Easton, Pennsylvania          March 5, 2009

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

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

Approval of the Minutes

Mrs. McHale stated the approval of the minutes for the County Council meeting held on February 15, 2009 was being postponed as an error was recently discovered.

Courtesy of the Floor

Mr. Thomas Trite, 5775 Allentown Boulevard, Harrisburg, PA - advised he was the Chief Executive Officer and President of Continuing Care RX and he wanted to reserve the right to address any misconceptions or questions when the matter was discussed.

Mr. Rusty Kuchta, 77 South Commerce Way, Bethlehem PA - stated he was with HomeStar Pharmacy and was present at the last meeting when Mr. Angle tabled the ordinance and indicated they, along with others, would have a chance to make a presentation. He further stated he just wanted County Council to know they had not been called to make that presentation.

Mr. Kuchta advised at the last meeting, it was brought up that as part of the process, Mr. John Stoffa, County Executive, had signed a document awarding the contract to Continuing Care RX by mistake. Therefore, he was a little confused by the process because the contract was changed from a one year to a five year contract and the document was signed by Mr. Stoffa without County Council approval. He further advised in lieu of those things, he felt the whole process should have been voided.
Mr. Kuchta stated at the last meeting, it was indicated that lack of experience and $20,000 separated the company that was selected for the contract and the next lowest bidder. He further stated he believed they had the experience and could offer savings that the other competitors could not offer and felt County Council would be making a mistake in offering this contract to Continuing Care RX without pursuing his company further. He noted one of the reasons given for the selection of Continuing Care RX was because they were servicing the Northampton County Prison, however, that was basically putting the medication in a box and shipping them, which was not comparable. He further noted at the last meeting, it was also brought up County Council would prefer local employment, local contract and creation of local jobs and Continuing Care RX did not meet that criteria.

In response to Mr. Angle’s question as to whether HomeStar was prepared to adjust their bid by $50,000, Mr. Kuchta advised if they had the opportunity to do a presentation, they would have shown how they could have saved the County additional money.

In answer to Mr. Cusick’s questions, Mr. Kuchta stated they have been in business for more than eleven years, but have not serviced a facility like Gracedale. He further stated they were part of a health network and they have resources available to handle Gracedale quite easily.

Mr. Gregory Potter, 526 South Berks Street, Allentown, PA—advised he was representing Healthcare America Now. He further advised there were more than 47 million Americans today that were uninsured, but the other issue was the under insured. He noted there was no government entity that was not staggering under the weight of health care costs for their employees. Therefore, he hoped the members of County Council would give careful consideration to the resolution being presented tonight with regard to providing affordable and accessible healthcare to all citizens.

Public Hearing on the Ordinance Providing for the Creation of the Northampton County Gaming Revenue and Economic Redevelopment Authority

Mrs. McHale stated this ordinance was introduced by Messrs. McClure and Capozzolo at the meeting held February 19, 2009.

AN ORDINANCE ADOPTING THE ARTICLES OF INCORPORATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY
WHEREAS, the Northampton County ordinance titled, "AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF", was duly enacted on February 17, 2009.

WHEREAS, Northampton County Council has determined that it is most beneficial for the residents of Northampton County for County Council to create an economic development authority for any and all purposes which may be permitted by the Economic Development Financing Law, (Title 73 P.S. Section 371, et. seq.) and the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1403(c)(2)(v)) in order to administer the grants funded by the gross terminal revenue.

NOW, THEREFORE, BE IT IS HEREBY ORDAINED AND ENACTED, by the Northampton County Council that the following shall constitute the Articles of Incorporation for the Northampton County Gaming Revenue and Economic Redevelopment Authority:

COUNTY COUNCIL
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ARTICLES OF INCORPORATION FOR THE
NORTHAMPTON COUNTY GAMING REVENUE AND
ECONOMIC REDEVELOPMENT AUTHORITY

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Economic Development Financing Law as amended and supplemented (Codified at 73 P.S. Section 371, et seq.) and pursuant to Ordinance No. _____ enacted on ____________, by Northampton County Council, authorizing the establishment of an economic development authority under said Act, Northampton County Council hereby files these Articles of Incorporation pursuant to Title 73 P.S. Section 374(b):

1. The name of the Authority shall be the "Northampton County Gaming Revenue and Economic Redevelopment Authority."
2. This Authority is formed under the provisions of the Economic Development Financing Law as amended and supplemented (Codified at 73 P.S. Section 371, et seq.).

