A regular meeting of the Northampton County Council was held on the above date with the following present: Ron Angle, President; Thomas H. Dietrich; J. Michael Dowd; Margaret Ferraro; 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 John Cusick, Vice President.

Prayer

Pastor Dan Christenson, Mt. Bethel Lutheran Brethren Church, led County Council in prayer to open the meeting (see Attachment #1).

Pledge of Allegiance

A member of the audience and a Veteran led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Angle asked for a motion to approve the minutes.

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 21, 2010 meeting shall be approved.

Mr. Angle seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA stated he noticed that the Bethlehem Taxing Increment Financing (TIF) was going to be discussed, but he did not know the nature
Mr. Pfenning advised as he understood the TIF, it was originally designed for public infrastructure improvements to lead toward the development of the area. He further advised from what he heard from people involved in the early discussions, one of the original things planned was a parking garage with a possible intermodal type facility for TransBridge, which was the most expensive part of the project that he had seen proposed.

With regard to the public plaza at SteelStax, Mr. Pfenning stated it could be questionable as to whether it was public infrastructure or infrastructure solely for the support of the activity of a particular organization. He further stated with regard to the visitors’ center, he would have to stretch a little farther to come up with that as part of public infrastructure.

Mr. Pfenning advised as ArtsQuest depended very much on public funding in order to get things done and if for some reason the proposed TIF projects were not done, it would really put a crimp in the ArtsQuest project to which a lot of taxpayer money had already been pledged. He further advised he understood the point of view that in these economic times taxpayer money should not be given away at the expense of having their taxes increased to ArtsQuest as it was a nicety and not a necessity.

Mr. Pfenning stated he did read the State act with regard to TIFs and the supporting ordinance the City passed and he did not know what basis the County would have to go after it.

County Executive’s Report

Mr. John Stoffa, County Executive, stated the State was closing the Allentown State Hospital, which had a $34 million budget for 175 people, noting 50 of them were from Northampton County. He further stated 35 people would be taken out by
December for which the County would be receiving $110,000 per person and 15 people would be going to Warnersville, which was by Reading.

Mr. Stoffa advised the hospital sat on 200 acres in Allentown, but there was also 17 acres in East Allen Township. He further advised he had been in touch with the State, East Allen Township and Mr. Jim Creedon, Secretary of General Services for the Commonwealth of Pennsylvania, and asked them to keep the County involved with regard to the 17 acres.

Mr. Stoffa provided County Council members the latest issue of the Northampton County Government Directory, noting he could provide more copies if required. He noted this information was also on the County’s website.

Mr. Stoffa stated the National Association of Counties had provided the County with discount drug cards. He further stated the program was initiated in July of 2008 and since that time 15,971 prescriptions had been filled by Northampton County citizens at an average savings of 27.28% or $13.77 per prescription. He noted they averaged 250 users per month, but more than $219,000 had been saved.

In answer to Mrs. McHale’s question as to whether any of the 50 individuals were ordered by the Court to be at the State hospital, Mr. Stoffa replied all of them were there under a Court order.

In response to Mrs. McHale’s question as to whether there would have to be a Court proceeding when they were released, Mr. Stoffa advised he did not think so, noting most of them were going to existing group homes.

In answer to Mrs. McHale’s question as to whether the County would be responsible for any of the debt that each individual may incur should they not have the means to pay for their stay, Mr. Stoffa stated they all should be eligible for medical assistance and for whatever programs were available and the County would be getting approximately $110,000 per person.
Mr. McClure advised it was sad to see the Allentown State Hospital closing and he felt for the families of the patients that were now going to be relocated and for the people who worked there. He further advised he had been vehemently opposed to the building of a work release center in Bethlehem Township, but this may be an opportunity to partner with Lehigh County and have such a facility at this site.

Mr. Stoffa stated it was a wonderful idea, but Lehigh County, at this point, did not need any more than they already had, noting they were investing in Salisbury Township and have a prison downtown where they did not need additional beds. He further stated the Northampton County Judges were not in favor of a joint facility. He noted this 200 acres was prime land for development, not for a prison or treatment center.

In response to Mr. McClure’s question as to whether it was too late to talk to Lehigh County about the possibility of joining them in their Salisbury Township project, Mr. Stoffa replied it was not, but the Judges did not support that type of arrangement.

