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 and Frank E. Flisser, Clerk to Council. Absent was Anthony J. Martino, Solicitor to Council.

Prayer

Mr. Dowd led County Council in prayer to open the meeting.

Pledge of Allegiance

Mr. Capozzolo led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the April 16, 2009 meeting shall be approved.

Mr. Angle seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Troy Shuman, 1808 Cherry Avenue, Easton, PA - advised he was present at the October 2, 2008 meeting to talk about the Court ordered restitution that resulted from the break-in of his home. He further advised it took him 16 years before he started getting any restitution and that only occurred because of his investigation into the matter and bringing that information forward to the Criminal Division.
Mr. Shuman stated the purpose of his presence at the October meeting was to object to his taking the responsibility of collecting restitution through the Criminal Division and turning it over to a collection agency. He further stated from May 2008 through October 2008, he received approximately $6,000 in restitution when the Criminal Division was handling it. However, when it went to a collection agency shortly after the October meeting, in six months, they collected only $350. He noted out of the $350, the collection agency kept $70, therefore, he only received $280.

Mr. Shuman advised he had spoken with Mr. John Stoffa, County Executive, Mr. Archie Disidore, Director of Court Services, and Ms. Leigh Ann Fisher, Clerk of Courts. He further advised Mr. Leonard Zito, who was County Council’s Solicitor at the time, indicated that since it was Court ordered restitution, it should go back to the Courts to be handled.

Mr. Shuman stated he was still owed approximately $16,000 and he did not plan on giving up receiving it. He further stated he was here, not only for himself, but as a spokesperson for all the victims.

Lastly, Mr. Shuman advised this method of collections was not working, at least not for him and for many others.

Mrs. McHale asked if it was possible for the collection agency to be paid from County funds and not out of the money the victims received.

Mr. John Conklin, Director of Administration, stated he did not believe that was the policy, but he would look into the matter.

Ms. Dorothy Niklos, 1321 Main Street, Chapman Borough, PA - advised she was the Chairperson of the Nazareth Council of Governments (COG) and was present to express their concern about the composition of a gaming authority that would only be representative of the people of the Bethlehem area.

Ms. Niklos stated the Nazareth COG represented 45,000 citizens who comprised the entire lower tier of the 33/512 corridor which was an access to Bethlehem from the north. She
further stated above them was the Slate Belt COG which represented another 45,000 citizens. Therefore, she felt it was a great misdeed to have an authority that did not include 90,000 people who were in the access corridor to the casino. She noted their police and fire departments, their Emergency Management Services and road crews would all be impacted by the casino access issues. She further noted they would have the exact same human services issues that everyone else in the area would have, but they would not have the resources to deal with them.

Ms. Niklos advised she was present to ask County Council to consider all the people of the County of Northampton when the gaming authority was put together.

Mr. Angle stated the chairperson of the Slate Belt COG was not able to be present at this meeting, but he wanted him to relate to County Council that he was in complete agreement with the members of the Nazareth COG.

Mr. Frank Ferraina, 1 Brentwood Avenue, Easton, PA - advised there was an election coming up shortly and most of the people who worked at the polls were older individuals who put in long hours and received low pay. He further advised he felt their pay should be increased.

Mrs. McHale stated this was an issue to be discussed with the Election Commission because they were the body who would have to make that decision.

Mr. Dertinger advised the State General Assembly dictated what they were allowed to be paid. He further advised when he was a member of the commission, they had asked for the maximum to be paid, however, he did not know if that maximum had changed.

On another subject, Mr. Ferraina stated he believed the County, as well as the cities, State and Federal governments, was spending too much money and he did not know how they expect the taxpayers to keep giving.
Mrs. McHale advised the 2009 General Obligation Bond Issue ordinance was introduced by Mr. Angle and Mrs. Ferraro at the meeting held April 16, 2009, with the public hearing, debate and possible vote being scheduled for this meeting.

Mrs. McHale stated County Council received an e-mail, dated April 27, 2009, in which the bond counsel indicated that “...it was his understanding that the County will not be going forward with a bond sale on May 7th....Instead County Council will reconsider the bond issue at the 5/20 Finance Committee meeting and then see if there is sufficient support at County Council’s meeting on 5/21 to adopt a resolution directing the County’s representatives to hold a bond sale sometime in June.”

