Easton, Pennsylvania September 17, 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. Dettinger; 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. Angle 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 September 3, 2009 meeting shall be approved.

Mr. Angle seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Scott Bush, Borton-Lawson Engineering - stated he was present on behalf of Mr. Steve DeSalva, Director of Public Works.

Mrs. McHale advised the members of County Council that Mr. Bush was here to request approval to bypass some of the rules and regulations with regard to a Request For Proposal (RFP).

Mr. Bush stated they prepared an RFP for work associated with the window replacement and exterior repairs in the historic portion of the Courthouse. He further stated the Administrative Code indicated thirty day notification had to be made to County Council prior to advertising the RFP, however, they were requesting that requirement be waived for this project. He noted the work
associated with this project would require a lot of field and on site assessment work, which should be done before the cold weather came or it may delay the project significantly.

Mr. Dertinger advised the safety factor alone made it reasonable to try and move the process up.

In answer to Mr. Cusick's question as to whether there was funding from the stimulus package or the American Reinvestment Recovery Act that required this work be expedited, Mr. Bush stated, to his knowledge, there was not.

Mr. Dertinger requested Mr. Bush inform Mr. DeSalva to provide a copy of the list of interested vendors to the members of County Council.

Mr. Angle made a motion that this request be granted.

Mr. Dertinger seconded the motion.

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

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

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

Confirmation of Appointments

Mrs. McHale stated that earlier this evening, the Personnel Committee met to review these appointments.

Mr. Cusick introduced the following resolution:

R. 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:                                 Term to Expire: 12/31/10
David C. Haines                               
6868 Bullhead Road                             
Northampton, PA 18067
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY - LVEDC COMMITTEE

Appointment:  Term to Expire: 9/20/10
Dr. Arthur Scott, President
Northampton Community College
3835 Green Pond Road
Bethlehem, PA 18020

Re-appointment:  Term to Expire: 9/20/11
Marc A. Troutman
4535 Cheryl Drive
Bethlehem, PA 18017

INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment:  Term to Expire: 3/17/11
Philip E. Gauffreau, P.E.
2230 Stonebridge Lane
Easton, PA 18040

MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment:  Term to Expire: 9/17/12
Mark Gatti
557 East Board Street
Apt. 4
Bethlehem, PA 18018

PERSONNEL COMMISSION

Re-appointments:  Terms to Expire: 12/31/11
Gary L. Dologite, SPHR
1465 Main Street
Bethlehem, PA 18018

Marna Hayden
312 Shauna Way
Nazareth, PA 18064

Mr. Cusick advised these individuals were unanimously recommended by the Personnel Committee.

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

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

BethWorks Tax Increment Financing (TIF)

Mr. Cusick stated at the last meeting, Mr. Bob Pfenning raised the issue of the BethWorks TIF and as a result of that, he requested County Council’s Solicitor to review the TIF, as well as the ordinance that County Council passed to determine whether or not there had been any substantial modifications since 2000.

Mr. Martino advised he would take a look at that issue. He further advised if there had been substantial modification, County Council may want to take additional action.

Bethlehem Township Facility

Mr. McClure advised the Bethlehem Township Zoning Board met again and one of the issues that was raised was their feeling that the lack of an agreement between the proposed developer and the County was a hindrance in their evaluation of the program. He further advised it concerned him that a lot of the details with regard to this project appeared to be shrouded in secrecy.

Mr. Angle stated he did not feel that was their key issue, but it was more of a curiosity thing. He further stated what he found interesting was that neither attorney appeared to understand what Judge Michael Franciosi told them, therefore, they should all go back to Judge Franciosa to determine what they were suppose to be doing. With regard to secrecy, he noted the County Executive had told County Council before he wanted to be sure the project was doable before he entered into any agreement on how it would be handled.

In response to Mrs. McHale’s comment Mr. Abraham Atiyeh did not own that property, Mr. Angle advised he had an option on it which was common in the real estate business.

Mr. McClure stated he would like for County Council to have some numbers with regard to the cost of the facility so that it could be positively evaluated and a decision made.
Mr. John Stoffa, County Executive, advised he wanted to remind everyone this was not a prison, but a drug and alcohol treatment center. He then asked Mr. McClure what his solution would be to the Prison overcrowding.

Mr. McClure stated the Prison was not overcrowded and the County spent less than $3 million in the last ten years when it had minor periods of overcrowding to send inmates out. He further stated according to the numbers he came up with, this facility was going to cost at least $30 million over a ten year period.

Consideration of the Resolution Authorizing the Submission of an Application for the Home Investment Partnership Program

Mrs. McHale advised at the request of the Department of Community and Economic Development, a resolution was prepared approving submission of an application for funding for the Home Investment Partnership Program. She further advised this resolution was reviewed and approved by the Economic Development Committee at their meeting held on July 20, 2009.

Mr. Dowd introduced the following resolution:

R. 77-2009

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR HOME INVESTMENT PARTNERSHIP PROGRAM

WHEREAS, the Community Action Committee of the Lehigh Valley (CACLV) desires, through its Easton West Ward Neighborhood Partnership Urban Ecology Project, to rehabilitate vacant and substandard homes in Easton's West Ward neighborhood as part of an affordable green rehabilitation housing demonstration project; and

WHEREAS, CACLV is desirous of obtaining HOME Investment Partnership funds to assist in this effort, as these are the primary vehicle to increase and improve the supply of affordable housing in the Commonwealth; and

WHEREAS, the Federal HOME Investment Partnership program is administered by the Pennsylvania Department of Community and Economic Development, who will consider funding requests throughout the year from units of local government who are authorized to submit requests on behalf of non-profit organizations; and
WHEREAS, the County of Northampton has ensured this request will not negatively impact the potential for receiving related funds in the City of Easton nor in other jurisdictions throughout the County; and

WHEREAS, the County of Northampton will retain 3% of any grant awarded in order to fulfill administrative requirements of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

1. That the County of Northampton will submit an application to the Pennsylvania Department of Community and Economic Development on behalf of the CACLV in an amount not to exceed $500,000.

