A regular meeting of the Northampton County Council was held on the above date with the following present: Ron Angle, President; John Cusick, Vice President; Thomas H. Dietrich; J. Michael Dowd; Bruce A. Gilbert; Lamont G. McClure, Jr.; Ann McHale; Barbara A. Thierry; Philip D. Lauer, Solicitor to Council and Frank E. Flisser, Clerk to Council. Absent was Margaret L. Ferraro.

Pledge of Allegiance

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

Prayer

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

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 18, 2010 meeting shall be approved.

Mr. Dietrich seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Darryl Snover, Lehigh Township Supervisor - read an ordinance that was going to be introduced at their next meeting declaring the Federal health reform format unconstitutional and supporting the actions of Attorney General Tom Corbett. He then urged the members of County Council to support the resolution regarding this matter being offered tonight.
In response to Mr. Cusick’s question as to why it was felt this was a township issue, Mr. Snover stated he took an oath to uphold the laws and constitution of the United States. He further stated the voices of the American citizens were not being heard and if this, in some way, made their voice better known, it was the least he could do.

When Mr. Cusick commented that he did not agree with the legislation, but he did not feel it was an issue for the County or the townships, Mr. Snover advised he disagreed indicating it was their job to represent the people in their district and this was the only way their voices could be officially moved up through the ranks of the government.

When Mr. McClure questioned Mr. Snover as to whether he supported certain provisions of the law, he responded whether he agreed or not with certain provisions was not the issue, he felt it was beyond the scope of the powers that were designated to the members of Congress and the United States Federal Government.

Mr. Snover stated he would have no objection if the State of Pennsylvania chose to enact some sort of health care reform because it was a power that was designated to them. He further stated he believed short of a constitutional amendment that the Federal government did not have the authority to do so.

**Executive Session**

Mr. Angle advised he would like to call an Executive Session to discuss pending litigation.

Mr. Dowd made a motion to adjourn to Executive Session.

Mr. Gilbert seconded the motion.

Mr. Lauer stated County Council went into Executive Session at 6:42 p.m. and reconvened at 7:20 p.m., noting they discussed a litigation issue.

**County Executive’s Report**
Mr. Stoffa advised his recommendation for a new Director of Human Resources was presented to County Council.

With regard to the Foreclosure Program, Mr. Stoffa announced 812 cases have been heard and 105 agreements have been reached. He added hearings were scheduled up to October 1, 2010.

Mr. Stoffa stated a lift had been installed by the Employees Entrance to provide easier access for people with disabilities and should be available for use shortly.

Mr. Stoffa advised CMX, the company contracted to do the engineering work for the parking deck, had gone out of business so Panonni Engineers would be taking over.

When Mr. Angle asked if they would be able to obtain all the necessary information, Mr. Steve DeSalva, Director of Public Works, stated the person who was involved with designing the project for CMX was hired by Panonni Engineers as their Chief Structural Engineer.

Mr. Stoffa advised weapons brought into the Courthouse were taken and stored behind the screening area, however, they will now be stored in a different area.

Mr. Cusick congratulated Mr. Stoffa on settling the MRSA case. He then stated he saw that the Human Resources Department contracted with a company called Higher Vision and he wondered what was the purpose for hiring them.

Mr. Stoffa advised Mr. Bob Lasko, who handled the unemployment and workers compensation claims, among other things, was retiring and this company was hired to look at his job and the Human Resources office in general to help the new Director and to ensure nothing gets passed over during the transitional period.

With regard to a recent news article that listed some of the highest paid employees in the County, Mr. Angle stated he hoped something was being done so people were not allowed to earn that much money through overtime.
Mr. Angle advised the following ordinance was introduced by Messrs. Cusick and McClure at the meeting held March 18, 2010:

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF A DEED OF EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR LAND OWNED BY NORTHAMPTON COUNTY, LOCATED IN WILLIAMS TOWNSHIP, TO THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO ENABLE THE DEPARTMENT OF TRANSPORTATION TO REPLACE THE FRY'S RUN BRIDGE LOCATED ON ROUTE 611

