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

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

Approval of the Minutes

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

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the September 17, 2009 meeting shall be approved.

Mr. Cusick seconded the motion.

The motion was adopted by voice acclamation.

Statement Regarding the Meeting of October 1, 2009

Mrs. McHale stated that Mr. Capozzolo did mention to her that he was planning to attend the Lehigh Valley Chamber of Commerce Mayors Dinner on October 1, 2009 and would not be in attendance at the County Council meeting.

Courtesy of the Floor
Mr. Joseph Mammana, Easton, PA - advised he was present on behalf of the Coalition of Alzheimer Families whose loved ones were at Gracedale. He further advised they were aware that Ms. Diane Neiper had resigned from County Council and moved out of the area, however, she assisted them greatly in their efforts to speak for the patients of Gracedale who could not speak for themselves and they wanted to present her with a plaque for all her hard work.

Mrs. McHale thanked Mr. Mammana and stated she would ensure that Mrs. Neiper received the plaque.

Confirmation of Appointments

Mrs. McHale advised the Personnel Committee met on October 14, 2009 to review appointments to the Comprehensive Economic Development Strategy - Lehigh Valley Economic Development Corporation Committee, the Drug and Alcohol Advisory Board and the Mental Health, Early Intervention and Developmental Programs Advisory Board.

Mr. Cusick introduced the following resolution:

R. 79-2009  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their re-appointments as indicated hereafter:

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) - LVEDC COMMITTEE

Appointment: Esther M. Lee
Term to Expire: 12/31/11
627 Cherokee Street
Bethlehem, PA 18015

DRUG AND ALCOHOL ADVISORY BOARD

Appointment: John R. Judd
Term to Expire: 06/30/10
548 N. New Street
Bethlehem, PA 18018
MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointments:
John T. Pearce, Ph.D.  Terms to Expire: 10/15/12
124 S. 9th Street
Easton, PA 18042

Mr. Cusick stated it was the recommendation of the members of the Personnel Committee to approve these appointments.

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


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

Bi-County Airport Report

Mr. Angle advised a report was done with regard to the airport and this past week, he met with some individuals to hear their concerns.

Mr. Angle stated the airport pursued a $3 million grant to improve their facilities when they had already indicated their facilities were first class, which he agreed they were. Therefore, he could not understand why they were applying for this grant.

Mr. Angle advised criticism was received from USA Today regarding a $13 million Federal grant for the Queen City Airport which did not have any commercial aircrafts and did nothing for the Lehigh Valley except provide private pilots a country club setting for their private airplanes.

Mr. Angle stated he felt it was time County Council did something about the Lehigh Valley Airport because an airport was a key item in a progressive community.
Mr. Angle asked Mr. John Stoffa, County Executive, if any of the suggestions from the report have been implemented.

Mr. Stoffa advised Mr. John Conklin, Director of Administration, had been appointed by the Lehigh County Executive to be on the Airport Authority.

Mr. Stoffa stated he also had some concerns about the airport. He further stated there was a lawsuit involving the airport that had gone on to the Supreme Court and he asked Mr. Karl Longenbach, County Solicitor, to look into whether the County had some ultimate responsibility in the terms of the authority; such as if it were to go bankrupt. He added the authority had been resistant to the report.

Mr. Angle advised he believed Mr. George Doughty was the problem and the authority appeared to do whatever he wanted them to do.

In response to Mr. Stoffa’s question as to what suggestions he had with regard to the authority, Mr. Angle replied he would abolish the current authority and reappoint a new one. He further replied the airport was managed like a private country club and had nothing to do with serving the people of the Lehigh Valley.

In answer to Mr. Angle’s question as to what he would do, Mr. Stoffa answered he felt there were some good members being appointed to the authority and they should have an opportunity to see what should be done. He further answered he believed people had to decide if the current leadership was the leadership they wanted. He noted he did not believe Mr. Doughty’s contract should be extended again and a clear message should be sent that new leadership was desired.

Health Department

Mr. Angle stated the County was facing major financial issues in the months to come and yet, the Lehigh Valley Board of Health meets every month with the anticipation of the creation of a health department.

Mr. Angle made a motion to abolish the Lehigh Valley Board of Health until such time as the economy improved to the point
where the County could support it because it was not right to allow these people to meet when there was no way a health department could be approved.

Mr. McClure seconded the motion.

Mr. McClure advised he noticed in the budget plan that there was no money set aside for the bi-county health department, but what he did notice was that it was projecting that $1.2 million was going to be received in casino revenues that were discretionary to the County. He further advised the only reason he supported gaming in Northampton County was because of the original promise of property tax reduction. Therefore, he suggested the County take the $1.2 million and use it instead of raising taxes.