3. The name of the incorporating municipality is:

County Of Northampton
Office Of County Council
669 Washington Street
Easton, Pennsylvania 18042

4. The names and addresses of the members of Northampton County Council, the governmental body of Northampton County are:

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Council President</td>
<td>Ann McHale</td>
<td>750 Barrymore Lane</td>
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<td></td>
<td></td>
<td>Bethlehem, PA 18017</td>
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<tr>
<td>Council Vice President</td>
<td>J. Michael Dowd</td>
<td>25 Chestnut Ridge Circle</td>
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<td>Easton, PA 18042</td>
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<tr>
<td>Council Member</td>
<td>Margaret Ferraro</td>
<td>339 Schoeneck Avenue</td>
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<td></td>
<td></td>
<td>Nazareth, PA 18064</td>
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<tr>
<td>Council Member</td>
<td>Diane Neiper</td>
<td>307 East 19th Street</td>
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<td></td>
<td></td>
<td>Northampton, PA 18067</td>
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<tr>
<td>Council Member</td>
<td>Lamont G. McClure</td>
<td>4110 Scherman Blvd.</td>
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<td></td>
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<td>Bethlehem, PA 18020</td>
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<tr>
<td>Council Member</td>
<td>Ron Angle</td>
<td>PO Box A</td>
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<td></td>
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<td>Portland, PA 18351</td>
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<tr>
<td>Council Member</td>
<td>John Cusick</td>
<td>110 Ridge Road</td>
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<td>Easton, PA 18042</td>
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<tr>
<td>Council Member</td>
<td>Joseph H. Capozzo</td>
<td>6 Ridge Road</td>
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<td>Bangor, PA 18013</td>
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5. The purpose for which the Authority is created is to administer municipal grants and to otherwise perform all of the functions authorized under the Economic Development Financing Act as amended and supplemented (Codified at Title 73 P.S. Section 371, et seq.) and the Pennsylvania Race Horse Development and Gaming Act as amended and supplemented, (Codified at 4 Pa. C.S.A. §1101, et seq.) and specifically Title 4 Pa. C.S.A. Section 1403(c)(2)(v) thereof.

6. The governing body of the Authority shall be a Board with membership and terms of office as follows:

(a) The Board shall consist of nine (9) members, one resident from each of the following municipalities, located within the County of Northampton: City of Bethlehem (Northampton County), Hanover Township, Lower Saucon Township, Bethlehem Township, the Borough of Freemansburg, and the Borough of Hellertown; the Northampton County Executive, or his/her designee; the President of the Northampton County Council, or his/her designee; and the Northampton County Controller, or his/her designee. All members of the Authority shall be appointed in accordance with the provisions of the Home Rule Charter of the County of Northampton.

(b) Members of the Authority must be citizens residing within Northampton County.

(c) The six municipal representatives shall be appointed as follows: two members shall serve for one year, two for two years, two for three years, two for four years, and one for five years. The aforementioned terms of office are to commence on ___ 2009.
(d) The Northampton County Executive shall serve for one year; the President of the Northampton County Council shall serve for two years; and the Northampton County Controller shall serve for three years. The aforementioned terms of office are to commence on ______________ 2009.

(e) Thereafter, whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member, the Northampton County Council shall appoint a member to the Board for a term of five years from the date of expiration of the prior term to succeed the member whose term has expired or is about to expire.

7. The names, addresses and terms of office of the first members of said Authority, each of whom is a resident of Northampton County, are as follows:

8. The initial term of this Authority shall be fifty (50) years, and for such further periods as shall be authorized and specified from time to time in the manner permitted by the provisions of the Economic Development Financing Law.

IN WITNESS WHEREOF, the County Council of the County of Northampton, Commonwealth of Pennsylvania, has caused these Articles of Incorporation to be executed by the County Executive and to be attested by the Secretary of County Council and its official seal to be affixed hereto, this _____ day of __________, 2009, pursuant to County Ordinance No. ______.

Effective Date

This ordinance shall be effective thirty (30) days after the date of enactment.

Public Hearing

Mrs. McHale asked if anyone from the public had a question or comment concerning this ordinance.

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - advised there were a lot of things that were not specified in this ordinance, such as how much money was available to the authority, were grants to be given under a competitive process or not and, if there were any uncommitted funds left over at the tail end, what were the guidelines for the authority to disperse those funds. He further advised one thing he would like to see with regard to those
funds was he would like to see some preference given to the municipalities who had impact fees and were outside the continuous municipalities.

With regard to the ordinance itself, Mr. Pfenning stated Section 6(d) indicated terms for the ex-officio members and he wondered if they were ex-officio members, how they could have terms other than their normal terms. He further stated that tied into Section 6(e), it appeared that when the County Executive’s term was up, County Council could appoint someone to fill that position which would destroy the ex-officio of it. Therefore, these two sections did not seem to reflect the ex-officio status of three of the proposed board members.

Mr. Pfenning advised, with regard to the board itself, Section 6(a) mentioned there would be representation by each of the five continuous municipalities. He further advised he wondered what would happen if no one from those municipalities applied, how would they be recruited.

Mr. Pfenning stated in looking at the composition of the board, it seemed to him if there were one or two municipalities in the high pecking order for the funds, like the five continuous municipalities, then all seven municipalities should have representation or there could be a potential imbalance on the board itself. However, that also meant it would be a private club with no oversight which he believed could potentially lead to trouble. He further stated if everyone who was on the board was eligible for funding, would that mean there would be no uncommitted funds leftover, which was suggested to be the funding for the operation of the board.