Mr. Angle advised he received an invitation to the Lehigh County Executive’s State of County Address and he felt Mr. Stoffa should have one.

Mr. Stoffa stated he provided one when the budget was released, but he could do another one. He further stated that the Lehigh County Executive was also running for office, but he was not.

Discussion and Review of the Bethlehem Tax Increment Financing (TIF) Plan

Mr. Angle advised a telephone call was received from Mrs. Loretta Leeson, President of the Bethlehem Area School Board (BASB), indicating she planned to attend the meeting, but may be late. He further advised he noticed Ms. Irene Follweiler, a member of the BASB, present and asked if she would be speaking on the behalf of the board.
Ms. Follweiler responded she would not be speaking on behalf of the Board.

Mr. Angle advised he, along with Mrs. Thierry, met with Mr. John Spirk, City of Bethlehem Solicitor, and they were informed that the City did not feel they had anything to discuss. He then asked if Mr. Lauer had looked at the TIF.

Mr. Lauer stated he did and he indicated he reported briefly on it at the last meeting.

When Mr. Angle asked if there were any questions or comments, Mr. Dowd advised he would prefer to wait until Mrs. Leeson arrived.

Mr. Angle agreed to hold this issue in abeyance until Mrs. Leeson arrived.

Discussion and Review of Executive Order 10-09 - Hiring of Outside Legal Counsel for Labor Matters

Mr. Angle stated he was removing this issue from the agenda, with the approval of Mr. Stoffa, and referring it to the Finance Committee for further review.

Consideration of the 2009 Codification of Northampton County Ordinances and of the Home Rule Charter

Mr. Angle advised the codification of the ordinances was done annually.

Mr. Angle introduced the following resolution.

R. 10-2010 WHEREAS, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law, and of the Charter, as amended.
NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the attached codification, for the period ending December 31, 2009, shall be adopted this 4th day of February 2010.

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 Granting an Easement on County Owned Land to the Lehigh Northampton Airport Authority

Mr. Angle stated an Economic Development Committee meeting was earlier this evening and asked Mr. Dowd to introduce the ordinance and to briefly explain it. He further stated the public hearing, debate and possible vote was scheduled for the February 18, 2010 meeting.

Mr. Dowd advised the Lehigh Northampton Airport Authority was requesting County Council approve a navigation easement for use of their radar system, which covered a small portion of Weaversville Park. He further advised the members of the Committee were in favor of it, but requested Mr. Lauer look at it to ensure there would not be any additional costs to the County for any plans the County had in the future for the park.

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

AN ORDINANCE AUTHORIZING AN EASEMENT ON AND OVER COUNTY OWNED PROPERTY TO THE LEHIGH-NORTHAMPTON AIRPORT AUTHORITY FOR THE AUTHORITIES USE OF A DASR RADAR SYSTEM

WHEREAS, the Lehigh Northampton Airport Authority (Authority) is the owner and operator of the Lehigh Valley International Airport situated in Hanover Township, Lehigh
County, and is in close proximity to property owned by Northampton County which property is located in Allen Township, Northampton County, and described as Tax Parcel No. M5-2-3A PKB; and

WHEREAS, the Airport Authority has provided land to the United States acting by and through the Department of Transportation - Federal Aviation Administration, which has constructed on the site for the use and benefit of the public a new Digital Airport Surveillance Radar System (DASR); and

WHEREAS, the County wishes to grant an easement on and over certain land and airspace to the Authority for the operation and use of the DASR system; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby authorize an easement on and over a certain tract of ground located in Allen Township, Northampton County, Commonwealth of Pennsylvania, identified as Tax Nap No. N5-2-3A-PKB to the Lehigh Northampton Airport Authority; subject to the terms and conditions of the Avigation Easement which is attached hereto and made a part hereof as Exhibit “A”.

Economic Development Committee Report

Mr. Dowd stated besides the easement ordinance, the Committee always discussed a resolution that would be brought to County Council at the next meeting pertaining to the application of grant funding for the five homeless shelters in Northampton County.

Mr. Dowd advised the Committee also discussed two projects which may be eligible for bonds under the American Recovery Investment Act. He further advised the first dealt with the proposed Route 33 interchange in Tatamy, which would have a very positive impact for traffic flow and economic development, and the second dealt with the Silk Mill Project in Easton.