Mr. Capozzolo stated he did not want taxes to be increased and the only reason he voted for a health department was because they were going to be using private funds.

Mr. Seyfried advised when he was selected to County Council to fill the term of a previous member, he was asked what his feelings were with regard to a bi-county health department. He further advised his feeling was if it was going to cost money, he would not support it. However, the process had come this far so everyone should wait and see what the final report was and what dollar amount would be attached to it.

Mr. Dertinger stated all County Council was doing in voting for this motion was indicating they did not want to know the answer to the questions that were asked. He further stated a group of people have joined together to come up with a scenario as to how the health department may or may not work and he felt it would be very discourteous to end it now. Therefore, he felt this was an inappropriate motion at this time in light of the fact that County Council had voted on this issue several times in the affirmative.

Mr. Dowd advised the board members were volunteers who have spent considerable time thus far and if they were willing to continue their research, he did not know why County Council should be so discouraged to receive the benefits of that research. He further advised if it was determined that the cost was an unacceptable cost, then County Council had the
Mrs. McHale agreed with her colleagues, however, she noted a few years ago a representative from Bucks County provided a presentation regarding their health department and the cost was astronomical.

Mr. Angle stated Mr. McClure and he were of the same impression with regard to the gaming revenue in that it was going to provide tax relief. He then asked Mr. Stoffa why there was no money in the budget for a health department.

Mr. Stoffa advised he had always indicated he would never use tax money for a health department and that it would be the casino money if and when it was needed. He further advised they had said they could run the health department without any additional funding, but he did not feel that would be the case.

Mr. Stoffa stated the reason there was no money in the budget was because he did not know how much it would cost. He further stated if it could be established with the money from the State and not additional funding, he would like to see it established and to short circuit that until whether it was determined if it could be done would be foolhardy.

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


The motion failed by a vote of 2-7.

Mr. Angle made a motion that the County’s gambling monies should be used for tax relief period.

Mr. McClure seconded the motion.

Mr. Dertinger advised this motion was intellectually dishonest because if there was a need for the money to go elsewhere, it should not be relegated to tax relief only.

Mrs. McHale suggested tabling this motion for now and
present it as a budget amendment.

Mr. Dowd agreed, indicating he had no problem dealing with this issue because he felt it was pertinent, but it did not make sense to deal with it tonight.

Mr. McClure stated his view had always been that this money from a moral and legal standpoint should only ever be used to reduce taxes or to mitigate a tax increase. He further stated he felt dealing with this issue now would assist the County Executive in making decisions going forward about the health department and other things.

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


The motion passed by a vote of 5-4.

Change of Meeting Schedule

Mr. McClure advised the last meeting of County Council was not held due to a lack of a quorum as many members had other obligations. Therefore, as Thursday nights were usually a busy night for a lot of people, he suggested the members of County Council consider changing County Council’s meeting schedule.

Mrs. McHale commented when members of County Council were elected, they were aware of the meeting schedule.

Mr. Angle stated this was an unusual occurrence and not a major problem so he did not think the schedule had to be changed.

2010 Budget

Mr. Angle advised comments have been made about the County having too much money in its budgetary reserve, however, using the budgetary reserve at this point in time would do nothing but
create massive tax increases over the next few years.

Mr. McClure stated he looked at the merit of increasing taxes when there was a $45 million surplus. He further stated the County had overtaxed its citizens to the tune of approximately $60 million over the past four years and now was the time to tap it.

Mr. McClure advised the County’s budget was approximately $330 million, but the portion of the budget that was actually funded with the real tax was $168 million. He further advised if the County were to draw down on the budgetary surplus by the 7.3 to eliminate a tax increase, there would still be approximately $38 million. Therefore, he did not think this was the time to increase taxes as the taxpayers could not afford it.

Mr. Seyfried stated it appeared the only way the County was going to hold a line on taxes was to tap into the budgetary reserve because there was no way $10 million could be cut from the budget.

Introduction of an Ordinance Authorizing the Conveyance of the Bachmann Publick House to the Northampton County Historical and Genealogical Society

Mrs. McHale advised at the Finance Committee meeting and County Council meeting, both held September 17, 2009, those present voted to support drafting an ordinance transferring title to the Bachmann Publick House to the Northampton County Historical and Genealogical Society. Accordingly, an ordinance was prepared which transferred title to the Bachmann Publick House to the Northampton County Historical and Genealogical Society.

Mr. Dowd and Mrs. McHale introduced the following ordinance:

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
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.

