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.; Gerald E. Seyfried; Anthony J. Martino, Solicitor to Council, and Frank E. Flisser, Clerk to Council.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mrs. McHale asked for a motion to approve the minutes.

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the October 15, 2009 and October 22, 2009 meetings shall be approved.

Mr. Angle seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Bernard O’Hare, 68 South Main Street, Nazareth, PA - advised he was glad to see on the agenda that there was going to be a discussion regarding video streaming of County Council meetings because he felt it was long overdue and that it was one of the reasons for the extensive renovations of the County
Mr. O’Hare stated on his way in this evening, he was subjected to a search. He further stated that this was not a usual practice, but basically depended on who was on duty at the door. He noted he did not believe it was in the interest of good government for people who want to find out what was going on to be subjected to searches. He further noted Deputy Sheriffs did have a right to search individuals coming into the Courthouse when Court was in session, but he felt this was inappropriate and there was no legal authority for it.

Mr. Angle advised he did not think people coming to a County Council meeting should be intimidated with searches.

Mr. Dertinger stated he would agree, however, shootings have occurred at these types of meetings. Further, a lot of offices and stairwells are opened at night whereby someone could bring something in at night and retrieve it the next day when Court was in session. He further stated it should be a practice that was done consistently during the day and at night. Additionally, he had no problem with being searched and in fact, every government building he entered, he had to go through a screening.

Mr. McClure advised he also had no objection to be searched, but he was curious as to what the County Executive thought about this issue.

Mr. John Stoffa, County Executive, stated it was something that needed to be looked at and it had to be consistent. He further stated when a new Sheriff was appointed, he plans to discuss the issue with him.

Mrs. McHale advised she felt it was a good idea for everyone to be searched especially since the buildings were equipped with the equipment to do it.

Mr. Angle stated if someone wanted to attack someone, it could be done in the parking lot before they entered the building.

Public Hearing on the Ordinance Authorizing the Conveyance of the Bachmann Publick House to the Northampton County Historical
AN ORDINANCE AUTHORIZING THE CONVEYANCE OF
THE BACHMANN PUBLICK HOUSE TO THE
NORTHAMPTON COUNTY HISTORICAL AND
GENEALOGICAL SOCIETY

WHEREAS, by virtue of a deed dated January 8, 2009 and recorded in the Office of the Recorder of Deeds in and for Northampton County at Deed Book Volume 2009-1, page 10710 on January 20, 2009, the County Council of the County of Northampton accepted, on behalf of the County of Northampton, fee simple title to the Bachmann Publick House, identified as Tax Map Number MAP L9SE2B, BLOCK 3, LOT 15; and

WHEREAS, Section 602 (a) (6) of the Northampton County Home Rule Charter, provides that, “The County Council shall adopt an ordinance for any act which — (6) purchases, conveys, leases or authorizes the purchase conveyance or lease of any real property of the County”; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby authorize the sale and conveyance of a certain tract of ground and improvements thereon located in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, known as the Bachmann Publick House and identified as Tax Map Number MAP L9SE2B, BLOCK 3, LOT 15, to the Northampton County Historical and Genealogical Society, subject to the terms and conditions set forth in the attached agreement of sale.

Public Hearing

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

Mrs. McHale asked if there were any members of County Council who wished to comment on this ordinance.
Mr. McClure stated he did not think County government anywhere should be involved in historic preservation. He further stated Northampton County was in a unique situation in that it had a piece of property that was not only important to our County or State history, but to our national history and because of that, the County did have some responsibility with regard to the preservation of this particular piece of property.

Mr. McClure advised he would urge his colleagues not to sell the property, but to lease it, because one of his concerns was right now the NCHGS was a wonderful organization which was operated by people who did everything they could to make sure they preserve and perpetuated knowledge of our very important history, however, those folks might not always be there and the NCHGS might not always be what it was. He further advised he was very comfortable being in partnership with the NCHGS, but he was very reluctant to vote to give this tremendous public asset away. Therefore, he would like to urge his colleagues to lease it and not sell it.

Mr. Dowd stated he appreciated Mr. McClure’s comments, however, he had been involved in the discussions regarding the Bachmann Publick House for more than three years and after that time, he felt the NCHGS was the organization designated to preserve this County’s history and the leadership had always been remarkably confident because of their concern and knowledge for the history of Northampton County. He further stated he believed there were adequate protections in the Agreement of Sale that preserved this asset and allowed it to come back to the County if the NCHGS was unable to comply.