Mr. Angle advised he wanted to be removed as a co-sponsor on this ordinance.

Mr. Cusick offered to replace Mr. Angle as the co-sponsor of the ordinance.

The following ordinance would now be co-sponsored by Mr. Cusick and Mrs. Ferraro:

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 PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

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, the County did previously authorize, issue and sell a certain series of obligations designated as its General Obligation Bonds, Series of 2006 (the "2006 Bonds"), dated March 15, 2006, for the purpose of advance refunding of the new money portion of 1999 Bonds allocated to capital projects (and to pay the cost of issuance for the 2006 Bonds);

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) Gracedale County Nursing Home improvements, (iii) reconstruction of County bridges, (iv) expansion of the Juvenile Justice Center and (v) County Courthouse renovations (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 $22,000,000, 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 not 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,
(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
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 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
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
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, 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.
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, for the benefit of the holders, and beneficial owners, of the Bonds from time to time, that it will comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission ("SEC") with respect to municipal securities disclosure, and authorizes the County Executive to execute and comply with an appropriate Continuing Disclosure Certificate or Agreement as approved by bond counsel as long as the Bonds are outstanding.

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
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.

Public Hearing

Mrs. McHale stated she would now hold the public hearing, noting that Mr. Stoffa had indicated he wished to speak at this time.
Mr. Stoffa advised last month County Council approved a reimbursement resolution, but put a stop on moving ahead with the projects and that was not good because time was unraveling. He further advised the Juvenile Detention facility had to be done because the County could lose its State license. Therefore, he was proposing to go back to the $8 million bond, which would be broken down as follows: $5.5 million for the Juvenile Detention Expansion; $1.5 million for the parking deck; $1 million for three bridge replacements which were not eligible under the Stimulus Package. He further advised they would be taking out the $3 million for Gracedale, however, they would still be refunding $8 million in old bonds, which would save the County $340,000.

In conclusion, Mr. Stoffa stated he hoped County Council would vote for this bond issue because the Juvenile Detention facility had to be done.

In answer to Mr. Dertinger’s question, Mr. Stoffa advised the total bond issue would be for $16 million: $8 million for the projects and $8 million in refunded bonds.

Mr. Stoffa stated the $2 million for the Courthouse windows was being paid for through the Stimulus Package.

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

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

Mr. Angle made a motion to amend this bond issue to $16 million as proposed by Mr. Stoffa with $8 million new money and $8 million refinanced at a better rate to save money.

Mr. Dowd seconded the motion.

In response to Mr. Dertinger’s question, Mr. Angle advised the $8 million that was being refinanced was the 1999 Bonds.

In answer to Mrs. Neiper’s question as to why the Juvenile
Detention facility could not be done with money the County already had, Mr. Stoffa stated one reason was the contribution that would have to be made to the Retirement Fund and money could not be continually taken from the Fund Balance unless taxes were raised.

Mr. McClure advised he believed Mr. Flisser was concerned that the ordinance be technically correct before it was passed.

In response to Mrs. McHale’s question as to what had to be changed in the ordinance, Mr. Michael Gaul, the bond counsel, stated the final ordinance would occur on the day of the sale. He further stated the County was not committed to anything right now, but after the sale, they would fill in the financial information.

Mr. Flisser advised if the ordinance was adopted it indicated the amount would not exceed $22 million, the bonds that would be refinanced and named projects. Therefore, he wanted to know if the ordinance would have to be changed because the projects were being changed.

Mr. Gaul stated this ordinance did not have to be adopted tonight and he felt the ordinance should include the information from the reimbursement resolution.

Mrs. McHale called for the vote on the motion.


The motion passed by a vote of 8-1.

Courtesy of the Floor (additional)

Mr. Charles Palmeri, President, Slate Belt COG - apologized for being late and advised he was present to ask that County Council consider the feasibility of having the president of the Slate Belt COG represent the northern sector of the County on the gaming authority. He further advised this suggestion was supported by the Nazareth COG.

Mr. Angle stated he felt this was an amicable solution to
the situation because the Nazareth and Slate Belt COGs represented approximately 100,000 people, more than 20 municipalities and three school districts. He further stated with the current presidents of these COGs as members of the authority, they would not only be representing the COGs, but the municipalities in their COGs as well.

Mrs. McHale advised this suggestion would be taken under consideration.

