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; Margaret L. Ferraro; Bruce A. Gilbert; Lamont G. McClure, Jr.; Barbara A. Thierry; Philip D. Lauer, Solicitor to Council, and Frank E. Flisser, Clerk to Council. Absent was Ann McHale.

Prayer

Pastor Pat Weber, Faith Community Assembly of God Church, Easton, 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

Mr. Gilbert made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 5, 2010 meeting shall be approved.

Mrs. Thierry seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

State Representative Rich Grucela, 6630 Fairview Avenue, Martins Creek, PA - stated he was here tonight because former County Council member Wayne Grube and former County Executive Eugene Hartzell could not be. He further stated anyone who served with Mr. Grube and all those who knew him knew how he felt about Gracedale, which was that it was a jewel on the crown of County government. He noted he had received many thanks in
his office from people Mr. Grube helped with Gracedale issues.

Representative Grucela advised Mr. Hartzell taught him more about County government and he recalled one budget year when they needed a tax increase and Gracedale was part of the reason. He further advised Mr. Hartzell called him into his office and told him to never be afraid to vote for a tax increase for the right reasons. He noted Mr. Hartzell further told him that budgets were more than dollars and cents and that Counties had a moral obligation to provide services for the elderly and the needy that they could not provide for themselves. He further noted a vote for a tax increase for the right reasons could still win re-elections, but he did not believe a vote to sell Gracedale would get the same result.

Representative Grucela stated he did not believe in the sale or privatization of government services, but there were a lot of areas of County government that could be sold or privatized rather than Gracedale. He further stated the County did not need to hire outside consultants to make recommendations because there were enough volunteer experts in the County. He noted he called the County Executive a few months ago and offered to serve on any committee to study Gracedale and make recommendations, but never received a call back.

In conclusion, Representative Grucela advised he believed it was unfair to blame the County’s financial problems on Gracedale and doubly wrong to place that blame on its employees. He further advised there was a reason the quality of care at Gracedale was the best and that was the staff. In memory of Mr. Grube and Mr. Hartzell and the hundreds, if not thousands, of families in this County, he respectfully asked the members of County Council not to sell or lease the jewel on the crown.

When Mr. Angle asked what divisions of his department received State funding cuts, Mr. Ross Marcus, Director of Human Services, stated almost all of the divisions of Human Services have received cuts in the last few years and more cuts were expected in the future.

Mr. Angle told Representative Grucela that he and his colleagues should vote to restore the cuts that would have helped the disadvantage in this County.
Ms. Louise Keppel, Gracedale resident - advised they needed Gracedale and asked County Council not to take it away from them. She further advised she was not only a resident, but she worked there 20 years ago.

Ms. Doreen Wilt, Gracedale resident - stated before she became a resident at Gracedale, she was a Eucharistic Minister with her church where she visited different nursing homes and when it came time for her to go to a nursing home, there was only one choice. She further stated the thought of closing or leasing Gracedale was very inconsiderate especially when you think of the money Gracedale contributed several years ago when it could have been saved and used to help with the current expenses.

Ms. Alma Aheart, Gracedale resident - advised Gracedale was her home and she asked County Council not to take it away from her because it was all she had and the staff was fantastic.

Mr. Walter Brodhead, Gracedale resident - stated Gracedale was his home and he did not want to see it sold or leased. He further stated the senior citizen have worked all their lives and were now at Gracedale where a staff took care of all their needs.

Ms. Sara Bellusi, Gracedale resident - advised elderly residents depended on Gracedale to spend their final years and she could not say enough about the wonderful care she received. She further stated this was one service they should be entitled to because they paid County taxes all of their lives and their families were paying them now. She noted on behalf of all the Gracedale residents, she implored County Council not to sell or lease Gracedale to another entity because there was no way they would continue to receive the great care they now received. She further asked that County Council put the welfare of the Gracedale residents ahead of the opportunity to make money.

Ms. Nancy Kutz, 160 Spring Street, West Easton, PA - stated the union representatives met with the Administration, along with Mr. Angle, today with an offer of what they were willing to give back so she wanted to know what the Administration and County Council was willing to give back. She also asked why the units that were renovated were still not filled. She then
stated thousands of dollars were spent to bring in a consultant to find ways to save Gracedale money so she had to wonder why they were not allowed to implement some of the suggestions that were made.

Mr. Angle advised these were issues that were going to be addressed after the public comments were received.

Ms. Helen Beck, Gracedale resident – stated she had been to other nursing homes and Gracedale was by far excellent in care. She further stated she was glad the employees had a union because they needed one. She noted if the County privatized Gracedale, it was going to be a sad thing.

Ms. Mary Jane Long, 27 Glenmoor Circle, Easton, PA – advised she was the President of the Palmer AARP and protested the sale of Gracedale. She further advised her understanding was that due to poor management and the lack of preventive maintenance, the County claimed it could not keep Gracedale. She noted the voters of the County had entrusted County Council to make good informed decisions on their behalf and it appeared they have not had good representation throughout the years, including this year. She would like to ask all members of County Council what happened to cost effective management and accountability.

Ms. Long stated there was talk every day about the declining economy and the County wanted to add to those numbers by putting people out of work. She further stated her suggestion would be to fire the management at Gracedale and hire a management corporation or senior management team and have them guarantee that they could bring it back to a profitable business. She noted there were empty beds at Gracedale because the turn around time for acceptance was longer than the private institutions so these patients were going to them. She then asked County Council not to take the easy way out and sell Gracedale.

Mr. Angle advised he just wanted to make it crystal clear that there had never been any discussions with regard to closing Gracedale.