Mr. Dowd commented the County had enough properties to worry about maintaining and it was having a difficult time doing so. He further commented the County was not the best of landlords or property managers and the NCHGS, in conjunction with Lafayette College, would be appropriate stewards. Therefore, he would recommend moving forward and sell the property.

Mr. Angle advised he agreed with Mr. Dowd and there was a reverter clause. He further advised the NCHGS did a marvelous job and they were as strong as they have ever been.

Mrs. McHale remarked this was not the first time this
building came back to the County.

Mr. Dertinger stated it only came back to the County after a significant amount of bickering back and forth for nonpayment of the monies that were owed to the County. He further stated the County had taken a $500,000 loss on this particular property and the reverter clause did not protect the building so there was no guarantee the building would come back to the County in the shape it was now. He added being the landlord would give the County stronger control over the building and its preservation.

Mr. Dertinger advised the NCHGS was a wonderful organization today, but there were a significant number of great organizations that twenty years ago were doing a great job in this County that no longer existed. He further advised the County had to look forward when it was talking about a more than 200 year old building. Therefore, he would support, and asked everyone else to support, leasing the building and maintaining ownership.

Mr. Angle made a motion that a statement should be added where appropriate that the Bachmann Publick House shall be maintained in a like or better condition than it was upon delivery and further, it would be maintained in a fashion that was commensurate with its historical importance to the County.

Mr. Dowd seconded the motion.

In answer to Mr. Cusick’s question, a representative of the NCHGS replied they had no objection to the motion.

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


The motion passed by a vote of 9-0.
As there were no further questions or comments, Mrs. McHale called for the vote on the ordinance.


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

Public Hearing on the Ordinance Providing for Amendments to the Weights and Measures Fee Schedule

Mrs. McHale stated this ordinance was introduced by Messrs. McClure and Seyfried at the meeting held October 15, 2009.

AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411 OF 2003, THE ORDINANCE TITLED, “AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE”

WHEREAS, Ordinance No. 411 OF 2003, THE ORDINANCE TITLED, “AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE,” was duly enacted December 8, 2003.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, By the Northampton County Council that Ordinance No. 411 of 2003 shall be amended as indicated hereafter (sections marked with strikeout are being deleted and sections marked with bold underline are being added):
TITLE: AN ORDINANCE OF THE COUNTY COUNCIL OF THE
COUNTY OF NORTHAMPTON, PENNSYLVANIA,
REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR
COMMERCIAL WEIGHING, MEASURING OR SCANNING
DEVICES; SETTING FORTH DEFINITIONS;
ESTABLISHING THE REQUIREMENTS FOR OBTAINING
A PERMIT; SETTING FORTH PENALTIES FOR
VIOLATION THEREOF; AND ESTABLISHING THE
EFFECTIVE DATE

WHEREAS, the County of Northampton and the Commonwealth of
Pennsylvania, Department of Agriculture have entered into a
Memorandum of Understanding pursuant to the Consolidated Weights
and Measures Act (3 Pa C.S.A.§4101 et seq.); and

WHEREAS, the Memorandum provides for the delegation of
powers and duties from the Commonwealth to the County for
various inspection responsibilities; and

WHEREAS, the County has determined that an annual
license/permit fee for each commercial weighing, measuring or
scanning device subject to the jurisdiction of the County Office
of the Division of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby enacted and ordained by the
County Council of the County of Northampton, Pennsylvania, as
follows:

SECTION 1. Definitions

Division - Division of Weights and Measures, County of
Northampton

Fuel dispenser - A device designed for the measurement and
delivery of gasoline, diesel or kerosene fuel.

Person - A corporation, partnership, limited liability company,
business trust, other association, government entity (other than
the Commonwealth), estate, trust, foundation or natural person.

PLU device - Price look-up device - A device that can access a
database price file or retail price retrieval system. The term
includes bar code beam or contact scanners, Optical Character
Recognition (OCR) scanners or readers, magnetic scanners or readers, alpha or numeric keyboards, or both, voice response systems and computer based retail price retrieval systems.

Scale - Any weighing device.

Scanning device - A general term for any of the several types of PLU technologies capable of communicating with a database price file or retail price retrieval system. The term includes hardware, software and supporting computer systems.

