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. Dertinger led County Council in the pledge of allegiance.

Approval of the Minutes

Mrs. McHale advised the approval of the minutes of the May 7, 2009 meeting would be postponed because due to unforeseen circumstances, they were not completed.

Courtesy of the Floor

Mr. Steve Schmitt, 531 West Third Street, Bethlehem, PA - stated he did not really have a comment, but he was up for approval as an appointment to the Lehigh-Northampton Transportation Authority (LANTA) Board and wanted to be present in case there were any questions.

Mr. Paul Marin, 739 Hamilton Street, Allentown, PA - advised City of Bethlehem Mayor John Callahan wanted to be present tonight in support of the appointment of Mr. Schmitt, but was not able to do so. However, he provided a letter, which Mr. Marin read for the record.

“Dear Northampton County Council:
I understand you are considering appointing Steve Schmitt to the LANTA Board of Directors. I believe that this idea makes good sense, and please allow me to explain why.

Steve is always talking to me about public transportation and reminding me how important LANTA can be to seniors or people with disabilities. He got me to ride the bus last year for Try Transit Day to the Westgate Mall.

As I ride down Guetter Street I am proud that our largest bus stop is so clean. That's because Steve and the other CAT Members voluntarily keep it clean. This means a lot to our City. A bus terminal where thousands of people meet hundreds of buses every day can quickly become an eyesore and a focal point for graffiti, vandalism and other crime. Steve makes sure these things will not happen, saving Bethlehem money, while keeping this important gateway to our shopping district attractive.

It is not uncommon to see Steve picking up litter himself, cleaning spray paint off signs or sweeping up broken glass from the sidewalk at the Broad & Guetter bus terminal. I have seen him shoveling curb-cuts free of ice and snow. None of this is part of his job description. He cares that much for the LANTA bus riders, especially those with any trouble walking, that he spends his spare time ensuring their safe footing as well as the overall cleanliness of the area. We need this type of dedication from our leadership at LANTA.

As Mayor of Bethlehem I know how important the LANTA bus is for both City residents without a car and their employers. I also know that with the current energy, economic and pollution issues we face, public transportation is very important to our future. We need someone at LANTA who understands that public transportation is important to everyone, whether you ride the bus or not.

I am confident that there is no one better qualified than Steve Schmitt to join the LANTA Board at this time from Northampton County.”

Mr. Marin also read into the record a letter from Mr. Steven Bliss, Executive Director, Renew Lehigh Valley.
“Dear Mrs. McHale:

On behalf of the Renew Lehigh Valley (RenewLV) Board of Directors, I am providing this letter expressing RenewLV’s support for the nomination of Mr. Steve Schmitt to the LANTA Board of Directors.

As you know, RenewLV is a nonprofit, nonpartisan organization working to promote “smart growth” and regional collaboration, as a means of revitalizing the Lehigh Valley’s core communities. RenewLV joins with a broad range of partners to foster a vibrant, sustainable economy and a high quality of life in the Lehigh Valley.

Steve Schmitt has been a committed advocate for alternative modes of transportation, including mass transit, for many years. He has been deeply involved in a variety of initiatives--from neighborhood-level projects to regional efforts--aimed at improving mobility and transportation choice for all Lehigh Valley residents. The organization Mr. Schmitt directs, the Coalition for Appropriate Transportation (CAT), is a model for engaging community members in bicycling, walking and transit use.

Added to Mr. Schmitt's expertise in community education and outreach is the fact that he is a regular user of the LANTA system, and thus would bring a valuable consumer perspective to the LANTA Board. This vantage point will be especially important as LANTA finalizes and moves forward with implementation of its strategic plan.

For these reasons, we respectfully ask that Mr. Schmitt's appointment to the LANTA Board be approved by Northampton County Council. Thank you for giving this letter your consideration.”

In conclusion, Mr. Marin stated Mr. Schmitt was someone who walked the walk and used the system, therefore, he strongly encouraged County Council to put someone like that back on the board.

Mr. Dennis R. Lieb, 1208 Chidsey Street, Easton, PA - advised he was also present to address Mr. Schmitt’s appointment to the LANTA Board. He further advised there were a number of people who wanted to be here to lend their support, but were
He noted he also had a letter he wanted to read into the record.

"I know Steve well from my various community activities in Easton and other communities of Lehigh Valley. He’s been of irreplaceable importance and assistance to me and other Easton residents with pedestrian, bicycle and mass transit issues. He helped us realize new crosswalks on College Hill Cattell Street and most recently assisted the City with the upcoming redesign of Riverside Drive, a component of the Toll Bridge Commission’s grant project.

I’d like to mention a few factors that relate to the decision on this appointment. I, as have many of you, just concluded a hectic political campaign; in my case, the democratic seat for the West Ward of Easton. The conduction of that campaign brought me into very close contact with the needs and wants of the people of the neighborhood. With 11,000 of Easton’s 26,000 residents, it could be said that as the West Ward goes, so goes the City. We have been running a neighborhood blog for the West Ward as part of the citizen based spin off of Easton’s Urban Ecology Grant Program. A program being secured through a grant written by Lafayette College and funded through the Wachovia Foundation. Regular features of the blog are resident polls with questions concerning the desires of the neighborhood. Consistently finishing first or second in every poll is a desire for better mass transit and the reinstatement of passenger rail to Easton and the Lehigh Valley.

I am also part of another group called Citizens Alliance for Reliable Transportation or CART, for short. We started a very informal and low profile online petition for rail in the Lehigh Valley and easily secured over 1200 signatures. Our new Federal administration recently announced their intention to promote ten regional high speed rail networks across the country, one of which would span the Lehigh Valley metro region.

I mention all these issues because Steve is a proponent of passenger rail and we must have energetic people, like Steve, on the board to assist other LANTA members, like rail champion Paul Marin, to achieve our goal, but we also need Steve’s presence on LANTA for various other important issues. Some of those being organizational transparency in the conduction of LANTA operations. Steve will provide that transparency, for instance deciding how and where Easton’s new bus transit facility would
be designed and located. It is obviously being discussed, my contacts have told me as much, but no one in the public seems to know anything about it. This is a public facility and we cannot allow another Riverwalk like process to stall this progress again. Public advocacy - we need Steve’s voice during decisions to eliminate and/or move bus routes. LANTA recently tried to cut service to South Side Shiloh Manor Senior Housing claiming cost constraints while adding two new buses to serve the Sands Casino. Bike and pedestrian safety - Steve is the most vocal and most knowledgeable to include in decisions concerning these transportation modes which will only gain importance in an oil industry future of high costs and uncertain availability. And, of course, rail transit which is the biggie. He supports it and will fight along with Paul Marin to bring it to the Lehigh Valley with Easton as the County Seat being the first link of service.

I hope you consider all the factors I’ve mentioned in your consideration of Steve’s appointment and I thank you for your time.”

Mr. A. Robert Johnson, 705 Weygadt Drive, Easton, PA stated he was also present to recommend Mr. Schmitt be put back on the LANTA Board. He further stated Mr. Schmitt was a tremendous advocate of people’s rights and in advising how to approach transit, of all kinds, on a municipal level and getting local people involved. He noted Mr. Schmitt was an advocate for bus and rail transit, as well as the viability and availability of facilities that could improve the use of bicycles on public streets. He further noted Mr. Schmitt not only worked diligently on better public transportation, but in making things most available to the people who had the least ability to be mobile, such as the elderly and handicapped.

Mr. Bob Pfenning, 2830 Linden Street, Bethlehem, PA advised he noted it was County Council’s intention to introduce an ordinance amending the gaming authority tonight with the discussion to be held at the next meeting. He further advised he fully supported the concept of having some additional representation from the noncontiguous municipalities, however, the proposed changes had two inadvertent consequences.

Mr. Pfenning stated the first inadvertent consequence was by eliminating the County Executive, an administrative County voice was being eliminated. He further stated all of the other
stakeholders had seats and he believed someone with the interest of the County should serve. Therefore, consideration might be given to dropping it back to four residents, two from Region II and two from Region IV and putting on a County administrator.

Mr. Pfenning advised the second inadvertent consequence was that by eliminating the County Council President, the liaison between the authority and County Council was being taken away. He further advised all the other authorities had liaisons so he suggested having one of the two representatives from Region II or Region IV be a member of County Council. He noted a liaison would be achieved and there would also be representation from a noncontiguous area.

Mr. Pfenning stated he would also urge County Council to consider specifically putting into the ordinance something about the nature of the grants or types of grants to be given. He further stated many people have indicated they would like them to be competitive grants. However, he would like something put into the Articles of Incorporation assuming the Solicitor could find a way to do it that did not conflict with either of the two governing laws.

In addition, Mr. Pfenning advised he would like County Council to seriously consider putting in the Articles of Incorporation as to how uncommitted funds would be handled because under Act 71, that decision fell to the authority. Therefore, he felt, within the constraints of the Economic Redevelopment Act, some guidance as to what would be the appropriate types of action to be taken as they award the uncommitted funds.

Mr. Fred A. Williams, 3816 Tiffany Drive, Easton, PA - stated he was a member of the LANTA Board and had been for the past 25 years. He further stated he presently served as Chairman of the Board.

Mr. Williams advised he was present to express his own feelings and not those of the other LANTA Board members, its employees or its staff.

Mr. Williams asked County Council not to appoint Mr. Schmitt to the LANTA Board. He noted he never got involved with appointments before, but he had such strong feelings against
Mr. Williams stated he felt Mr. Schmitt, in his previous five year term, was a negative force which undermined LANTA, its board and its employees. He further stated on numerous occasions, he exhibited ethical lapses because of the fact that he served as Executive Director for the Coalition for Alternative Transportation (CAT). He noted there were three specific occasions when he used LANTA as a forum to solicit members to his own organization.

Mr. Williams advised for a number of years, LANTA has had Ozone Action Days, where LANTA provided free bus ridership. He further advised Mr. Schmitt and his organization got Ozone Action Days to give them $10,000 for promotional purposes for transit, which took away from the number of days they could allow free service.

Mr. Williams stated last year, Mr. Schmitt and his organization obtained an $80,000 grant from the Pennsylvania Department of Transportation Enhancement Program to conduct bike training for adults. He noted LANTA had also applied for those enhancement funds. He further noted he was not saying Mr. Schmitt was doing anything wrong by applying for the grants, but it put his organization in direct competition with LANTA for limited funds.

Mr. Williams advised there were a number of instances where drivers have come to him with very specific complaints regarding Mr. Schmitt. He further advised he was reluctant to talk negatively about another board member, but he thought there was a certain ethical standard that members should abide by.

Mr. Williams stated the individual this appointment would replace was Mr. Tim Brady, who served LANTA well for the past five years. He further stated LANTA was soon going to undertake a major expansion of their maintenance facilities and Mr. Brady was an integral part of the process.