Mr. Pfenning advised if the board consisted of representatives of municipalities outside of these municipalities, they might decide not to give any grants because that would leave more uncommitted funds to be distributed. He further advised if the board consisted of representatives as presented, a majority of them have previously mentioned they were in favor of equal distribution of the funds which could also be problematic.

In conclusion, Mr. Pfenning stated he did not have any suggestions for County Council other than to debate and consider this matter very carefully because whatever decisions that were made could potentially plant the seeds of future problems. He further stated his main concern was that the grant money was used for impact expenses.
As there were no further questions or comments from the public, Mrs. McHale asked if any County Council member had a question or comment.

Mr. Angle advised he had exactly the same concerns as far as the composition of the board and he was not sure that it was necessary for the County Executive or two members of County Council to be on it. He further advised he also agreed with Mr. Pfenning’s concerns about having members outside of the five continuous municipalities, but felt that may be the only choice. He noted perhaps the board should be made of individuals who would be able to determine what the impact was and if the grant would satisfy that impact, such as healthcare workers, a police chief from outside the five municipalities and a professor of finance from one of the universities.

Mr. Angle stated the law was very clear, the grants had to be applied for and an independent body had to decide the merits of those grants because if it was done any other way, the end result could be a lawsuit.

Mr. McHale advised if people from outside the five municipalities were on the board and they did not award any grants, it would make them eligible as well.

In response to Mrs. McHale’s as to whether County Council had the final say on the distribution of the funds, Mr. Martino stated they did not.

Mr. Martino advised Mr. Pfenning’s concern as to a seat not being filled by a municipality was a practical consideration because that had been the case with some governing bodies, but it would not invalidate any action that they would take.

In answer to Mr. Capozzolo’s comment with regard to redevelopment authority and development authority being used in the ordinance, Mr. Martino stated at Mrs. Ferraro’s request, the name of the authority was changed from development to redevelopment, however, the body of law that governs was under the development authority and the law regarding a development authority would apply rather than a redevelopment authority.

In response to Mr. Pfenning’s comment that he anticipated there would be a lot more information in the Articles of Incorporation, Mr. Martino advised the Articles state that the authority for this body was governed by the gaming and development financing laws of the State so all the powers and duties that anybody would have with regard to those State laws were
incorporated in this and they would act according to those laws. He further stated the authority would have the ultimate power to direct the grant money. He noted the only question he did not have the answer to, was how County Council would create the authority and positions.

In answer to Mr. Dowd's question as to the issue raised by Mr. Pfenning with regard to the ex-officio terms, Mr. Martino advised there was a suggestion made that this body should be composed in that way, but it was up to County Council to determine the composition so that may have to be adjusted.

In response to Mr. Dowd's comment that the terms should coincide with the terms of their office, Mr. Martino agreed they should. He further commented he also had some concerns with individuals from the five continuous municipalities making the decisions regarding the grants.

Mr. Capozzolo stated it took some time to get to this point and now it appeared County Council was stuck on who was going to be the representatives, therefore, he asked if it could be changed in the future.

Mr. Martino advised it would depend on the circumstances, but the authority members themselves could make certain adjustments.

Mr. Angle suggested that each member of County Council chose a person and this way, there would be representatives for all areas of the County.

Mr. McClure stated in Erie County, their County Council sat as their gaming authority and he even considered it, but he rejected that idea because he thought it was more democratic to bring in the continuous municipalities who, by law, were entitled to the grant money.

When Mr. Angle remarked that they have already worked behind the scenes and came up with a plan to divide the money equally, Mr. McClure advised once the authority was created, they had to have a solicitor and he would inform them that according to the law, that was not an option. He further remarked the law required that this authority be formed in order to receive and dispense the grants.

Mrs. Ferraro asked if it would be appropriate to include in some subsection the grant process to avoid the equal distribution.

Mr. Martino replied County Council could make it more detailed, but it would have to be consistent with State law.
Mr. McClure advised he did not think that County Council could not dictate the process, however, the law distinctly stated an even split was not legal. He further advised this would give those municipalities the second best opportunity and that was to give them a voice in the decision.

Mr. Angle stated he thought it was a bad idea to put the people who have the most to gain at the table to decide who gets what.

Mr. Dertinger advised it was not necessarily true that these people would agree on everything because they would be looking out for their municipality which was shown by them not to be unanimous in their decision to evenly split the money. He further advised there was an assumption that it was a given as to what they were going to do, but he believed they should be given a chance.

Ms. Neiper stated she felt they would work harder to convince each other that their project was as good or better than the others and provide the reasons.

Mr. Angle advised there was nothing to stop the five stake players from dividing up the funds so nothing was left over for the outlying areas. He then asked if that was done, would the people in the outlying areas have a right to bring a suit because they did not have a chance to get any of that money.

Mr. Martino stated they would have to justify that their area was justifiably impacted according to the State law, but he did acknowledge the law was not going to be strictly construed.

Mrs. Ferraro suggested forming this authority like any other authority by taking applications from individuals who would be interested in serving on.