Ms. Kim Brobst, 223 Princeton Avenue, Palmerton, PA – stated from the things she had read it appeared that all of
County Council’s constituents were not in favor of selling or leasing Gracedale so County Council should listen to them and not take the easy way out.

Ms. Arlinda Brown, 203 Avenue A. Palmerton, PA - advised she was a nurse at Gracedale and had also worked in other facilities and she knew for profit facilities tend to run their facilities short staffed and when it came to her choice for her family, she picked Gracedale. She further advised she felt the staff and management worked to the best of their ability to run Gracedale.

Ms. Jackie Allen, Tobyhanna, PA - stated with the consent of their Administrator at Gracedale, a group of employees got together and came up with some cost saving ideas that she hoped County Council would consider (see Attachment #1). She further stated she understood American Federation of State, County and Municipal Employees (AFSCME) came up with approximately $3 million in savings through negotiations and Mr. Marvin Granda, Gracedale Administrator, came up with another $1 million via staffing so now there was only a $2 million deficit. She noted Gracedale was a County home and County Council should be proud of the things it offered. Lastly, she wanted to know why only Gracedale employees were being asked to make concessions and not all County employees.

Mr. Angle advised they were already working on the other employees to make concessions.

Mr. Jerry Green, 53 East Lehigh Street, Bethlehem, PA - advised he was President of United Steelworkers and they represented the Registered Nurses and Social Workers at Gracedale. He further advised he was at the meeting two weeks ago and at the end of that meeting, he heard that a decision about Gracedale was not going to be made until the end of the year. He noted he believed tonight’s vote would be premature as they have not had the opportunity to really explore the issues and present some cost cutting measures.

Mr. Green stated he believed everyone had a moral obligation to exhaust every option to keep Gracedale and he would ask the members of County Council not to make a decision tonight, which they might regret, and try to work things out.
Mr. Angle advised the Administration had talked to Mr. Green and he indicated that they were not interested in making any concessions.

Mr. Green stated that was not true, noting he was willing to talk, but right now there was an unresolved issue on a contract from 2009-2010.

Mr. Angle advised that issue may take a long time to resolve, but County Council had to make a decision in very short order because a budget had to be produced by October 1, 2010.

Mr. Chris Dawson, 304 West Broadway, Jim Thorpe, PA - stated it had been stated that if Gracedale was sold, a stipulation would be made that a certain level of care be maintained, but no one could guarantee that. He further stated reference was made to Carbon County and how things were maintained there, but he knows of people who were let go from their jobs after it was sold.

Ms. Edith Andresko, 1321 Bushkill Center, Wind Gap, PA - advised she was a Gracedale employee and the employees of Gracedale were wondering why this issue came about with no notice. She further advised it was time for the County to be cost effective and to notice that the employees at Gracedale really cared for the residents.

Ms. Dixie White, 529 Ontario Street, Bethlehem, PA - stated she was a retired County employee. She further stated for profit nursing homes had a very high turnover of staff. She noted she had an aunt in Gracedale who received very good care and she asked County Council to take care of the people there now.

Ms. Ellen Redline Weiss, 214 North Main Street, Nazareth, PA - advised there was not much she could say because they tried to bargain and to work with County Council, but they did not want to work with them.

Mr. Angle stated she was incorrect in stating that County Council did not want to work with them.

Ms. Susan Seibert, 222 Nolf Road, Nazareth, PA - advised as a businessman, Mr. Angle should know that there could be years
of losses so she wanted to know why he was so eager to lease or sell Gracedale and what was going to be gained by doing so.

Mr. Angle stated they had to take care of government and at Gracedale, the costs of benefits were projected to cost the County approximately $6 million and at least $12 million for capital improvements so the end result would be a 20% tax increase. Therefore, they had to weigh out what was best for the majority of the residents of Northampton County, especially those senior citizens who were barely holding on to their homes.

Ms. Seibert asked why they did not consider restructuring Gracedale before making a decision to sell or lease it.

Mr. Justus James, AFSCME - asked if everyone on County Council was willing to go down in history by voting to put away the jewel of this County that cared for its residents. He noted the County’s seal had the words mercy and justice, but he saw neither. He further noted allowing the employees of Gracedale to lose their jobs would have a detrimental economic effect on the whole County.

Mr. Hector, Rivera, 256 West 26th Street, Northampton, PA - advised he was President of AFSCME Local 1435. He further advised he was at the meeting today to determine what could be done to save Gracedale and came away very disappointed. He noted the employees were willing to make concessions, but they were not going to do that if Gracedale was going to be sold tomorrow.

Ms. Joanne Messenlehner, 40 Schoeneck Avenue, Nazareth, PA - stated she deeply opposed the leasing or privatization of Gracedale. She further stated Gracedale had historically been serving the citizens of this County since 1951 and other nursing homes would like to see it sold because the word on the street was Gracedale gave the best care in Northampton County. She noted you could not put a price tag on the care of these patients. She further noted the County spent more on the care of prisoners than on the residents of Gracedale. She added County Council was elected to work on the County’s problems so work on them and do not give up on one of the best assets the County had.

Mr. William T. Murphy, 338 Paxinosa Road, West Easton, PA -
advised he was here two weeks ago and was disappointed that he had to come back so soon. He further advised it was the people that made Gracedale work and if it was leased or sold, it would no longer be Gracedale. He asked if someone was watching the budget during the year to look at overruns and speaking up or did they wait until it blew before saying there was an issue.

Mr. Angle stated as the Chairman of the Finance Committee and with the Finance Committee every single item was reviewed.