In conclusion, Mr. Williams advised Mr. Schmitt did an excellent job as Executive Director of CAT, but being on both boards would be a conflict, especially since his organization
Mr. Steve Schmitt, 531 West Third Street, Bethlehem, PA - stated he wanted to respond to the comments made by Mr. Williams. With regard to CAT and LANTA competing for the same grants, Mr. Schmitt stated they may apply for the same grant, but not the same dollars. PERTaining to the comment that he solicited members for CAT from a transit audience did not make any sense because they did not receive any money from anyone who rode the bus.

Mr. Schmitt advised his only purpose for being a member of LANTA was to try and promote LANTA and make the system better for the people who rode the bus.

Confirmation of Appointments

Mrs. McHale stated County Council received the County Executive’s appointments to the Farmland Preservation Board and the LANTA Board.

Mr. Cusick advised the appointments would be voted on separately. He noted the first vote would be the appointment of Mr. Roger Unangst to the Farmland Preservation Board and asked the County Council liaisons if they had any comments.

Mr. Dertinger stated Mr. Unangst was an excellent board member, noting he had served on the Conservation District and had a wealth of knowledge that he brought to the board.

Mr. Angle advised he agreed with Mr. Dertinger and indicated Mr. Unangst also had his own farm so he was very much a believer in farmland preservation.

As there were no further questions or comments, Mrs. McHale called for the vote on the appointment of Mr. Unangst.


The appointment was approved by a vote of 9-0.

Mr. Cusick stated the next vote would be for the appointment of Mr. Steve Schmitt to the LANTA Board.
Mr. Angle advised from what he heard from Mr. Williams was that Mr. Schmitt had other interests, however, he felt that should not keep him off the board because it also appeared he was very pro LANTA.

Mr. McClure stated he did not hear anything from Mr. Williams that would disqualify Mr. Schmitt from serving on the board nor did he hear anything that indicated his service on the board compromised LANTA in any way.

Mr. Williams commented he believed Mr. Schmitt did comprise LANTA, noting during a sensitive labor contract negotiation, where Mr. Schmitt was privy to an Executive Session, a driver informed him that Mr. Schmitt had provided information from that session. He further commented that he had been approached by a group of drivers and union representatives who were adamantly opposed to this appointment because of actions Mr. Schmitt had taken in reference to them.

In answer to Mrs. Ferraro’s question as to whether he had ever, in his years on the LANTA Board, spoken out against an appointment, Mr. Williams replied he had not and he considered doing so very seriously. He further replied his intention was not to slander anyone, but he felt it was so important to the future of LANTA, especially now when they were expanding service, to have and keep the right people on the board.

Mrs. Ferraro advised that Mr. Brady and Mr. Schmitt brought different skill sets to the board and County Council should look closely at these skill sets in light of what was coming down the road for LANTA.

Mr. Dowd stated he would be interested in hearing why Mr. John Stoffa, County Executive, chose to not re-appoint someone who had expertise in the construction field and appoint Mr. Schmitt.

Mr. Stoffa advised it was a tough call, but after spending time with Mr. Schmitt, he determined Mr. Schmitt was a different thinker. He further advised, to him, LANTA was not just a bus company, but a transit company that needed to think differently and Mr. Schmitt would bring that to the board.

In response to Mr. McClure’s question, Mr. Stoffa indicated
he did not reappoint Mr. Schmitt last time because there was an issue with bus routes in Allentown, but admitted he neglected to look into the matter further before he made his decision.

In answer to Mr. Capozzolo’s question as to whether he pulled rank on some drivers, Mr. Schmitt replied he never did that, but had actually worked with drivers who had rank pulled on them by other LANTA members. He further replied that he also acted as a buffer between the riders and LANTA when they had complaints.

Mr. Schmitt stated Ozone Action Days came about because of his involvement and the $10,000 his organization received were special Department of Environmental Protection funds and they were used to help people change their prospective with respect to riding the bus. He further stated public transportation was not going to be able to go to the next level if everyone looked down on the people who rode the bus.

In response to Mr. Dowd’s question as to the allegation regarding Mr. Schmitt divulging information received during an Executive Session, Mr. Schmitt commented he would never do anything that would affect labor negotiations.

As there were no further questions or comments, Mrs. McHale called for the vote on the appointment of Mr. Schmitt.


The appointment failed by a vote of 3-6.

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

R. 40-2009 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

FARMLAND PRESERVATION BOARD

Appointment: Term to Expire: 7/6/12
Review and Consideration of the 2009 General Obligation Bond Issue Ordinance

Mrs. McHale stated the 2009 Bond Issue ordinance was introduced at the meeting held April 16, 2009, by Mr. Angle and Mrs. Ferraro and the public hearing was conducted at the May 7, 2009 meeting. She noted immediately before the public hearing, Mr. Angle withdrew his name as a co-sponsor of the ordinance and Mr. Cusick indicated that he would replace Mr. Angle.

Bonds and establishing a required schedule of the payments with respect to the sinking fund, as hereinafter established, in order to amortize the bonds; establishing the redemption provisions of the bonds, both optional and mandatory; establishing the notice requirements with respect to the redemption of the bonds; accepting a bid for purchase of the bonds and authorizing execution of the bid as a bond purchase agreement; designating a paying agent and registrar; designating a place and method of payment of the bonds and interest thereon and making certain covenants with respect to the tax free status thereof; establishing the substantial form of the bonds and the paying agent's certificate relating thereto; authorizing execution and authentication of the bonds; providing for the registration of the bonds, the maintenance of records of registered owners and transfer of the bonds; covenanting to pay the principal of and interest on the bonds and pledging the full faith, credit and taxing power of the county to such purpose; establishing a sinking fund for the bonds and authorizing and directing payment therefrom; setting forth certain provisions with respect to the investment of monies therein; designating a sinking fund depository; setting forth certain rights of the paying agent and bondholders in the event of default and other rights of the parties with respect to the bonds; providing for the circumstances under which the ordinance may be amended or modified; providing for the terms, conditions and covenants with respect to the bond insurer, if any, for the bonds; authorizing and directing specified officers of the county to do and perform certain specified, required or appropriate acts; authorizing the execution of documents for settlement and the payment of issuance expenses; providing for the investment of the proceeds of the bonds pending application thereof;
DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE COUNTY; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE COUNTY TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; PROVIDING FOR COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; COVENANTING TO PAY OVER AT SETTLEMENT SUFFICIENT MONIES TO PROVIDE FOR THE PAYMENT OF THE PRIOR 1999 BONDS TO BE REFUNDED IN ACCORDANCE WITH THE REFUNDING PROGRAM AND AUTHORIZING AND DIRECTING CERTAIN OTHER ACTIONS AND APPROVING DOCUMENTATION WITH REGARD TO THE REFUNDING, AND ESTABLISHING A SINKING FUND FOR THE BONDS BEING REFUNDED AND APPOINTING AN ESCROW AGENT FOR THE 1999 BONDS; PROVIDING FOR THE USE OF AND MAKING A COVENANT AS TO THE ADEQUACY OF THE PROCEEDS TO BE PAID OVER TO THE ESCROW AGENT FOR PURPOSES OF THE REFUNDING; PRESCRIBING CERTAIN CONDITIONS OF THE 1999 BONDS ESCROW AGREEMENT AND AUTHORIZING AND DIRECTING ACTIONS OF THE ESCROW AGENT, AND SETTING FORTH THE DEFINITIVE FORM OF SAID ESCROW AGREEMENT; SETTING FORTH CERTAIN COVENANTS WITH RESPECT TO THE ADEQUACY OF REVENUES TO BE AVAILABLE UNDER THE SAID ESCROW AGREEMENT; PROVIDING FOR THE ISSUANCE OF IRREVOCABLE INSTRUCTIONS TO THE PAYING AGENT FOR THE 1999 BONDS SUBJECT TO EARLY OPTIONAL REDEMPTION TO CALL SAID BONDS FOR REDEMPTION ON A CERTAIN SPECIFIED DATE, AND ESTABLISHING THE FORM OF SUCH IRREVOCABLE INSTRUCTIONS AND THE NOTICE OF REDEMPTION; PROVIDING FOR NOTICE TO ANY BOND INSURER; PROVIDING FOR COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; PROVIDING FOR SEVERABILITY OF
WHEREAS, the County of Northampton, Northampton County, Pennsylvania (the "County"), is a Local Government Unit, as defined in the Pennsylvania Local Government Unit Debt Act, 53 Pa.C.S. Chs. 80-82 (the "Act"); and

WHEREAS, the County did previously authorize, issue and sell a certain series of obligations designated as its General Obligation Bonds, Series of 1999, dated as of February 1, 1999, in the aggregate principal amount of $30,000,000 (the "1999 Bonds"); and

WHEREAS, the 1999 Bonds were issued to: (i) currently refund all of the County's then outstanding General Obligation Bonds, Series of 1992 (the "1992 Bonds"); (ii) currently refund all of the County's then outstanding General Obligation Bonds, Series of 1993 (the "1993 Bonds"); (iii) advance refund all of the County's then outstanding General Obligation Bonds, Series of 1996 (the "1996 Bonds"); (iv) finance the costs of certain capital "Projects" of the County under the Act; and (v) pay the costs related to the issuance of the 1999 Bonds; and

WHEREAS, all of the 1999 Bonds still outstanding, maturing on and after August 15, 2010, are subject to redemption prior to maturity, at the option of the County, on or after August 15, 2009, upon payment of the principal amount together with accrued interest to the date fixed for redemption; and

WHEREAS, the Council, in order to effect a debt service savings resulting from currently available interest rates, has determined to currently refund the remaining 1999 Bonds, maturing on or after August 15, 2010 in accordance with the provisions of Section 8241 of the Act, by providing for the
payment of the interest to and principal at maturity or redemption on such 1999 Bonds and to escrow to maturity principal and interest on the 1999 Bonds maturing on August 15, 2009, pursuant to a refunding program (the "Refunding Program"), encompassing the refunding of the 1999 Bonds; and

WHEREAS, additionally and as part of the Refunding Program, as submitted to the County by its financial consultant, VALCO Capital, Ltd. (the "Financial Consultant"), the necessary funds will be deposited with U.S. Bank, National Association, successor in interest to First Union National Bank, National Association, the Paying Agent for the 1999 Bonds, in the capacity of Escrow Agent (the "Escrow Agent") under an escrow agreements (the "1999 Bonds Escrow Agreement"), the funds so deposited to be held uninvested in cash and applied by the Escrow Agent. The principal to be directly deposited under the Escrow Agreement, is adequate as to amount and to pay the interest on and principal at maturity or redemption of the 1999 Bonds still outstanding; and