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with Federal financial assistance.

3. That the County Executive of the County of Northampton is authorized to execute and file the application for financial assistance for such amount as the United States Department of Housing and Urban Development is willing to make available to carry out the Community Development Program and act as an authorized representative of the County of Northampton.

4. That the County Executive of the County of Northampton is hereby authorized to provide such assurances and/or certifications as required by the United States Department of Housing and Urban Development, and also any additional or revised data which may be requested during the review of said applications.

In answer to Mr. Cusick’s question as to whether this was tied to any State funding issues, Mr. Alan Jennings, Executive Director, CACLV, stated there were no State funds involved, but Federal funds that passed through the State as a block grant.

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 Resolution in Support of General Assembly of Pennsylvania House Bill No. 463**

Mrs. McHale advised at the County Council meetings held August 20, 2009 and September 3, 2009, Mr. Samuel P. Royer presented County Council with information relating to Pennsylvania House Bill No. 463 of 2009. She further advised in response to Mr. Royer's request, a resolution was prepared in which County Council expressed its support for the enactment of House Bill No. 463 by the General Assembly of the Commonwealth of Pennsylvania. She noted if adopted, Northampton County would be joining the Counties of Centre, Dauphin, Erie, Lancaster and York in their support of this bill.

Mrs. McHale introduced the following resolution:

**R. 78-2009 WHEREAS, it is vitally important, in most cases, for children to have equal access to both mother and father in the event of a divorce or separation; and**

WHEREAS, research and real life experiences have demonstrated convincingly that the presence and support of both parents are critical to the successful development of each young life; and

WHEREAS, Pennsylvania House Bill 463 will provide for Court ordered joint custody in all cases of separation or divorce unless the Court finds that it is not in the best interest of the child; and

WHEREAS, Pennsylvania House Bill 463 will promote equality in family Court, voluntary sharing of information and decision making between parents, a decline in domestic violence, parental alienation, and negative child outcomes.

**NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council, that the members of the Northampton County Delegation of the Pennsylvania General Assembly are respectfully urged to support the passage of Pennsylvania House Bill 463.**

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to all members of the Northampton County Delegation to the Pennsylvania General Assembly.

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

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

Pay Rates for Election Workers

Mr. Angle made a motion for Mr. Flisser to draft an ordinance setting the pay rate for the Judge of Elections at $200 and the rest of the workers at $175 for the next meeting.

Mr. Flisser stated that it did not have to be done by an ordinance, but a resolution.

Mr. Angle made a motion that the pay rate for the Judge of Elections be set at $200 and $175 for the rest of the workers.

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

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

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

Bachmann Publick Tavern

Mr. Angle asked Mr. Flisser to prepare an ordinance for Plan B of the Bachman Publick Tavern proposal less $500,000 payable upon sale.

Mr. Dowd indicated he would be a co-sponsor of that ordinance.

Human Services Committee Report

Mr. Capozzolo advised there will be a Human Services Committee meeting at 3:00 p.m., on Wednesday, September 23, 2009.
County Council Minutes -9- September 17, 2009

Personnel Committee Report

Mr. Cusick stated at the Personnel Committee meeting, there was a discussion pertaining to the appointment of a Sheriff and it was his hope that County Council could see some applications or recommendations next month from the County Executive.

Economic Development Committee Report

Mr. Dowd advised an Economic Development Committee meeting will be scheduled as soon as arrangements could be made with representatives of the Chrin Company to discuss their project for Williams Township and Glendon and also the Route 33 Interchange.

Mr. Dowd stated Weather Trends International, a company in Bethlehem, had been recognized by Forbes magazine as the fifth most exciting small company in the nation.

Councils of Government (COG) Meetings

Mrs. Ferraro advised Northampton County was having County wide COG meetings that were being excellently conducted by Mr. Thomas Harp, Deputy Director of Administration.

Mrs. Ferraro stated the Allen 5 was now the Allen 7, noting more municipalities were researching the idea of joining. She further stated they were charging a per capita to join and also planning to take commercial waste, which would help keep the costs down for the taxpayers and municipalities.

Mrs. Ferraro advised they also discussed Act 32, which concerned the way taxes were collected. She noted on October 22, 2009, there would be an informational meeting with regard to this issue with representation from each municipality.

Mrs. Ferraro stated the County received a good report on the census, which was important because it determined the funding which came to the County.

Mrs. Ferraro advised it was the one year anniversary of the County's recycling program and approximately 84 tons have been collected.
County Council Minutes -10- September 17, 2009

Council Solicitor's Report

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

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
MEMORANDUM

TO: Council President Ann McHale; Members of Northampton County Council; and, Frank Flisser
FROM: Anthony J. Martino, Esquire, County Council Solicitor
DATE: September 17, 2009

SUBJECT: Solicitor's Report

I. Assignments Completed (since last meeting):

Research and review of proposed ordinance providing for a referendum to amend the Home Rule Charter to make the Sheriff an elected office.

II. Open Assignments:

Determine whether there has been a substantial modification of the plan for the Beth Works TIFF property has requiring approval by County Council.