**Introduction of 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 at the request of Mr. Cusick, an ordinance was prepared which would authorize a ballot question, amending the Home Rule Charter and increasing the number of individuals on the Personnel Commission to five members. She further stated this ordinance was reviewed and approved for recommendation at the Personnel Committee meeting held April 15, 2009.

Mrs. McHale advised that she and Mr. Cusick would be introducing the ordinance and indicated the public hearing, debate and possible vote was scheduled for the May 21, 2009 meeting.

**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. Home Rule Charter Article X, AUTHORITIES BOARDS, AND COMMISSIONS, Section 1008 Personnel Commission, (b) 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.

Introduction of the Borough of Northampton Keystone Opportunity Zone (KOZ) Ordinance

Mrs. McHale stated the Administration requested that County Council adopt a KOZ ordinance for Northampton Borough and indicated this matter was reviewed at the Economic Development Committee meeting held May 4, 2009.

Mrs. McHale advised Mrs. Neiper and Mr. McClure would be introducing the ordinance and the public hearing, debate and possible vote were scheduled for the May 21, 2009 meeting.

AN ORDINANCE AUTHORIZING REAL PROPERTY,
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 __________, 2009, 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 by reference.

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>
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Introduction of the Ordinance Providing for the Lease of a Parcel of County Owned Property Located in East Allen Township, Northampton County, Pennsylvania

Mrs. McHale stated the County Executive had requested County Council approve a lease of County owned land. She further stated Mrs. Neiper and Mr. Capozzolo would be introducing this ordinance. She noted the public hearing, debate and possible vote were scheduled for the May 21, 2009 meeting.

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.

Consideration of the Request for Modification to the Fiscal/Year 2007 Community Development Block Grant Contract - Glendon Borough

Mrs. McHale advised the Administration had requested that County Council adopt a resolution pertaining to the Glendon Borough 2007 CDBG contract and it was reviewed at the Economic Development Committee meeting held April 16, 2009. However, the Administration had asked to remove this resolution, as well as the resolution concerning Washington Township, from consideration.

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

WHEREAS, the US Department of HUD granted the County of Northampton FFY 2007 CDBG funding, thereby requiring all proposed activities to be conducted as terms of the CDBG contract with US Department of HUD; and

WHEREAS, Northampton County agreed to allocate a total of $132,710.54 in FFY 2007 funding to support the installation of the extension of a sanitary sewer system in Glendon Borough; and

WHEREAS, this is an amendment to the FFY 2007 plan in accordance with 24 CFR Part 570.427(a) related to eligible
WHEREAS, the County of Northampton has met and complied with the required regulations pertaining to the preparation and submission of the request for modification.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request of the US Department of HUD revision to the 2007 CDBG contract on behalf of Glendon Borough.

Consideration of the Request for Modification to the Fiscal/Year 2004 Community Development Block Grant Contract - Washington Township

Mrs. McHale stated the Administration had requested that County Council adopt a resolution pertaining to the Washington Township 2004 CDBG contract, which was reviewed at the Economic Development Committee meeting held April 16, 2009. She further stated the Administration had asked that this resolution, along with the Glendon resolution, not be considered.

Authorizing Submission of a Request for Modification to the Fiscal Year 2004 Community Development Block Grant (CDBG) Contract

WHEREAS, the Pennsylvania Department of Community and Economic Development (PA DCED) granted the County of Northampton FFY 2004 CDBG funding, thereby requiring all proposed activities to be conducted as terms of the CDBG contract with PA DCED; and

WHEREAS, Northampton County agreed to allocate a total of $151,951.79 in FFY 2004 funding to support the installation of the extension of a sanitary sewer system in Washington Township; and

WHEREAS, this is an amendment to the FFY 2004 plan in accordance with 24 CFR Part 570.427(a) related to eligible activities of the CDBG Program; and

WHEREAS, the County of Northampton has met and complied
with the required regulations pertaining to the preparation and submission of the request for modification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request of the PA Department of DCED revision to the 2004 CDBG contract on behalf of Washington Township.

Mr. John Conklin, Director of Administration, stated through discussions with Washington Township, the Administration had decided not to use the Glendon Borough money, which was PA DCED funded, to support the Washington Township project. He further stated they were continuing on with the Washington Township project with Federal funding which did not necessitate the presentation of either resolution, therefore, they were asking for their withdrawal.