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 the conveyance or lease of any real property of the County"; and

WHEREAS, the Commonwealth of Pennsylvania by and through the Department of Transportation (hereinafter referred to as "PENNDOT") intends to replace the FRY'S Run Bridge, located on Route 611, between Coffeetown Road (T-409) and Royal Manor Road (T-418) in Williams Township; and

WHEREAS, PENNDOT has requested that the County of Northampton grant both a Permanent Deed of Easement and a Temporary Construction Easement over land owned by Northampton County and contiguous to the FRY'S Run Bridge Area, Identified as Northampton County Tax Parcel Nos. P10-3-3 and P10-3-4 in order to construct a temporary road; and

WHEREAS, PENNDOT has created a Plot Plan entitled "Right-of-Way Claim Information", a true and correct copy of which is attached hereto and made a part hereof as Exhibit "A"; and which Plot Plan depicts the areas which PENNDOT must acquire in order to construct a temporary roadway by which traffic may travel
while the FRY'S Run Bridge is being replaced; and

WHEREAS, the County Council of Northampton believes it is in the public's best interest to grant such Deed of Easement and Temporary Construction Easement; and

WHEREAS, in accordance with the provisions of the Northampton County Administrative Code, Article XIII Procurement and Disposition of County Property, Section 13.15 Purchase, Sale and Lease of Real Estate a. and b., the Northampton County Executive presented two (2) sealed appraisals on the subject property (copies of both are attached hereto)

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Northampton County Council as follows:

1. County Council hereby Grants and Conveys to PENNDOT, in consideration for the sum of $1,600, a Deed of Easement over the lands of Northampton County, identified as Tax Parcel Nos. P10-3-3 and P10-3-4, as more fully depicted in the Plot Plan attached hereto as Exhibit "A".

2. County Council of Northampton hereby Grants to PENNDOT a Temporary Construction Easement for the sum of $9,900, over the lands of Northampton County, identified as Tax Parcel Nos. P10-3-3 and P10-3-4, as more fully depicted in the Plot Plan attached hereto as Exhibit "A".

3. The Deed of Easement and Temporary Construction Easement referenced above, shall be in a form substantially similar to those attached hereto and made a part hereof respectively as Exhibits "B" and "C".

Public Hearing

Mr. Angle asked if anyone from the public had any questions or comments regarding this ordinance. There were no respondents.

As there were no questions or comments from the members of County Council, Mr. Angle called for the vote.

The ordinance was adopted by a vote of 8-0.

Public Hearing on the Tax Assessment Appeals Ordinance

Mr. Angle stated the following ordinance was introduced by Mr. Cusick and Mrs. Ferraro at the meeting held March 18, 2010:

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY, CHANGING THE EFFECTIVE DATE FOR TAX ASSESSMENT APPEALS FROM SEPTEMBER 1ST TO AUGUST 1ST PURSUANT TO 72P.S.§5349(a)(2)

WHEREAS, the County of Northampton currently allows taxpayers to file Assessment Appeals with the Board of Assessment on or before September 1st, for the following year; and

WHEREAS, the Board of Assessment Appeals must hold all of its hearings and render its decisions (on the Appeals filed by September 1st), on or before October 31st; and

WHEREAS, the Northampton County Board of Assessment Appeals is unreasonably pressured in order to hold all of the hearings and render its decisions in a timely fashion; and

WHEREAS, Section 72P.S.§5349(a)(2) of the Pennsylvania Tax Code allows legislative bodies of Second Class A and Third Class Counties to set an Appeal date no earlier than the 1st day of August; and

WHEREAS, Northampton County Council finds that setting the Appeal date of August 1st, for Northampton County taxpayers will not prejudice Northampton County tax payers, and will allow the Board of Assessment Appeals greater time to process and hold hearings on all pending Appeals.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED as follows:
1. All "WHEREAS" clauses are incorporated herein as though the same were more fully set forth at length.

2. Pursuant to 72P.S.§5349(a)(2) Northampton County Council hereby designates the 1st day of August as the date that a taxpayer must file an Assessment Appeal to the Northampton County Board of Assessment Appeals for the next year.