In response to Mr. Murphy’s comment that they knew there was a problem at Gracedale earlier on, Mr. Angle advised they knew there was a problem at Gracedale for years.

Mr. Murphy asked then why changes were not implemented so it would not have to come down to this. He stated there should be a 20% freeze on all budgets and that money should be put toward Gracedale.

Mr. Angle advised if the employees at Gracedale would take a one third cut in benefits, there would not be a problem.

Mr. Donald Flyte, 3407 Greenway Street, Easton, PA stated his wife was a resident at Gracedale and he did not understand why all of a sudden there was a problem. He further stated there was supposedly a list to get into Gracedale, but he saw a lot of empty beds.

Mr. Angle advised there was no waiting list, but agreed there were empty beds.

Mr. Flyte stated he knew of people who were interviewed and were waiting to be called. He then asked for Gracedale not to be sold.

Ms. Donna Barney, 40 Rodeo Drive, Kunkletown, PA advised her mother was a resident at Gracedale because no other facility would accept her. She further advised County Council, as elected officials, was faced with making some hard decisions, but she was disgusted with their thought of selling or leasing Gracedale.
Ms. Barney stated the employees at Gracedale worked every day at a facility that made money that was used for everything, but Gracedale. She then asked what was the money making track record of the Northampton County Prison.

Ms. Barney advised Mr. Stoffa had stated that he received one to two telephone calls a week offering to buy Gracedale, however, more than 1,000 signatures were collected opposing the sale or lease of Gracedale. She further advised the County Executive and County Council should remember their job security was only as good as the next time they were up for election.

Ms. Sandra Culver, 111 South Green Street, Nazareth, PA - stated she had been an employee at Gracedale for 39 years and she had seen quite a few changes. She stated County Council did have a moral obligation to the residents because they had paid taxes to the County for a number of years. She noted she felt County Council should let the Administration at Gracedale make some changes to try and turn things around.

Ms. Pamela Boyle, 530 North Circle, Bethlehem, PA - asked what the selling of Gracedale actually entailed.

Mr. Angle advised his understanding was the buildings that were there for Gracedale purposes and approximately 25 acres.

Mr. Charles Dertinger, 8541 Delaware Drive, Bangor, PA - stated County Council took a long time to discuss a treatment facility and yet, it was only taking a few weeks after a report was received to make a decision regarding Gracedale. He further stated the idea that it would still exist, but only be privatized, did not mean anything because what mattered was the care. He noted County Council was deciding to sell Gracedale based on a gentleman’s agreement as to what should remain in the General Fund.

Mr. Dertinger advised there was talk about other Counties selling their nursing homes, but they were not as large as Northampton County’s. He further advised when former Councilwoman Mary Ensslin was here, she suggested the County change the way things ran at Gracedale, however, nothing was followed through.

Ms. Wendy Wagner - advised she had worked at Gracedale for
24 years and had family and friends as residents there over the years. She further advised the people at Gracedale went above and beyond the call of duty and she was proud to be part of such a high quality group of care givers who had given Gracedale its wonderful reputation. She noted some things were more important than dollars and cents and she asked County Council to think long and hard, not only with their heads, but with their hearts, before making a decision.

Ms. Theresa Naska, 78 Sycamore Street, Nazareth, PA - stated she had been employed at Gracedale for 23 years and was in fear of losing her job. She further stated this decision would not only affect the employees and residents of Gracedale, but their families. She noted she felt like this was being rushed through and they were not given enough time to talk as a group to discuss what they were willing to do to save Gracedale, not only for themselves, but for the residents.

Mr. Stephen J. Barron, Jr., 2231 Lincoln Street, Bethlehem, PA - advised he was the Controller for Northampton County and after receiving several telephone calls, he reviewed the situation at Gracedale. He further advised he did not believe the County had to raise taxes to operate Gracedale through 2011.

Mr. Barron stated between 2005 and 2009, it was said Gracedale would cost the County $36.33 million, but actually it earned $4.82 million in that time period. He further stated in 2009, the County gave Gracedale $4.6 million for capital improvements, which was generally a one time expense.

Mr. Barron advised the sale of Gracedale would cost the County approximately $1.5-2 million because it would have to pay the workers for accrued sick and vacation time not to mention the pension when those members rolled their money into new plans or cashed out. He further advised if Gracedale was sold, the County would have to write a check from the profit to the County Commissioners Association of Pennsylvania (CCAP) for $4 million. He noted that money was promised to them in an agreement when the County accepted capital money. He further noted this was not mentioned in the recent report, by the Administration or at any public meetings. Therefore, he wondered what other costs were lingering out there that have not been disclosed or considered.
Mr. Barron stated in 2011, it was said the County would be facing an approximate $6 million deficit. He further stated if there had been discussions with workers and management and through simple changes, concessions and give backs, that number could be cut in half. He noted the Fund Balance at the end of 2009 was $49.1 million and he believed the County could afford to use $3 million from this Fund Balance and still have enough money to cover all the costs of operating County government without having to raise taxes because of Gracedale. He further noted most Counties carried a Fund Balance that was at least half of Northampton County’s.

Mr. Barron advised Gracedale was an icon and it was the only nursing home that accepted Medicaid patients without question. He further advised even with assurances from a potential buyer, there was no guarantee that Medicaid beds would be available. He noted there was still work to be done and he would be looking at ways for Gracedale to make money again. He further noted the County should keep Gracedale and give the workers and management a chance to make things right.

Mr. Mario Martinez, 2355 Chestnut Lane, Easton, PA – stated he had more than 1,000 petitions opposing the sale or lease of Gracedale (see Attachment #2).