Mr. Angle advised Washington Township was in agreement with their decision.

Mrs. McHale stated that she heard through Mr. Dowd that Glendon Borough was also in agreement.

Consideration of the Amendment to the Northampton County FY 2008/2009 Annual Action Plan to Incorporate Homeless Prevention and Rapid Re-Housing Assistance Activities

Mrs. McHale advised the Administration requested County Council adopt a resolution amending the 2008/2009 Annual Action Plan to incorporate homeless prevention and rapid re-housing assistance activities. She further advised this matter was reviewed at the Economic Development Committee meeting held April 16, 2009.

Mrs. Ferraro introduced the following resolution:

R. 32-2009

Authorizing the Request for a Substantial Amendment to the County's FY 2008/2009 Annual Action Plan to Incorporate Homeless
County Council Minutes -41- May 7, 2009

Prevention and Rapid Re-Housing Assistance Activities

WHEREAS, Title XII of the American Recovery and Reinvestment Act of 2009 authorized creation of the new Homelessness Prevention and Rapid Re-Housing Program (HPRP) block grant program, to be administered through the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the County of Northampton received notice from the HUD that it is entitled to receive $738,192 in said block grant funds in Fiscal Year 2009 for the Homelessness Prevention and Rapid Re-Housing Program; and

WHEREAS, in order for the County of Northampton to receive these additional funds, the FY 2008/2009 Action Plan must be substantially amended and submitted to HUD not later than May 18, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council hereby approves the County's Substantial Amendment to the FY 2008/2009 Action Plan as described in the attached description; and

BE IT FURTHER RESOLVED that the Council by this action acknowledges that these allocations do not constitute a commitment of funds or project site approvals, and that such commitment of funds or approvals may occur only upon notice by HUD of acceptance of the substantial amendment; and

BE IT FURTHER RESOLVED that the County Executive is hereby authorized to prepare and submit the County's FY 2008/2009 Action Plan Substantial Amendment, and any related applications or documents, and any amendments or corrections to such applications and documents, to HUD.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive is hereby authorized to submit the Substantial Amendment to the County's FY 2008/2009 Annual Action Plan for approval by HUD.

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

The vote: Ferraro, “yes”; Dertinger, “yes”; Dowd, “yes”;
The resolution was adopted by a vote of 9-0.

Consideration of Pending Open Space Environmentally Sensitive Projects Which Were Approved and Recommended by the Northampton County Open Space Advisory Board

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

Mr. Dertinger advised each of the four properties being considered were in the dark green environmentally sensitive parts of the County. He further advised they scored particularly high, if not the highest of ratings, for being environmentally sensitive.

Mr. Dertinger then introduced the following resolutions:

Whitetail Bowmans Archery Club Conservation Easement Acquisition

R. 33-2009 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 the purchase of a conservation easement in perpetuity for the Whitetail Bowmans Archery Club property which is described more fully in Exhibit “A”, a copy of which is attached hereto.; and

WHEREAS, the Northampton County funding will be used to acquire a conservation easement as follows:

Property Owner: Whitetail Bowmans Archery Club
Site Location: 2206 Apple Street, Lower Saucon
NOW, THEREFORE BE IT RESOLVED by the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to acquire a conservation easement in perpetuity for the Whitetail Bowmans Archery Club property.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $93,049.50 as consideration for the purchase of said conservation easement in perpetuity.

(3) The County of Northampton shall be designated as a joint easement holder on the easement recorded in the office for the recording of deeds in the County of Northampton.

Mr. Dertinger stated the Open Space Committee voted in favor of approving these resolutions, noting the money was included in last year’s budget.

Mrs. McHale asked if there was any objection to voting on all of these resolutions at one time.

Mr. Angle advised he had no objection, but he had a few questions.

In response to Mr. Angle’s question as to the status of the money that was left for these type of projects, Mr. Mazziotti stated he was not sure of the exact balance, but the funds were budgeted.
Mr. Dertinger advised a certain amount of money was not set aside for these projects, but funds were budgeted for projects they knew were coming.

In answer to Mr. Angle’s question as to what the County was paying for the Garofola property, Mr. Dertinger stated the County was paying $3,500 per acre.

In response to Mr. Angle’s remark that the County was paying $3,500 for swamp land, Mr. Dertinger advised the County was paying $3,500 per acre for continuous properties to the Lake Minsi Corridor, which was seen as a very important corridor by the State.