Weights and measures - Weights and measures of every kind, instruments and devices for weighing and measuring and any appliances and accessories associated with any or all such instruments or devices.

Vehicle tank meter - A meter mounted on vehicle tanks including those used for the measurement and delivery of domestic petroleum products.

SECTION 2. Permit Required

Every person that operates or maintains a weighing, measuring or scanning device for commercial purposes, including but not limited to fuel dispenser, vehicle tank meter, scale and/or PLU device, is required to obtain an annual license/permit for each device from the Northampton County Division of Weights and Measures. New or currently installed devices must be reported to the Weights and Measures office to obtain the proper permit.

SECTION 3. Requirements

The Division shall issue an annual device license/permit upon the following:

(1) The applicant furnishes such information relative to the application for a device permit as the Division may require from time to time.

(2) The applicant pays the following annual license/permit fee for each weighing, measuring or scanning device:
• Fuel dispensers
  $15.00 per grade  6 grades or less per location
  $20.00 $25.00 per grade  7 grades or more per location

• Vehicle Tank Meters
  $40.00 $60.00 per meter on domestic fuel truck

• LP Gas Tank Meters
  $50.00 per meter

• Scales: used in commercial trade and/or non-commercial use
  but required by user to be inspected
  $15.00 for single scale  Up to 1,000 lbs.
  $20.00 $25.00 per device  Up to 1,000 lbs. (2 or more devices)  (Scale License A)
  $75.00 $100.00 per device  Over 1,000 lbs.  (Scale License B)

• Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device
  $50.00 per system  3 or less checkouts per location  (UPC/PLU License A)
  $100.00 per system  4 or more to 6 checkouts  4 or more to 6 checkouts per location  (UPC/PLU License B)
  $200.00 per system  7 or more checkouts per location (UPC/PLU License C)

• Coin Counting Devices
  $50.00 per device

• Timing and Fabric Devices
  $5.00 per device

SECTION 4. Penalties

Any person violating any provision of the Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars ($100.00) per violation, to be paid to the use of the County, with the cost of prosecution.
SECTION 5. Constitutionality

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

SECTION 6. Rules and Requirements

The Division of Weights and Measures shall, from time to time, establish rules and regulations for the implementation of this Ordinance.

SECTION 7. Effective Date

This ordinance shall become effective thirty (30) days after date of enactment January 1, 2010.

Public Hearing

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

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

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


The ordinance was adopted by a vote of 8-1.
Mrs. McHale advised these ordinances were introduced by Messrs. Dertinger and Seyfried at the meeting held October 22, 2009.

AN ORDINANCE AUTHORIZING THE LEASE OF THE
BACHMANN PUBLICK HOUSE TO THE NORTHAMPTON
COUNTY HISTORICAL AND GENEALOGICAL SOCIETY

WHEREAS, by virtue of a deed dated January 8, 2009 and recorded in the Office of the Recorder of Deeds in and for Northampton County at Deed Book Volume 2009-1, page 10710, on January 20, 2009, the County Council of the County of Northampton accepted, on behalf of the County of Northampton, fee simple title to the Bachmann Publick House, identified as Tax Map Number MAP L9SE2B, BLOCK 3, LOT 15; and

WHEREAS, Section 602 (a) (6) of the Northampton County Home Rule Charter, provides that, “The County Council shall adopt an ordinance for any act which - (6) purchases, conveys, leases or authorizes the purchase conveyance or lease of any real property of the County”; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby authorize the lease of the property known as the Bachman Publick House (L9SE2B-3-15): (excepting the ground floor office facing Northampton Street and the two store front spaces known as 9 and 11 Second Street) to the Northampton County Historical and Genealogical Society, subject to the terms and conditions set forth in the attached lease agreement.

AN ORDINANCE AUTHORIZING THE LEASE OF
PORTIONS OF THE PROPERTY KNOWN AS THE
BACHMANN PUBLICK HOUSE TO LAFAYETTE COLLEGE

WHEREAS, by virtue of a deed dated January 8, 2009 and recorded in the Office of the Recorder of Deeds in and for Northampton County at Deed Book Volume 2009-1, page 10710, on January 20, 2009, the County Council of the County of
Northampton accepted, on behalf of the County of Northampton, fee simple title to the Bachmann Publick House, identified as Tax Map Number MAP L9SE2B, BLOCK 3, LOT 15; and

WHEREAS, Section 602 (a) (6) of the Northampton County Home Rule Charter, provides that, “The County Council shall adopt an ordinance for any act which (6) purchases, conveys, leases or authorizes the purchase conveyance or lease of any real property of the County”; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby authorize the lease of the following portions of the property known as the Bachman Publick House (L9SE2B-3-15): the ground floor office facing Northampton Street and the two store front spaces known as 9 and 11 Second Street to Lafayette College, subject to the terms and conditions set forth in the attached lease agreement.