Mr. Marvin Granda, 272 Allen Drive, Northampton, PA – advised he was the Administrator of Gracedale. He further advised Gracedale appeared to be the problem of the County’s budget and a lot of that fault was directed at him. He noted there were many events that took place that got Gracedale to its economic situation. He further noted the main problem at Gracedale was not a Gracedale problem, but a County wide problem and that was the cost of the employee’s fringe benefits.

Mr. Granda stated selling or leasing Gracedale would not resolve this problem and what steps would be taken next year or the year after if the County found itself in the same position. He further stated the County initiated a hiring freeze in an attempt to save money, but it had cost Gracedale more in overtime and agency staffing so it was not having the impact the County wanted. He noted if any action was taken today, it should be about that issue.

Mr. Granda advised Gracedale could be operated effectively and the employees and management have offered many
recommendations to do so and, in fact, the consultants made many of the same recommendations in their report. He further advised the consultants also recommended not selling or leasing Gracedale and support be given to the Administration.

Mr. Granda stated County Council had the power to change the ownership of Gracedale, but also had the power to make the tough decision to keep it a County owned facility. He further stated while County Council made their decision, he would like them to consider the benefits Gracedale had provided the County in the past and the benefits it could provide in the future.

In answer to Mr. Angle’s question as to what he would do tomorrow to make Gracedale profitable if it was his nursing home, Mr. Granda advised the first thing he would do was work on census development.

In response to Mr. Angle’s question as to why that had not been done, Mr. Granda replied it was hard to do something without the resources to do it.

Mr. Ron Heckman, 2104 Huntington Street, Bethlehem, PA - stated he was a former Northampton County Council member and Human Services Director. He further stated he felt a County nursing home was a core responsibility of the County, but maybe it needed a management team or an advisory board to help run it.

Mr. Heckman advised if you wanted to come up with a way for Gracedale to fail they could not have done a better job than to look over what had been done over the last three years. He further advised if farmland and open space deserved a special tax for their protection than the sick and elderly deserved no less. He respectfully requested that County Council allow Gracedale to continue to operate.

Mr. Ken Nagy, Forks Township, PA - stated he wished this could be a referendum item because there were a lot of people who would be for the closing of Gracedale as times were bad and they were only going to get worse. He further stated other Counties have closed their nursing homes because they were too expensive and no one was put out. He noted there was only one
solution if the people really wanted to save Gracedale and that was to adopt the business model of private nursing homes. He further noted increasing taxes was not reasonable because the taxpayers were already paying taxes to provide people with free health care.

Mr. Angle asked if there was anyone else from the public who wished to comment. As there were no respondents, he asked members of County Council if they had any comments.

Mr. Dietrich advised Gracedale touched everyone in this County in one way or another. He further advised he wanted to find out why the other Counties turned their nursing homes over to private care and what happened to patient care. He noted he visited facilities in Dauphin, Northumberland and Lackawanna Counties. He further noted during his visits, he had access to patients, patient staff, labor and bargaining units, as well as administrations that were there before and after the change.

Mr. Dietrich stated all these facilities were at different stages in their transitions and he noticed as the transition progressed, things worked more smoothly and they all had employees who had quit, but came back. He further stated the patients told him they saw no change and were very complimentary to the administration for making an investment in their care because all of the facilities made a commitment to rehabilitation and treatment.

Mr. Dietrich advised two out of three facilities actually increased their full time employees and the one that did not had only been in transition for four months. He further advised the employees he spoke with indicated to him that they were glad to get back to caring for the patients.

Mr. Dietrich stated from what he learned, patient care only improved because the truth was the people who bought the nursing homes were in the business of running nursing homes where the County was in the business of running County government. So in conclusion, he realized this was not an issue of whether or not the County should get rid of Gracedale, but that Gracedale should get rid of the County.

Mrs. Ferraro advised she had sat in on the negotiations
with the unions and apparently something broke down between the last meeting and the meeting today. She further advised the unions wanted to have a successor clause in the contract and AFSCME did not want to talk any more until it was in writing that there would be such a clause.

Mrs. Ferraro stated she was not ready to give up and indicated she would like to have one more session because the employees were willing to make concessions and she did not want this successor clause to be a huge stumbling block. She further stated she would like to see the sale put off for a year to see what could be done in the meantime.

Mrs. Ferraro advised it was going to take a lot of cooperation from the employees and everyone knew that a successor clause would torpedo any sale. She further advised she would like to have one more negotiation session with a compromise on the successor clause and benefits.

Mr. Angle asked Mr. Vic Mazziotti, Director of Fiscal Affairs, to explain the $49 million that everyone thinks is in the Fund Balance.

Mr. Mazziotti stated the unassigned Fund Balance at the end of 2009 was approximately $49 million, however, during the last year, expenditures exceeded revenue by more than $6 million and the County was on the same path this year. Therefore, the $49 million was reduced to $43 million. He further stated the County entered into a financial transaction called a Swaption in 2003 and the cost for the County to buy its way out of it, as of today, was approximately $18 million.

Mr. Mazziotti advised there was a new accounting standard that the County had to follow called Government Accounting Standards Board (GASB) 54 and it required the County to take action, if appropriate, to make commitments of Fund Balance money. He further advised one of the commitments would be the Swaption, which would probably be up to $20 million so the $43 million was now reduced to $23 million. He noted he felt a reasonable stabilization amount would be in the range of $20 million so the $23 million was now down to $3 million.

Mr. Mazziotti stated the County had to pay its bills for
the first few months of the year before tax revenues started to come in. He further stated there were contracts still being negotiated and those contracts would require retro pay for some employees for 2010 and for some of the Steelworkers employees for 2009.

