Easton, Pennsylvania October 22, 2009

A regular meeting of the Northampton County Council was held on the above date with the following present: Ann McHale, President; J. Michael Dowd, Vice President; Ron Angle; Joseph H. Capozzolo; John Cusick; Charles M. Dertinger; Margaret Ferraro; Lamont G. McClure, Jr.; 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. Dowd led County Council in the pledge of allegiance.

Approval of the Minutes

Mrs. McHale advised the minutes of the October 15, 2009 meeting have not yet been completed, therefore, there were no minutes to approve.

Courtesy of the Floor

As no one signed up to speak under Courtesy of the Floor, Mrs. McHale asked if there was anyone who had any questions or comments. There were no respondents.

Table Gaming Revenues

Mr. McClure stated the County's first budget hearing brought some separate issues together for him with regard to economic development, regionalism and gaming authority money. He further stated he was deeply disappointed to learn that the City of Allentown Mayor Ed Pawlowski felt there was no benefit flowing downtown from Coca Cola Park and the Iron Pigs being there nor did he think the hockey arena was going to be a boom to redevelopment in Allentown. He noted Northampton County would like to have that arena and that redevelopment.
Mr. McClure advised he was very concerned with the agreement that appeared would finally become law in Harrisburg that would send some of the table gaming revenue to Lehigh County without any demonstrated impact at all. He further advised this signaled to him that the concept of regionalism seemed to be a one way street.

Mr. McClure stated the establishment of the health bureau was essentially going to take the health bureau off of Allentown's books and place the burden on the taxpayers of Northampton County through their real estate property taxes.

Mr. McClure advised he was also concerned with Northampton County's relationship with the Lehigh Valley Economic Development Corporation, specifically with the hotel tax. He further advised he was not ready to take any action at this time because he knew there were many recipients of the grants who were depending on them. However, County Council should consider bringing economic development back to Northampton County, which may require the abolishment of the hotel tax.

Mr. McClure stated he would probably be criticized for thinking of only Northampton County, but he long suspected that Northampton County was receiving the short end of the stick and the recent comments crystalized this for him. Therefore, he reiterated, in the future, County Council would have to take a look at abolishing the hotel tax and creating or recreating a real Department of Economic Development in Northampton County.

Mr. Angle advised everything Mr. McClure stated was absolutely correct and he had always been a proponent of bringing economic development back to Northampton County. He further advised that instead of just talking about it, action had to be initiated.

Mr. Cusick stated what he found particularly disturbing was the State Senator, whose district the vast majority of which was in Northampton County, was seemingly eager to enter into an agreement to give money to Lehigh County. He further stated he could not express his disappointment enough in her comments.

Executive Session

Mr. Seyfried made a motion that County Council adjourn to Executive Session to discuss pending litigation.

Mrs. McHale seconded the motion.
Mr. Martino advised at 6:52 p.m., County Council reconvened. He further advised there was a stipulation to resolve a case commenced by the County Executive against County Council. He noted it had been drafted by the County Solicitor, amended after some contact with him and Mr. Seyfried and was now ready for a motion authorizing him, as the Solicitor to County Council, to execute the stipulation to present it to the Court for approval.

Mrs. McHale made the motion.

Mr. Angle seconded it.

Mr. Angle stated he wanted to thank Mr. Seyfried publicly for his efforts in putting this together. He further stated it was never good to have two branches of government not getting along on something that could be resolved.

Mr. Seyfried thanked Mr. Angle, but commented credit should not just go to one person as it was only able to come about because of the willingness on the part of the Administration to resolve the issue. Therefore, he thanked Mr. John Stoffa, County Executive, for his cooperation.

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.

Parking Deck

Mr. Angle asked for an update on the situation with the parking deck.

Mr. Stoffa advised there was $1.5 million in the bond specifically for parking deck repairs, which would be done in the Spring of next year. He further advised those repairs should allow the parking deck to be used for the next ten years.

Mrs. McHale stated the Personnel Committee met on October 14, 2009 and recommended the 2010 personnel requests for the Court and the District Attorney.

Mr. Cusick introduced the following resolution:

**R. 83-2009** RESOLVED, by the Northampton County Council that the following personnel requests shall be approved for the Northampton County Court of Common Pleas, Court Administration, effective January 1, 2010: (a) the one (1) new full-time judicially exempt position of Court Reporter, pay grade CN-24, salary range $38,182 to $51,863 shall be created; the one (1) new full-time judicially exempt position of Judicial Secretary, pay grade CS-19, salary range $32,236 to $46,875 shall be created; and (c) the two (2) new full-time judicially exempt positions of Court Officer, pay grade CS-8, salary range $19,424 to $28,245, shall be created.