WHEREAS, the Council has determined to undertake various County capital projects including but not limited to: (i) parking garage renovations, (ii) reconstruction of County bridges and (iii) expansion of the Juvenile Justice Center (the "County Improvements");

WHEREAS, the County has obtained actual bids and/or realistic estimates from its qualified professionals of the costs of the County Improvements, as such costs are defined in Section 8006 of the Act, and has determined to permanently finance a portion of such costs by the issuance of bonded indebtedness under the Act; and

WHEREAS, the Council has determined to implement the foregoing financing of the Refunding Program and County Improvements by authorization, issuance and sale of the County's General Obligation Bonds, Series of 2009 (the "Bonds"); and

WHEREAS, the proceeds of the Bonds, after payment of costs of issuance, together with any other monies available or to be available for the purpose, will provide necessary monies for the funding of the Refunding Program and the County Improvements; and

WHEREAS, the Council, in contemplation of the
authorization, issuance and sale of the Bonds, has determined that the Bonds shall be offered for sale, which sale shall be private sale by invitation, in accordance with Section 8107 of the Act, which it believes is in the best interests of the County and has requested the Financial Consultant, to circulate an Invitation to Bid (the "Invitation to Bid") on behalf of the County; and

WHEREAS, the Council has received and reviewed a Bid (the "Bond Purchase Agreement") to purchase the Bonds from ______________________ (the "Underwriters or Investment Bankers"), and, upon the recommendation of the Financial Consultant has determined to accept the Bid; and

WHEREAS, the Council desires to award the Bonds to the Investment Bankers at private sale by invitation and to accept their Bid in the form submitted, the Bid together with the Invitation to Bid constituting a Bond Purchase Agreement with the Investment Banker; to authorize issuance of nonelectoral debt in the aggregate principal amount of the Bonds pursuant to the “Financing Study” prepared by the Financial Consultant; and to take appropriate action and to authorize such action in connection with the Refunding Program and County Improvements, all in accordance with and pursuant to provisions of the Act.

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

Section 1. The Council does authorize and direct the issuance of its General Obligation Bonds, Series of 2009, pursuant to this Ordinance, in an aggregate principal amount not to exceed $17,500,000, for the purposes of carrying out the funding of the County Improvements and the Refunding Program, and paying the cost of issuing Bonds. The Bonds will be general obligations of the County payable from the general revenues of the County.

Section 2. (a) A brief description of the County Improvements, for which a portion of the debt evidenced by the Bonds will be incurred, is contained in the preamble hereof. The County hereby determines that the estimated useful lives of the capital improvements composing the County Improvements, to be, at least, from 5 to 30 years, and the amortization of the Bonds funding such Improvements has been structured to fully amortize on a level or earlier basis each component of the
capital improvements before the expiration of their respective useful lives.

(b) A brief description of the Refunding Program for which a portion of the debt is to be incurred, of which the Bonds shall be evidence, is contained in the preamble hereof.

(i) The realistic estimated useful lives of the capital projects financed by the 1992 Bonds and 1996 Bonds (refunded by the 1999 Bonds), which were "Projects" as defined in Section 8002 of the Act, were previously determined to be as follows:

(1) The 1992 Bonds were issued to finance a project determined in the Ordinance authorizing the 1992 Bonds to have a useful life of not less than 20 years. The portion of the amount of the 2009 Bonds issued to refund the portion of the 1999 Bonds which refunded the 1992 Bonds matures not later than November 15, 2012, a maturity date that could have been included in the 1992 Bonds.

(2) The 1996 Bonds were issued to finance a project including certain capital improvements determined in the Ordinance authorizing the 1996 Bonds to have useful lives of between 5 and 30 years. The portion of the amount of the 2009 Bonds issued to refund the portion of the 1999 Bonds which refunded the 1996 Bonds matures not later than November 15, 2017, a maturity date that could have been included in the 1996 Bonds.

(ii) No portion of the 2009 Bonds is being used to refund the portion of 1999 Bonds which refunded the 1993 Bonds. The portion of the 1999 Bonds issued to refund the 1993 Bonds, being $2,805,000 in principal amount, matured no later than August 15, 2006 and have been paid by the County.

(iii) The amortization of the 1999 Bonds which refunded the 1992 Bonds and 1996 Bonds was structured to fully amortize on a level or earlier basis each component of the Projects of the 1992 Bonds and 1996 Bonds before the expiration of their useful lives. The useful lives of such Projects is not less than previously determined, and the portion of the 2009 Bonds, the proceeds of which are designated to the Refunding Program, as structured will fully amortize on a level or earlier basis each component of the Projects before the expiration of their useful lives.
Section 3. The Bonds shall be combined for sale, and shall be sold at private sale by invited bid, which this Council has determined to be in the best interests of the County. The Council has determined that the debt, of which the Bonds shall be evidence, shall be nonelectoral debt of the County. The Bonds may be sold in one or more series.

Section 4. (a) The Bonds shall be dated as of June 1, 2009, and shall bear interest payable semiannually on May 15 and November 15 of each year, beginning November 15, 2009, to the registered owners thereof, at the rate per annum stated thereon, from the interest payment date next preceding the date of registration and authentication of a Bond, unless the Bond is registered and authenticated as of an interest payment date, in which event the Bond shall bear interest from such interest payment date, or unless the Bond is registered and authenticated prior to the Record Date next preceding November 15, 2009, in which event the Bond shall bear interest from June 1, 2009, or unless, as shown by the records of the Paying Agent (hereinafter identified), interest on the Bond shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond, until said principal sum is paid. Payment of interest on a Bond shall be made to the registered owner thereof whose name and address shall appear, at the close of business on the fifteenth day next preceding each interest payment date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of the Bond subsequent to such Record Date and prior to such interest payment date, unless the County shall be in default in payment of interest due on such interest payment date. In the event of such default, such defaulted interest shall be payable to the person in whose name the Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owner of the Bond not less than fifteen (15) days preceding such special record date. Such notice shall be mailed to the person in whose name the Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing. Interest on the Bonds will be computed on the basis of a 360-day year, consisting of twelve 30 day months.

(b) If any interest payment date for the Bonds shall be a Saturday, Sunday or legal holiday or a day on
which banking institutions in the City of Philadelphia, where the Pennsylvania corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for payment of such principal of or interest on the Bonds shall be the next succeeding day which is not a Saturday, Sunday or legal holiday or day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

(c) Depository Trust Company ("DTC") will act as securities depository for the Bonds. The ownership of one fully registered Bond for each maturity of each series, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC. So long as Cede & Co. is the registered owner of the Bonds, as nominee of DTC, references herein to the Bondholders, Bond owners or registered owners of the Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds.

(d) DTC is a limited-purpose trust company organized under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, as amended. DTC was created to hold securities of its participants (the "DTC Participants") and to facilitate the clearance and settlement of securities transactions among DTC Participants in such securities through electronic book-entry changes in accounts of the DTC Participants, thereby eliminating the need for physical movement of securities certificates. DTC Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations, some of whom (and/or their representatives) own DTC. Access to the DTC system is also available to others such as banks, brokers, dealers and trust companies that clear through or maintain a custodial relationship with a DTC Participant, either directly or indirectly (the "Indirect Participants").

(e) Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. Such DTC Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive a bond certificate, but each DTC Participant will receive a credit balance in the
records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Beneficial owners of Bonds will not receive certificates representing their beneficial ownership interests in the Bonds, unless use of the book-entry only system is discontinued as described below.

(f) Transfers of beneficial ownership interests in the Bonds which are registered in the name of Cede & Co., as nominee of DTC, will be accomplished by book entries made by DTC and in turn by the DTC Participants and Indirect Participants who act on behalf of the beneficial owners of Bonds. For every transfer and exchange of beneficial ownership in the Bonds, the beneficial owner may be charged a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto.

(g) For so long as the Bonds are registered in the name of DTC or its nominee, Cede & Co., the County and the Paying Agent will recognize only DTC or its nominee, Cede & Co., as the owner of the Bonds for all purposes, including notices and voting. Conveyance of notices and other communications by DTC to DTC Participants, by DTC Participants to Indirect Participants, and by DTC Participants and Indirect Participants to beneficial owners of the Bonds, will be governed by arrangements among DTC, DTC Participants, Indirect Participants and beneficial owners, subject to any statutory and regulatory requirements as may be in effect from time to time.

(h) Payments made by the Paying Agent to DTC or its nominee shall satisfy the County's obligations with respect to the Bonds to the extent of the payments so made.

(i) Principal, redemption price and interest payments on the Bonds shall be made by the Paying Agent to DTC or to its nominee, Cede & Co., as registered owner of the Bonds. Disbursement of such payments to the beneficial owners shall be solely the responsibility of DTC, the DTC Participants and, where appropriate, Indirect Participants. Upon receipt of moneys, DTC's current practice is to credit immediately the accounts of the DTC Participants in accordance with their respective holdings shown on the records of DTC. Payments by DTC Participants and Indirect Participants to beneficial owners shall be governed by standing instructions of the beneficial owners and customary practices, as is now the case with...
municipal securities held for the accounts of customers in bearer form or registered in "street name." Such payments shall be the sole responsibility of such DTC Participant or Indirect Participant and not of DTC, the County or the Paying Agent, subject to any statutory and regulatory requirements as may be in effect from time to time.

(j) The County and the Paying Agent cannot and do not give any assurances that DTC, the DTC Participants or the Indirect Participants will distribute to the beneficial owners of the Bonds (I) payments of principal or redemption price of or interest on the Bonds, (II) certificates representing an ownership interest or other confirmation of beneficial ownership interests in Bonds, or (III) redemption or other notices sent to DTC or Cede & Co., its nominee, as the registered owner of the Bonds, or that they will do so on a timely basis or that DTC, DTC Participants or Indirect Participants will serve and act in the manner described in this Official Statement. The current "Rules" applicable to DTC are on file with the Securities and Exchange Commission, and the current "Procedures" of DTC to be followed in dealing with DTC Participants are on file with DTC.

(k) Neither the County nor the Paying Agent will have any responsibility or obligation to any DTC Participant, Indirect Participant or beneficial owner or any other person with respect to: (1) the Bonds; (2) the accuracy of any records maintained by DTC or any DTC Participant or Indirect Participant; (3) the payment by DTC or any DTC participant or Indirect Participant of any amount due to any beneficial owner in respect of the principal or redemption price of or interest on the Bonds; (4) the delivery by DTC or any DTC Participant or Indirect Participant of any notice to any beneficial owner which is required or permitted under the terms of this Resolution to be given to Bondholders; (5) the selection of the beneficial owners to receive payment in the event of any partial redemption of the bonds; or (6) any other action taken by DTC as Bondholder.