3. The Assessment Office shall give notice of the new appeal date by publication in one or more newspapers published within the County.

4. This publicized notice must be made in accordance with 72P.S.§5349(a)(2).

Public Hearing

Mr. Angle asked if anyone from the public had any questions or comments regarding this ordinance. There were no respondents.

As there were no questions or comments from the members of County Council, Mr. Angle called for the vote.

The vote: Cusick, "yes"; Gilbert, "yes"; McClure, "no"; McHale, "yes"; Angle, "yes"; Dietrich, "yes"; Dowd, "yes" and Thierry, "yes".

The ordinance was adopted by a vote of 7-1.

Consideration of a Resolution Amending Resolution No. 91-2009, "A Resolution Designating Northampton County, Pennsylvania as a Recovery Zone"

Mr. Dowd advised County Council previously adopted a
resolution naming the Northampton County Industrial Development Authority as the issuer of these bonds and it was subsequently requested it be amended so that the Northampton County General Purpose Authority could act as the conduit issuer.

Mr. Dowd introduced the following resolution:

R. 27-2010 WHEREAS, the Northampton County Council adopted Resolution No. 91-2009, a resolution titled, “A Resolution Designating Northampton County, Pennsylvania as a Recovery Zone”; and

WHEREAS, Resolution No. 91-2009 designated the Northampton County Industrial Development Authority as the issuer of all Recovery Zone Facility Bonds for projects located within the County of Northampton and also authorized to act as the conduit issuer for the Recovery Zone Facility Bonds to finance qualified projects in Northampton County; and

WHEREAS, subsequent to the adoption of Resolution No. 91-2009, it has been determined that it would be more prudent to administer the Recovery Zone Facility Bonds through the General Purpose Authority instead of the Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that Resolution No. 91-2009 shall be amended to read as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 91-2009

A Resolution Designating Northampton County, Pennsylvania as a Recovery Zone

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

WHEREAS, the issuance of Recovery Zone Bonds
instead of traditional tax-exempt bonds can potentially promote job creation and economic recovery in areas particularly affected by employment decline, significant poverty, increased home foreclosure, or general economic distress as set forth in Section 1400U-1 of the Internal Revenue Code; and

WHEREAS, the United States Department of Treasury has allocated to Northampton County $6,929,000 for Recovery Zone Economic Development Bonds and $10,394,000 for Recovery Zone Facility Bonds; and

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

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

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

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

BE IT FURTHER RESOLVED THAT the Northampton County Council authorizes the Northampton County Industrial Development Authority Northampton County General Purpose Authority to act as the conduit issuer for the Recovery Zone Facility Bonds to finance qualified projects in Northampton County.
As there were no questions or comments, Mr. Angle called for the vote.


The resolution was adopted by a vote of 8-0.

Rail Study

Mr. Cusick stated the County authorized a substantial expenditure to do a study on rail transportation and he wondered if the County or the Lehigh Valley Planning Commission had received a copy of it.

Mr. Vic Mazziotti, Director of Fiscal Affairs, advised there was going to be a public hearing sponsored by Renew Lehigh Valley on April 19, 2010.

Bethlehem Township Treatment Facility

Mr. McClure stated Bethlehem Township had received a decision regarding the zoning for the treatment facility and he believed now was the time for his colleagues to start considering the cost if this should come to fruition.

Mr. Stoffa advised they planned to discuss some of the issues, such as whether to lease it or purchase it outright, noting the County had not made any commitments to date.

Consideration of the General Purpose Authority Projects - Lafayette College

Mr. Dowd asked Mr. Mitchell Wein, Vice President and Chief Financial Officer for Lafayette College, to provide a short presentation of the project.

