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. Seyfried 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 August 20, 2009 meeting shall be approved.

Mr. Dowd seconded the motion.

The motion was adopted by voice acclamation.

Courtesy of the Floor

Mr. Sam Royer, 2577 Madison Avenue, Bethlehem, PA - stated at the last meeting, he provided some information to the members of County Council with regard to House Bill 463. He further stated based on statistics, 71% of all dropouts, 65% of all teen suicides, 75% of all teens in drug rehabilitations and 85% of all youths and felons in prison came from fatherless homes and were more often to suffer physical, emotional or sexual abuse.
Mr. Royer advised under the current system, child custody was determined by parental agreement, preference of the child, if appropriate based on age and maturity, or at the discretion of the Court, which was the area most people were looking to change.

Mr. Royer stated under House Bill 463, the standard would be joint custody unless it was not believed to be in the best interest of the child and then the Court would have to state on record the reasoning behind that decision. He further stated the Court would consider first parental agreement, second the preference of the child and third, which parent was most likely to encourage, permit and allow frequent and continuing contact as evidenced by a parenting plan. He noted a parenting plan and counseling would be required when the parents could not agree.

Mr. Royer advised House Bill 463 would help set standards and provide more accountability for the child to have contact with both parents. He further advised Representatives Joseph Brennan, Julie Harhart and Douglas Reichley were co-sponsors of this bill.

Mrs. Ferraro arrived at the meeting at this time.

Mr. Royer stated he had been in contact with many local, State and Federal officials in an effort to gain support for this bill as this was not just a local issue, but a national one. He noted the only organization he knew that was against this bill was the Coalition Against Domestic Violence.

Mr. Royer advised there would be a hearing held in Harrisburg on October 1, 2009. He further advised he was present tonight to ask the members of County Council to adopt a resolution or send a letter supporting House Bill 463.

Mrs. McHale stated a resolution pertaining to this matter would be placed on the agenda for the next meeting.

Mr. Bob Pfenning, 2830 Linden Street, Bethlehem, PA - advised recently County Council approved a contract for $100,000 to assess the Sands Casino. He further advised he did not know if County Council was aware that the City of Bethlehem planned to float Tax Increment Financing (TIF) bonds to do all sorts of wonderful things with the projected revenue from that property.
He noted he found it ironic that TIFs were put in place to put more properties onto the tax roll and now it was being used to encourage and help properties come off the tax roll. He further noted the land where the SteelStax would be built on had an assessed valuation of $80,000 and the County would probably not see any revenues from it for at least ten years until the bonds were all paid off.

Mr. Pfenning stated during last year’s budget hearings, it was estimated that the County’s general fund portion of the gaming revenue was going to be around $1,675,000. However, the numbers were no where near what was expected and there was already an issue as to whether the additional 2000 machines would go on line by the end of November. He further stated at this point, it appeared the County’s general fund portion would be cut in half.

Mr. Pfenning advised the Commonwealth Court of Pennsylvania had affirmed and upheld the Erie County Commons Plea judgement regarding Section 5 of Act 71 about impact grants being the necessary type of grant for the municipal grants. Therefore, the Northampton County’s ordinance that was passed was in line with the decision of the Court.

In answer to Mr. Angle’s question, Mrs. McHale stated the TIF was granted a few years ago when the property was just a brown field.

Mr. Pfenning advised it appeared that the spending of the TIF funds fell within the jurisdiction of the City Council of Bethlehem.

Mr. Billy Givens, 200 Parker Avenue, Easton, PA - stated he wanted to go on record for being against Northampton County’s participation in TIFs.

Public Hearing on the Ordinance Providing for the reacquisition of the Wolf Building Parking Lot

Mrs. McHale advised the following ordinance was introduced by Mr. Dowd and herself at the meeting held August 20, 2009.