Mr. McClure advised buying out the Swaption was only one option, but another was to refund the Swaption when it became due in 2012.

Mr. Mazziotti stated the term Swaption came from the words swap option which meant the counter party whom the County had an agreement with had the option of determining what action would be taken.

Mr. McClure asked if it was Mr. Mazziotti’s view that County Council had to create a sub fund in the Fund Balance to restrict the $20 million for the Swaption.

Mr. Mazziotti stated it was a reservation of the money, meaning it was not a separate fund.

In response to Mr. McClure’s question that if interest rates went up, the Swaption payment would go down, Mr. Mazziotti agreed.

In answer to Mr. McClure’s question as to why the County should not buy out of the Swaption at this time, Mr. Mazziotti advised he really did not know, but he would hate to see anyone take risks with public funds.

Mr. Angle stated members of County Council had to make tough decisions and in 2001, he voted no for the $110 million Bond Issue, but he now had to deal with the repercussions of it. He further stated he believed a lot of that money should have gone into Gracedale. He noted he also voted no for the Swaption and now he had to deal with the repercussions of that. He further noted unless the unions gave some indication right now that they wanted to sit down and talk about giving one third of the benefits back, he was given no option because he had to think of all the residents of the County and not just those at Gracedale.
Mr. John Stoffa, County Executive, advised he had no report.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met yesterday and voted to recommend all the re-appointments/appointments. Mr. Cusick introduced the following resolution:

R. 70-2010  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

AIRPORT AUTHORITY

Re-Appointments:  Terms to Expire: 12/31/15
J. Michael Dowd
25 Chestnut Ridge Circle
Easton PA 18042

David Haines
6868 Bullhead Road
Northampton PA 18067

HIGHER EDUCATION AUTHORITY

Appointment:  Term to Expire: 12/31/15
Arthur L. Scott, Ed.D.
3741 Schaffer Street
Easton PA 18045

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


The resolution was adopted by a vote of 8-0, with Mr. Dowd
abstaining on the vote for himself.

Introduction of the Gracedale Resolutions

Mr. Gilbert introduced the following resolution:

R. 71-2010   WHEREAS, the County of Northampton owns and operates Gracedale, a long-term care nursing facility (725 bed capacity) that serves the medically and financially indigent residents of Northampton County and their relatives. The mission of Gracedale is to rehabilitate its residents to their highest practical level of medical, social and psychological well-being. Further, the 2010 Northampton County budget provides that one of the highest priorities at Gracedale is the maximization of revenues while minimizing operating expenses; and

WHEREAS, throughout the recent past, the amount of County contribution required to operate Gracedale has realized wide and varied fluctuations; and

WHEREAS, current economic conditions and budgetary constraints at the Federal, State and County levels make the continued financial viability of Gracedale precarious at best, particularly when combined with changes in Federal legislation that could affect Gracedale admissions and reimbursements.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it respectfully directs the Northampton County Executive to prepare and publish requests for proposals which would provide for the alternate ownership of Gracedale through the sale or lease of Gracedale. It shall be clearly understood that the requests for proposals shall indicate that any future alternate ownership will, without qualification or exception, assure the highest quality of patient care for all current or future Gracedale residents.

Mr. Gilbert thanked everyone for coming because it was obvious how much Gracedale and its residents meant to everyone, however, County Council had to make a very difficult decision.
He further advised one of the responsibilities of County Council was to gather all the necessary information so they could provide a template that would allow for an accurate decision to be made. He noted it would be clearly irresponsible to take any action on the sale or lease of Gracedale prior to a complete review of the information that would be received.

Mr. Gilbert stated without making predictions, trial and error must take a backseat to a total overview of the information that would be revealed. He further stated County Council had a challenge before them that required action and they could do nothing or confront the reality and take a look at each and every option in order to make the best decision they could, primarily for the residents of Gracedale. He noted if bureaucracy was allowed to engulf this issue, it would stifle Gracedale’s performance and essentially paralyze the County, and even Gracedale, to fend for itself and expose it to financial ruin when money could no longer be distributed to take care of the residents that it was actually trying to protect and that would be a complete disservice to them.

Mr. Gilbert advised the County was facing some unknown challenges, specifically regarding Federal and State legislation and County budgetary restraints that were beyond its control. He further advised by preparing and publishing a Request for Proposals (RFP) and by having examples provided to the County from others that had gone before them as to the pros and cons, it would allow everyone to come together and decide what effective steps had to be taken to move forward.

In conclusion, Mr. Gilbert stated no position could be taken on the sale, lease or management of Gracedale until the items of information the County sought to receive had been analyzed and reviewed thoroughly. He further stated it was not about the short term decision or handling of a problem that just reared its ugly head because it had reared its head before and action could have been taken, but it was not. He noted County Council could decide to do nothing and come out unscathed, but the issue would come up again and maybe with an Administration or County Council that may not have the best interest of the residents and/or employees in its heart like he knew he did and he was sure his colleagues did as well. He noted it was about long term responsibility and sustain ability and he was here to give his promise to look at this information and to make a
decision based on what would be most beneficial financially for the future of the County.

Mrs. Ferraro made a motion to table this resolution for a later date because she felt there was still some gathering of information to be done internally without putting the wheels of a sale in motion.

Mr. McClure seconded the motion.

Mr. Angle called for the vote on the motion.


The motion to table failed by a vote of 2-6.

