sandbrook, a member of the Board of Directors for the Nazareth Area Food Bank, was present to answer any questions with regard to his request to help with their endeavor. She noted the food bank served people in the Nazareth Area School District and the need was greater now especially in these times. Therefore, she hoped her fellow members of County Council would support this one time allocation to help get the food bank up and running.

In answer to Mr. Dertinger’s question as to the entirety of the endeavor, Mr. Sandbrook advised the building they purchased was $150,000, which was partially donated by Essroc Cement Company, indicating the building was valued at twice that much. He further advised they were fortunate to have two contributions that enabled them to have a down payment to buy the building.

Mr. Dertinger stated this seemed to be a huge step for a local food bank to take.

Mr. Sandbrook agreed, but he felt they had the volunteers, because there were no paid individuals in their organization, and they received both food donations and monetary donations from individuals and groups around the area. He advised they currently had 160 families getting food and it would probably be increasing. He further advised it was a one time request and this was the first time they had ever asked for anything from anyone. He noted they had $80,000 left on the mortgage and were holding fund raisers and asking for donations because they would like to have it paid off by the end of the year.

In response to Mr. Dowd’s questions, Mr. Sandbrook stated they were up and running, but there were some repairs to be made and equipment to be installed. He further stated even though they served the Nazareth Area School District, they have never turned anyone away who was in need.
In answer to Mr. Cusick’s question as to whether they received any funding from the State or Federal governments, Mr. Sandbrook advised they have made a request to the State, but did not receive anything. He further advised he personally wrote to the County’s Senators and Congressmen, but have only received one reply.

Mr. Angle stated he had no doubt that the Nazareth Area Food Bank was providing a great service, but he was wondering if County Council were to provide this money to them, they would probably be besieged by requests from other food banks.

Mr. Dertinger agreed they provided a great service, however, his concern was that they were not connected to Second Harvest which was a regulated food distribution organization.

Mr. McClure stated he was appreciative of the concerns of his colleagues, however, County Council had previously provided funding to other organizations for various reasons so he would support this resolution.

Mrs. Ferraro introduced the following resolution:

R. 21-2009  WHEREAS, the Nazareth Area Food Bank is currently undergoing a building renovation project the purpose of which is to expand and develop the physical building from which the Food Bank operates; and

WHEREAS, the expansion of the Nazareth Food Bank, and its ability to serve an ever increasing number of citizens, is particularly important to the citizens of the County particularly in light of current economic conditions; and

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it does hereby endorse and support the Nazareth Food Bank’s building acquisition and renovation project.

IT IS FURTHER RESOLVED By the Northampton County Council that the sum of $20,000 shall be transferred from the 2009 Contingency account #05000-76050 and allocated to the Nazareth Food Bank, this 19th day of March 2009.

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

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

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

Consideration of Personnel Requests - Court and Public Defender’s Office

Mrs. McHale advised at the Personnel Committee meeting yesterday, Personnel requests from the Court and the Public Defender were reviewed.

Mr. Cusick introduced the following resolution, noting a majority of the members of the Personnel Committee recommended this request be presented to County Council for approval:

R. 22-2009  RESOLVED, By the Northampton County Council that the one (1) existing full-time position of Clerical Specialist, in the Department of Court Administration, pay grade CS-16, salary range $28,078 to $39,930, shall be reclassified to the position of Judicial Secretary, pay grade CS-19, salary range $32,236 to $45,843, effective March 19, 2009.

In response to Mr. McClure’s question as to whether a reason was provided for this request, Mr. Cusick stated it was because the individual in the position was doing the job of a Judicial Secretary and was misclassified according to the Hay Study.

Mr. Capozzolo advised he was at the meeting yesterday and was not in favor of this request because County Council would be setting a standard
Mr. Cusick commented the consensus yesterday was that if it went to the Personnel Appeals Board, the employee would probably win.

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


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

Mr. Cusick introduced the following resolution, noting the Personnel Committee recommended this request be presented to County Council for approval:

R. 23-2009 **RESOLVED**, by the Northampton County Council that one (1) new part-time position of Assistant Public Defender, pay grade RS-6, salary $42,526, shall be created in the Department of Public Defender, effective March 19, 2009.
IT IS FURTHER RESOLVED, that the one (1) existing part-time position of Deputy Assistant Public Defender for Administration, pay grade RS-14, salary $54,042, shall be eliminated in the Department of Public Defender, effective March 23, 2009.

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


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

Consideration of the Resolution Authorizing the Hiring of Bond Counsel

Mr. McClure introduced the following resolution, noting King Spry was a local firm and the lowest bidder. He further noted he had spoken to a bidder who was not selected and they assured him King Spry had enough resources to handle this obligation and would have no problem serving the County. Additionally, the members of the Finance Committee unanimously recommended this resolution be presented to County Council for approval.