Mr. Dertinger then continued with the introductions of the resolutions.

**Heyer Mill Conservation Easement Acquisition**

R. 34-2009  
**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 the purchase of a conservation easement in perpetuity for the Heyer Mill property, which is described more fully in Exhibit “A”, a copy of which is attached hereto; and

**WHEREAS**, the Northampton County funding will be used to acquire a conservation easement as follows:

- **Property Owner:** James and Elfriede Ruest
- **Site Location:** Heyer Mill Road, Wind Gap, Northampton County
- **Parcel Identification:** H6-13-1
- **Site Information:** approximately 23.05 acres, wooded, steep slopes, Bushkill Stream runs through parcel, within Moorestown Wetlands NAI site
Appraised Value: $52,500.00
County Grant Request: $26,250.00
Other Grants: $26,250.00 Bushkill Township

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

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to acquire a conservation easement in perpetuity for the Heyer Mill property.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $26,250.00 as consideration for the purchase of said conservation easement in perpetuity.

(3) The County of Northampton shall be designated as a joint easement holder on the easement recorded in the office for the recording of deeds in the County of Northampton.

Garofalo Fee Simple Acquisition

R. 35-2009 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 the fee simple acquisition, by The Nature Conservancy, of the James Garofalo property, Upper Mount Bethel Township, County of Northampton, which is described more fully in Exhibit “A”, a copy of which is attached hereto.; and

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

Property Owner(s): James Garofalo
Site Location: Institute Road, Upper Mount Bethel Township Northampton County

Parcel Identification: B10-5-19

Site information: approximately 5.8 acres, wooded, stream runs through parcel, within the Minsi Lake Vernal Pool Complex

Appraised Value: $150,000.00

County Grant Request: $44,711.00

Other Grants: $46,000.00 Pennsylvania DCNR

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

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to complete the fee simple acquisition, by The Nature Conservancy, of the James Garofalo property, located at Institute Road in Upper Mount Bethel Township, Northampton County, Pennsylvania being approximately 5.8 acres, and also known as Northampton County Uniform Parcel Identifier #B10-5-19.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $44,711.00 as consideration for the fee simple acquisition, by The Nature Conservancy, of the Garofalo Property.

Miller/Kies Fee Simple Acquisition

R.36-2009 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 the fee simple acquisition, by The Nature Conservancy, of the Miller/Kies property, Upper Mount Bethel Township, County
WHEREAS, the Northampton County funding will be used to acquire properties as follows:

<table>
<thead>
<tr>
<th>Property Owner(s):</th>
<th>Daniel Miller, Shirley Kies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>South of Institute Road,</td>
</tr>
<tr>
<td></td>
<td>Upper Mount</td>
</tr>
<tr>
<td></td>
<td>Bethel Township,</td>
</tr>
<tr>
<td></td>
<td>Northampton County</td>
</tr>
<tr>
<td>Parcel Identification</td>
<td>C10-5-20</td>
</tr>
<tr>
<td>Site information:</td>
<td>approximately 5.83 acres,</td>
</tr>
<tr>
<td></td>
<td>wooded, stream runs</td>
</tr>
<tr>
<td></td>
<td>through parcel, within the</td>
</tr>
<tr>
<td></td>
<td>Lake Minsi Vernal Pool</td>
</tr>
<tr>
<td>Complex</td>
<td></td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$30,500.00</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$46,000.00 Pennsylvania DCNR</td>
</tr>
</tbody>
</table>

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

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to complete the fee simple acquisition, by The Nature Conservancy, of the Miller/Kies property, located at South of Institute Road, Upper Mount Bethel Township Northampton County, Pennsylvania being approximately 5.83 acres, and also known as Northampton County Uniform Parcel Identifier #C10-5-20.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $30,500.00 as consideration for the fee simple acquisition, by The Nature Conservancy of the Miller/Kies Property.

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

The vote: Dertinger, “yes”; Dowd, “yes”; Ferraro, “yes”;
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The resolutions were adopted by a vote of 8-1.

Consideration of the Resolution Supporting PA House Bill 1069 - Recycling and Waste Management Fee

Mrs. McHale stated at the request of Mr. Cusick, a resolution was prepared which indicated the support of County Council for the enactment of PA House Bill 1069, which would restore the ability of Counties to levy a recycling and waste management fee.