Mr. McClure stated he thought it would be appropriate at this time to acknowledge the promotion of Ms. Alicia Karner to the position of Economic Development Administrator in the Department of Community and Economic Development. He further
stated this was a positive sign of economic development in Northampton County and he looked forward to this Administration coming forward with a plan to do economic development that centered on jobs for the County.

Mr. Angle advised he and Mr. Stoffa were working with the Lehigh Valley Planning Commission (LVPC) to identify projects in this County that they want them to move ahead on and requested a monthly report on same.

Northampton County Gaming Revenue and Redevelopment Authority Liaison Report

Mrs. McHale stated the gaming authority met, appointed their officers for the upcoming year and once they have a signed contract from their solicitor, they would have their bylaws in place, as well as their grant application. She further stated the directors and officers insurance that went out for bid was rejected because it was not the proper coverage that the agent had submitted. Therefore, they would be seeking new bids.

Lehigh Valley Planning Commission Representative Report

Mr. Angle advised PennDOT was going to fix Fullerton/MacArthur Interchange, but now they want to scale that project back. He further advised they did a study as to what they were planning to do, but would not release it to LVPC nor Whitehall Township so LVPC sued them to get a copy.

Mr. Angle stated he made a motion at the meeting, which passed, that LVPC bring all the State representatives to a special meeting and have them start leaning on PennDOT. He further stated the meeting was held last week and they indicated they were on board.

Mr. Angle advised he spoke with Mr. Dean Browning, Chairman, Lehigh County Commissioners, and they agreed to meet on a regular basis to discuss the possibility of joint projects.

Agricultural Extension Liaison Report

Mr. Dietrich attended his first Agricultural Extension
meeting and they provided him with a lot of information to review. He stated he was amazed to learn about all the services they provided to the citizens of Northampton County. He noted they worked with the Human Services Department to teach underprivileged families how to provide nutritional meals at the most cost effective prices. He further noted they were also very proactive in getting fresh fruits and vegetables into peoples’ diet for the cheapest price.

911 Liaison Report

Mr. Dietrich advised he was invited to go along to a Police Chiefs meeting. He further advised they provided their time logs to the Federal Emergency Management Agency to make sure they met their certification requirements and all the resources were being met.

Mr. Dietrich stated the 911 Center had been retaining all of their call records and recordings, but the State law only required them to retain them for 30 days. He further stated they determined they were going to retain them for 180 days, which would save the County money in the future.

Mr. Dietrich advised some of the officers at the Police Chiefs meeting questioned why the booking facility was located in the Prison and why the process took so long.

Mr. Stoffa stated he did not have an answer at this time, but would look into the matter.

Mr. Lauer advised someone who was not in custody received a notice to appear for processing so the only time an armed police officer would be taking someone to be processed would be someone who had not made bail yet so the next step for him would be to go inside the facilities.

Mrs. McHale added some municipalities did not have holding cells and that was probably what they were referring to with regard to the time issue because they did have to spend time there to fill out those reports. She further added it was an area in the prison that was strictly dedicated for that use.

Mr. Dietrich stated he felt their main concern was other
facilities had their booking area at the entrance to the
facility whereas Northampton County’s was in the prison itself.

Mr. Conklin advised the Administration had first talked to
the City of Bethlehem who already had an existing central
booking center, but they did have capacity to handle those of
other municipalities. He further advised they then had to look
at how the County could best accommodate this and the only space
available was an area within the prison that used to be the
machine shop. He noted the police officers were not in among
the general population, it was a separate secured area.

Mr. Conklin stated he would look into the issue further to
determine exactly what the complaint was and then determine what
steps were needed, if any, to rectify it.

Mrs. McHale suggested that Mr. Dietrich visit the area to
see the set up and review the process.

Mr. Dietrich advised another thing the officers were
concerned with was the issue of them having to be unarmed
because other County facilities allowed them to remain armed as
long as they could be readily identified either by an
identification tag of some sort or their badge.

Mr. Conklin stated it was his understanding that when an
armed police officer entered the Courthouse, a Deputy Sheriff
would confiscate their weapon until they left the building.

Mr. Stoffa advised that would be an issue that would have
to be decided by the President Judge and the Courts.

Bethlehem TIF

Mr. Angle stated that Mrs. Leeson had arrived and asked her
what she thought of the TIF.