Mrs. McHale asked Mr. Martino to offer an opinion as to how County Council should address these ordinances.

Mr. Martino advised with adoption of the other ordinance, these ordinances were moot and he did not believe any action had to be taken, but County Council could enter a motion to strike them from the agenda.

Mr. Angle made a motion to strike these ordinances from the agenda.

Mr. Dowd seconded the motion.

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


The motion was passed by a vote of 9-0.

Discussion on the Video Streaming of County Council Meetings

Mrs. McHale stated Mr. Al Jordan, ACS Director of
Information Services, was present to provide the final plan for video streaming County Council meetings. She further stated a resolution had been prepared which allocated the necessary funding from the 2009 Contingency account to implement the project.

Mr. Jordan advised there was a plan that was worked out that would cost approximately $16,000. He further advised they negotiated with a company called Sire and Focus that was located in Utah. He noted the video streaming would entail two cameras, one focusing on the speaker and the other focusing on the members of County Council. He noted the person who was speaking would be pictured in a small frame inside the overall picture through picture in picture technology, which reduced the cost significantly.

Mr. Jordan stated the package also included a lot of extras, such as using the agenda as an index to the video. He further stated the meetings would be streamed live with copies of previous meetings being archived. He noted the County Commissioners Association of Pennsylvania was doing the same thing and what Northampton County was receiving was comparable and at a lower price. He further noted all the equipment should be in place by the end of the year.

In response to Mrs. McHale’s question as to whether an operator would be necessary, Mr. Jordan indicated it would not be necessary, but his staff would be available to monitor the streaming and the back end processes.

In answer to Mr. Angle’s comment that he thought this was included in the original plans for the meeting room, Mrs. McHale advised the wiring and the set up was and that was the reason for the cost of doing the room.

In response to Mr. Angle’s question as to whether there was any information as to how many people might watch these types of proceedings, Mr. Jordan stated he did not look into any numbers, but there was a demand for it and it was very popular.

Mr. Dowd advised a large number of people watched the Easton Area School District meetings.
Mr. Jordan stated when they were looking at vendors, they provided websites for different entities who were live streaming and it appeared to be very popular.

Mr. Cusick advised he had spoken to representatives from Chester and Allegheny Counties who currently have live streaming and they found the number of people who watched depended on the agenda items.

When Mr. Angle asked if he could look for sponsors to help with the cost of this endeavor, Mrs. McHale gave him the go ahead with County Council’s approval.

Mr. Jordan stated an issue arose as to the possibility of using public access television for those people who did not have access to a computer. He determined that would require a production team so they were going to present the broadcasters the meetings in a format they could use to enable it to be broadcast on television.

Consideration of the Video-Streaming of the 2009 Contingency Transfer Resolution

Mrs. McHale introduced the following resolution:

R. 88-2009  WHEREAS, the Northampton County Information Services Division through Al Jordan, ACS Account Manager, has presented a proposal for video streaming the meetings of the Northampton County Council; and

WHEREAS, in 2009 the first year cost is estimated to be $16,000.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the sum of $16,000 shall be transferred from the 2009 Contingency account #0500-76050 to the 2009 Information Services budget #35100-75200 Computer Hardware, this 5th day of November 2009. It is the intent of the Northampton County Council that the purpose of this Contingency transfer is to implement the video streaming project.

Mr. McClure advised at a budget hearing, Mr. Angle
suggested reducing County Council’s Contingency account by $150,000, which he was going to support because he felt it was the appropriate thing to do in these budgetary times. He further advised the Contingency account had been used in the past to help different organizations and community activities so he was concerned that this fund was being reduced by $16,000 for something that really did not help people.

Mrs. McHale stated this was something that had been in the works for several years and she felt the time had come to proceed with it.

Mr. Cusick commented this was not County Council’s money, it was taxpayers’ money and it was being used to provide the citizens an opportunity to see their government at work.