Mr. Wein stated they were asking the County Council to
Mr. Dowd introduced the following resolution:

R. 28-2010

A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE COUNTY OF NORTHAMPTON FOR THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY TO UNDERTAKE A PROJECT FOR LAFAYETTE COLLEGE; APPROVING THE AUTHORITY'S ISSUANCE OF BONDS FOR THE PROJECT, AS REQUIRED UNDER SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS

WHEREAS, Lafayette College (the "College") has requested Northampton County General Purpose Authority (the "Authority") to approve the initiation of a plan of financing which may include issuing, pursuant to the provisions of the Municipality Authorities Act, as amended, now codified at 53 Pa. C.S.A., Chapter 56 (the "Authorities Act"), an amount not to exceed $27,500,000 aggregate principal amount of its College Refunding and Revenue Bonds in one or more issues and series (the "Bonds") to provide funds for a project consisting of: (i) the refunding of some or all of its outstanding debt consisting of the $22,290,000 Pennsylvania Higher Educational Facilities Authority (Commonwealth of Pennsylvania) College Revenue Bonds (Lafayette College Project) Series of 2000 (the "Outstanding Debt"); (ii) the financing all or a portion of one or more of certain projects (the "New Money Project") consisting of: (a) purchase and installation of equipment and conversions, upgrades and improvements throughout the main campus of the College (Easton, Pennsylvania), designed to increase energy efficiency; (b) other capital projects, including renovations and improvements to the grounds and to various College facilities and the purchase of
certain equipment, throughout the main campus of the College; and (c) demolition of structures at 225-229 North Fourth Street, Easton, Pennsylvania and the subsequent improvement to the lot related thereto and (iii) payment of costs of issuing the Bonds and related capital and non-capital improvements and the financing of contingencies, reserve fund deposits, insurance and credit enhancement costs, if any, and payment of costs and expenses incident to the issuance of the Bonds; and

WHEREAS, pursuant to the Authorities Act, the College and the Authority have requested the County Council of Northampton to declare, by this resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the College; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing was held by the Authority on April 8, 2010 in connection with the issuance of the Bonds; and

WHEREAS, such public hearing was held upon not less than 14 days' notice published in The Express Times in the form attached as "Exhibit A" hereto; and

WHEREAS, Section 147(f) of the Code requires that the applicable elected representatives of the governmental unit on behalf of which bonds are issued and of each governmental unit having jurisdiction over the area in which any facility with respect to which financing is to be provided is located approve bonds after a public hearing in order for a private activity bond to be qualified bond under the Code; and

WHEREAS, the Northampton County Council hereby requests that the County Executive of Northampton County approve the issuance of the Bonds for purposes of Section 147(f) of the Code by executing and delivering a certificate of approval in substantially the form attached hereto as "Exhibit B" and directs that his signature be attested to by the Clerk to the Council.

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

SECTION 1. It is hereby determined and declared pursuant to
the Authorities Act that it is desirable for the health, safety and welfare of the people in the area served by the College for the Authority to undertake the financing of the Project through the issuance of the Bonds in one or more series and issues, in a fixed or variable rate of interest or a combination thereof in an aggregate principal amount not to exceed $27,500,000.

SECTION 2. The issuance of the Bonds and the financing of the Project are hereby approved subject to the approval of the issuance of the Bonds by the County Executive of Northampton County and the delivery by said County Executive of a certificate of approval in substantially the form attached hereto as “Exhibit B” and presented to the Council today following the necessary hearing concerning the Project and the Bonds, with such changes as the County Executive shall deem appropriate, and the Clerk of the Council is hereby directed to attest his signature, the execution of such certificate to be conclusive evidence of the approval by the County Executive of the issuance of the Bonds and the Project.

SECTION 3. The foregoing determination, declaration and approval are for the purposes of the applicable provisions of the Authorities Act and the Code as aforesaid, and do not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.

SECTION 4. The credit of the County of Northampton is not to be used for the security of the Bonds and the County of Northampton will have no liability for any payment of principal of, premium, if any, and interest on the Bonds.

SECTION 5. All actions of this County Council will be taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

SECTION 6. This Resolution shall take effect immediately. All prior ordinances or resolutions or portions thereof inconsistent herewith are hereby repealed.

RESOLVED AND ADOPTED this 8th day of April 2010, at a regular meeting of the Northampton County Council.
As there were no questions or comments, Mr. Angle called for the vote.


The resolution was adopted by a vote of 8-0.