(l) DTC may determine to discontinue providing its service with respect to the Bonds at any time by giving notice to the County and the Paying Agent and discharging its responsibilities with respect thereto under applicable law. In addition, the County may discontinue the book-entry only system for the Bonds at any time if it provides thirty (30)
days' notice of such discontinuation to the Paying Agent and DTC that continuation of the book-entry only system is not in the best interests of the County. Upon the giving of such notice, the book-entry only system for the Bonds will be discontinued unless a successor securities depository is appointed by the County.

Section 5. The Bonds shall be issued in the aggregate principal amounts, shall be numbered consecutively within maturities, and shall mature on the dates, and in the amounts, and shall bear interest at the rates and require the amortization payments to the sinking fund hereinafter established, all as set forth in the schedules contained in the attached Schedule "A" of this Ordinance.

Section 6. The Bonds are subject to mandatory redemption prior to maturity from monies to be deposited in the sinking fund, upon payment of the principal amount together with interest to the date of such redemption, as set forth in Schedule "B" attached to this Ordinance.

Section 7. The Bonds shall be subject to redemption prior to maturity, at the option of the County, upon payment of the principal amount, together with accrued interest to the date fixed for redemption, as set forth in Schedule "C" attached to this Ordinance.

Section 8. (a) Bonds subject to redemption and issued in denominations larger than $5,000 may be redeemed in part. For the purposes of redemption, such Bonds shall be treated as representing that number of Bonds which is obtained by dividing the denomination thereof by $5,000, each $5,000 portion of such Bonds being subject to redemption. In the case of partial redemption of such Bonds, payment of the redemption price shall be made only upon surrender of the Bond in exchange for Bonds of like form, series and maturity, of authorized denominations in aggregate amount equal to the unredeemed portion thereof.

(b) Any redemption of Bonds pursuant to Section 6 and 7 above shall be made after notice by mailing by first class mail a notice thereof to the registered owners of all Bonds to be redeemed and to any bond insurer then insuring the Bonds, not less than thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption, or after waivers of such notice executed by the registered owners
of all Bonds to be redeemed shall have been filed with the Paying Agent. Failure to mail any notice or any defect therein or in the mailing thereof, with respect to any particular Bond, shall not affect the validity of the proceedings for redemption of any other Bond. Any notice of redemption mailed in accordance with these requirements shall be conclusively presumed to have been duly given, whether or not such registered holder actually receives the notice. Notice having been so given or waived, and provision having been made for redemption from funds on deposit with the Paying Agent, all interest on the Bonds called for redemption accruing after the date fixed for redemption shall cease, and the registered owners of the Bonds called for redemption shall have no security, benefit or lien under this Ordinance or any right except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption.

(c) Any such notice shall be dated, shall be given in the name of the County, and shall state the following information:

(i) the identification numbers and the CUSIP numbers, if any, of the Bonds being redeemed, provided that any such notice shall state that no representation is made as to the correctness of CUSIP numbers either as printed on such Bonds or as contained in the notice of redemption and that reliance may be placed only on the identification numbers contained in the notice or printed on such Bonds;

(ii) any other descriptive information needed to identify accurately the Bonds being redeemed, including, but not limited to, the original issuance date and maturity date of, and interest rate on, such Bonds;

(iii) in the case of partial redemption of any Bonds, the respective principal amounts thereof to be redeemed;

(iv) the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest
thereon shall cease to accrue from and after said date; and

(vii) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Paying Agent for the Bonds;

(d) In addition to the foregoing notice, further notice of any redemption of Bonds hereunder shall be given, at least two (2) business days in advance of the mailed notice to Bondholders, by first class mail to all agencies or depositories to which notice is required by the Continuing Disclosure Agreement (as hereinafter defined), and to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being Depository Trust Company of New York, New York), and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds (such as Financial Information Inc.'s "Daily Called Bond Service", Kenny Information Services' "Called Bond Service", Moody's "Municipal and Government", and Standard & Poor's "Called Bond Record"). Such further notice shall contain the information required in the notice to Bondholders. Failure to give all or any portion of such further notice shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given to the Bondholders as prescribed above.

(e) If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the applicable corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for payment of the principal and interest upon such redemption shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of redemption.

(f) If at the time of mailing a notice of optional redemption the County shall not have deposited with the Paying Agent for the Bonds moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of
business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

Section 9. The Council shall and does accept the proposal of the Investment Bankers for purchase of the Bonds, which Bonds shall be and are awarded to the Investment Bankers, in accordance with the terms and conditions of the Bond Purchase Agreement, at private sale, by invitation at dollar prices of $_________________ _________________ for the Bonds (which consists of the par amount of the Bonds, less net original issue discount of $_____ and less an underwriting discount of $____); together with accrued interest from the dates thereof to the date of delivery thereof in each case, the Underwriters having submitted their proposal in accordance with provisions of the Act. Appropriate officers of the County are authorized and directed to execute the Bond Purchase Agreement. The Financing Study as submitted by the Financial Consultant is hereby accepted and approved. The Preliminary Official Statement relating to the Bonds in the form presented is hereby approved and the prior distribution thereof authorized and ratified. The Preliminary Official Statement is (as of its date) deemed final within the meaning of Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934. The Underwriters are hereby authorized to distribute copies of the Official Statement for the Bonds as finally executed, to persons who may be interested in the purchase of the Bonds, and are directed to deliver copies to all actual purchasers of the Bonds. The County Executive is hereby authorized and directed to execute the final Official Statement for the Bonds in such form as he or she may approve.

Section 10. The Council does hereby designate, subject to its acceptance, U.S. Bank, National Association, a banking institution having corporate trust offices in the City of Philadelphia, Pennsylvania, as the "Paying Agent" for purposes of the Bonds.

Section 11. The principal of and premium, if any, on the Bonds shall be payable at the corporate trust offices of U.S. Bank, National Association, located in Philadelphia, Pennsylvania, in its capacity as Paying Agent, and interest thereon is payable by check mailed to the registered owner at the address shown on the registration books as of the close of business on the Record Date set forth elsewhere herein and in the face of the Bonds, in lawful moneys of the United States of America, without deduction of any tax or taxes now or hereafter
levied or assessed thereon under any present or future law of the Commonwealth of Pennsylvania (the "Commonwealth"), which tax or taxes this County assumes and agrees to pay; provided, however, that the foregoing shall not be applicable to gift, estate or inheritance taxes or to other taxes not levied or assessed directly on the Bonds or the interest paid thereon.

Section 12. The forms of the Bonds, and of the Paying Agent's Certificates of Authentication to be endorsed thereon, with appropriate insertions, omissions and variations, shall be substantially as set forth in Schedule "D" attached to this Ordinance.

Section 13. The Bonds shall be executed in the name of and on behalf of this County by the signature or facsimile signature of the County Executive of the County, and the official seal of this County or a facsimile thereof shall be affixed thereunto, attested by the signature or facsimile signature of the Clerk to County Council. Bonds executed and bearing signatures or facsimile signatures as above provided may be issued and shall, upon request of the County, be authenticated by the Paying Agent, notwithstanding that one or more of the officers signing such Bonds shall have ceased to hold office at the time of issuance or authentication or shall not have held office at the date of the Bonds. U.S. Bank, National Association, in its capacity as Paying Agent, hereby is authorized, requested and directed to authenticate the Bonds by execution of the Certificate of Authentication endorsed on the Bonds by a duly authorized officer. No Bonds shall be valid until the Certificate of Authentication shall have been duly executed by the Paying Agent, and such authentication shall be proof that the registered owner is entitled to the benefit of the Ordinance.

Section 14. The Bonds shall be issued only in registered form, without coupons, as provided, may be exchanged for a like aggregate principal amount of the same series and maturity of other authorized denominations, and the following conditions in addition to those set forth in the Bond forms themselves shall apply with respect thereto:

(a) The County shall keep, at a corporate trust office of the Paying Agent, books for the registration and
transfer of the Bonds, and hereby appoints the Paying Agent its
registrar and transfer agent to keep such books and make such
registrations and transfers under such reasonable regulations of
the County or the registrar and transfer agent may prescribe,
and as set forth in the forms of Bonds herein. Registrations
and transfers shall be at the expense of the County, but the
Bondholder shall pay any taxes or other governmental charges on
all registrations and transfers and shall pay any costs of
insuring Bonds during shipment.

(b) Bonds may be transferred upon the
registration books upon delivery to the Paying Agent of such Bond, accompanied by a written instrument or instruments of transfer, in form and with guaranty of signature satisfactory to the Paying Agent, duly executed by the owner of the Bonds to be transferred or his attorney-in-fact or legal representative, containing written instructions as to the details of the transfer of such Bonds, and other information requested by the County pursuant to the Ordinance or by the Paying Agent in its regulations. No transfer of any Bond will be effective until entered on the registration books and until payment from the registered owner of all taxes and governmental charges incidental to such transfer is received.

(c) In all cases of the transfer of a Bond, the Paying Agent will enter the transfer of ownership in the registration books and, if requested, will authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same series, maturity and interest rate for the aggregate principal amount which the registered owner is entitled to receive at the earliest practicable time in accordance with the other provisions of this Ordinance.

(d) The County and the Paying Agent will not be required to issue or transfer or exchange any Bonds during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business day on which the applicable notice of redemption is given, or to transfer any Bonds which have been selected or called for redemption in whole or in part until after the redemption date.

(e) If any Bond shall become mutilated, the County shall execute and the Paying Agent shall thereupon
authenticate and deliver a new Bond of like tenor and denomination in exchange and substitution for the Bond so mutilated, but only upon surrender to the Paying Agent of such mutilated Bond for cancellation, and the County and the Paying Agent may require reasonable indemnity therefor. If any Bond shall be reported lost, stolen or destroyed, evidence as to the ownership and the loss, theft or destruction thereof shall be submitted to the County and the Paying Agent; and if such evidence shall be satisfactory to both and indemnity satisfactory to both shall be given, the County shall execute, and thereupon the Paying Agent shall authenticate and deliver, a new Bond of like tenor and denomination. The cost of providing any substitute Bond under the provisions of this Section shall be borne by the Bondholder for whose benefit such substitute Bond is provided. If any such mutilated, lost, stolen or destroyed Bond shall have matured or be about to mature, the County may, with the consent of the Paying Agent, pay to the owner the principal amount of and accrued interest on such Bond upon the maturity thereof and the compliance with the aforesaid conditions by such owner, without the issuance of a substitute Bond therefor.

Every substituted Bond issued pursuant to this subsection shall constitute an additional contractual obligation of the County, whether or not the Bond to have been destroyed, lost or stolen shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued hereunder.