Mr. Dertinger advised that was discussed, but the mind set was there might be individuals serving from areas who would not be impacted whatsoever and would not be able to really represent those people whose lives would be changed.

Mrs. Ferraro agreed, but added that they would have more impartiality when reviewing the grants.

Mr. Angle made a motion to amend this ordinance to eliminate the section that dealt with how the people would be appointed and put in that it should be an open process with the County Executive providing names of individuals for approval by County Council.
Mrs. McHale stated the motion died for a lack of a second.

Mr. McClure advised this went back to the intention of the Act which was to make certain that the municipalities that were impacted by the facility could bring forth a competitive grant application and have that impact ameliorated by the awarding of grants. He further advised the people that were closest to the ground from those boroughs and townships were the people who should be sitting there working together trying to figure out in any given year who sustained the impact and to move them away from that, would be moving further away from the spirit of the statute which was to make sure the impact on the continuous municipalities was taken care of.

In answer to Mr. Angle’s question as to the justification of the other four members, Mr. McClure stated the Controller would provide the financial oversight to make sure the money was spent correctly and the County officials because the County was a potential grant recipient and as the governing body, it had a stake in making sure that the administration of this process went as smoothly and as cleanly as possible. He further stated Erie County Council was so concerned about this process that they created the authority and appointed themselves, which he did not think was a good idea.

Mr. Angle made a motion to amend this ordinance to read that the nine seats would be filled by applicants from throughout the County and County Council would have the final approval on those applicants.

Mrs. Ferraro seconded the motion.

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


The motion failed by a vote of 3-6.

Mrs. McHale called for the vote on the ordinance.


The ordinance was adopted by a vote of 8-1.
County Council Minutes -12- March 5, 2009

When Mr. Martino stated County Council would now have to move quickly to appoint the members, Mr. Flisser advised they would have to wait until the ordinance was enacted.

In response to Mr. Capozzolo’s question as to the advertisement for applicants, Mr. Martino suggested County Council may want to invite the municipalities to suggest whom they want to fill the seats.

Mr. McClure commented he felt that was an excellent idea.

Mr. Dowd stated he believed County Council should begin to receive names in anticipation of the ordinance being enacted to allow the process to move along.

Mrs. McHale advised she would prefer to wait the thirty days or it could be discussed at the next Personnel Committee meeting.

Consideration of the Rail Study Funding Allocation Resolution

Mrs. McHale stated County Council adopted resolution number 69-2008 on November 6, 2008 allocating $75,000 as Northampton County’s share toward expanding the New Jersey Transit Rail Service Study to include the Lehigh Valley. She further stated the resolution designated the Lehigh Valley Planning Commission as the recipient of the funding, however, the Administration asked that the recipient of the funding be changed to the New Jersey Transit Authority.

Mr. Dowd introduced the following resolution:

R. 13-2009 WHEREAS, the Northampton County Council adopted resolution #69-2008, on November 6, 2008, in which it allocated $75,000 to the Lehigh Valley Planning Commission as the Northampton County share toward expanding the New Jersey Transit Commuter Rail Study to include Northampton County and the Lehigh Valley; and

WHEREAS, subsequently it has been determined that the funding would be more effectively administered by the New Jersey Transit Authority.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the funding allocated via adoption of resolution #69-2008 will instead be allocated to the New Jersey Transit Authority as the Northampton County share toward expanding the New Jersey Transit Commuter Rail Study to include Northampton County and the Lehigh Valley.
Mr. Angle advised there were people in the County who cannot pay their taxes, however, $75,000 was being given to do a rail study that would benefit a handful of people.

Mrs. Ferraro agreed the timing was not right for this, noting she believed it was a mistake from day one.

Mr. Cusick advised his concern was the lack of Federal funding directed to this project, therefore, he would be voting against it again.

Mr. Dowd stated there had been an increase of people taking the bus to New York and he felt a train would be a generator for economic activity.

Mr. Angle advised the Lehigh Valley Planning Commission indicated there would have to be ten times the population living in the Allentown, Bethlehem and Easton corridor to produce the number of riders to make this endeavor break even.

Mr. Dertinger stated public transportation had always operated at a deficit, but that did not make it less important to have. He further stated it would not only allow people to travel to New York, but let them come to this area as well.

Mr. Capozzolo was informed that his assumption was right that the issue was not whether to provide the money or not, but just changing to whom the funds were going. He then indicated as the money was designated, it should be given to them.

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


The resolution was adopted by a vote of 6-3.

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

Mrs. McHale advised the Continuing Care RX resolution was originally introduced at the February 5, 2009 County Council meeting, but was subsequently tabled. She further advised the resolution was then removed from the table at the February 19, 2009 meeting and after extensive discussion, it was tabled again.
Mrs. Neiper made a motion to remove the resolution from the table.

Mr. McClure seconded the motion.

Mrs. McHale stated the motion passed by voice acclamation.

WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary."

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

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Continuing Care RX for pharmacy services at Gracedale, Northampton County Department of Human Services.