**Bachmann Tavern**

In answer to Mr. Angle’s question as to the status of the Bachmann Tavern and the agreement with the Northampton County Historical and Genealogical Society, Mr. Wein advised it was his understanding that Lafayette College recently executed the lease.

**Consideration of the General Purpose Authority Projects - St. Luke’s Hospital**

Mr. Dowd stated Mr. Tom Lichtenwalner, Chief Financial Officer for St. Luke’s Hospital, was present to provide some information regarding this endeavor.

Mr. Lichtenwalner advised their total financing was approximately $105 million, with $55 million of that total being used to refinance two different bond issues, which would save some significant monies for the hospital. He further advised they were looking to borrow an additional $38 million in new money for equipment at their various campuses for the next two to three years and $10.4 million of the Recovery Bonds for the construction of their medical office building at the Riverside Campus.

Mr. Dowd introduced the following resolution:

**R. 29-2010**

APPROVING THE FINANCING BY NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY OF PROJECTS FOR SAINT LUKE’S HOSPITAL OF BETHLEHEM, PENNSYLVANIA, AND DECLARING THAT IT IS
WHEREAS, the Northampton County General Purpose Authority (the "Authority") is a body corporate and politic existing under the provisions of the Pennsylvania Municipal Authorities Act 53 Pa. Cons. Stat. §§ 5601-5622, as amended (the "Act") by the County Council (the "County Council") of the County of Northampton, Pennsylvania (the "County"), with all the general powers granted by the Act for the health, safety and welfare of the residents of the area;

WHEREAS, the Act vests the Authority, inter alia, with the power of financing projects for the benefit of hospitals and health centers;

WHEREAS, the Authority, at the request of Saint Luke's Hospital of Bethlehem, Pennsylvania, a Pennsylvania nonprofit corporation (the "Hospital"), proposes to undertake all or a portion of a project (the "2010 Project") consisting of: (1) the refunding of all or a portion of the Lehigh County General Purpose Authority's (a) Hospital Revenue Bonds, Series 1992 (Saint Luke's Hospital of Bethlehem, Pennsylvania Project), (b) Hospital Revenue Bonds, Series 1993 (Saint Luke's Hospital of Bethlehem, Pennsylvania Project) and (c) Cap RITES Hospital Revenue Bonds, Series 1993 (Saint Luke's Hospital of Bethlehem, Pennsylvania Project); (2) the purchase by the Hospital for cancellation of up to $45,000,000 of the Lehigh County General Purpose Authority's Hospital Revenue Bonds, Series 2007 (Saint Luke's Hospital of Bethlehem, Pennsylvania Project); (3) the construction and equipping of a medical office building at the Hospital's Riverside Campus and funding of various capital projects for general Hospital purposes, including, without limitation, renovations, repairs and acquisitions of capital equipment for the Hospital's Allentown, Bethlehem and Riverside hospital facilities and other outpatient and administrative facilities; (4) the funding of a debt service reserve fund for the 2010 Bonds; (5) the capitalization of a portion of interest on the 2010 Bonds; and (6) the payment of certain costs and expenses in connection with the issuance of the 2010 Bonds;

WHEREAS, the Hospital has requested that the Authority
issue revenue bonds in an aggregate principal amount not to exceed $140,000,000 (the "2010 Bonds"), estimated to be sufficient to pay the costs of the 2010 Project;

WHEREAS, the Act permits an authority to undertake the financing of hospital or health care projects with loans to public hospitals, non-profit corporation health centers or nonprofit hospital corporations serving the public which may duplicate or compete with existing enterprises serving substantially the same purposes provided that a declaration is made by the municipality which organized an authority for such a project that it is desirable for the health, safety and welfare of the people in the area to be served by the facilities to have such facilities provided by, or financed through, an authority;

WHEREAS, the County Council is familiar with the Hospital, has determined that the Hospital is a public hospital, non-profit corporation health center or non-profit hospital corporation serving the public, and is concerned about improving the health, safety and welfare of the people of the County;

WHEREAS, the County Council designated, by resolution, the County as a "Recovery Zone" under Section 1400U-1 of the United States Internal Revenue Code (the "Code"), at its meeting on November 5, 2009;