As a point of order, Mr. McClure advised the resolution directed the Northampton County Executive to prepare and publish RFPs and he believed asking the County Executive to perform an administrative function was in violation of the Home Rule Charter and sought to invade the providence of the County Executive.

In response to Mr. Angle’s question as to whether he had a problem with the way the resolution read, Mr. Stoffa indicated he did not.

Mr. McClure stated he had another point of order. He further stated a resolution, according to the Home Rule Charter, was specifically defined as an expression of the will of County Council and the offensive word here was “directs”.

When Mr. Angle asked Mr. McClure if he had a substitution word and he replied he did not, he advised the resolution would stand as presented.

Mr. McClure made a motion to amend the resolution to read that any of the net proceeds of the eventual sale of Gracedale should be used for a tax reduction either through a tax rebate and/or a reduction in the millage rate or a combination thereof.

Mr. McClure’s motion failed due to the lack of a second.
Mr. Dowd advised from the very beginning of this discussion, there were three significant priorities, which were patient care, medical assistance acceptance and employee security. He further advised his intention was only to gather information and he had no intention tonight to sell or lease Gracedale. However, he felt putting out an RFP would provide some of that information and he would encourage the Administration and the unions to continue their negotiations.

Mr. McClure stated he appreciated his colleagues’ opinion that this was not a vote to sell or lease Gracedale, but it was a vote to request people who want to buy Gracedale to make bids to people who had an interest in selling it so he felt it was a vote to sell Gracedale. He further stated he could not stop the momentum to sell, but he could state why it was happening and that was the Stoffa Administration for years had been planning to build a 300 bed work release/treatment facility in Bethlehem Township, however, the current budget and future budgets, as contemplated, had no money in them to build or finance that facility. Therefore, the sale of Gracedale, which had been estimated to be $31 million, would provide the funding to build this facility. He noted this was particularly offensive because it had been demonstrated that over the past 20 years, Gracedale had not cost the County money, but in fact, gave money back. He further noted the work release/treatment facility was going to cost $3-5 million a year to operate so Gracedale had to be sold to fund this facility.

Mrs. Ferraro advised the County needed so many things and treatment and rehabilitation of individuals was one of them, but that was an argument for another day. She further advised her problem with this resolution was the issue of trust because she wondered if the bids were going to come in and then Gracedale sold overnight.

Mr. Gilbert stated he would not insult the constituents of this County and if was going to come at them, he would do it directly. He further stated his purpose for the resolution was to gather information and in no way was a means to get money for a treatment center.

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

The resolution was adopted by a vote of 6-2.

Mrs. Ferraro introduced the following resolution:

WHEREAS, the County of Northampton owns and operates Gracedale, a long-term care nursing facility (725 bed capacity) that serves the medically and financially indigent residents of Northampton County and their relatives; and

WHEREAS, the mission of Gracedale is to rehabilitate its residents to their highest practical level of medical, social and psychological well-being. Further, the 2010 Northampton County budget provides that one of the highest priorities at Gracedale is the maximization of revenues while minimizing operating expenses; and

WHEREAS, throughout the recent past, the amount of County contribution required to operate Gracedale has realized wide and varied fluctuations; and

WHEREAS, current economic conditions and budgetary constraints at the Federal, State and County levels make the continued financial viability of Gracedale precarious at best, particularly, when combined with changes in Federal legislation that could affect Gracedale admissions and reimbursements.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it respectfully directs the Northampton County Executive to prepare and publish requests for proposals which would provide for the selection of a senior management team for Gracedale, yet at the same time retaining County ownership of Gracedale. The objective of this option would be to improve the operational and financial performance of Gracedale, and to greatly minimize, and perhaps eliminate, operating financial losses at Gracedale. It shall clearly be understood that the
most important goal of a management team would be, without qualification or exception, to assure the highest quality of patient care for all current or future Gracedale residents.

Mrs. Ferraro advised this resolution was the same as Mr. Gilbert’s except it asked for an RFP for a management team, which was another way to gather information.

Mr. McClure stated he would co-sponsor this resolution.

Mr. Dowd stated he would support this resolution with an amendment if Mrs. Ferraro had the phrase pertaining to the retention of Gracedale stricken from the resolution.

Mr. Angle advised he would support the resolution, but it talked about a management team when the RFP for the sale or lease of Gracedale had not yet been received.

Mr. Dowd stated he felt this would just be another tool to gather information and again asked Mrs. Ferraro to strike the phrase regarding ownership of Gracedale.

Mrs. Ferraro and Mr. McClure advised they would allow the change.

As there were no further questions or comments, Mr. Angle called for the vote on the following amended resolution:

WHEREAS, the County of Northampton owns and operates Gracedale, a long-term care nursing facility (725 bed capacity) that serves the medically and financially indigent residents of Northampton County and their relatives; and

WHEREAS, the mission of Gracedale is to rehabilitate its residents to their highest practical level of medical, social and psychological well-being. Further, the 2010 Northampton County budget provides that one of the highest priorities at Gracedale is the maximization of revenues while minimizing operating expenses; and

WHEREAS, throughout the recent past, the amount of County
contribution required to operate Gracedale has realized wide and varied fluctuations; and

WHEREAS, current economic conditions and budgetary constraints at the Federal, State and County levels make the continued financial viability of Gracedale precarious at best, particularly, when combined with changes in Federal legislation that could affect Gracedale admissions and reimbursements.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it respectfully directs the Northampton County Executive to prepare and publish requests for proposals which would provide for the selection of a senior management team for Gracedale.


The resolution was not adopted by a vote of 3-5.