All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude any and all other rights or remedies, notwithstanding any law or statute existing or hereafter enacted to the contrary with respect to the replacement or payment of negotiable instruments, investments or other securities without their surrender.

(f) Pending preparation of definitive Bonds, or by agreement with the purchasers of all Bonds, the County may issue and, upon its request, the Paying Agent shall authenticate in lieu of definitive Bonds one or more temporary printed or typewritten Bonds in denominations of $5,000 and multiples thereof, of substantially the tenor recited above, in
fully registered form. Upon request of the County, the Paying Agent shall authenticate definitive Bonds in exchange for and upon surrender of an equal principal amount of temporary Bonds. Until so exchanged, temporary Bonds shall have the same right, remedies and security hereunder as definitive Bonds.

Section 15. The County covenants to and with holders or registered owners of the Bonds which shall be outstanding, from time to time, pursuant to the Ordinance, that the County shall include the amount of the debt service, as set forth in the appropriate schedule annexed to Section 5 hereof, for each fiscal year of this County in which such sums are payable, in its budget for such fiscal year, shall appropriate such amounts to the payment of such debt service and duly and punctually shall pay or shall cause to be paid not later than the due date thereof to the sinking fund hereinafter established the principal of each of the Bonds and the interest thereon on the dates and place and in the manner stated therein according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, this County shall and does pledge, irrevocably, its full faith, credit and taxing power. As provided in the Act, the foregoing covenant of this County shall be enforceable specifically.

Furthermore:

(a) There is created pursuant to Section 8221 of the Act, a sinking fund for the Bonds, to be known as the "Sinking Fund--General Obligation Bonds, Series of 2009" or the "2009 General Obligation Bonds Sinking Fund", which sinking fund shall be administered in accordance with applicable provisions of the Act.

(b) From the funds deposited in the Sinking Fund, the Paying Agent, without further action of the County, is hereby authorized and directed to pay the principal of and interest on the Bonds of each respective issue, and the County hereby covenants that such monies, to the extent required, will be applied to such purpose, as follows: The Paying Agent shall pay all interest on the Bonds as and when the same shall become due and payable and the principal on all Bonds, as and when such Bonds shall mature by their express terms, or by reason of selection by lot under any mandatory redemption provisions applicable thereto.

(c) The Paying Agent from time to time, may invest
and/or deposit money which shall be in its possession hereunder and which shall not be required for application to payment of principal and/or interest with respect to the Bonds, in such manner as may be permitted by applicable laws of the Commonwealth of Pennsylvania, for such period of time as will not affect adversely the availability of such money as and when required for application to payment of principal and/or interest with respect to the Bonds for the account and benefit of the County; provided, however, that no such investment and/or deposit shall be made which, in any manner: (1) may impair the principal amount thereof; or (2) may cause the Bonds issued by the County under this Ordinance to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, including applicable regulations promulgated, from time to time, in connection therewith and pursuant thereto.

(d) If at any time the Paying Agent shall hold in the 2009 Bonds Sinking Fund monies which are in excess of those required to provide for the payment of interest previously due, and principal on Bonds, of each respective, already matured though not yet presented, and such excess monies shall not be required within thirty (30) days to meet the payment of interest on, and principal of Bonds, next maturing or to be called for mandatory redemption; and the County shall not otherwise be in default hereunder; then in that event the Paying Agent shall, upon direction from the County, utilize such excess funds for the purchase of any of the Bonds, as shall be available for purchase, at the lowest available price, but in no case at more than par, with accrued interest to the date of the purchase.

(e) All monies deposited in the Sinking Fund, for the payment of the Bonds and interest thereon, which have not been claimed by the owners thereof after two years from the date when payment is due, except where such monies are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the County. Nothing contained herein shall relieve the County of its liability to the holders of unpresented Bonds.

Section 16. The County appoints U.S. Bank, National Association, as the Sinking Fund Depository with respect to the 2009 Bonds Sinking Fund, created pursuant to Section 15 of this Ordinance.

Section 17. The following additional terms and
conditions shall apply, as appropriate, to the Bonds:

(a) Should the County fail to provide the Paying Agent with sufficient funds, payable to the appropriate sinking fund, at appropriate intervals, so as to enable the Paying Agent to pay the principal and interest on the Bonds as and when due, or should the County, through the Paying Agent, fail to make such payments as and when due, or should the County fail to perform any other covenant or condition contained in this Ordinance and running to the benefit of the holders or registered owners of the Bonds, or contained in the Act as applicable to the Bonds, such failure shall constitute a default by the County, and the registered owners of the Bonds shall be entitled to all the rights and remedies provided by the Act in the event of default. If any such default occurs, the Paying Agent may, and upon written request of the owner of 25 per cent of the aggregate principal amount of the Bonds then outstanding accompanied by indemnity in such form and in such amount as the Paying Agent shall designate or a Court of competent jurisdiction shall set and establish, shall bring suit upon the Bonds, or by other appropriate legal or equitable action restrain or enjoin any acts by the County which may be unlawful or in violation of the rights of the owners of the Bonds.

(b) With respect to the Bonds hereunder, all such Bonds which shall be paid, purchased or redeemed by the County or the Paying Agent pursuant to the terms and provisions of this Ordinance shall be canceled and cremated or otherwise destroyed by the Paying Agent, which shall then furnish the County with a Certificate of Cremation or Destruction.

(c) The Bonds hereunder shall be deemed to be no longer outstanding if provision for payment at maturity or at redemption, such redemption having been irrevocably undertaken, shall have been made in a manner authorized under Section 8250(b) of the Act.

(d) With respect to the Bonds hereunder, the County may from time to time and at any time, adopt a supplemental ordinance in order to: (1) cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or (2) grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority, or security that may be lawfully granted to or conferred upon
them. This Ordinance may also be amended or modified from time to time, except with respect to the principal or interest payable upon the Bonds, or with respect to the dates of maturity or redemption provisions of the Bonds, and in the case of any such permitted amendment or modification, a certified copy of the same shall be filed with the Paying Agent, following approval in writing by the owners of not less than 67 percent in principal amount of the Bonds then outstanding, other than Bonds provision for payment or redemption of which has been made prior to the effective date thereof as provided in sub-section (c) above, and the written consent of any municipal bond insurance company then insuring the Bonds.

(e) So long as the Bonds shall be insured as to payment to any extent by the bond insurer (the "Bond Insurer") set forth in Schedule "E" hereof, any terms, conditions and covenants set forth in Schedule "E" shall apply.

Section 18. The County Executive and the Director of Fiscal Affairs, respectively, of this County, which shall include their duly qualified successors in office, if applicable, are authorized and directed as appropriate; (a) to prepare, to certify and to file the debt statement required by Section 8110 of the Act; (b) to prepare and file, as required with the Department of Community and Economic Development (the "Department") of the Commonwealth, statements required by Section 8024, 8025 or 8026 of the Act, which are necessary to qualify certain nonelectoral and lease rental debt of this County and, if necessary, the debt which will be evidenced by the bonds to be issued hereunder; (c) to prepare, execute and to file the application with the Department, together with a complete and accurate transcript of the proceedings relating to the incurring of debt, of which debt the Bonds, upon issue, will be evidence, as required by Section 8111 of the Act; (d) to pay or to cause to be paid to the Department all proper filing fees required by the Act in connection with the foregoing; and (e) to take other required necessary and/or appropriate action.

Section 19. The officers and officials of this County, including the County Executive and the Director of Fiscal Affairs, are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the Bonds, all in accordance with this Ordinance.
Section 20. The County Executive is authorized and directed to contract with the U.S. Bank, National Association, for its services as Sinking Fund Depository and as Paying Agent in connection with the Bonds, and with the bond insurer (the "Bond Insurer") designated in the attached Schedule "E", if any, and are authorized and directed to execute on behalf of the County at the appropriate time, a Paying Agent Agreement with the U.S. Bank, National Association, as Paying Agent for the Bonds, a Continuing Disclosure Agreement or Certificate, and a commitment to purchase bond insurance from the Bond Insurer. The County Executive and Director of Fiscal Affairs are authorized to approve payment by the Paying Agent at settlement on the sale of the Bonds of all costs and expenses incidental to such issuance and sale including the bond insurance in accordance with the estimates contained in the Financing Study.

Section 21. The portion of the proceeds of the sale of the Bonds allocated to the County Improvements, after payment of the costs of issuance, shall be invested, pending application to the payment of costs of the County Improvements, in investments (the "Investments"), which are legal investments for Counties under the laws and statutes of the Commonwealth of Pennsylvania, and further, to the extent not invested in direct obligations of the United States, such Investments shall be adequately collateralized by such obligations. The County Executive and the Director of Fiscal Affairs are hereby authorized and directed to make appropriate arrangements for the Investments.

Section 22. It is declared that the debt to be incurred by the issuance of the Bonds hereby, together with any other indebtedness of the County, is not in excess of any limitation imposed by the Act upon the incurring of non-electoral debt by the County.

Section 23. Proper officers of the County are authorized and directed to deliver the Bonds upon execution and authentication thereof as provided for herein, to the Investment Bankers, but only upon receipt of proper payment of the balance due therefore, and only after the Department has certified its approval pursuant to Section 8204 of the Act.

Section 24. (a) The County hereby covenants with the registered owners, from time to time, of the Bonds that no part of the proceeds of the Bonds or of any moneys on deposit with
the Paying Agent and Sinking Fund Depository hereunder will be used, at any time, directly or indirectly, in a manner which, if such use had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986 (the "Code") and the Regulations thereunder (the "Regulations") proposed or in effect at the time of such use and applicable to the Bonds, and that it will comply with the requirements of that section of the Code and the Regulations throughout the term of the Bonds.

(b) If the gross proceeds of the Bonds are invested at a yield greater than the applicable yield on the bonds and are not expended within six months from the date of issuance, or within eighteen (18) months therefrom if Section 1.148-7(d) of the Regulations shall be applicable, or within two (2) years therefrom if Section 148(f)(4)(c) of the Code shall be applicable, the County covenants that it will "Rebate" to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Bonds in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Bonds at a yield not in excess of the yield on the Bonds. Provided however, that the County Executive and Director of Fiscal Affairs are hereby authorized on behalf of the County to exercise an election to pay, in lieu of Rebate, a penalty pursuant to Section 148(f)(4)(c)(vii) of the Code, which election, if made in their discretion, shall be contained in the County's Non-Arbitrage Certificate with respect to the Bonds issued at closing thereon, and shall thereupon become binding upon the County, in which case the County shall pay the appropriate penalties, as applicable, as and when due, in lieu of Rebate.