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


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

Open Space Initiative Funds

Mr. Angle requested the County Executive show County Council, at the next Budget Hearing, what impact using the .5 mill open space tax would have on the budget if it was to be used to reduce the tax increase for next year only. He indicated he would like the information to reflect the impact if all the money was used and then if the Farmland Preservation money was left untouched.

Mrs. McHale advised when County Council approved the .5 mill increase, there was some discussion regarding whether that money could be used for something other than its original intent. She further advised there was nothing in the ordinance that was passed to prevent that money from being used for something else.
Mr. Cusick stated there was a libertarian candidate running for a judicial office and he wondered if there was something in the law that required such candidates to be so far over to the right from the listing of candidates.

Mr. Conklin advised there was a legal requirement.

In answer to Mr. Cusick’s question as to whether any costs were available from the Special Election, Mr. Conklin stated the cost was approximately $47,805, but he noted an invoice was being submitted to the Department of State for reimbursement.

Mr. Angle advised in the past, candidates who cross filed were listed based on the number of votes they received during the primary, but this year, that order was changed.

Mr. Conklin stated the issue was researched and that was the outcome that was determined.

Personnel Commission

Mr. Seyfried advised the Personnel Commission met today and he wanted to inform County Council that he was impressed by that board finding them to be extremely knowledgeable and well qualified for their positions.

Hay Study

When Mrs. McHale asked Mr. Stoffa if had been able to find the Personnel Commission’s report on the Hay Study, he replied he was still looking for it. He added they had been putting a lot of their efforts into the Career Service Regulations which he felt was a more pressing issue.

Public Hearing on the Proposed 2010 Northampton County Budget

Mrs. McHale stated the Northampton County Home Rule Charter
required County Council to conduct a public hearing on the proposed 2010 budget as submitted by the County Executive. She further stated that, in accordance with the Charter, a copy of the proposed budget was duly submitted to public libraries, and to the offices of each city, borough, and township in Northampton County.

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

Mrs. McHale advised County Council would be considering adoption of the budget at one of its December meetings.

Public Hearing on the Proposed 2010 Northampton County Capital Improvements Plan

Mrs. McHale stated the Northampton County Home Rule Charter required County Council to conduct a public hearing on the 2010 Capital Improvements Plan as submitted by the County Executive. She further stated that, in accordance with the Charter, a copy of the Capital Improvements Plan was duly submitted to public libraries, and to the offices of each city, borough, and township in Northampton County.

Mrs. McHale asked if anyone from the public wished to comment on the Capital Improvements Plan. There were no respondents.

Mrs. McHale advised County Council would be considering adoption of the Capital Improvements Plan at one of its December meetings.

Introduction of the 2010 Real Estate Tax Millage Rate Ordinance

Mrs. McHale stated the millage rate ordinance was being introduced at this meeting to enable County Council to adopt it at either of the December meetings. She further stated she had been seeking co-sponsors to introduce the ordinance, but was not
Mr. McClure advised his reason for not wanting to be a co-sponsor of this ordinance was because he thought it was a passive acknowledgment he was for the tax increase and he was not.

Mr. Seyfried stated he would co-sponsor the introduction of the ordinance with the understanding that he had no intention of voting for the current proposed tax increase.

Mr. Capozzolo advised he would also co-sponsor the introduction under the same condition as Mr. Seyfried.

Messrs. Seyfried and Capozzolo introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE REAL ESTATE TAX MILLAGE RATE IN THE COUNTY OF NORTHAMPTON FOR THE YEAR 2010

IT IS HEREBY ORDAINED AND ENACTED, that the millage rate for real estate tax purposes for the year 2010 shall be set at 11.8 mills on every dollar of assessed valuation of taxable real estate or $1.18 on every $100.00 of assessed valuation.

Mrs. McHale stated the public hearing and debate on the ordinance would be held at the November 19, 2009 County Council meeting. She further stated additional debate and vote would take place at the December County Council meeting at which the budget will be adopted.

Consideration of the Administrative Code Article XIII - Contract Approval - Tyler Industries for Software Maintenance in the Assessment and Revenue Divisions, Department of Fiscal Affairs

Mrs. McHale advised in accordance with the provisions of Northampton County Administrative Code Section 13.16, from time to time, County Council was asked to approve certain contracts.

Mr. McClure introduced the following resolution:
R. 89-2009 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 October 20, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a sole source maintenance contract, in the amount of $113,870.00, with Tyler Industries Inc. for software maintenance for the Assessment and Revenue Divisions, Department of Fiscal Affairs.