Mr. Cusick advised up to 2005, Counties were able to collect tipping fees from landfills for waste that was generated within its own borders. He further advised that ability was struck down by the Commonwealth Court and it would take an act from the General Assembly to enable Counties to collect that fee again. He noted there was legislation currently pending that would restore this ability and this resolution asked the members of the General Assembly that represented Northampton County to support it.

Mr. Cusick introduced the following resolution:

R. 37-2009    WHEREAS, most Counties in the Commonwealth of Pennsylvania provide supplemental recycling services to their residents, including household hazardous waste pickup, recycling of electronics and tires, and recycling drop-off centers; and

WHEREAS, more than half of the Counties fund these services with a County administrative fee levied on each ton of trash generated in the County; and

WHEREAS, these services are now being reduced or eliminated as the result of a 2005 Pennsylvania Commonwealth Court decision that declared the administrative fees illegal; and

WHEREAS, House Bill 1069, introduced in the House of Representatives of the Pennsylvania General Assembly on March 24, 2009, would clarify the ability of Counties to levy such a
fee and would allow Counties to “impose a recycling and waste management fee on municipal solid waste generated within its borders and received at resource recovery facilities or municipal waste landfills.”

WHEREAS, it is expected and anticipated that legislation comparable to HB 1069 will soon be circulated for introduction in the Senate of the Pennsylvania General Assembly.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it does hereby support the provisions of HB 1069, or comparable legislation, which would restore the ability of Counties to levy a recycling and waste management fee. Further, a copy of this resolution shall be sent to the Northampton County delegation to the General Assembly of the Commonwealth of Pennsylvania.

In response to Mrs. McHale’s question, Mr. Cusick stated the bill would allow up to $4.00 per ton.

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


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

Consideration of the Administrative Code Article XIII Contract Approval Resolution – Simplex Grinnell- Security Upgrades for the Juvenile Justice Center

Mrs. McHale advised from time to time, County Council was asked to approve certain contracts, as per the requirements of Administrative Code Article XIII. She further advised County Council was being asked to approve the contract with Simplex Grinnell for security system upgrades at the Juvenile Justice Center.

Mr. McClure introduced the following resolution:

R. 38-2009 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 April 30, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the estimated amount of $298,898.00, with Simplex Grinnell for security upgrades at the Juvenile Justice Center.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Simplex Grinnell for security upgrades at the Juvenile Justice Center.

In answer to Mr. Cusick’s question as to whether the County should wait on this contract as the Juvenile Justice Center was going to be expanded, Mr. Conklin stated there were actually two components to the contract. He further stated the first component was an upgrade that was necessary prior to the expansion taking place and the second component was concurrent with construction.

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 Portland Upper Mount Bethel Food Pantry Request Resolution

Mrs. McHale advised at the request of Mr. Angle, a resolution was prepared to assist the Portland Upper Mount Bethel Food Pantry.
Ms. Sherma Godshalk stated the food pantry had been in existence for 15 years, it serviced 290 families twice a month and all the workers were volunteers. She further stated they would like funding for new doors, shelving and to make improvements so the families did not have to stand outside in all kinds of weather to receive their food.

Ms. Godshalk advised they have been seeing an increase in working poor families, but a larger increase in senior citizens. She further advised she felt $9,000 would allow them to take care of their needs.

Mr. Capozzola suggested finding out, before the next budget hearings, how many food pantries there were in the County and perhaps set up some type of funding for them.

Mr. Angle and Mrs. McHale introduced the following resolution:

R. 39-2009 WHEREAS, the Portland Upper Mount Bethel Food Pantry, which currently serves approximately 290 families throughout the Slate Belt, is in need of several capital improvement items which will enhance and improve its ability to serve the citizens of the Slate Belt and surrounding areas; and

WHEREAS, increasing the capacity of the Portland Upper Mount Bethel Food Pantry, and its ability to serve an ever increasing number of citizens, is particularly important to the citizens of the County especially in light of current economic conditions; and

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it does hereby endorse and support the request of Portland Upper Mount Bethel Food Pantry for financial assistance.

IT IS FURTHER RESOLVED By the Northampton County Council that the sum of $9,000 shall be transferred from the 2009 Contingency account #05000-76050 and allocated to the Portland Upper Mount Bethel Food Pantry, this 7th day of May 2009.