Mrs. McHale stated the public hearing, debate and possible vote would be held at the November 5, 2009 County Council meeting.
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
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 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 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.

Consideration of the Resolution Providing for an Increase in the Pay Rates for Northampton County Election Board Workers

Mrs. McHale stated at the Finance Committee meeting, held September 17, 2009, those present voted to support drafting a resolution which provided for an increase in the pay rates for Northampton County Election Board Workers, to be effective for the elections to be held beginning in 2010.

Messrs. Dertinger, Capozzolo and Angle introduced the following resolution:

R. 80-2009 RESOLVED, by the Northampton County Council that effective January 1, 2010, the pay rates for Northampton County Election Board Workers shall be as indicated hereafter:

<table>
<thead>
<tr>
<th>POSITION</th>
<th>CURRENT RATE</th>
<th>NEW RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge of Election</td>
<td>$150.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Majority Inspector</td>
<td>$105.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>Minority Inspector</td>
<td>$105.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>Clerk</td>
<td>$105.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>Spanish Interpreter</td>
<td>$105.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>Constable</td>
<td>$95.00</td>
<td>$95.00</td>
</tr>
</tbody>
</table>

Mr. Cusick advised these raises were well deserved, but he wanted to know if a final bill was received for the special election that took place approximately three weeks ago.

Mr. Conklin stated a final bill had not been received, however, Ms. Dee Rumsey, Deputy Registrar, was working on it. He noted it would probably take a few more weeks, but he would
In response to Mr. Angle’s question as to why the constable’s salary was not increased, Mr. Flisser responded the Election Board chose not to increase their salary.

In answer to Mr. McClure’s question as to why the Election Board did not recommend their increase, Mr. Conklin advised across the Commonwealth there was less and less reliance of having constables in the polling places.

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


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

Consideration of the Administrative Code Article XIII Contract Approval - Medical Transport Services - Gracedale

Mrs. McHale stated from time to time, County Council was asked to approve certain contracts as per the requirements of Administrative Code Article XIII. She further stated County Council was recently asked to approve such a contract for medical transport services for Gracedale.

Mrs. Ferraro introduced the following resolution:

R. 81-2009  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 September 17, 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 $770,715.00, with Nazareth Ambulance Corps for medical transport services for Gracedale, Northampton County Department of Human Services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to the Nazareth Ambulance Corps for medical transport services for Gracedale, Northampton County Department of Human Services.

Mr. Angle suggested at a time when the County was looking to cut costs, it should take a look at selling Gracedale because the government now pays for individuals to go to other facilities.

Mr. Dowd agreed that was an issue that had to be discussed at some point.

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


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

Consideration of the Administrative Code Article XIII - Rejection of Contract With Lancaster County Cooperative Purchasing Board and Approval of Contract With Coexprise

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 recently asked to approve such a contract for the purchase of electricity for the County. She noted previously County Council adopted resolution 72-2009 in which County Council authorized the County Executive to enter into a contract for electricity through the Lancaster County Cooperative. However, the County Executive was now asking that particular
Mr. McClure introduced the following resolution:

WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1)(2) requires approval of County Council for: c.(1) “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.”, and c.(2) “Any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, in accordance with Administration Code Section 13.16 (c) (1), the Northampton County Council, at the meeting held August 20, 2009, adopted resolution No. 72-2009 (a copy is attached hereto and labeled as “Exhibit "A"”), in which the Northampton County Council concurred with the recommendation of the County Executive to purchase electricity in conjunction with the Lancaster County Cooperative Purchasing Board; and

WHEREAS, on October 12, 2009, the Northampton County Council received a request (a copy is attached hereto and labeled as Exhibit “B”) on behalf of the County Executive for County Council to: (a) repeal resolution No. 72-2009 and (b) authorize the County Executive to enter into a new bid process, and if the price is to the County’s advantage, to enter into a contract with an electrical provider to furnish electric energy to the County for a term of 12 - 36 months, piggy backing with the City of Allentown’s contract with Coexprise.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that: (a) Northampton County Council resolution No. 72-2009 is hereby repealed and (b) the Northampton County Council authorizes the County Executive to enter into a new bid process, and if the price is to the County’s advantage, to enter into a contract with an electrical provider to furnish electric energy to the County for a term of 12 - 36 months, piggy backing with the City of Allentown’s contract with Coexprise.
Mr. Terry Beidelman, Purchasing Manager, stated they were asking that the original resolution be rescinded because the results were not favorable to the County.