R. 24-2009 WHEREAS, Section 13.16(d)(2) of the Northampton County Administrative Code prohibits the County Executive or any other independently elected official from entering into a contract or from retaining bond counsel or financial advisors related to the prospective 2009 bond issue without approval of the contract by a resolution of County Council; and

WHEREAS, the County of Northampton is currently in the process of issuing a 2009 General Obligation Bond Issue; and

WHEREAS, at the Northampton County Council Finance Committee meeting held March 18, 2009, the Director of Fiscal Affairs indicated that, in response to proposals he issued, he has received proposals for bond counsel services (refer to Exhibit “A”), and has recommended the hiring of the firm of King Spry to provide bond counsel services in conjunction with the
NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the Director of Fiscal Affairs to hire the firm of King Spry serve as bond counsel for the 2009 General Obligation Bond Issue.

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


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

Capital Projects

Mr. Angle commented he found it very interesting members of County Council were concerned about people going hungry, yet the County was building a $20 million park even though no one had ever requested one at that location.

In answer to Mr. Angle’s question as to how much money was available to go through Phase II of the Weaversville project, Mr. Stoffa stated he did not know the exact figure, but thought it was approximately $2 million.

Mr. Angle advised the County now had to come up with the balance because once the ground was broken, the project had to be continued. He further advised he felt the existing County parks were used by very few people and the previous Administration laid off maintenance workers for the parks, therefore, their conditions were not nearly as good as they were ten years ago. He noted it was indicated five people were going to maintain the park, however, it was a 100 acre park so he had to question the quality of maintenance.

In conclusion, Mr. Angle stated the County was building a park in the worst economic times since the Great Depression. Therefore, it was hard for him to believe the County was really serving its residents.
Mr. Dertinger advised this past weekend, he had the great pleasure of accompanying a young woman’s group to provide a Bingo Party at Gracedale. He further advised he would publicly like to thank Ms. Jolynn Claroni, the Volunteer Coordinator, Ms. Valeria Dashuta, Ms. Lindsey Berger and Ms. Ellen Redline, who made this such a fabulous event.

Human Services

Mrs. Neiper stated Ms. Barbara Tornatore, a graduate student at East Stroudsburg University, contacted her and was interested in conducting a survey of County Council members with regard to the Health Board. She further stated she had spoken to Mr. Ross Marcus, Director of Human Services, and he was aware of her undertaking and felt it was a good idea if County Council would participate. She then passed out the survey to all the members and asked if they could be returned by the next meeting.

Pension Fund

In response to Mr. Angle’s question as to what the total deficit was with regard to the Pension Fund, Mr. Vic Mazziotti, Director of Fiscal Affairs, advised the reduction in the high point of the Pension Fund was about $70 million.

Swaption

In answer to Mr. Angle’s question as to whether there were any new figures with regard to the Swaption, Mr. Mazziotti stated the most recent evaluation the County received was $15 million, down from $17 million.

Finance Committee

Mrs. McHale advised right now the Finance Committee was made up of four County Council members and she felt this was an area that every member should be involved in. She then suggested the Finance Committee be changed to a Committee of the
Whole because the County was facing some very difficult financial times.

Mrs. Neiper stated she was not in favor of it because she felt the whole idea of a committee structure was to have just a representation of a few members to do the background work on various subjects and then make their recommendations to the whole of County Council.

Mr. Dertinger advised he also was not in favor of doing that because even though the County was currently going through difficult financial times, things were bound to change.

Mr. Angle stated he felt it would be a good idea because there were a lot of major decisions that would have to be made with regard to the County finances.

As there was a difference of opinion, Mrs. McHale asked that a vote be taken on the issue. She then called for the vote.


The suggestion for a Finance Committee to be a Committee as a Whole failed by a vote of 3-6.

Hay Study

Mr. Cusick advised it was hoped that there would be an update on the Hay Study presented at the next Personnel Committee meeting.

Bethlehem Sands Casino

Mr. Cusick stated the Bethlehem Sands Casino was scheduled to open in May, therefore, he would like to have all the appointments to the Northampton County Gaming Revenue and Economic Redevelopment Authority to County Council as soon as appropriate.
Lehigh Valley Convention and Visitors Bureau (LVCVB) Liaison Report

Mr. Cusick advised at this month’s LVCVB meeting, there was a spirited discussion regarding the location and funding for a hockey arena, particularly the use of the hotel tax.

Council Solicitor’s Report

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

In response to Mr. Angle’s question as to where the funding was going to come from to finance the administration of the authority, Mr. Martino stated he issued a memorandum on January 7, 2009, indicating it would come from the gaming revenue, possibly from County Council and/or the County and going forward, it may come from the surplus funds of the gaming revenues.

Mr. Angle advised he believed this authority was given more power than he felt it should have been given.

Mr. Martino stated those were policy considerations, not legal matters. He further stated his opinion was the authority was legally created.

Mr. Angle advised his point was that regulations for the authority could have been placed in the ordinance before it was passed.

Mr. McClure stated Erie County was operating using some of the gaming resources that were collected.

Mr. Angle commented that was one reason he believed County Council should have been in control because they already had checks and balances in place.

Adjournment
Mr. McClure made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council