(c) The County hereby designates the Bonds as "Qualified Tax-Exempt Obligations" pursuant to Section 265(b)(3) of the Code, and represents and covenants that the total amount of its obligations, plus the obligations of all entities described in Section 265(b)(3) (E) of the Code, so designated and to be designated during the current year does not and will not exceed $30,000,000, excluding however the principal amount of obligations which are properly excludable from such limitation under that Section.

Section 25. The County does hereby covenant and agree,
Section 26.  (a) The County covenants that, concurrently with the delivery of the Bonds to the Underwriters, there will be paid over to and for the account of the Escrow Agent by the County an amount of money which, together with other available monies, will be sufficient to provide necessary funds required by the Refunding Program reflected in the schedules attached to the Financing Study under and subject to the 1999 Bonds Escrow Agreement, and to provide payment of interest to and principal on August 15, 2009, for those 1999 Bonds maturing on or after August 15, 2009 and for the cost of retirement or redemption on such date of 1999 Bonds then outstanding and being refunded in accordance with the Refunding Program.

(b) The County further covenants that the Bonds will not be delivered to the Underwriters unless and until the County prior to or concurrently with such delivery, shall have taken or shall take all action as shall be necessary and/or appropriate to implement and effectuate provisions for the aforesaid defeasance of the 1999 Bonds by refunding pursuant to the Refunding Program. The intent and purpose of the foregoing is to insure that the County will take such action and will cause such action to be taken and will do such things and will cause the Escrow Agent to do such things, prior to or concurrently with delivery of the Bonds, as shall be necessary and/or appropriate to implement and effectuate provision of the aforesaid defeasance of the 1999 Bonds, so that simultaneously with delivery of the Bonds to the Underwriters, for purposes of the Act, such 1999 Bonds no longer shall be considered to be outstanding, and the County shall be deemed to have made appropriate provisions of the retirement of the outstanding non-electoral debt which was evidenced thereby.

(c) The County shall enter into appropriate escrow agreement (the 1999 Bonds Escrow Agreement), with the Escrow Agent to cause and require the Escrow Agent to take actions necessary in order to carry out the Refunding Program.
(d) There is created pursuant to Section 8221 of the Act, a sinking fund for the 1999 Bonds to be refunded under the 1999 Bonds Escrow Agreement to be known as "Escrow Fund", which Sinking Fund shall be administered in accordance with the Act.

(e) U.S. Bank, National Association, is hereby designated as Escrow Agent under the 1999 Bonds Escrow Agreement and as Sinking Fund Depository for the Escrow Fund under the 1999 Bonds Escrow Agreement for the 1999 Bonds being refunded thereby.

Section 27. The County hereby covenants that the portion of the proceeds of the Bonds allocated to the Refunding Program, after the payment of costs and expenses with respect to the issuance of the Bonds, shall be deposited under the 1999 Bonds Escrow Agreement between the County and U.S. Bank, National Association, as Escrow Agent, to provide the appropriate and required funds to refund the 1999 Bonds pursuant to the Refunding Program. The County further covenants that the principal amount of such funds so deposited (the "Refunding Escrow"), and the interest to be earned thereby, if any, together with any other available funds deposited thereunder, shall be adequate, with respect to the 1999 Bonds to be refunded, to make all payments of interest as due, and principal at maturity or redemption, according to the Refunding Program. The County further covenants that the amounts so deposited with said Escrow Agent as aforesaid or as otherwise paid to the Escrow Agent shall also be adequate to pay all fees for the services to be performed by the Escrow Agent under the 1999 Bonds Escrow Agreement, including the retirement of the 1999 Bonds when called for redemption, or the County will pay such costs and any other incidental costs and expenses. The remaining proceeds of the Bonds shall be allocated to the County Improvements and deposited as directed by the County.

Section 28. The County covenants that the 1999 Bonds Escrow Agreement to be entered into between the County and the Escrow Agent shall require the Escrow Agent to utilize the proceeds allocated to the Refunding Program, and any other funds available, and any other funds to be deposited thereunder for the purpose, and that such total funds will be adequate to implement the Refunding Program. The 1999 Bonds Escrow Agreement shall provide that the Escrow Agent will, without
further direction from the County, pay from the Refunding Escrow and other available monies, as above required, the interest due and principal to maturity or at redemption on the 1999 Bonds, to the extent of the funds available. The 1999 Bonds Escrow Agreement shall be substantially in the form set forth in Schedule "F" hereof.

Section 29. The County does hereby authorize and direct the issuance of irrevocable instructions (the "Irrevocable Instructions") to the Paying Agent for the 1999 Bonds, calling for the redemption of the 1999 Bonds being refunded and maturing on or after August 15, 2010, such Instructions and the Notice of Redemption to be given thereby to be substantially in the forms set forth in Schedule "G" hereof.

Section 30. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

Section 31. All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

Section 32. This Ordinance shall be effective in accordance with Section 8003 of the Act.

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

In response to Mr. Angle’s question as to whether this bond now included the refinancing of the older bond issue and $8 million for projects, Mr. Stoffa replied that was correct.

Mr. Cusick advised County Council recently received an e-mail from the United States Department of Transportation (DOT) through National Association of Counties about stimulus funds and possibly applying those to bridge projects and other things. He then asked if that was something the County could have applied for or were these projects not eligible.

Mr. Steve DeSalva, Director of Public Works, stated he
applied for stimulus funds to finance the bridges and after four months, he received notice the County did not qualify because the bridges were less than 20 feet in length, noting the other bridges were larger, but not shovel ready.

Mr. Dertinger advised he still had the same concern and that was County Council was only given a price for what the Administration expected the Juvenile Justice Center to cost. He further advised the County previously faced a similar situation which resulted in a 60% increase in the Gracedale window project alone. He noted not having more detailed information, which he previously asked for on several occasions, he had a hard time believing that this was the right number. He further noted that it was said money would be saved by refinancing the old bonds, however, it was not even known if they could be refinanced. Therefore, if his colleagues were voting for this bond because of the potential savings, it would be a hollow reason to be voting for it.

Mr. Stoffa stated it was known that if the bonds were refinanced, the County would save $340,000.

Mr. Dertinger commented when he asked the question two weeks ago, Mr. Mazziotti advised he did not know, however, if no money would be saved, the County would not proceed with that portion of the bond.

In answer to Mr. Angle’s question as to what he did not understand, Mr. Dertinger advised just as it was argued in the past with earlier bond issues that there were no real cost estimates and the County should not proceed, there were no real cost estimates for this bond issue. He further advised no one had been able to explain how they arrived at $5 million for the Juvenile Justice Center so how could County Council vote for it. Additionally, County Council was given a great presentation regarding the Gracedale windows and that project went over by $1.5 million.

In response to Mr. Angle’s question as to how the figure of $5 million was arrived at, Mr. DeSalva stated the bond issue projects consisted of bridges, parking deck restoration and the Juvenile Justice Center and they have all had engineering estimates. He further stated at the time the estimates were provided, the detailed design had not been completed. He noted the estimate for the Juvenile Justice Center was $5,090,000,
however, the final cost would not be known until the bids were received.

Mr. Angle commented that Mr. DeSalva was saying the estimate was $5 million, but Mr. Dertinger was questioning how could the Administration be sure it would come in at $5 million.

Mr. DeSalva stated there was no guarantee because there were variables involved, but they had to make the best guess they could in order to get the bond because they had to have the money available before it went out for bid.

In answer to Mr. Angle’s question as to what the Administration was prepared to do if the project ran over the $5 million, Mr. DeSalva advised they had contingencies built and that was why it was $5.5 million.

In response to Mr. Angle’s question as to what would happen if the project ran over the 10%, Mr. DeSalva replied there would be a problem.

In answer to Mr. Angle’s question, Mr. DeSalva stated there were 10% contingencies built into the estimates for the other two projects.

Mr. Conklin advised the estimates were presented to County Council last year during the budget hearings so this was not new information.

Mr. Dertinger stated his reason for being concerned was because for the Gracedale windows, designers, engineers and architects came before County Council and informed them it would cost $2 million and that went to $3.5 million.

In response to Mr. Angle’s question as to what Mr. Dertinger would like the Administration to do, Mr. Dertinger advised he would like to have a detailed cost estimate done.

In answer to Mr. Angle’s question as to whether this information could be obtained, Mr. Conklin stated for the Juvenile Justice Center, USA Architects had already been awarded that project and they have drawn up their plans.
Mr. Conklin advised Keller Engineering was doing the three bridges and they knew how to design and build bridges.

Mr. DeSalva stated after the last meeting, he consulted with USA Architects and D’Huy Engineering and had them review the original estimate and they felt it was a good estimate.

Mr. Angle suggested adding an addendum that if the bids came in higher than the estimated costs, those bids would be rejected.

When Mr. Dertinger and Mr. McClure made comments that the bond would have already been floated and the County would have received the money, Mr. Angle replied the money would be invested so the County would not lose money on the money that was borrowed.

Mr. Angle made a motion that an addendum be added to the bond issue that no contract would be awarded if it was greater than the amounts specified for the projects.

Mrs. McHale advised the motion died due to a lack of a second.

In response to Mr. McClure’s comment that a Solicitor’s opinion may be required, Mr. Martino stated he was not prepared to render an opinion tonight because he needed to take a careful look at the matter to see if it would be appropriate.

Mr. Dertinger advised the contingency should be used for the end of the job because the final cost could never be established, not for the estimate of the job.

Mr. Angle made a motion that this matter be tabled until a legal opinion was received from the County Council’s Solicitor and that Mr. Dertinger sit down with the Administration between now and the next meeting to see if his issues could be adequately rectified.

Mr. McClure seconded the motion.

Mrs. McHale called for the vote on the motion to table this ordinance.
The vote: Angle, "yes"; Dowd, "yes" Ferraro, "no"; McClure, "yes"; McHale, "yes"; Neiper, "yes"; Capozzolo, "no"; Cusick, "no" and Dertinger, "yes".

The motion to table was adopted by a vote of 6-3.

Public Hearing on the Ordinance Providing for an Amendment to Northampton County Home Rule Charter Article X Authorities, Boards, and Commissions, Section 1008. Personnel Commission, (b) Membership

Mrs. McHale stated this ordinance was introduced by Mr. Cusick and Mrs. McHale at the meeting held May 7, 2009:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE X AUTHORITIES BOARDS, AND COMMISSIONS, Section 1008. Personnel Commission, (b) Membership

BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 3, 2009 General Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

"Shall the electorate of Northampton County approve a change in the Northampton County Home Rule ARTICLE X AUTHORITIES BOARDS, AND COMMISSIONS, Section 1008. Personnel Commission, (b) Membership, so as to increase the membership on the Personnel Commission to (5) five members.
Membership shall be amended to read, as follows:

(b) Membership. The Personnel Commission shall be comprised of five (5) members who shall be qualified in training, knowledge, or expertise in personnel management or labor relations. No more than three (3) members shall be registered voters of the same political party. Any three (3) members shall constitute a quorum and shall have the power to perform the functions assigned to the Personnel Commission.