Mr. Beidelman advised the electric rates for Pennsylvania Power and Light (PP&L) were going to be lifted as of December 31, 2009 and the free market would prevail. Therefore, they would like to go out to the market place to get the best rate they possibly could and they believed Coexprise would allow them to do that because they had the expertise, software and legal knowledge to do it.

Mr. Vic Mazziotti, Director of Fiscal Affairs, stated this was the opposite of the County’s usual process because usually a bid process was held before a contract was presented, but because of the product the County was attempting to purchase, which is electrical energy, they did not have the time to go through a bid process as these bids had to be acted upon within hours. Therefore, what they were looking for was preapproval for a process that they were not actually sure what the results would be. He further stated in the case of the Lancaster County Cooperative, they believed it was going to be a very good price, but as it turned out it was determined that it was too high. He noted they were now aware of the demand rate from PP&L and were asking County Council to allow them to continue the process in an effort to find a rate lower than the demand rate.

Mrs. McHale advised the last contract was thrust upon County Council at the last minute so a committee meeting was not able to be held to discuss the matter thoroughly and now they were asking County Council to do the same thing. Therefore, she could not support it and suggested bringing this issue to a committee meeting so that all the details could be explained thoroughly.

Mr. Mazziotti stated the only thing he could say was this was a new process for them and they were handling it in the best matter they could.

Mr. Angle advised the State legislature generated this situation and supposedly there was an opportunity to get better rates, but it was still a moving target at this point in time because there was nothing concrete. Therefore, he asked if it
appeared that there were more people willing to quote rates at this time.

When Mr. Mazziotti indicated there was a gentleman in the audience who was an expert in this matter, Mrs. McHale again suggested this issue be referred to a committee meeting.

Mr. Dertinger stated it was known this was coming and only within the past six months had anyone paid attention to it. He further stated he did not understand that after the Lancaster County Cooperative fell apart, the County did not seek out an energy broker to advise how to proceed.

Mr. Mazziotti replied that was what Coexprise did and there was a representative present who could speak to the issue.

Mr. McClure advised he indicated when the last contract was presented that it was bad government to be presented with such an issue one week before a decision had to be made. He further advised since then, he had reached out to other large purchasers of power and the consensus was that it was too soon to tell what was going to happen and to enter into a firm agreement. Therefore, he could not support this resolution as it was too important an issue to rush into and he urged his colleagues to approach this with caution.

Mr. McClure made a motion to refer this resolution to the Finance Committee.

Mrs. McHale seconded the motion.

When Mr. Angle asked why he was looking for County Council’s approval tonight, Mr. Mazziotti replied a decision had to be made by November 9, 2009 as to whether or not they were going to accept PP&L’s demand rate. He further replied if the County did not accept that rate, they were going to buy power based on the minute to minute charge that PP&L was charging.

In response to Mr. Angle’s question as to the possibility of getting out of the arrangement with PP&L, Mr. Mazziotti stated they would have to remain for one year. He further stated they had received e-mails from providers that offered lower rates than the PP&L demand rate, but they did not know if it was the lowest rate. He noted he did not like being in this
position and putting County Council in this position and if he
thought there was a better way to do it, he would do so.

Mrs. McHale called for the vote.

Mr. Seyfried made a motion to table the motion to have this
issue referred to the Finance Committee.

Mr. Angle seconded the motion.

Mrs. McHale called for the vote on this motion.


The motion passed by a vote of 7-2.

In answer to Mr. Dowd’s question as to the implication of
the timing to engage his company if the vote on this resolution
was postponed, Mr. Chris Cracraft, Coexprise, advised the
opportunity would not diminish, however, the process they had
to take to get the best contract terms and market price could be
in order to meet the November 9, 2009 deadline. He further
advised primarily it would compromise the part of the process
whereby they would negotiate and redline the energy supplier
prices before a contract was submitted to get the best price,
noting these prices were only good for a period of one to four
hours. Therefore, the longer amount of time that was put on the
decision, was the amount of the premium they put on their price.

In response to Mr. Cusick’s question as to how much the
County would spend if it went with the PP&L’s default rate, Mr.
Mazziotti stated the County expended approximately $500,000 for
energy at Gracedale, which were going to go up. He further
stated they budgeted approximately 30-40% of that in the budget
for next year. Therefore, the issue was not if the County was
going to spend more, but how much more.

Mr. Mazziotti advised he wished the Lancaster County
Cooperative was a good rate, but once they determined it was
not, they rejected it, which County Council authorized them to
do. However, that left them in a position where they could
either accept the default rate or give the process another try,
which they felt was worthwhile to do.