Mr. McClure advised this issue highlighted a problem which had occurred far too often whereby County Council was required to approve a contract at the last minute with very little information being provided. He further advised something had to change to insure this situation did not occur again.

Mr. McClure stated before an issue was put on the agenda, he would like it sent to the appropriate committee so if there were any questions, they could be answered before County Council had to vote on it. He further stated whenever this occurred in the future, he would make a motion to send the issue to a committee because County Council was making decisions on very important issues and they should not be put in a position where they could cause a disruption in service because they did not have all the information to make the decision.
Mrs. McHale advised at the last meeting, the Administration was requested to go back and take a look at the applicants to determine if there were other qualified bidders and they responded that they were not willing to do that.

Mr. Angle stated he understood what Mr. McClure was trying to accomplish, but sometimes issues arose where there was no time to allow it to go to a committee before it had to be voted on.

Mrs. McHale advised the Procurement Department on contracts of this size notified County Council thirty days before the bid went out requesting anyone from County Council who wished to be involved in the process to contact them.

Mrs. Neiper stated there was a procedure for the County to follow whereby the bids went out, returned and then reviewed by a committee, who had the knowledge of what was required. She further stated the committee then provided their recommendation to County Council with the reasonable expectation it would be approved. Therefore, she felt the vote on this contract should not be delayed any further, noting it was a five year contract, but there was an "out" clause.

Mr. Marcus advised last week Gracedale was monitored by the Pennsylvania Department of Health and their report cited ten out of thirty-one sampled residents' medications showed a failure to have the medication available. Therefore, he felt it was time to move on to another pharmacy.

When Mr. Angle commented this was not unique, noting there had been errors in medications at Gracedale previously, Mr. Marcus replied he did not know how many times Gracedale had been cited.

Mr. Dertinger stated his concern was that County Council was being viewed as a rubber stamp for contracts. He further stated he felt County Council should be provided some explanation as to how the choice was made. He acknowledged there was an "out" clause, but how many times had the County actually used it and at what expense. Therefore, the time to make the right decision was in the beginning and for it not to be decided based on the fact that there was an "out" clause.

Mrs. McHale advised there was a supplement of questions provided and one of them was whether Gracedale had purchased the necessary hardware to run the Answer on Demand system at the point of care and it was her understanding the answer was they were having a wireless network installed and laptops for the medcarts were to be ordered closer to the time of using them. She then
asked who was going to be covering the cost of this.

Mr. Marvin Granda, Administrator, Gracedale Nursing Home, stated the medcarts would be provided by the pharmacy company, but the 32 laptops would be provided by the County.

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


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

Presentation of the Northampton County Triennial 9-1-1 Plan

Mrs. McHale advised the Administration asked for the opportunity to present the “Wireline/Wireless 911 Triennial Plan,” noting there was a resolution approving the Plan if County Council wanted to enact such a resolution after hearing the Administration’s presentation.

Mr. Conklin introduced Mr. Robert Mateff, Director of Emergency Management Services - 911, and Mr. Richard Teasdale, Deputy Director for 911 Operations.

Mr. Mateff stated this was the County’s first combined Triennial Plan, noting in previous years they had done a separate wireline plan for the traditional home phones and a separate wireless plan for the cell phones. He further stated, along with Chester County, Northampton County was the first County to be Phase II compliant in Pennsylvania. He noted since they reorganized last January, they looked for efforts and areas where they could become more streamlined and expedite their processes. He further noted this was the first time they did a plan in house, indicating the last plan, which was contracted, cost $41,800.

Mr. Teasdale advised the plan was approved by Pennsylvania Emergency Management Agency (PEMA) and the next step was for County Council to endorse it and then it would go back to PEMA and forwarded onto the Public Utilities Commission (PUC). He further advised the whole purpose of the plan was to justify the telephone access line fee of $2.43, but as Northampton County was a third class County, they were limited to charge $1.25, which appeared on residents’ monthly phone bill. He noted they needed to show to PEMA and the PUC how they spent the money and what they planned on
doing over the next three years.

In answer to Mr. Cusick's question regarding the issue with the Voice Over Internet Program (VOIP), Mr. Teasdale stated the VOIP dealt with phone calls made over the internet. He further stated the issue was when someone dialed 9-1-1, the computer system did not always know what to do with it, but that had been resolved. He noted the VOIP carriers submit the money to PEMA and every quarter, the money from the VOIP operator in Northampton County was sent back to the County and made part of the wireline plan.

In response to Mr. Angle's questions with regard to the $1.25 fee, Mr. Teasdale advised it started to appear on phone bills in the early part of 1997 and was designed to be permanent. He further advised the fee was to allow the Counties to continue a high level of 9-1-1 service.