WHEREAS, the United States Department of Treasury has allocated to the County $10,394,000 for "Recovery Zone Facility Bonds" under the Code (the "Recovery Bonds");

WHEREAS, no Recovery Bonds have been proposed or issued to date by the Northampton County Industrial Development Authority (the "IDA"), the existing conduit issuer for the Recovery Bonds designated by the Authority at its meeting on November 5, 2009;

WHEREAS, the Authority and the Hospital have requested that the County Council designate the Authority to act as a conduit issuer for the Recovery Bonds in order to finance a qualified project of the Hospital in the County; and

WHEREAS, the IDA has agreed to cede its authorization to issue the Recovery Bonds to the Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:
1. The Authority's undertaking of 2010 Project is hereby approved, it being understood that such approval shall not, directly or indirectly, obligate the taxing power of the County or otherwise obligate the County in any way whatsoever, and is given for the sole purpose of complying with the provisions of the Act relating to the undertaking of the 2010 Project by the Authority.

2. It is hereby declared desirable for the health, safety and welfare of the people in the area served by the Hospital to have the 2010 Project and the project facilities financed through the Authority and the Authority is hereby requested and authorized to undertake the financing of the 2010 Project for the benefit of the Hospital by the issuance of the 2010 Bonds.

3. The Authority is hereby authorized to act as a conduit issuer for the Recovery Bonds in order to finance qualified projects in the County.

4. The proper officers and other personnel of the County and the Authority are hereby authorized and empowered to take all such further actions and execute such additional documents as they may deem appropriate to carry out the purposes of this resolution.

5. Any resolutions or part of resolutions conflicting with the provisions of this resolution are hereby repealed insofar as the same effect this resolution.

As there were no questions or comments, Mr. Angle called for the vote.


The resolution was adopted by a vote of 8-0.

Introduction of the Ordinance Providing for an Amendment to the Lehigh-Northampton Airport Authority Articles of Incorporation
Mr. Dowd stated this ordinance addressed one of the issues raised during a study of the airport and a similar ordinance was being introduced in Lehigh County.

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

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE ARTICLES OF INCORPORATION TO THE LEHIGH-NORTHAMPTON AIRPORT AUTHORITY

WHEREAS, the Lehigh-Northampton Airport Authority (the "Authority") was organized by the Board of Commissioners of Lehigh County and Northampton County (the "Counties") pursuant to enabling legislation contained in the Municipality Authorities Act of 1945, as amended (53Pa.C.S.A. Section 5601, et seq.), pursuant to resolutions duly adopted by the Counties and as evidenced by the Articles of Incorporation of Lehigh-Northampton Airport Authority as approved and filed on June 12, 1968; and

WHEREAS, an authority may, pursuant to the provisions of Section 3.2 of the Municipality Authorities Act of 1945, as amended, change, add to or diminish its powers or purposes, or set forth different or additional powers or purposes; and

WHEREAS, after considering the Airport Management Study prepared for the County of Lehigh and the County of Northampton by Louis Berger Group, Inc. dated February 6, 2009, the Board of Governors recommends an amendment to the Authority's Articles of Incorporation to allow the Board's size to be reduced to improve the Board's efficiency and response to issues which require the Board's attention and action; and

WHEREAS, on January 26, 2010, the Board of Governors of the Authority adopted Resolution No. 4480, which would provide for modifications of paragraph 8 of the Articles of Incorporation of the Authority so that it reads as follows:

"8. The Board of Governor's of the Lehigh-Northampton Airport Authority shall hereafter consist of fifteen members, whose qualifications conform to the requirements for members of the governing body of municipal authorities as established by
the Acts of Assembly pertaining thereto, eight (8) of which shall be appointed by the governing body of the County of Lehigh and seven (7) of which shall be appointed by the governing body of the County of Northampton.”; and

WHEREAS, on March 23, 2010, the Board of Governors of the Authority adopted Resolution No. 4491(a copy of which is attached hereto and labeled as Exhibit “A”), which clarifies the process for implementing the modifications to paragraph 8 of the Articles of Incorporation of the Authority. Resolution No. 4491 reads, in part:

“1. The Board of the Lehigh-Northampton Airport Authority proposes that the reduction in Board size proposed by Resolution No. 4480 be implemented over a two year period with Lehigh and Northampton Counties appointing one member each in 2011 and one member each in 2012 resulting in the final Board size of 15 by January 1, 2013.”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the County Council of the County of Northampton, Easton, Pennsylvania that:

(1) Paragraph 8 of the Articles of Incorporation of the Lehigh-Northampton Airport Authority is hereby amended to read:

“8. The Board of Governor's of the Lehigh-Northampton Airport Authority shall hereafter consist of fifteen members, whose qualifications conform to the requirements for members of the governing body of municipal authorities as established by the Acts of Assembly pertaining thereto, eight (8) of which shall be appointed by the governing body of the County of Lehigh and seven (7) of which shall be appointed by the governing body of the County of Northampton.”

(2) The Northampton County Council concurs with recommendation of Board of Governors of the Lehigh-Northampton Airport Authority, as set forth and proposes that the reduction in Board size proposed by Resolution No. 4480 shall be implemented over a two year period with Lehigh and Northampton
Counties appointing one member each in 2011 and one member each in 2012 resulting in the final Board size of 15 by January 1, 2013.

(3) The appropriate personnel of Northampton County are hereby authorized and empowered to take all necessary further action and execute all necessary additional documents as they may deem appropriate to carry out the purpose of this Ordinance.

(4) The appropriate personnel of Northampton County shall distribute copies of this Ordinance to the proper offices and personnel of Northampton County whose further actions are required to achieve the purpose of this Ordinance.

(5) Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance are hereby repealed in so far as the same effect this Ordinance.

Consideration of the Lehigh Valley Convention and Visitors Bureau Resolution

Mr. Michael Stershic, Executive Director of the Lehigh Valley Convention and Visitors Bureau (LVCVB) advised one of their Board’s policies was to have a visitors center located in Allentown, Bethlehem and Easton. He further advised since that time, they have been faced with some difficult financial situations and they were trying to determine if that policy should continue. He noted he appreciated this resolution as input from County Council.

In response to Mr. Angle’s question as to whether they were going to leave the one in Easton, Mr. Stershic stated he could not answer that question because it would be the decision of the Board.

Mr. McClure advised the hotel tax was something he was interested in and he felt having the visitor’s center was a part of it.

Mr. Cusick introduced the following resolution:

R. 30-2010 WHEREAS, Lehigh Valley Convention and
Visitors Bureau (LVCVB) is the designated tourist promotion agency for Lehigh and Northampton Counties; and

WHEREAS, the LVCVB is a membership organization supported by membership dues, a local hotel tax, a state tourism matching grant and advertising and cooperative programs; and

WHEREAS, the County of Northampton has invested significant amounts of funding in the development of tourism facilities and in the creation of economic development initiatives within the County that promote regionalism; and

WHEREAS, the LVCVB currently maintains visitor centers in the downtown area of both the City of Bethlehem and the City of Easton; and

WHEREAS, Bethlehem and Easton are rich in resources that exhibit and promote the history, the culture and the ethnic diversity of Northampton County; and

WHEREAS, Bethlehem and Easton are both strategically located with easy access to transportation routes serving major metropolitan areas in the northeastern corridor of the United States.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it pledges its strong support for the continuation of visitors centers, by the LVCVB, in the downtown areas of both the City of Bethlehem and the City of Easton.

FURTHER, a copy of this resolution shall be sent to the LVCVB, its officers and its Board of Directors.

Mr. Angle asked that he and Mr. McClure be added as cosponsor to this resolution.

As there were no further questions or comments, Mr. Angle asked for a voice vote.

The resolution was adopted by a unanimous voice vote.