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 Tyler Industries Inc. for software maintenance for the Assessment and Revenue Divisions, Department of Fiscal Affairs.

Mr. Vic Mazziotti, Director of Fiscal Affairs, stated this was a software maintenance contract for the software that was used in the Assessment Office. He further stated this was the same software that was installed the last time they did a reassessment and without a maintenance contract, if a problem developed, there could be complications getting it rectified because the developer of the software was the only company to maintain it.

In response to Mr. Cusick’s question as to whether this would have any affect on the County’s ability to do a reassessment, Mr. Mazziotti replied if the County were to do a full blown reassessment, a firm would be hired and they generally had software that they used to gather and analyze the information.

In answer to Mr. Cusick’s question as to what impact this would have on the County’s website where people could obtain property information, Mr. Mazziotti advised there should be none.
Mrs. McHale stated, in her business, she used the County’s website frequently and often referred her underwriters to it. She further stated in comparing it to neighboring Counties, Northampton County’s was much better.

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 Economic Development Initiative Resolution

Mrs. McHale stated at the request of Mr. Angle, a resolution was prepared which directed the County Executive to formulate a plan to develop a Northampton County Economic Development Initiative through the Northampton County Department of Community and Economic Development (DCED).

Mr. Angle introduced the following resolution:

R.90-2009 Resolved, By the Northampton County Council that the Northampton County Executive is directed to formulate and submit, to County Council, within ninety (90) days, a plan whereby the Northampton County Department of Community and Economic Development would develop a comprehensive economic development initiative for Northampton County. Further, it should be clearly understood under such an initiative, the Northampton County Department of Community and Economic Development would act as Northampton County’s prime entity in all matters related to economic and community development activities and initiatives.

Mr. Angle advised this resolution did not commit the County to anything, but he felt it was time for the County to take control of its economic development dollars so this resolution was requesting the Administration to come up with a plan.

Mr. McClure stated he was not opposed to the intent of the
County Council Minutes -21- November 5, 2009

resolution, but one of his concerns was the ninety day time line because this was a huge undertaking and he was not sure if anyone employed by the County, noting he did not mean any disrespect, had the expertise to develop such a plan.

Mr. Angle advised he was assured by Mr. Conklin that it could be done within the ninety days.

Mr. Seyfried stated it was his understanding that the Administration was going to come back with a plan in ninety days whereby the Northampton County DCED would develop a comprehensive economic development plan as to how they would like to see economic development in Northampton County unfold.

Mr. Angle agreed indicating this was just the first step and it was an outline of how they were going to develop the final plan.

When Mrs. McHale asked why he was designating the County as the prime entity, Mr. Angle replied there may be other entities who would work in conjunction with the County, but as things stood now, the County was working, on a very limited basis, with the Lehigh Valley Economic Development Corporation (LVEDC). He further replied it was his opinion, as well as that of former Council member Mr. Wayne Grube, that Northampton County was treated as a second class entity by LVEDC.

Mr. Dowd advised it was important for the County to establish what it was going to be and he believed the concern of the County Executive would be financial so that would also have to be addressed. He further advised that Northampton County was the engine for the Lehigh Valley because the potential for economic development here was phenomenal.

Mr. Seyfried stated former County Executive Eugene Hartzell would be appalled if he knew how LVEDC was handling economic development for Northampton County. He further stated the Northampton County Development Corporation was one of the finest development corporations in the Commonwealth.

Mr. Seyfried advised in 1952, through the efforts of the Northampton County Development Corporation and the Lehigh Valley Industrial Park Corporation, 75% of the businesses in this County were manufacturing and textiles and now they were
practically nonexistent. He further advised he felt Northampton County would benefit tremendously by having their own economic development corporation.

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


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

Consideration of the American Recovery and Reinvestment Act of 2009 - Recovery Zone Resolution

Mrs. McHale stated the Administration, through the Northampton County DCED, presented a resolution pertaining to the designation of Northampton County as a Recovery Zone in order to be able to administer Recovery Zone Facility bonds. She further stated this matter was reviewed at the Economic Development Committee meeting held earlier this evening.