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

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

Department of Community and Economic Development Deadlines

Mr. Dowd stated at the Economic Development Committee meeting, there was some discussion regarding deadlines coming up, particularly with regard to the Community Development Block Grant monies.

Mr. Conklin advised Ms. Lori Sywensky, Community Development Administrator, mentioned that she was being bombarded almost daily with stimulus based grant opportunities that were coming out. He further advised she mentioned that a lot of them had short turn around times. Therefore, they would like County Council to come up with the right document that would allow her to fast track her efforts in an attempt to leverage as much Federal money as possible.

Mrs. McHale stated she believed the solution might be to do a blanket resolution that would allow them to apply for any grants that might come up.

Mr. Dowd advised he would be willing to sponsor such a resolution because the County certainly did not want to miss any opportunities.

Deputy Sheriffs Association

Mr. Angle stated about a month ago, a few members of the Deputy Sheriffs Association appeared before County Council to air some grievances about how their contract negotiations were being handled. He further stated he felt because County Council was the body that approved contracts, they should not discuss their issues with County Council so they went away.

Mr. Angle advised at the last meeting, he received a letter which stated, “We the members of the Deputy Sheriffs Association
When Mr. Angle asked if anyone else received such a letter, Mrs. McHale informed him she had received some correspondence and Mr. Dowd indicated he received a list of their issues.

Mr. Angle stated he asked Sheriff Jeff Hawbecker to be present tonight because he took offense to the Deputy Sheriffs Association sending him such a letter and that it was out of line.

Sheriff Hawbecker advised he had two telephone conversations with Mr. Angle in which he related the contents of the letter. He further advised he was quite surprised that he would receive such a letter and informed him he would call the Deputy Sheriffs Association members in and discuss this matter with them to try and find out why that letter was presented to Mr. Angle.

Sheriff Hawbecker stated he held that meeting and subsequently talked to Mr. Angle about it. He further stated when he asked the members if such a letter was sent to Mr. Angle, they indicated it had. He then asked how many other members of County Council also received the letter, they informed him they would not tell him how many people got letters.

Sheriff Hawbecker advised they felt this issue was a matter for the members of the Association, the Administration and County Council. He further advised he was surprised to learn that they had appeared before County Council to discuss the issues they had with the Administration. He noted he would not deny anyone the right to bring an issue before County Council, but he thought this matter was between labor and management.

Sheriff Hawbecker stated he asked if they were being guided on these issues by their attorney and they informed him they were. He further stated he believed they felt because County Council had to approve the contract, they were involved in the process.

With regard to Mr. Angle, Sheriff Hawbecker advised in the years that he had been on County Council, he had never asked him for any favor whatsoever, noting he could say the same about any of the members of County Council. He further advised he and Mr.
Angle have had disagreements over the years, but he felt they had a mutual respect for each other.

Sheriff Hawbecker stated he did not feel Mr. Angle was an adversary to law enforcement nor did he consider any member of County Council an adversary, noting he had received nothing, but support from County Council during his years as Sheriff.

Mr. Angle advised what he found most offensive was how this whole situation came about and that was because they came to a County Council meeting thinking they could discuss their issues, however, he informed them this was a labor issue and County Council should not have been involved. He further advised he wanted to make it clear that he was not law enforcement unfriendly.

Mr. Dertinger stated a union found Mr. Angle unfriendly to them so Mr. Angle went to their boss to resolve the matter. He further stated there was no reason why these individuals could not come before County Council to air their grievances because they were citizens and employees of the County. He noted he received a letter from them which indicated their grievances that County Council did not get to hear since they were inappropriately stopped from speaking.

In response to Mr. Angle’s question as to whether he believed County Council should have held discussion with the Deputy Sheriffs regarding their grievances, Mr. Stoffa replied he did not.

Personnel Committee Report

Mr. Cusick advised County Council did advertise for additional applications to the Northampton County Gaming Revenue and Economic Redevelopment Authority and no additional applications were received.

In answer to Mr. Angle’s question as to what he proposed to do about the Slate Belt and Nazareth COGs seeking a place on the Northampton County Gaming Revenue and Economic Redevelopment Authority, Mr. Cusick stated there was a duly enacted ordinance and if someone wished to, they may propose an ordinance to amend it.
Adjournment

Mr. Dertinger made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council