Mr. Cusick advised the Personnel Committee unanimously recommended to present this resolution for approval, noting these positions were a result of the ninth judge being added.

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

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

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

Mr. Cusick introduced the following resolution:

**R. 84-2009** RESOLVED, by the Northampton County Council that the following personnel requests shall be approved for the Office of District Attorney, effective January 2010: (a) the one (1) part-time position of Second Deputy District Attorney, pay grade RS-10, salary $50,066, shall be eliminated; (b) the one (1) part-time position of Assistant District Attorney, pay grade RS-7, salary $42,526, shall be eliminated; and (c) the two (2) new full-time positions of Assistant District Attorney, pay grade CE-III, salary range $48,786 to $70,939, shall be created.

Mr. Cusick stated the Personnel Committee unanimously recommended to present this resolution for approval.
Mr. Capozzolo advised he ran a business and over the last few years, he had been forced to consolidate by laying off part time employees and retaining a full time employee. He further advised the District Attorney was asking to eliminate two part time positions and create two full time positions, however, he felt the two part time positions should be eliminated and only one full time position created. He noted in the future the situation could be re-evaluated to determine if the other full time position was actually needed, adding that full position benefits were greater than part time.

Mr. Capozzolo made a motion to amend the resolution to eliminate the two part time positions and only create one full time position.

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

In response to Mr. Angle's question as to whether the County was under a hiring freeze, Mr. Stoffa stated for the branch of government he controlled, there was, however, he did not control the Court, District Attorney or Controller.

In answer to Mr. Angle's question as to the logic behind his decision, Mr. John Morganelli, District Attorney, advised his office was so understaffed that each Assistant District Attorney (ADA) was handling approximately 80 cases. He further advised the part time ADAs were not present all day long so to increase productivity he was asking to eliminate the two part time ADA positions and the Second Deputy District Attorney and creating two full time ADA positions. He noted his office really required full time ADAs so slowly he was eliminating the part time positions and creating full time ADA positions in order not to have to request several full time positions at one time.

In response to Mr. Angle's question as to what his budget was for next year, Mr. Morganelli stated there would be no other increase except for the salaries of these requested positions.

In answer to Mr. Dowd's question as to whether there was an increase in cases since the casino opened, Mr. Morganelli replied his office had not seen much, but it had only been opened since May. However, and he was not relating it to the casino, Driving Under the Influence cases have increased by 47%.
Mr. Morganelli advised he had a time period to bring his cases to trial and if you had a staff that carried too many cases, things could start to slip through the cracks. He further advised he had a great staff and the part time ADAs did an outstanding job, but they were not there all the time.

In response to Mr. Angle’s question as to where most of his cases came from, Mr. Morganelli indicated they were from the Baston and Bethlehem areas, but the townships were growing and increasing enforcement which could result in more cases.

In answer to Mr. Capozzolo’s question as to whether one full time ADA could do the work of two part time ADAs, Mr. Morganelli answered in the negative and if County Council was leaning toward approving that, he would rather have the two part time ADAs because the problem was when staff was reduced, the caseload increased for everyone else.

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

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

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

Consideration of the Resolution Providing Supporting an Increase in the Membership on the Northampton County Farmland Preservation Board from Five (5) to Seven (7) members

Mrs. McHale stated at the October 15, 2009 meeting of County Council, Mr. Dertinger indicated he would be presenting a resolution calling for an increase in the membership on the Farmland Preservation Board from five (5) to seven (7) members.

Mr. Dertinger advised at this month’s meeting of the Farmland Preservation Board, the County Executive and the County Solicitor both attended and explained why they felt this would be a good idea. After some discussion, the members of the Farmland Preservation Board that were present voted to increase the board as they felt it would be of great help to them in having a quorum.

Mr. Dertinger introduced the following resolution:
R. 85-2009 WHEREAS, the preservation of farmland is an integral component of the Northampton County Open Space Initiative and continues to present the County with opportunities for a tremendous investment in the future of the County; and

WHEREAS, in 1989 the Northampton County Farmland Preservation Board (Board) was organized as a five (5) member Board, according to the provisions of Act 43 of 1981 of the Commonwealth of Pennsylvania; and

WHEREAS, at the last meeting of the Northampton county Farmland Preservation Board voted to support an increase in the membership on the Board from five (5) to seven (7) members.

WHEREAS, the Northampton County Council is of the opinion that increasing the membership on the Board is in the best interests of the citizens of the County of Northampton and would increase the effectiveness of the Board.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that it supports an increase in the membership on the Board from five (5) to seven (7) members. Further, the County Executive is authorized and directed to execute, on behalf of the County, all necessary documents, with the appropriate and applicable State agencies to effectuate an increase in the membership on the Northampton County Farmland Preservation Board five (5) to seven (7) members.