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF
A 1.65 +/- ACRE PARCEL OF LAND LOCATED AT 45 NORTH 2nd STREET, CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA. THE PARCEL IS PART OF AN UN-SUBDIVIDED 3,396 ACRE PARCEL. PARCEL ID NO. L9NE3C 6 18 PKB 0310C

WHEREAS, Northampton County Home Rule Charter Article 602(a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes that conveyance or lease of any real property of the County"; and

WHEREAS, County of Northampton has decided to exercise its right of reversion pursuant to paragraph 2(m) of the Agreement of Sale between Northampton County and Arcadia Properties, LLC dated June 29, 2005 and purchase the above referenced 1.65 +/- acres (a portion of the Governor Wolf Premises); and

WHEREAS, funding for the acquisition of a 1.65 +/- acre parcel or land located at 45 North 2nd Street, City of Easton, Northampton County, Pennsylvania, Parcel ID No. L9NE3C 6 18 PKB 0310C has been appropriated in the department of Public Works Operations and Maintenance Section of the Northampton County 2009 Budget.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to approve the purchase of the 1.65 +/- acre parcel of land located at 45 North 2nd Street, Easton, Northampton County, Pennsylvania, in consideration for the sum of Five Hundred Ninety Five Thousand Dollars ($595,000.00) subject to the terms and conditions of the attached Agreement of Sale.

Public Comment

Mrs. McHale asked if there were any questions or comments from the public.

Mr. Rich Hieshetter, 304 West Monroe Street, Easton, PA - stated he was in support of returning the parking lot back to the County. However, once that was done, he felt something should be done to protect the flood plain.
Mr. Hieshetter advised he did not know what the plans were for the parking lot, but suggested creating a park because that area did not have any recreation.

Mr. Angle disagreed, noting there was a large piece of recreational property in that area.

Mr. Billy Givens, 200 Parker Avenue, Easton, PA stated when the parking lot was first sold, he felt it was like someone selling off their driveway so he was glad to see the County getting it back.

Mrs. McHale asked if any member of County Council wished to address this issue.

As there were no respondents, Mrs. McHale called for the vote.


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

2001 Bond Projects

Mr. McClure advised in his capacity as Chairman of the Finance Committee, he was approached by Mrs. McHale and Mr. Dowd to obtain prior to the next committee meeting an updated matrix of the 2001 Bond projects. He then asked the County Executive, Mr. John Stoffa, if he could make certain that it was provided to County Council.

Consideration of the Coroner’s Personnel Request

Mrs. McHale stated the personnel request submitted by the Coroner was reviewed and approved by the Personnel Committee at their meeting held August 20, 2009.

Mr. Cusick introduced the following resolution:

R. 74-2009   RESOLVED, by the Northampton County Council that one (1) position of full time Chief Deputy Coroner, pay
grade CS-28, salary range $48,786 to $69,378, shall be downgraded to full time Deputy Coroner, pay grade CS-19, salary range $32,236 to $45,843, effective immediately.

As there were no 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 - W.L. Schneider Assoc, Inc. - Medicare Part B Supplies

Mrs. McHale advised from time to time, County Council was asked to approve certain contracts with regard to Administrative Code Section 13.16. She further advised such a contract was submitted for W. L. Schneider Assoc, Inc. for Medicare Part B supplies.

Mr. McClure introduced the following resolution:

R. 75-2009 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 August 27, 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 amount of $782,901.45, with W. L. Schneider Assoc, Inc. for Medicare Part B supplies for Gracedale, Northampton County
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 W. L. Schneider Assoc, Inc., for Medicare Part B supplies for Gracedale, Northampton County Department of Human Services.

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


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

Corrections Master Plan

Mr. McClure stated he attended the presentation of the Corrections Master Plan and came away with a better idea of the costs associated with the 300 bed facility to be built in Bethlehem Township. He further stated that it was going to cost approximately $15 million to build that facility with an unofficial estimated cost of approximately $200,000 a month to run it. He noted if that was the case, the County would be spending approximately $24 million a year for this facility over a ten year period whereas it had spent less than $3 million within the last ten years sending prisoners out to other facilities. Further, he recognized the people who have graduated from the current and past treatment programs, but the numbers did not justify a $15 million building expense or the expenditure of $24 million over the next ten years. Therefore, he urged his colleagues to voice their opposition to the plan.

Mrs. McHale advised it was her understanding that the County would not own the property, but rent it from Mr. Abraham Atiyeh and according to the County’s records, Mr. Atiyeh did not currently own the property.

Mr. Angle stated Mr. Atiyeh had an option to purchase the property.
Mr. McClure advised it was also noted at the meeting that the recommended plan was 3 and 3A, which was a green field site owned by the County, and he asked where the green field site was located.

Mrs. McHale stated it was not really specified, but she speculated it was probably at Gracedale.

Mr. Stoffa advised they had no idea at this point because all it said was it would be County-owned property. He further advised no decision had been made to go to Gracedale or anywhere else. He noted they had just begun looking at the whole complete plan and nothing had been determined beyond that.