SECTION II - EFFECTIVE DATE

A. This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mrs. McHale asked if there was anyone from the public who wished to comment on this ordinance. There were no respondents.

Mrs. McHale then asked if any member of County Council wished to comment on this ordinance.

In answer to Mr. McClure’s question, Mr. Cusick advised he suggested this item be placed on the ballot because this was the smallest board and it might increase the opportunity to have a quorum. He further advised it was felt that increasing the voices on that body might bring a broader range of opinions and expertise.

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


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

Public Hearing on the Borough of Northampton KOZ Ordinance
AN ORDINANCE AUTHORIZING REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN NORTHAMPTON BOROUGH, DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY EXPANSION ZONE, IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF THE BOROUGH OF NORTHAMPTON AND THE NORTHAMPTON 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 (see EXHIBIT 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 79 of 2008 (SB1412) 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 a 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; and

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 business 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 zone.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Northampton County that effective as of this date
contingent only upon the 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 ten years from the date of occupancy, provided that the parcel is occupied on or before December 31, 2015. Upon DCED's approval of the application all current local KOZ benefits will terminate until such time that the unoccupied parcel becomes developed or occupied.

1. Real Property Tax on the herein described tract(s) is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to terminate within a period of ten (10) years from the date of occupancy which must occur by December 31, 2015, but no longer than December 31, 2025.

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 or non resident of the proposed extended term of the existing zone attributable to business activity conducted with said zone terminating within a period of ten (10) years from the date of occupancy which must occur by December 31, 2015, but no longer than December 31, 2025.

3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance
4. This resolution shall be effective upon execution, conditioned upon the approval of the application by DCED; 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 is the parcel designated for this project:

<table>
<thead>
<tr>
<th>Parcel Name</th>
<th>Owner</th>
<th>Parcel ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northampton Borough</td>
<td>Horwith Leasing Co.</td>
<td>L4 12 5D 0522</td>
</tr>
</tbody>
</table>

Public Hearing

Mrs. McHale asked if there was anyone from the public who wished to address County Council regarding this ordinance. There were no respondents.

Mrs. McHale asked if there was anyone from County Council who wished to address this ordinance.

Mrs. Neiper advised that Northampton Borough Mayor Thomas Reenock and a member of the Horwith family were present in the audience.

Mr. Cusick stated he felt this was an ideal property for a Keystone Opportunity Zone, however, he wanted to know if there was any interest in redeveloping this parcel at this time.

The Horwith family member advised they have owned the property for approximately 25 years and they were not interested in developing it. However, with the road becoming public within the last two years, they felt maybe someone else might be.

Mayor Reenock stated without the County’s help, they could not accomplish the development they have in their Borough.
As there were no further questions or comments, Mrs. McHale called for the vote.


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

Public Hearing on the Ordinance Providing for the Lease of a Parcel of County Owned Property Located in East Allen Township, Northampton County, Pennsylvania

Mrs. McHale advised this ordinance was introduced by Mrs. Neiper and Mr. Capozzolo at the meeting held May 7, 2009.

AN ORDINANCE PROVIDING FOR THE LEASE OF A PARCEL OF COUNTY-OWNED REAL PROPERTY LOCATED IN EAST ALLEN TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA

WHEREAS, Northampton County Home Rule Charter Article 602 (a) (6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes the conveyance or lease of any real property of the County"; and

WHEREAS, Mark J. Deysher, of 419B North Chestnut Street, Bath, County of Northampton, State of Pennsylvania, has requested to lease a 27-acre tract of land in East Allen Township for the purpose of farming the same.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to lease, in consideration for the sum of Two Thousand Seven Hundred Dollars ($2,700.00), the 27-acre tract of land located in East Allen Township, in accordance with the terms and conditions of the Lease Agreement attached hereto.
Public Hearing

Mrs. McHale asked if there was anyone from the public who wished to comment on this ordinance. There were no respondents.

Mrs. McHale then asked if any member of County Council wished to comment.

In response to Mr. Angle’s question, Mr. Stoffa stated the people in the area currently had 24 garden plots on this property.

Mr. Dertinger commented the County had been paying to have the weeds cut there so this was going to turn a liability into an asset.

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


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

Paving of the Union Street Parking Lot and Lighting

Mr. Cusick asked if the paving of the Union Street parking lot and lighting was still on schedule.

Mr. DeSalva advised the contract was still being pursued by the Solicitor’s Office, but the project was still planned to be completed this year.

Lehigh Valley Health Commission

Mrs. McHale stated she was contacted by Dr. David Lyon, Chairman of the Lehigh Valley Board of Health, to try and set up a meeting with the Lehigh County Commissioners and County Council. She further stated she had been in touch with Mr. Percy Dougherty, Chairman, Lehigh County Commissioners, but also asked for an opinion from County Council’s Solicitor.
Mr. Martino advised in his opinion he noted there were a couple of issues that had to be addressed by the Lehigh Valley Health Commission that had some urgency to them so a meeting should be coordinated as soon as possible.

Mrs. McHale asked if Wednesday, June 3, 2009, would be a good date for everyone, noting she believed the meeting would be held in Lehigh County.

The majority of the members of County Council indicated it would be a good date.

Consideration of Pending Open Space Municipal Park Projects Which Were Approved and Recommended by the Northampton County Open Space Advisory Board:

Palmer Township - Community Pool Rehabilitation

Mrs. McHale stated these municipal open space projects were approved by the Open Space Advisory Board and were also reviewed and approved at the Open Space Committee meeting held April 21, 2009.

Mr. Dertinger advised Palmer Township had done a remarkable job in coming to County Council early for their project because it would allow the County to put the funds into next year’s budget.

Mr. Dertinger introduced the following resolution:

R. 41-2009  WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Palmer Township - Community Pool Rehabilitation Project; and

WHEREAS, the Northampton County funding will be used as follows:

Property Owner: Palmer Township
Site Location: Briar Cliff Park at Farmersville & Palmer Pool Roads, Palmer Township, Northampton County

Parcel Identifications: L8SE1-1-14

Park Development Description: Pool area – approximately 2 acres. Work to include sandblasting; patching; drain renovations; ceramic tile work; deck work; new coping; leveling shallow area; new skimmer, piping and return fittings; reconstruct expansion joints; ADA renovations; stainless steel gutter and site restoration

Appraised Value: No acquisition involved

Municipal Allocation: $363,308

County Grant Request: $243,308

Other Grants: $263,384 Pennsylvania DCNR
$243,308 Palmer Township

**NOW, THEREFORE, BE IT RESOLVED** By the Northampton County Council:

(1) The Northampton County Council hereby approves the Palmer Township – Community Pool Rehabilitation Project. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $243,308 as the Northampton County contribution to the Palmer Township Community Pool Rehabilitation Project.

Mr. Dertinger stated the Palmer Township Pool allowed non-residents to buy passes for the same rate as township residents, therefore, it was well used by the community, not just the township.

In answer to Mr. Angle’s question as to whether this fitted in with the Administration’s budget plans for next year, Mr.
Mr. Capozzolo noted he recently attended his first Open Space Advisory Board meeting and was impressed with the manner in which it was conducted.

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


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

Williams Township - Raubsville Park & Williams Township Municipal Park Projects

Mr. Dertinger stated Williams Township was asking for funding for two of their parks to provide updated or appropriate activity equipment. He further stated there was a discussion as to whether this request could be put into a budget amendment for this year to allow them to do the work this year instead of waiting until next year.

In response to Mrs. McHale’s question as to where the money would be coming from in the budget amendment, Mr. Dertinger advised he did not know that would be deferred to the Finance Committee.

Mr. Conklin stated if they did not have identified projects, the money would not be in the budget, therefore, this would have to be addressed from General Funds.

In answer to Mr. Angle’s question, Mr. Dertinger advised the project would have to be approved and then the funding would be determined later.

When Mr. Angle asked if the resolution could be approved contingent upon the funding being appropriated, Mr. Dertinger replied it could.
Mr. Dertinger introduced the following resolution:

R. 42-2009  WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Williams Township – Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project; and

WHEREAS, the Northampton County funding will be used as follows:

Property Owner: Williams Township
Site Location: Raubsville Park, Kiefer & Young Streets, Raubsville, Williams Township Municipal Park, Cider Press & Gaffney Hill Roads, Williams Township, Northampton County
Parcel Identifications: Raubsville: N10-4-13-13, N10-4-13-20; Township Park N9-6-17
Park Development Description: Raubsville Park - Replace climbing and play structures for pre-school and school aged children; install durable safety surfacing

Williams Township Park - Add life trail equipment adjacent to the walking path
Appraised Value: No acquisition involved
Municipal Allocation: $107,625
County Grant Request: $75,000
Other Grants: $75,000 Williams Township

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby approves the Williams Township – Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project. Further, the
Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $75,000 as the Northampton County contribution to the Williams Township - Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project.

(3) Approval of this project is contingent on the money being appropriated.

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


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


Mrs. McHale stated at the request of Mr. Dowd, an ordinance was prepared which would amend Ordinance No. 500-2009, the ordinance titled, “AN ORDINANCE ADOPTING THE ARTICLES OF INCORPORATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY.” She further stated the amendment removed the County Executive, County Council President and County Controller from the Authority and created five new seats to be filled by residents of County Council Districts II and IV.

Mrs. McHale advised this ordinance was being introduced by Mr. Dowd and Mr. Angle. She further advised the public hearing, debate and possible vote were scheduled for the meeting to be held June 4, 2009.
AN AMENDMENT TO THE ORDINANCE ADOPTING THE ARTICLES OF INCORPORATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY

WHEREAS, the ordinance titled, “An Ordinance Adopting the Articles of Incorporation of the Northampton County Gaming Revenue and Economic Redevelopment Authority,” was adopted by the Northampton County Council at the meeting held March 5, 2009. The ordinance was presented to the County Executive on March 6, 2009. The County Executive returned the ordinance to the Office of County Council unsigned, and not vetoed, on March 17, 2009. In accordance with the provisions of Northampton County Home Rule Charter 602(g)(3), the ordinance was enacted on March 17, 2009 and became effective as such on April 16, 2009.

WHEREAS, the Northampton County Gaming Revenue and Economic Redevelopment Authority was thereby created, and

WHEREAS, County Council now desires to amend the language of paragraphs 6 and 7 of those Articles.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE NORTHAMPTON COUNTY COUNCIL that the following amendments shall be made to Northampton County Ordinance No. 500-2009.