In response to Mrs. McHale's question as to when this would take effect, Mr. Dertinger replied it would be a few months as the proposal had to be presented to the State for approval before the County Executive could present names to County Council for approval.

Mr. Capozzolo stated he did not feel increasing the membership of the Board would help with a quorum.

Mr. Dertinger advised the reason behind this was there were different types of farmers that sat on the Board, noting there were farmers that were predominately involved in Spring planting and then there were those who were extremely busy this time of year so it was difficult for them to get to the meetings. He further advised, as the County Executive pointed out, they would be able to have three members not in attendance and still have a quorum.
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In answer to Mr. Seyfried's question as to whether this was a board the County established, Mr. Angle stated when the farmland program was developed, by State law, they were required to establish the board.

In response to Mr. Seyfried's question as to whether the board was established by a resolution or ordinance, Mr. Flisser stated it was explained to him by the County Solicitor that once the program was established, a request was sent to the State obtaining permission to establish the board and then County Council approved the members.

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

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

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

Introduction of the Ordinances Providing for the Leasing of Portions of the Property Known as the Bachmann Publick House to Northampton County Historical and Genealogical Society and to Lafayette College

Mrs. McHale stated at the request of Mr. Dertinger, two ordinances were prepared which provided for the lease of a portion of the Bachmann Publick property to the Historical Society and a portion to Lafayette College. She further stated it would be in order to consider these ordinances if the ordinance to sell the Bachmann Publick House to the Historical Society did not pass. She noted the ordinances were being introduced at this meeting, with the possible public hearing, debate, and vote scheduled for the November 5, 2009 County Council meeting.

Messrs. Dertinger and Seyfried introduced the following ordinances:

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.

In answer to Mr. Angle’s comment that an ordinance had already been introduced which sold this property to the Northampton County Historical and Genealogical Society for a dollar, Mrs. McHale advised these ordinances would only be considered if that one was not adopted.

Consideration of the Resolution Amending Resolution #76-2009: Appointments to the Lehigh Valley Economic Development Corporation (LVEDC) - Comprehensive Economic Development Strategy (CEDS) Committee

Mrs. McHale stated the LVEDC was coordinating and standardizing the expiration dates of appointments to their Comprehensive Economic Development Strategy (CEDS) Committee. She further stated this necessitated a change in the expiration dates of certain members previously approved.

Mr. Cusick introduced the following resolution:

**R. 86-2009** WHEREAS, the Lehigh Valley Economic Development Corporation is coordinating and standardizing the expiration dates of appointments to the Comprehensive Economic Development Strategy (CEDS) - LVEDC Committee.

NOW, THEREFORE BE IT RESOLVED, BY THE NORTHAMPTON COUNTY COUNCIL that Northampton County Council Resolution No. 76-2009 shall be amended as indicated hereafter (sections marked with **bold underline** have been deleted and sections marked with **strikeout** have been added):

**Number 76-2009**

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

**AIRPORT AUTHORITY**

**Appointment:**

David C. Haines
6868 Bullhead Road
Northampton, PA 18067

**Term to Expire:** 12/31/10
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COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY - LVEDC COMMITTEE

Appointment:
Dr. Arthur Scott, President
Northampton Community College
3835 Green Pond Road
Bethlehem, PA 18020

Term to Expire: 9/20/10 12/31/10

Re-appointment:
Marc A. Troutman
4535 Cheryl Drive
Bethlehem, PA 18017

Term to Expire: 9/20/11 12/31/11

INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment:
Philip E. Gauffreau, P.E.
2230 Stonebridge Lane
Easton, PA 18040

Term to Expire: 3/17/11

MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment:
Mark Gatti
557 East Board Street
Apt. 4
Bethlehem, PA 18018

Term to Expire: 9/17/12

PERSONNEL COMMISSION

Re-appointments:
Gary L. Dologite, SPHR
1465 Main Street
Bethlehem, PA 18018

Terms to Expire: 12/31/11

Marna Hayden
312 Shauna Way
Nazareth, PA 18064

As there were no further questions or comments, Mrs. McHale called for the vote.
The vote: Cusick, "yes"; Dertinger, "yes"; Dowd, "yes"; Ferraro, "yes"; McClure, "yes"; McHale, "yes"; Seyfried, "yes"; Angle, "yes" and Capozzolo, "yes".