In answer to Mr. McClure’s question as to where the green field site was going to be, Mr. Stoffa replied it could be something the County currently did not own, but might acquire in the future.

In response to Mr. McClure’s question as to what properties had been discussed, Mr. Stoffa indicated any properties the County currently owned had been discussed.

In answer to Mr. Angle’s request for an update on the prison issue, Mrs. McHale stated in the past, different options had been presented and not much had changed.

Mr. Angle advised he believed the end result was the County was locked into this location.

Mrs. McHale agreed that was basically the understanding and there had been discussions pertaining to the completion of Phase II of the four phase plan, which would have provided 234 additional beds and the ability to house the County’s treatment facility. However, every time a new County Executive came in, the plans changed and only minor work was accomplished.

Mr. Angle stated the reasoning behind the Bethlehem Township facility was so that it would free up some of the beds in the prison in an effort to solve some of the current problems.

Mr. Stoffa stated the issue was not just additional beds,
but they were looking at the next 20 years. He further stated the County’s prison was very old and something had to be done before the County found itself involved in a lawsuit. He noted if the work was done as previously proposed, the prisoners on the floor below would have to be cleared out, at least during the day at an unknown cost, while the work was being done. He further noted there was not enough water available to accommodate any additions so a water tower would have to be constructed which would cost more than $1 million.

Mr. Stoffa advised right now they were looking at all the options. He further advised since the change in the President Judge, there has been a lot of cooperation from the Court and they were not housing prisoners outside of the County. He noted they were trying to take a comprehensive approach to the situation and not just building more cells which was why the Bethlehem Township facility was so important because treatment was an essential factor.

Mrs. McHale stated the Criminal Justice Advisory Board was working together with the Sheriff, Judges, the Department of Human Services, the Division of Drug and Alcohol, the Public Defender and District Magistrates to discuss the concerns of the prison and how best to deal with them.

**Northampton County Sheriff Position**

Mr. Cusick advised since the announcement of the retirement of Sheriff Jeff Hawbecker, he had a discussion with Mr. John Conklin, Director of Administration, as to the process of selecting a replacement. He further advised he hoped the Administration was planning to have names submitted to the members of County Council by their mid-October meeting so someone could be appointed to take office on November 1, 2009.

Mr. Angle stated he did not think that was a major issue because there were plenty of deputies in the department that could fill in on an acting basis.

Mr. Stoffa advised the advertisement was to appear in the newspapers this week and the next with the responses going to Mr. Karl Longenbach, Northampton County Solicitor. He further
advised they would then be reviewed and submitted to the President Judge, who had the option of adding names to the list.

In response to Mr. Angle’s comment about the current process possibly becoming a political hotbed, Mr. Seyfried stated it was not the Home Rule Charter that dictated the current process, noting it was created by an ordinance approved by the sitting members of County Council at that time.

Mr. Seyfried advised he was never in favor of the Courts being able to approve this appointment because if the Sheriff were to get in trouble, the President Judge would not be the individual answering to the situation. Therefore, he felt the ordinance should be repealed and the County Executive given the right to appoint the Sheriff.

Mr. Angle asked Mr. Flisser to prepare an ordinance on behalf of himself and Mr. Seyfried repealing the ordinance setting forth the selection process.

**Human Services Committee Report**

Mr. Capozzolo stated he had been delaying holding a Human Services Committee meeting because the State budget had not been passed. However, as it did not look like it was going to be passed anytime soon, he planned to have a meeting on September 23, 2009.

Mr. Capozzolo advised as there were only nine months before the next State budget had to be done, he would suggest that while the representatives were working on the 2010 budget, they should start preparing for the 2011 budget so this fiasco would not occur again.

**Farmland Preservation Liaison Report**

Mr. Angle stated he and Mr. Dertinger informed the Farmland Preservation Board that County Council and the County Executive wanted the townships to be participants in farmland preservation because they now had Earned Income Tax funds for open space. He further stated they have held a workshop and were going to involve them.
Mr. Angle advised they were going to need $1.5 million in next year’s budget out of the dedicated tax for open space because of the townships participating.

Council Solicitor’s Report

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

Executive Session

Mr. Seyfried made a motion to enter into Executive Session to discuss pending litigation.

Mr. Angle seconded the motion.

Mr. Martino advised County Council entered into Executive Session at 7:27 p.m. and reconvened at 7:55 p.m. after discussing pending litigation.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.