Mrs. Ferraro introduced the following resolution:

R. 15-2009

APPROVING THE 9-1-1 TELEPHONE ACCESS PLAN AND CONTRIBUTION RATE FOR THE RESIDENTS OF THE COUNTY OF NORTHAMPTON

WHEREAS, the COUNTY OF NORTHAMPTON has implemented a County wide centralized Communications Center to dispatch all County emergency services; and

WHEREAS, the County-wide Centralized Communication Center shall serve as the 9-1-1 Public Safety Access Point; and

WHEREAS, the COUNTY OF NORTHAMPTON Council has appointed Richard Teasdale, as the Northampton County 9-1-1 coordinator; and

WHEREAS, the COUNTY OF NORTHAMPTON Council has implemented a plan for enhanced 9-1-1 telephone service for the County of Northampton; and

WHEREAS, the COUNTY OF NORTHAMPTON Council has set the monthly contribution rate at $1.25 per month and the rate will be included on all monthly telephone bills collected by the telephone company and forwarded to Northampton County Council for the exclusive use in the payment of authorized charges for the continued provision of 9-1-1 Emergency Telephone Services in and to Northampton County; and
WHEREAS, the said rate shall remain in effect by law for a period of not less than three (3) years; and

WHEREAS, the COUNTY OF NORTHAMPTON Council held a public meeting regarding the County's 9-1-1 plan on March 5, 2009, between the hours of 6:00 p.m. and 9:00 p.m. to obtain comments from COUNTY OF NORTHAMPTON residents; and

WHEREAS, this plan conforms with the Guidelines for Administration of the Public Safety Emergency Telephone Act (Act 78 of 1990, PL. 340, No. 78 as amended).

NOW THEREFORE, BE IT RESOLVED by the County of Northampton Council as follows:

1. That said 9-1-1 telephone access plan is approved by the COUNTY OF NORTHAMPTON Council.

2. That Richard Teasdale of the COUNTY OF NORTHAMPTON as 911 coordinator is authorized to file and update said plan and transmit all required documents and information to the Pennsylvania Emergency Management Agency for distribution to such other agents as required.

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 the Administrative Code Article XIII Contract Approval Resolution - SunGard Public Sector

Mrs. McHale stated the County Executive has asked County Council to approve a $439,719 contract with SunGard Public Sector for enterprise resource planning software.

Mr. Capozzolo introduced the following resolution:

WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed


Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary."

WHEREAS, on 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 $439,719.00 (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.

Mr. McClure made a motion to refer this to the Finance Committee to have the Administration come forward to lay out the different proposals and explain to County Council why this was the proposal they felt was in the best interest of the County.

Mr. Cusick seconded the motion.

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


The motion passed by a vote of 7-2.

In answer to Mr. Angle’s question as to what situation postponing the vote on this issue would create, Mr. Vic Mazziotti, Director of Fiscal Affairs, advised they have been working on this project for over a year and it had been discussed on several different occasions. He further advised the County had a payroll and human resources system from one vendor and a finance system from another vendor. He noted there were two primary concerns they were attempting to address; one was since the systems were from two vendors, they did not talk to each other very well and when one vendor changed their product and the other vendor did not, they had
to modify the interfaces to make sure these products worked together. He further noted this created a lot of additional work and there was difficulty putting together a budget that dealt with personnel because that information was in a different system.

Mr. Mazziotti stated they went through a Request for Proposal process over a year ago and after they received the bids, a committee of eleven people from different agencies within the County was appointed. He further stated that committee met for over a year and narrowed the selection down to two vendors. He noted one vendor was selected because it had the latest and greatest technology and another was selected because the County had already implemented their finance system and now they wanted to see if their human resources and payroll system could meet the County’s needs.

Mr. Mazziotti advised after attending a number of demonstrations through site visits, the committee unanimously voted to recommend SunGard. He further advised the result of the process was the County would now have a single vendor solution and they would be able to add a number of software capabilities that would make the County run more efficiently.

Mr. Mazziotti stated the cost was approximately $750,000, but with this change they would be able to eliminate their outsourcing costs, which was approximately $300,000 per year.

Mr. Mazziotti advised this was a project that was time sensitive and they did try to get it on the last meeting’s agenda, but they were too late.

Mr. Angle stated this issue had been before County Council on several occasions, therefore, he made a motion to remove this resolution from the table.

Mrs. McHale advised the motion died for a lack of a second.

In response to Mrs. Neiper’s question as to whether the County already dealt with this company and whether he had any connection to it, Mr. Mazziotti replied they did and that he had worked for the parent company. He further replied that he did not have a vote on the committee, noting he was actually leaning toward the other company.
Consideration of Washington Township Community Development Block Grant (CDBG) Resolution

Mrs. McHale stated the Administration requested that County Council adopt a resolution approving certain revisions in the Washington Township CDBG contract.

Ms. Lori Sywensky, Community Development Administrator, Department of Community and Economic Development, advised this was a project previously approved last year. She further advised they had been working with the officials of Washington Township and realized there was an issue with the paperwork, but they were not changing the project.

In answer to Mr. Capozzolo's question as to whether they were hooking up to the East Bangor sewer system, Ms. Sywensky replied that was correct, noting they had received approval from the Pennsylvania Department of Transportation.