In answer to Mr. Cusick’s question as to how much they anticipated the County would save, Mr. Mazziotti indicated it would be approximately 10% based on the advertised rates they have seen and if they could not get something lower than that, they would go with the PP&L’s rate.

In response to Mrs. McHale’s question as to what Mr. Cracraft’s fee was, he replied their fee was 1.55 mills per kilowatts or approximately $10,000.

Mr. Angle stated the only thing they were asking for was a second option, which might not be exercised, however, by not approving their request, it would leave the County without any options for at least one year.

Mr. McClure made a motion to amend paragraph four of the resolution by deleting the phrase “and if the price is to the County’s advantage” and replacing it with “and if the price is lower than the default rate”.

Mr. Dertinger seconded the motion.

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


The motion passed by a vote of 9-0.

Mrs. McHale called for the vote on the following amended resolution:

R. 82-2009 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1)(2) requires approval of County Council for: c.(1) “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, in accordance with Administration Code Section 13.16 (c) (1), the Northampton County Council, at the meeting held August 20, 2009, adopted resolution No. 72-2009 (a copy is attached hereto and labeled as Exhibit "A"), in which the Northampton County Council concurred with the recommendation of the County Executive to purchase electricity in conjunction with the Lancaster County Cooperative Purchasing Board; and

WHEREAS, on October 12, 2009, the Northampton County Council received a request (a copy is attached hereto and labeled as Exhibit "B") on behalf of the County Executive for County Council to: (a) repeal resolution No. 72-2009 and (b) authorize the County Executive to enter into a new bid process, and if the price is to the County’s advantage, to enter into a contract with an electrical provider to furnish electric energy to the County for a term of 12 - 36 months, piggy backing with the City of Allentown’s contract with Coexprise.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that: (a) Northampton County Council resolution No. 72-2009 is hereby repealed and (b) the Northampton County Council authorizes the County Executive to enter into a new bid process, and if the price is lower than the default rate, to enter into a contract with an electrical provider to furnish electric energy to the County for a term of 12 - 36 months, piggy backing with the City of Allentown’s contract with Coexprise.

Mr. Seyfried advised getting these items at the last minute was not the way to do business because the members of County Council did not have the opportunity to thoroughly review it before they had to make a decision. He further advised he was going to support it because he did not see any other alternative at this point, but he would hope that this situation did not occur again in the future.

Mrs. McHale stated she agreed with Mr. Seyfried and this
was not the first time County Council was rushed to take action on important issues.

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


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

Retirement Board Report

Mr. Seyfried provided a report from the Retirement Board meeting which was held on September 18, 2009 (see Attachment #1).

Farmland Preservation Board Report

Mr. Dertinger advised at the last Farmland Preservation Board meeting, discussion was held with regard to expanding the board from five members to seven members. He further advised a resolution would be presented at the next meeting for County Council’s approval for the expansion.

Mr. Dertinger stated there was a 40% reduction in the cost of acquiring farmland for preservation.

Prison Liaison Report

Mrs. McHale advised there appeared to be an issue with the food service being provided to the Prison. She further advised several advisory board members did spontaneous visits to the cafeteria and found that outdated food was being used and portions were less than what was allowable in the contract. She noted these were issues that the Prison Administration was trying to address with the food vendor.

Mrs. McHale stated that a meeting was held with the Advisory Board and the Administration at the Mt. Bethel Church and it showed what effect volunteers had on some of the inmates.
Mr. Angle agreed it was an excellent presentation and a lot of volunteers signed up.

Bath Senior Center Complaints

Mrs. McHale stated County Council had been receiving letters from some members of the Senior Center in Bath complaining of the treatment they were receiving from a staff member and she felt it would be a good idea if someone from the Administration looked into the matter.

Mr. Stoffa advised he was not aware of the situation and asked if copies of the letters could be forwarded to him.

Northampton County Gaming Revenue and Economic Redevelopment Authority Report

Mrs. McHale stated the Northampton County Gaming and Economic Redevelopment Authority met and according to the ordinance, County Council was to appoint a liaison. She further stated when County Council was advised of the meeting, it had not met so she appointed herself and attended the meeting. She noted she was going to have Mr. Flisser prepare a resolution to allow her to be the liaison.

Mr. Cusick advised he felt it was an outstanding and very informative meeting. He further advised he learned a lot from the gentleman that Mr. McClure brought along.

Council Solicitor's Report

Mr. Martino stated he did not have a report.

Adjournment

Mrs. McHale called for a motion to adjourn.

Mr. McClure made a motion to adjourn.
The motion passed by acclamation.

Frank E. Flisser
Clerk to Council