Introduction of the Ordinances Providing for Amendments to the 2010 Northampton County Budget - Gaming Revenues and County-wide

Mr. Dowd and Mrs. Thierry introduced the following ordinances:

AN ORDINANCE AMENDING THE 2010 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - GAMING HOST COUNTY TABLES; GAMING HOST COUNTY SLOTS; GAMING AUTHORITY - RESTRICTED; GAMING AUTHORITY - UNCOMMITTED

| 2010 |
| BUDGET AMENDMENT |
| KEY | CURRENT | INCREASE | REVISED |
| ORG ACCOUNT | ACCOUNT TITLE | BUDGET | (DECREASE) | BUDGET |
### C&ED - Gaming Host County Tables

<table>
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<th>Code</th>
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### C&ED - Gaming Host County Slots

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### C&ED - Gaming Authority - Restricted

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### Summary - Budget Amendment

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AN ORDINANCE AMENDING THE 2010 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - AFFORDABLE HOUSING, COMMUNITY DEVELOPMENT GRANT, HOTEL ROOM RENTAL TAX; DEPARTMENT OF ADMINISTRATION - EMERGENCY COMMUNICATION & 911-ACT 56 ELIGIBLE; DEPARTMENT OF FISCAL AFFAIRS - CONSTABLES; DEPARTMENT OF HUMAN SERVICES - MENTAL HEALTH
## 2010

### BUDGET AMENDMENT

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#### C&ED - Affordable Housing

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#### C&ED - Hotel Room Rental Tax

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#### Administration - Emerg Comm & 911 - Act 56 Eligible

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#### Fiscal Affairs - Constables

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<td>Pooled Program Operating Cost</td>
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Consideration of Administrative Code Article XIII Contract Approval Resolutions - Otis Elevator Company; Republic Environmental Systems, PA, LLC; SSM Group, Inc. & Air Care Restoration Co., Inc. and Power Component Systems, Inc. & Plymouth Environmental Co. Inc.

Mr. Angle stated these contracts were reviewed at the Finance Committee meeting yesterday and it was the unanimous decision of the members of the Finance Committee to present them to the whole of County Council for approval. He then introduced the following resolutions:

Otis Elevator Company

R. 72-2010 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 July 30, 2010, Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving a contract in the amount of $318,244 for a three year contract(with the potential for 2 one year renewals for a total contract value of
$430,084.00), with the Otis Elevator Company for elevator maintenance services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to the Otis Elevator Company for elevator maintenance services.

Republic Environmental Systems, PA, LLC

R. 73-2010 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 12, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving a contract in the amount of $54,329.08 for the first year of the contract, with the option for two (1) one year renewals, with Republic Environmental Systems, PA, LLC for household hazardous waste collection services. (The total payout if the two (1) one year renewals are exercised is $162,987.24.)

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 Republic Environmental Systems, PA, LLC for household hazardous waste collection services.

SSM Group, Inc. & Air Care Restoration Co., Inc.

R. 74-2010 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 13, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving contracts with SSM Group, Inc. and Air Care & Restoration Co., Inc. The total amount of the award for both contracts is estimated to be approximately $150,000 over the three year term.

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 contracts to SSM Group, Inc. and Air Care & Restoration Co., Inc. for indoor air quality testing services.

Power Component Systems, Inc.& Plymouth Environmental Co. Inc.

R. 75-2010 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 13, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving contracts with Power Components System, Inc. and Plymouth Environmental Co., Inc. The total amount of the award for both contracts is estimated to be approximately $180,000 over the three year term.

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 contracts to Power Components System, Inc. and Plymouth Environmental Co., Inc. for mold/asbestos abatement services.

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


The resolutions were adopted by a vote of 7-1.

Discussion of the Marcellus Shale Severance Tax Issue

Mr. Bruce Pysher, Conservation District, stated there was a proposal before the State legislature to have a Severance Tax on the Marcellus Shale gas to be voted on in October to be implemented in January. He further stated part of that tax would go to the Counties and municipalities that have Marcellus Shale, the Pennsylvania Gaming Commission, the Pennsylvania Fish and Boat Commission and the Conservation Districts.

Mr. Pysher advised at the last Conservation Board of Directors meeting, Mr. Angle suggested a letter be sent to the State legislators in support of the funding going to the Conservation Districts.

Mrs. Ferraro made a motion that letters of support be sent to the State legislators.

Mr. Angle seconded the motion.

The motion passed by voice vote, with Mr. Dietrich voting against it.

Consideration of the 2010 Contingency Transfer Resolution - Conservation District Act 148 “Stream Ecology” Workshop

Mrs. Ferraro stated Act 48 was a teacher educational program which was put together by the Northampton County Conservation District and had been very successful. She further
stated this training involved 20-25 classroom teachers, but would impact hundreds of Northampton County students. She then introduced the following resolution:

R. 76-2010  

WHEREAS, the Northampton County Conservation District will be conducting the Act 48 teacher training workshop “Stream Ecology” on October 20, 2010 at the Lower Mount Bethel Visitors Center; and

WHEREAS, the workshop will provide training to 20-25 classroom teachers, but will have an impact on hundreds of students.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $500.00 shall be transferred from the 2010 Contingency account #05000-76050 and allocated to the Conservation District 2010 budget, this 19th day of August.

As there were no questions or comments, Mr. Angle called for a voice vote on the resolution.

The resolution was adopted by voice acclamation.