Mr. Cusick introduced the following resolution:

R. 16-2009

Authorizing Submission of a Request for Modification to the Fiscal Year FY 2007 Community Development Block Grant Contract

WHEREAS, the United States Department of Housing and Urban Development granted the County of Northampton FFY 2007 CDBG funding, thereby requiring all proposed activities to be conducted as terms of the CDBG contract with United States Department of Housing and Urban Development; and

WHEREAS, Northampton County agreed to allocate a total of $149,090 in funding to support the installation of the extension of a sanitary sewer system in Washington Township; and

WHEREAS, Washington Township has requested to modify its agreement with the County of Northampton in order to also offset the cost of the construction of laterals when connecting to the sewer system, as provided for and in accordance with 24 CFR Part 570.202(B)(6), related to eligible activities of the Community Development Block Grant Program; and

WHEREAS, the County of Northampton has met and complied with the required regulations pertaining to the preparation and submission of the request for modification.
NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request of the United States Department of Housing and Urban Development revision to the 2007 CDBG contracts on behalf of Washington Township.

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

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

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

Consideration of the Emergency Shelter Grant Application Resolution

Mrs. McHale stated the Northampton County Department of Community and Economic Development was in the process of applying for a Pennsylvania Emergency Shelter Grant and one of the requirements in that process was for the County’s governing body to adopt an authorizing resolution. She further stated the deadline for the grant application was March 13, 2009.

Mrs. Neiper introduced the following resolution:

R. 17-2009 WHEREAS, the County of Northampton is desirous of obtaining Emergency Shelter Grant program funds from the Pennsylvania Department of Community and Economic Development (PA DCED) in an amount not to exceed $236,500 for the operation and renovation of emergency shelter services and facilities for the homeless; and

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that a significant unmet need exists because of the difficulty of obtaining the resources required to house and rehabilitate the homeless persons/families in the community, and the proposed projects will prevent and/or eliminate specific homelessness problems and influences by providing needed funds for the operation of existing shelters as well as expanded essential services.

BE IT FURTHER RESOLVED that the County of Northampton will assure the provision of the full local share of the project costs via the applicable funds of the subrecipients.
BE IT FURTHER RESOLVED that the County of Northampton will reimburse the Commonwealth of Pennsylvania for the State's share of any expenditures found by the DCED to be ineligible.

BE IT FURTHER RESOLVED that the County of Northampton will direct appropriate staff or agents to undertake the environmental review appropriate for this project.

BE IT FURTHER RESOLVED that the Clerk to County Council is directed to execute a certification, and this Resolution shall serve as certification, attesting to the adoption of this Resolution. Further a copy of this Resolution shall be forwarded to the Pennsylvania Department of Community and Economic Development.

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

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

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

Consideration of the Federal Economic Renewal Grant Resolution

Mrs. McHale advised at the request of Mr. Dertinger, a resolution was prepared requiring a commitment from the County to purchase only products and services that were performed in the United States whenever and wherever possible with any economic recovery monies provided to the County.

Mr. Dertinger stated this was in direct regard to the Stimulus Package so the County would have the best outcome for the money being spent within the County by using American labor. He then introduced the following resolution:

R. 18-2009

2009 Resolution on the Spending of Federal Economic Renewal Grants to Northampton County

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and
WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress approved and President Obama signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should - to every extent possible - include a commitment from Northampton County to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

THEREFORE, BE IT RESOLVED THAT Northampton County will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

BE IT FURTHER RESOLVED THAT we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to County of Northampton by the American taxpayers.

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 Affordable and Accessible Health Care Resolution — Supporting the Adoption of US Congress HR 676

Mrs. McHale stated at the request of Mr. Dertinger, a resolution was prepared calling on the members of Congress to support and enact HR-676, the United States Health Insurance Act.

Mr. Dertinger advised it had been shown that a change had to be made to the issue of healthcare, noting a number of companies claiming failure were doing so because of the cost of healthcare. He further advised the County itself has had discussions with regard to whether or not healthcare would be continued for future retirees.

He further stated he could provide a list of other local governments in Pennsylvania, as well as outside, that have adopted this resolution to try to further push this issue because there were too many people uninsured. He then 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.

In answer to Mrs. McHale’s question as to whether she should abstain from voting as she was in the insurance business, Mr. Martino replied if she believed it would have a financial impact on her. When Mrs. McHale advised she believed it would, he indicated that it would be best.

Mr. Angle made a motion to refer this resolution to a committee for its review.

Mrs. Ferraro seconded the motion because she felt this was a Federal issue and could not support something she was not familiar with.
Mrs. McHale called for the vote on the motion.

The vote: Angle, "yes"; Ferraro, "yes"; Dertinger, "no"; Dowd, "no"; McClure, "no"; McHale, "abstain"; Neiper, "no"; Capozzolo, "yes" and Cusick, "yes, indicating it should go to the Human Services Committee".

The motion failed by a vote of 4-4 with 1 abstention.

Mr. Dertinger stated this issue should not have to go to a committee because it was not something the County was going to spend money on. He further stated this resolution was only asking the County’s elected officials in Washington to do something with regard to healthcare and he was asking for County Council’s support because he felt it was important that they represent the people in their districts.