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

Consideration of the Resolution Appointing the Northampton County Council Liaison to the Northampton County Gaming Revenue and Redevelopment Authority

Mrs. McHale advised the ordinance creating the Gaming Revenue Authority required County Council to appoint a non-voting liaison to the authority. She further advised a resolution was prepared to appoint herself as this was her district and she attended the first meeting because a liaison could not be appointed as County Council did not meet before the meeting was held.

Mrs. McHale introduced the following resolution:

R. 87-2009  WHEREAS, Section 6. (a) of the Northampton County Council Ordinance No. 500-2009 (as amended), the Ordinance titled, "AN ORDINANCE ADOPTING THE ARTICLES OF INCORPORATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY," provides, in part, in Section 6. (a) that: "...The governing body of the Authority shall be a Board with membership and terms of office as follows:...a non-voting liaison appointed by the Northampton County Council..."

NOW, THEREFORE, BE IT RESOLVED BY the Northampton County Council that Ann McHale, 750 Barrymore Lane, Bethlehem, PA 18017, shall be the Northampton County Council non-voting liaison appointed to serve on the Northampton County Gaming Revenue and Economic Redevelopment Authority, until such time a further resolution is adopted by the Northampton County Council.

Mr. Angle made a motion to appoint Mr. McClure as he had done a lot of research with regard to this matter and was very knowledgeable.

In response to Mr. Seyfried’s question as to whether Mr. McClure would accept this appointment, Mr. McClure thanked Mr. Angle for his confidence in him, but he would not accept and as he felt Mrs. McHale was very interested in all things Bethlehem, he felt she would be a better choice.

Mrs. McHale stated the motion died due to a lack of a second.
As there were no further questions or comments, Mrs. McHale called for the vote.

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

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

Northampton County Gaming Revenue and Redevelopment Authority

Mrs. Ferraro stated information had been received with regard to a solicitor for the Northampton County Gaming Revenue and Redevelopment Authority (gaming authority) and that the County's anticipated proceeds for next year were approximately $1.2 million next year. She then questioned if the solicitor and all the expenses of the gaming authority would be cut from the County's anticipated proceeds because the General Purpose Authority could have handled the functions of the gaming authority without taking money from the County's proceeds.

Mr. McClure advised any funds for any type of services the gaming authority purchased would come out of the local impact share portion, not out of the County's portion.

Bi-County Health Department

Mr. Angle stated he had received telephone calls asking now that County Council had decided to use the money from gaming for tax relief, they were wondering what the County Executive would use to fund the bi-County health department if it were to be established. He then asked the County Executive if he had any back up funding plan for the bi-County health department.

Mr. Stoffa advised they had indicated they could probably run it with no additional County contribution and he would like to see if that could be done.

Mr. Angle stated as a former Director of Human Services, by looking at the budgets of the Allentown and Bethlehem Health Departments, he asked Mr. Stoffa if that could realistically be done.

Mr. Stoffa advised he could not answer because he had to wait and see a proposal by the health board.
Sands Casino and Hotel Assessment and Tax Increment Financing

Mr. Cusick asked Mr. Vic Mazziotti, Director of Fiscal Affairs, what was the status with regard to the assessment of the Sands Casino and Hotel complex. He also asked Mr. Martino as to the status of his review of the Tax Increment Financing situation at the Sands.

Mr. Mazziotti stated the appraisal was on target, noting it had to be completed by the end of the year. He further stated they were in frequent contact with the firm conducting the appraisal and they have assured him they would complete the appraisal of the casino by the end of the year, which was the only property that could be placed on the tax rolls at this time.

Mr. Mazziotti advised they suggested waiting on the appraisal of the hotel and retail space until the issue of taxes on the table games became clearer. He further advised they also wanted to wait to see the final legislation because that would impact the way they would value the hotel because the table games would make the hotel a more desirable location.

In answer to Mr. Cusick’s question as to how they were going to value the hotel when it was not yet completed and there was no date set for completion, Mr. Mazziotti stated they would provide their best estimated value which would give everyone concerned a sense about what the casino, hotel and retail space would likely be valued at.

Mr. Martino advised he was in the process of scheduling a meeting with the Planning Director of the City to determine how the actual development compared with the TIF plan that had been submitted and to determine if there were any substantial modifications that occurred with regard to the original plan.

When Mr. Angle commented the State allowed incremental tax assessments, therefore, he asked if they were billing for the percentage that was completed, Mr. Mazziotti advised that was not his understanding, however, he would look into it.

Council Solicitor's Report

Mr. Martino stated he did not have a report.
Adjournment

Mrs. McHale called for a motion to adjourn.

Mr. Dowd made a motion to adjourn.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council