Consideration of the Resolution Supporting the Position of the Attorney General of the Commonwealth of Pennsylvania on Federal
Health Care Legislation

Mr. Angle stated he also had a problem with the Federal government getting involved in a State matter and, in particular, hurting small employers who were the backbone of America. He then introduced the following resolution:

R. 31-2010

A RESOLUTION SUPPORTING THE POSITION OF THE ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA ON FEDERAL HEALTH CARE LEGISLATION

WHEREAS, Tom Corbett, the Attorney General of the Commonwealth of Pennsylvania, has publically announced his intention to join Attorney Generals from other States in a legal challenge to the Federal health care legislation; and

WHEREAS, news reports indicate legal challenge is being taken against the broad Federal mandate requiring people to purchase health insurance or face a fine.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that it endorses and supports the publically announced intentions of Tom Corbett, the Attorney General of the Commonwealth of Pennsylvania, to join Attorney Generals from other States in a legal challenge to the provisions of the Federal healthcare legislation, which requires people to purchase health care insurance or face a fine if they do not, because the requirement exceeds Congress’s constitutional authority to regulate interstate commerce.

Mrs. McHale asked Mr. Lauer if she should abstain because it could have a financial effect on her due to her occupation.

Mr. Lauer advised he did not think she would be required to as this resolution did not provide any direct financial effect to her, but she could certainly abstain if she believed that would be the best option.

Mr. Dietrich stated he would support this resolution because he did not feel the Federal government should be
Mr. Cusick advised he did not believe this was a County or local issue so he would not be supporting it.

Mr. Gilbert stated he planned to support this resolution because he believed it was a local issue due to the effect this legislation would have on all citizens.

Mr. McClure advised the lawsuit was a waste of taxpayers’ money because the Supreme Court had favored the Federal government being able to regulate health care through the Congress clause and he did not think any of these types of actions had a chance of succeeding. He further advised if this challenge was successful, there would be a lot of good provisions in the bill that would be lost.

Mr. Angle stated this resolution only supported the provision whereby someone would be fined if they could not purchase health insurance.

As there were no further questions or comments, Mr. Angle called for the vote.


The resolution was adopted by a vote of 5-1, with 1 present and 1 abstention.

Personnel Committee Report

Mrs. McHale advised the Personnel Committee would be meeting at 3:30 p.m. instead of 4:00 p.m., on April 21, 2010. She further advised they would be reviewing the reclassification in the District Attorney’s Office, appointments to the authorities, boards and commissions, the appointment of the Director of Human Resources and the AFSCME Bargaining Unit Contract for the Correctional Officers.

Open Space Committee Report
Mr. Cusick stated the Open Space Committee met earlier in the day and they discussed the progress on the Wayne Grube Memorial Park and reviewed the existing municipal park grants, as well as the status of the Gall Farm. He further stated they looked at the Open Space budget, reviewed the Farmland Preservation Program and whether or not it would be appropriate to set caps for the purchase of easements.

In answer to Mr. Angle’s question as to the findings regarding the setting of caps, Mr. Cusick advised it was his position that a hard cap should be set, but the Farmland Preservation Board was considering doing a soft cap. He further advised the County Executive shared that caps should be considered sometime this year.

Mental Health/Early Intervention and Developmental Programs Advisory Board Liaison Report

Mr. Dietrich stated he attended a meeting of the Mental Health/Early Intervention and Developmental Programs Advisory Board meeting where they discussed the closing of the Allentown State Hospital. He further stated Northampton County had 56 residents at this facility and at this time, they were currently working with the State Hospital to get these residents transferred. He further stated many of these residents were being transferred to group homes.

9-1-1 Liaison Report

Mr. Dietrich advised there were four new dispatchers and they were redesigning the dispatch floor. He further advised steps had been taken to ensure that there would be no interruption of 9-1-1 services.

Human Services Budget

Mr. Dowd stated from talking with some State representatives, there might not be a budget by July 1, 2010 and last year that put a strain on the County’s Human Services Department, therefore, he was wondering if the County had any plans in place if that turned out to be the case.
Mr. Dietrich advised the Human Service Committee was going to be meeting on April 22, 2010 and they were going to determine what services had to be provided, how much dependency there was on the State budget and if an entity had to rely on State funding, what steps were being taken to mitigate the situation.

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council