Mr. Angle advised this was not an issue for County Council to consider because it had nothing to do with County business.

Mr. Dertinger stated as an entity that provided healthcare to 2600 plus people, County Council did have a stake in it and again asked for support.

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

The vote: Dertinger, "yes"; Angle, "no"; Capozzolo, "yes"; Cusick, "present"; Dowd, "no"; Ferraro, "no"; McClure, "yes"; McHale, "abstain" and Neiper, "yes".

The resolution was not adopted by a vote of 4-3 with 1 present and 1 abstention.

Weller Center

Mr. Cusick advised there was an announcement that the Weller Center was becoming another business enterprise and he wanted to know if the County was going to be reimbursed through the General Purpose Authority for the money it had put into that place.

Mr. Dowd stated he believed that issue would be discussed at the next General Purpose Authority meeting.
Donations from Representatives Craig A. Dally and Richard T. Grucela

Mrs. McHale advised she received a letter from Mr. Kevin Dolan, Administrator, Northampton County Division of Children, Youth and Families, which read as follows:

"I am writing to inform you that Representatives Craig A. Dally and Richard T. Grucela each donated $15,000 to the Northampton County Children, Youth and Families Division. Their wish is that the funds be used to pay for counseling and in-home services to children and families we serve.

The Home Rule Charter at Article 2, Section 202, Subsection 10 requires that County Council must accept the donation. We would like to deposit the $3,000 in the Children and Youth budget for counseling services with County Council approval.

These donations will be very helpful given the current economic climate.

If you would have any questions, please contact me.

Sincerely,

/s/ Kevin E. Dolan
Kevin E. Dolan
Administrator
Children, Youth and
Families Division"

Mrs. McHale made a motion to accept the contribution of $3,000, $1,500 from Representative Grucela and $1,500 from Representative Dally.

Mr. Angle seconded the motion and added that a letter be sent thanking them for their generosity.

Mrs. McHale called for the vote on the motion.

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

The motion passed by a vote of 9-0.
Lehigh-Northampton Airport Authority (LNAA) Study

Mr. Angle stated County Council had received the LNAA Study. He further stated the airport had been a concern of his for a number of years and this study contained some good ideas. He suggested the members of the LNAA should report to Mr. John Conklin, Director of Administration, what was being done at the airport and then he would make a report to County Council.

Mr. Dowd advised he planned to have an Economic Development Committee and invite Mr. George Doughty, Executive Director, LNAA, and Mr. Glenn Walbert, Chairman, Board of Governors, to discuss this issue.

Mortgage Foreclosures

Mr. Angle asked since the Federal government was now taking care of the mortgage situation, was the County out of it.

Mrs. McHale stated she believed it would be a good idea to take a wait and see approach.

Mr. Dertinger advised he did not think the County was out of it, but he agreed that it should be put on hold for now.

Nehemiah House

Mr. Angle stated he made the motion to give the Shiloh Baptist Church $50,000 for their Nehemiah House project. However, it had since come to his attention that the Administration forwarded information about how the Shiloh Baptist Church had handled other projects in the past, which was not well.

Mrs. McHale advised she informed Mr. John Stoffa, County Executive, Nehemiah House was a separate entity and not affiliated with the Shiloh Baptist Church. She further advised at the Prison Advisory Board meeting she indicated there was a possibility they could receive a grant up to $10,000 from the County Council Contingency Fund.

Mr. Angle stated in lieu of this new information, he would not support the $50,000 unless someone showed him how this project would be more accountable than past projects they had been involved in.
Mr. Angle made a motion that County Council rescind the $50,000, without prejudice, pending a presentation from the individuals involved in Nehemiah House, the Administration and the Controller as to whether this project was feasible and practicable and would be able to operate.

Mrs. McHale advised the motion failed for lack of a second.

Pension Fund

Mr. Cusick stated in light of what had been happening with the stock market, he asked if Mr. Mazziotti could provide a report as to where the County was with their pension fund.

Mr. Mazziotti advised the County would be receiving their next report from the actuary during the month of April. He further advised what was going on this year would not impact that number because they just look at what occurred in 2008.

In response to Mr. Cusick’s question as to whether they were anticipating a budget amendment, Mr. Mazziotti replied it would depend on the number provided, but the County budgeted $6.5 million so there would be an amendment if that was not enough.

Council Solicitor's Report

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

Adjournment

Mr. Cusick made a motion to adjourn.

Mrs. Ferraro seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council
MEMORANDUM

TO: Council President Ann McHale; Members of Northampton County Council; and, Frank Flisser
FROM: Anthony J. Martino, Esquire, County Council Solicitor
DATE: March 5, 2009

SUBJECT: Solicitor's Report

I. Assignments Completed (since last meeting):

Research and preparation of Memorandum regarding Gracedale Independent Pharmacy Services

Research and preparation of Memorandum regarding records request under Right-to-Know Law

Research and preparation of Memorandum regarding Wilson Park Tax Increment District (TIF)

II. Open Assignments:

None