Mr. Dowd introduced the following resolution:

R. 91-2009

A Resolution Designating Northampton County, Pennsylvania as a Recovery Zone

WHEREAS, the American Recovery and Reinvestment Act of 2009 revised the Internal Revenue Code to create Recovery Zone Bonds which must be issued for projects in a Recovery Zone; and

WHEREAS, the issuance of Recovery Zone Bonds instead of traditional tax-exempt bonds can potentially promote job creation and economic recovery in areas particularly affected by employment decline, significant poverty, increased home foreclosure, or general economic distress as set forth in Section 1400U-1 of the Internal Revenue Code; and
WHEREAS, the United States Department of Treasury has allocated to Northampton County $6,929,000 for Recovery Zone Economic Development Bonds and $10,394,000 for Recovery Zone Facility Bonds; and

WHEREAS, before Recovery Zone Bonds can be issued, Northampton County Council must designate the area in which a project is financed by Recovery Zone Bonds as a Recovery Zone; and

WHEREAS, Northampton County, as a whole, is currently economically distressed as a result of the recent economic conditions and the unemployment rate has risen from 5.8% in July 2008 to 8.9% in July 2009; and

WHEREAS, Northampton County Council desires to designate the Northampton County Industrial Development Authority as the issuer of all Recovery Zone Facility Bonds for projects located within the County of Northampton.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council finds that the County of Northampton meets the requirements set forth in Section 1400U-1 of the Code and designates the entire county as a Recovery Zone; and

BE IT FURTHER RESOLVED THAT the Northampton County Council authorizes the Northampton County Industrial Development Authority to act as the conduit issuer for the Recovery Zone Facility Bonds to finance qualified projects in Northampton County.

Mr. Dowd advised this gave Northampton County an opportunity to have two sources of bond funding, the larger of the two, which was approximately $10 million, would make funding available for economic development opportunities. He further advised the members of the Economic Development Committee present at the meeting endorsed this unanimously.

In response to Mr. McClure’s question as to whether a protocol was in place for selecting projects, Ms. Alicia Karner, Economic Development Analyst, stated it had yet to be established, but they were looking at doing it through a Request for Proposal.
In answer to Mr. McClure’s question as to how the Industrial Development Authority (IDA) was chosen as the conduit, Ms. Karner advised the IDA did tax exempt financing for Northampton County and the County could not do facility bonds.

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


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

2010 Budget

Mr. Angle requested that the newly elected members of County Council be provided a copy of the 2010 Proposed Budget and Capital Improvements Plan. He further requested they be invited to participate in the budget meetings.

Sheriff Position

Mr. Cusick commented it was related that Mr. Stoffa was the Acting Sheriff and he wanted to know where the Administration was in the sheriff hiring process.

Mr. Karl Longenbach, County Solicitor, stated he wanted to clarify that Mr. Stoffa was not the Acting Sheriff in actuality, he was exercising his power under Section 303 of the Home Rule Charter which authorized the County Executive, in person or through subordinates, to direct and supervise the agencies and personnel under him.

In answer to Mrs. McHale’s question as to how this would affect Sheriff Sales, Mr. Longenbach advised the Deputy Sheriffs had the same powers as the Sheriff so they were authorized to continue to act even in the absence of a Sheriff.
Mr. Stoffa stated there could be a decision made next week with regard to the Sheriff’s position.

Prison Advisory Board Liaison Report

Mrs. McHale advised when the food vendor contract went out for Request for Proposal, the Prison Advisory Board had requested that it include a culinary program for the inmates.

Mr. Dowd stated he attend a meeting whereby a discussion was held with regard to recidivism rates and opportunities for non profit and community faith-based organizations to participate. He further stated he was impressed by the Prison staff and members of the Prison Advisory Board that were present and he felt the nature of the discussion was quite informative.

Mrs. McHale advised they have been holding these meetings by districts and the next meeting was set for November 10, 2009 in Bethlehem.

Mr. Angle stated they held a meeting in his region and it was an outstanding presentation.

Farmland Preservation Board Liaison Report

Mr. Angle advised the Farmland Preservation Board met and they had to wait for a quorum, therefore, Mr. Stoffa’s suggestion to expand this board was a good one.

Mr. Angle stated Lehigh County had planned to use some surplus money to pay employees and it was determined by the State Farmland Preservation Board that it was illegal to do so.

Council Solicitor's Report

Mr. Martino stated he did not have a report.

Adjournment

Mr. McClure called for a motion to adjourn.
Mrs. McHale made a motion to adjourn.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council