Mrs. Lesson advised the attorneys for the BASB and County
Council met with representatives of the City of Bethlehem and
reviewed the documents. She further advised they received an
opinion on the documents themselves, but unfortunately their
attorney had a conflict of interest so he would not be
proceeding any further with the BASB.
Mrs. Leeson stated they received a letter from the City of Bethlehem indicating the City Council had passed the approval to move forward with the financing and would be sending a letter 60 days prior to inform them.

Mrs. Leeson advised at this point that was about as much information as they had. She further advised they were certainly interested in continuing to explore this matter and to partner with County Council in working on it.

In answer to Mr. Angle’s question as to whether they plan to obtain special counsel, Mrs. Leeson replied they would if they had to.

Mr. Angle stated it was very important for them to have their counsel look at the documents. He further stated when he looked at the documents and what they were planning to do, he believed it was outside of the documents. He noted that was only his opinion, noting the Solicitor for the County was also looking at the documents.

Mr. Angle advised his concern was if they were outside of the documents with a Phase 1 and Phase 2 because the phase with the Sands already had all the infrastructure done by the Sands. He further advised the documents also referred to parking with the cost to be shared by the merchants and other entities and a visitors center, which was not mentioned in the original documents.

Mr. Angle stated his suggestion to the City of Bethlehem’s solicitor, who disagreed they were outside of the documents, was for all three entities to meet to discuss this because the TIF was far enough along now and maybe they did want to change it because some things had changed. He further stated the school district, as well as the County, could use some financial help and maybe to the benefit of the City, the TIF could be changed to better fit what they want to do now versus when they started from scratch. However, he believed, and Mrs. Thierry would agree, the City’s stand was quite clear that they were not outside of the documents and they were going to do what they wanted to do.

Mr. Angle advised that was why he felt the BASB had to have
a special counsel, noting he felt Mr. Donald Spry was doing a marvelous job of finding out why he thought they were wrong and he was sorry they were losing him as counsel.

Mrs. Leeson asked if it was Mr. Angle’s recommendation that after their counsels had a chance to review the documents, for the three entities to get together, with their counsels, and have a discussion on what everyone’s concerns were and how they could resolve them, perhaps by revising the documents if necessary.

Mr. Angle stated he knew Mrs. Leeson could not speak for the BASB, but he asked if she felt they agreed what the City was doing was outside the documents, noting that their counsel felt they were, and if so, would they be willing to join the County in litigation to bring them into compliance.

Mrs. Leeson advised if they were outside of the scope of the TIF, then there was a requirement that all three entities should sit down and agree to new terms. She further advised she believed there could be some restrictions as to what they could actually do because there were already some outstanding bonds, but she did not think that had to go to litigation.

Mrs. Leeson stated she believed the City was thinking this was an “all or nothing” proposal and the project would be closed down, but she did not think anyone was interested in closing down the TIF. However, she felt it was essential that there be a discussion to determine how to move forward that would be beneficial to everyone.

In response to Mr. Angle’s question as to how long it would take them to get special counsel, Mrs. Leeson replied she did not think it would take too long, but it would be more of a question as to how long it would take them to review the documents.

Mr. Angle asked Mrs. Leeson if they could obtain special counsel as soon as possible because time was of the essence as he felt the City was ready to make a move and let Mr. Flisser know that he was reviewing the documents and then after they reviewed the documents, have them call Mr. Lauer so a joint
meeting could be set up among all three entities to see if this could be worked out one more time.

When Mrs. Leeson asked if it would be possible for the BASB to join County Council and use their Solicitor, Mr. Angle advised it would be his recommendation to get their own solicitor because they needed someone to represent their interest.

Mrs. Leeson stated she would start on that process and contact County Council as soon as they have obtained counsel.

Council Clerk’s Report

Mr. Flisser advised he just wanted to remind the members of County Council that in April instead of the meetings being held on the 1st and 15th, they would be held on the 8th and 22nd.

Council Solicitor’s Report

Mr. Lauer stated he was asked to look at the issue of the hiring of outside counsel and in his opinion, the Administrative Code required County Council approval for the retention of outside counsel.

Mrs. McHale commented the Executive Order had already been signed.

Mr. Angle advised he pulled this item from the agenda so it could be discussed at the next Finance Committee meeting.