Consideration of the Resolution Supporting the Area Agency on Aging Grant Application

Mr. Cusick introduced the following resolution:

R. 77-2010

A RESOLUTION SUPPORTING THE APPLICATION OF THE Northampton County Area Agency on Aging for PA Department of Health Grant Funding

WHEREAS, the Northampton County Area Agency on Aging has applied for grant funding from the PA Department of Health; and

WHEREAS, the grant funding is to be used to publicize the importance of older adults receiving influenza and pneumococcal immunizations; and

WHEREAS, receipt of the grant funding would help to improve
the quality of life for certain high risk older Northampton County residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Northampton County Council that it does hereby endorse and support the application of the Northampton County Area Agency on Aging for PA Department of Health grant funding. Further, a copy of this resolution shall be forwarded to the Northampton County Executive and to the Northampton County Area Agency of Aging.

As there were no questions or comments, Mr. Angle called for a voice vote on the resolution.

The resolution was adopted by voice acclamation.

Consideration of the PPL Susquehanna-Roseland Power Line Project Resolution

Mr. Angle advised he went to the meeting that was held last night regarding this project and stated the County’s concern that it did not want the power line to go through any Northampton County municipalities. He further advised this resolution reiterated that statement and also requested a meeting in the area where the line was being proposed so those citizens could voice their opinions.

Mr. Angle introduced the following resolution:

**R. 78-2010** **WHEREAS**, the PPL Susquehanna-Roseland Power Line Project is undoubtedly one of the most significant public utility projects ever to be considered in Northampton County; and

**WHEREAS**, one of the possible routes being considered, commonly known as Route C, begins at the PPL Electric Utilities switching station near Berwick and travels south primarily on an existing future-use right of way through Luzerne and Schuylkill Counties. The line then travels east primarily on future-use or existing transmission power line routes in Schuylkill and Lehigh Counties. The line then moves east-northeast through Northampton County on the path of an existing power line; and
WHEREAS, Route C would pass through Lehigh, Moore, Bushkill, Plainfield, Washington and Lower Mount Bethel Townships, which are municipalities that are located in the area of Northampton County that is referred to as District IV; and

WHEREAS, while there may be a need for upgrading electrical systems, given the amount and nature of development that has occurred in Northeastern Pennsylvania, we are nonetheless very concerned with the impact the project will have on the residents of Northampton County; and

WHEREAS, it was encouraging that the National Park Service has conducted public meetings in Pennsylvania and New Jersey to gather public input on the project, however, none of the public meetings were conducted in any of the Northampton County municipalities through which the project may pass.

NOW, THEREFORE, BE IT RESOLVED that it is the unanimous consensus of the Northampton County Council that it would be in the best interests of the citizens of Northampton County for the National Park Service to schedule another public meeting, in Northampton County to discuss the PPL Susquehanna-Roseland Power Line Project. Accordingly, the Northampton County Council does, in its official capacity as the governing body of the County of Northampton, respectfully request that National Park Service conduct a public meeting in Northampton County to discuss the PPL Susquehanna-Roseland Power Line Project with the citizens of Northampton County. We firmly believe that the Northampton County residents directly affected by the project deserve another opportunity to comment on how they believe the project will affect their health, welfare, safety and quality of life.

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

The resolution was adopted by voice acclamation.

Conservation District Liaison Report

Mrs. Ferraro stated at the last Conservation District meeting, they informed there was brown trout in the County that were 17-24" and reproducing so the waters were healthy.
9-1-1 Liaison Report

Mr. Dietrich advised one of the trainees had dropped out of the program, but there were no concerns at this time.

Mr. Angle stated he was a little hard a few weeks ago on Mr. Dietrich for his not getting more involved in Gracedale, but he wanted to publicly commend him for the work he had been doing.

Solicitor’s Report

Mr. Lauer advised there was a question as to the terms of office with regard to authorities, boards and commissions because some of them conflicted with the Home Rule Charter and the State. He further advised he would be issuing an opinion whereby he indicated that the State law would take precedent over the Home Rule Charter.

Mr. Lauer stated at the last meeting, an issue was raised whether the disposition of Gracedale could be the subject of a referendum. He further stated it could be because there were referendum possibilities both in the Home Rule Charter, as well as in the State law, however, there were different procedures to have a referendum occur. He noted this was not something he saw County Council doing, however, it was something the citizens could do if they chose to.

Mr. Lauer advised he was asked to look into what the ramifications were of the recent Lehigh Valley Health Commission meeting and the moving forward of the bi-County health bureau. He further advised he was asked what if any action County Council had to take and if they did, what should the resolution or ordinance look like as compared to what may take place in Lehigh County. He noted he would be providing his opinion on that issue shortly.

Mr. Lauer stated he was asked by the Solicitor for the Area Agency on Aging to provide an opinion as to whether they were
required to have annual appraisals of the properties that they used for various functions. He further stated they would like to be excused from that requirement because of the cost involved. He noted he planned to discuss that request with Mr. Karl Longenbach, the County’s Solicitor.

In response to Mr. McClure’s question as to whether there was a statute relating to the two Counties acting separately, but as one body, Mr. Lauer replied he did not think so, but believed it was a provision that was entered into when the Lehigh Valley Commission was formed.

Mr. Flisser advised he believed it was Ms. Catherine Roseberry, Lehigh County Solicitor, who came up with it.

Mr. Marcus stated it was a provision of Act 315.

Bethlehem Tax Increment Financing (TIF)

Mr. Angle advised he and Mr. Stoffa went to the Bethlehem Area School Board meeting and learned the Bethlehem Area School Board basically wanted to hear that the public would own the ArtsQuest property. He further advised that Ms. Loretta Leeson, President, Bethlehem Area School Board, agreed to meet with him again to discuss the issue.

Adjournment

Mr. Dowd made a motion to adjourn.

Mr. Angle seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council