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. 500-2009 enacted on March 5, 2009, 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>
</tr>
</thead>
<tbody>
<tr>
<td>Council President</td>
<td>Ann McHale</td>
<td>750 Barrymore Lane</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bethlehem, PA 18017</td>
</tr>
<tr>
<td>Council Vice President</td>
<td>J. Michael Dowd</td>
<td>25 Chestnut Ridge Circle</td>
</tr>
<tr>
<td>Council Member</td>
<td>Margaret Ferraro</td>
<td>339 Schoeneck Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nazareth, PA 18064</td>
</tr>
<tr>
<td>Council Member</td>
<td>Diane Neiper</td>
<td>307 East 19th Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Northampton, PA 18067</td>
</tr>
<tr>
<td>Council Member</td>
<td>Lamont G. McClure</td>
<td>4110 Scherman Blvd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bethlehem, PA 18020</td>
</tr>
<tr>
<td>Council Member</td>
<td>Ron Angle</td>
<td>PO Box A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Portland, PA 18351</td>
</tr>
<tr>
<td>Council Member</td>
<td>John Cusick</td>
<td>110 Ridge Road</td>
</tr>
<tr>
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<td>Easton, PA 18042</td>
</tr>
<tr>
<td>Council Member</td>
<td>Joseph H. Capozzolo</td>
<td>6 Ridge Road</td>
</tr>
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<td>Bangor, PA 18013</td>
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<td>Council Member</td>
<td>Charles M. Dertinger</td>
<td>8541 Delaware Drive</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 eleven (11) members, one resident from each of the following municipalities, located within the County of Northampton: City of Bethlehem, Hanover Township, Lower Saucon Township, Bethlehem Township, the Borough of Freemansburg, and the Borough of Hellertown; five residents of the areas designated Regions II and IV of Northampton County. Each of these 2 Regions shall always be represented by at least two members. 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 eleven members shall be appointed as follows: three members shall serve for one year, two for two years, two for three years, two for four years and two for five years. The aforementioned terms of office are to commence on January ____, 2010.

(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 May 21, 2009.

(d) 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, shall be placed on file and annually updated by the Pennsylvania Department of Community and Economic Development.

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 May 2009, pursuant to County Ordinance No. _______.

Effective Date

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

Consideration of the Resolution Authorizing the Request for a Resolution in Support of Funding Applications submitted through the American Recovery and Reinvestment Act of 2009

Mrs. McHale stated with the adoption of the American Recovery and Reinvestment Act of 2009, the County had been, and would be expected, to authorize applications for Federal funding in a timely manner. Therefore, in order to avoid missing application submission deadlines, a generic resolution of
Mrs. McHale introduced the following resolution:

R. 43-2009

A Resolution Authorizing the Request for a Resolution in Support of Funding Applications submitted through the American Recovery and Reinvestment Act of 2009

WHEREAS, Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-005, approved February 17, 2009) authorized unprecedented opportunities for additional grant funding; and

WHEREAS, the County of Northampton has received notice from various Federal and State departments responsible for administering these funds that the County will be eligible to apply for a portion of this funding in Fiscal Year 2009; and

WHEREAS, the funds are meant to address the current recession and thus the Federal government regularly requires applications to be submitted within an abbreviated grant application cycle; and

WHEREAS, in order for the County of Northampton to receive these additional funds, evidence of the County Council’s support of the County’s application is required to be submitted with all such requests.

NOW, THEREFORE, BE IT RESOLVED that:

(1) the Northampton County Council hereby approves and supports the County's submission of all requests for Federal and State administered grant funding as made available through the American Recovery and Reinvestment Act of 2009; and

(2) the County Executive, has the support of Council, and is hereby authorized to prepare and submit all American Recovery and Reinvestment Act applications, and any related documents, and any amendments or corrections to such applications and documents, to the Federal government; and
its is the understanding of the Northampton County Council that the following conditions shall apply:

(a) the application of funds does not involve the commitment or expenditure of additional County funds; and

(b) the Northampton County Council, by this action, acknowledges that this resolution does not constitute a commitment of funds or project approvals, and that such commitment of funds or approvals may occur only upon notice of award by the Federal government; and

(c) if the opportunity exists for the Northampton County Council to consider approval of a resolution specific to the grant program in which an application is being submitted, it will do so; and

(d) each new grant award approved under this resolution will go before the Council for their consideration and approval, if necessary.

Mr. Dowd advised this issue was discussed at the Economic Development Committee meeting where it was indicated another County had introduced a similar resolution.

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 Administrative Code Article XII Contract Approval Resolutions:

Mrs. McHale stated from time to time, County Council was asked to approve certain contracts, as per the requirements of Administrative Code Article XIII. She further stated there were
three resolutions to be considered to approve contracts with Manpower for temporary personnel services; County Commissioners Association of Pennsylvania (CCAP) for property and liability insurance and with EHD for pollution liability, including terrorism, insurance.

Mr. McClure introduced the following resolution:

R. 44-2009  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 May 12, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a three year contract, in the estimated amount of $360,000.00, with Manpower for temporary personnel 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 with Manpower temporary personnel services.

When Mr. Angle suggested referring these contracts to the Finance Committee before voting on them, Mrs. McHale indicated the insurance contracts could not be delayed.

In response to Mr. McClure’s question as to whether the temporary employees were placed in various offices or was one office more apt to use them, Mr. Conklin advised he had used them in Elections. Mr. Stoffa stated they were called in to fill positions as needed.

In answer to Mr. McClure’s question as to whether the County had ever used up its annual temporary services budget, Mr. Conklin and Mr. Stoffa both replied they did not have that
information at this time. However, he noted that the security guards at the Wolf Building were included in that budget.

In response to Mr. McClure’s question as to whether he wanted to put these contracts before the Finance Committee, Mr. Angle indicated he would defer the decision to Mr. McClure.

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


The resolution was adopted by a vote of 8-1.

County Commissioners Association of Pennsylvania

Mr. McClure introduced the following resolution:

R. 45-2009  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 May 15, 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 $1,156,626.00, with County Commissioners Association of Pennsylvania for property and liability insurance.

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 with County Commissioners Association for property and liability insurance.

Mrs. McHale stated she was on the committee that reviewed
this contract during several meetings. She further stated the Administration hired an outside consultant who issued a report, which indicated the County’s previous decision to join PCoRP had reduced its flexibility in changing insurers and that the County could expect increasing its contribution level in the future.

Mrs. McHale advised she, as a professional, would not be supporting this because it put the County in a bind without a choice and it would cost a lot of money for the County to get out of it.

Mr. McClure stated he thought County Council was going to be given ample time to review contracts and he wondered what in the process led this to be presented with the approval being required tonight.

Mr. Conklin advised the Administration had a very stringent time line. He further advised the process was started in January, but it took a while before it could be brought before County Council.

Mrs. McHale added that it took a long time to review the contract to insure that there was appropriate coverage.

In answer to Mr. McClure’s question, Mrs. McHale stated she was comfortable with the way the process played out, but not with the product.

Mr. Thomas Crist advised they conducted an exposure analysis over four days in January, interviewed a number of people, made site visits and then they developed the Request for Proposal (RFP). He further advised the RFP was distributed to 34 brokers with ten returning the pre-qualification questionnaire and then they were allowed to approach insurance companies. He noted ultimately three proposals were accepted by the County’s Procurement Office. He further noted they reviewed the proposals in detail and the recommendation came down to PCoRP.

With regard to the contract coming before County Council last minute, Mr. Crist stated the proposals came in April 16th and it took them two weeks to prepare the exhibits on their analysis. He further stated most insurance companies did not
like to bid until thirty days before the effective date. He suggested beginning the process in October to avoid this last minute approval.

Mr. Crist advised there had been discussion about doing this again next year, however, he would recommend against it because it had been done two years in a row and insurance companies and brokers did not want to spend their time and effort year after year after year. He further advised he felt the County should take a year break.

Mrs. McHale stated that was true to a point, but when the program did not cover its entire exposure, she did not agree that was a good recommendation.

In response to Mrs. Neiper’s question as to whether it would cost the County a lot of money to get out of any insurance contract, Mrs. McHale replied it would not, but because of the type of coverage that was in place with PCoRP.

In answer to Mr. Cusick’s question as to why it was only a one year contract, Mr. Crist advised that was all that was allowed.

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


The resolution passed by a vote of 7-2.

EHD

Mr. McClure introduced the following resolution:

R. 46-2009  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,
WHEREAS, on May 15, 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 $61,466.00, with EHD for pollution liability, including terrorism, insurance.

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 with EHD for pollution liability, including terrorism, insurance.

In response to Mr. Dertinger’s question, Mrs. McHale stated the County needed this insurance because they had gas tanks, fuel oil tanks and such, and if there was a terrorist attack, under Federal law, they must offer the terrorism coverage. She further stated it was standard in a commercial policy, but it could be rejected.

Mr. Crist advised the PCoRP policy had very limited pollution coverage and this policy was not limited to a terrorism attack.

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


The resolution was adopted by a vote of 8-1.

Diane Neiper’s Resignation

Mrs. Neiper stated when she announced she was not running for re-election, she did not want to say too much. However, she wanted everyone to know that she and her husband have put their house up for sale in Northampton to enable them to move to Camp
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Hill. She further stated a sale that she felt would take months, happened suddenly, therefore, her departure was imminent so she would be delivering her resignation in due time.

Mr. McClure advised he was disappointed because Mrs. Neiper had developed an expertise in all areas of County government, but mostly in the area of Human Services.

**Human Services Committee Report**

Mrs. Neiper stated the Human Services Committee met yesterday and a few months ago, the Administration put forth the idea to separate the Division of Drug and Alcohol, from Mental Health/Mental Retardation. She further stated the paperwork had been completed and would be forwarded to County Council for consideration the first meeting in June.

Mrs. Neiper advised the pharmacy contract was going well at Gracedale. She further advised the eighth floor windows would be done mid-June.

Mrs. Neiper stated there was a resolution coming from CCAP concerning the State budget and their not cutting the County’s funding.

Mrs. Neiper advised at the meeting, Mr. Stephen Barron was asked to preliminarily look into the possibility of auditing the Human Services outside contractors.

**Voting Machines**

Mr. Angle stated when he voted on the new voting machines, he had trouble seeing names that were to the left or right due to the lighting. He further stated it was difficult for people of height.

Mr. Dertinger advised he believed it was discussed at a County Council meeting that the ballot lay out should be closer to how it was previously. He further advised the machines were constructed to be able to be raised and lowered for the convenience of the voter.

Mr. McClure agreed with Mr. Angle as to the difficulty in reading the ballots.
Mr. Conklin stated he had heard the same complaints and he would look into the issue.

**Council Solicitor's Report**

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

**Adjournment**

Mr. McClure made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser  
Clerk to Council