In answer to Mr. McClure’s question as to the reason he signed the Executive Order, Mr. Stoffa stated he did not think County Council’s approval was required.

Mrs. McHale advised it required County Council’s approval because it dealt with professional services.

In response to Mr. McClure’s question as to what was the issue regarding the matter that it could not be presented and voted on, Mr. Angle replied some members of County Council had a concern that Mr. Stoffa had a Solicitor, an Assistant Solicitor and a number of other attorneys on staff and now they wanted to
hire another law firm. Therefore, they wanted justification as to why the County required so many attorneys and Mr. Stoffa did not have a problem with waiting until the Finance Committee meeting to discuss it.

Mrs. McHale stated that the reasoning was because none of the solicitors on staff had the expertise to handle certain matters. Therefore, if Mr. Stoffa, the Administration and Mr. Longenbach felt they required the additional help to handle these matters to benefit the County, then there was no reason for County Council not to approve it.

Mr. Angle advised one of the recommendations was to train some of the attorneys on staff to do some of this labor work. He further advised Mr. Stoffa did not want to continue with the previous law firm because their bills were too high.

Mr. Stoffa stated he wanted to change the way the County dealt with the unions because it was time the County had a better relationship with the unions.

In answer to Mr. Angle’s question as to whether Mr. Stoffa could guarantee the cost would not be more than $60,000, he replied he could not, but that was the limit he wanted to set.

Mr. McClure advised no one was more concerned about the amount of money the County was spending on outside legal counsel with respect to Human Resources and/or contract negotiations than he was. He further advised he reviewed the bills that were received over the past several years and it appeared that any time, the Human Resources Department had a question on any aspect of human resources, they would contact the attorneys. He noted he felt a lot of those calls were unnecessary and the County could, with a little bit of oversight and diligence, keep the numbers down no matter who the law firm was.

Mr. Angle stated then it did not matter if they changed firms, noting the previous law firm indicated that a lot of the issues presented to them could have been handled by the in house staff with some training.

Mr. McClure advised he did not think bad behavior should be awarded and from the feedback he received from union members was that relationship was positively toxic, however, some of that was caused by the former regime in the Human Resources
Department and how County Council responded to their grievances. Therefore, once a new director for the Department of Human Resources was hired, it could be the start of a new beginning.

Mrs. McHale made a motion to approve the contract for the law firm of Flamm Walton PC.

Mr. McClure seconded the motion.

In response to Mr. Angle’s request to explain why this motion could not be presented, Mr. Flisser stated the Administrative Code indicated the approval had to be made by either an ordinance or resolution.

In answer to Mrs. McHale’s question as to whether the motion had to be voted on as there was a second, Mr. Lauer advised if it required a resolution or ordinance, then it did not have to be voted on.

Solicitor’s Report

Mr. Lauer stated that Mrs. McHale raised a question with regard to a letter received from the Two Rivers Council of Governments (COG) with regard to the Northampton County Gaming Revenue and Redevelopment Authority. He further stated the issue raised in the letter was the Two Rivers COG was asking for themselves to be included among the recipients of grants that would be forthcoming from the gaming revenue.

Mr. Lauer advised the gross revenue was to be dispersed as follows: 20% to the City of Bethlehem, 30% to the host County and 50% to the host County for purposes of making municipal grants within the County with priority given to the municipalities contiguous to the City of Bethlehem. He further advised the Two Rivers COG was an entity consisting of the Townships of Bethlehem, Forks, Palmer and Williams; the Boroughs of Freemansburg, West Easton and Wilson; the City of Easton and the County of Northampton. Therefore, he did not think they qualified as a grant recipient which he planned to address in a formal memorandum.

Mr. Lauer stated there were several previous opinions as to what entity should administer the grants that were being given
and that was solved with the creation of the authority. However, a question was raised as to who decided where the grants went, he indicated he came to the conclusion that the authority would be that entity.

Mrs. McHale advised the Two Rivers COG wanted to be added to the bylaws as a recipient and she wanted a legal opinion on that which was why she presented the matter to Mr. Lauer.

Mr. Lauer stated the simplest answer to the question was the dispersion of the 50% was to municipalities within the County with priority given to the municipalities contiguous to the City of Bethlehem and the Two Rivers COG was not a municipality.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Angle adjourned the meeting.