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 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.

Prayer

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

Pledge of Allegiance

A member of the audience 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 4, 2010 and January 7, 2010 meeting shall be approved.

Mr. Dowd seconded the motion.

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


The minutes were approved by a vote of 9-0.
Mr. Robert Pfenning, 2830 Linden Street, Bethlehem, PA - advised he noticed that tonight County Council was going to be discussing Commerce Center Boulevard again and it occurred to him there may be a misconception about the financial situation of the City of Bethlehem. He further advised he felt people probably thought the City was awash in money because it was speculated to receive $7.5 million in host fees, but if the City was in such financial shape, why did its budget include $1.8 million of borrowing in order to pay the year end bills. He noted the City, even though it had a cash generating machine in the Sands, because of prior fiscal policy, it was not awash in money. Therefore, he wanted County Council to consider everything before they decided to take away money from the City.

Mr. Pfenning stated he was very pleased with the work the Northampton County Gaming Revenue and Economic Redevelopment Authority was doing.

Ms. Stephanie Brown, 1830 Meadows Road, Lower Saucon Township, PA - advised it was her understanding that Bridge 115, which was more than 100 years, was to be torn down this year and she wanted to know if that was still the plan.

An Unidentified Senior Citizen - stated it appeared government was always taxing and spending and he would like to propose that it leave the senior citizens alone. He further stated there was no increase in Social Security and his pension stayed the same, but prices were going up. He noted Northampton County was looking to add agencies and he wondered why they just did not combine some. He further noted senior citizens should be exempt from paying taxes because they have done their part.

Mr. Robert Buesing, Palmer Township, PA - advised he wanted to extend his appreciation to Mr. John Stoffa, County Executive, for appointing him to the Airport Authority, noting he had been appointed several times before but was never approved by County Council. He further advised he kept coming back because he wanted to help make the airport better and could bring his knowledge of the industry to accomplish that goal. He noted he could already cite things he felt were problems to be addressed, such as it costing more to park at the Lehigh Valley Airport.
than the Newark Airport, costing 50-75% more to fly out of Allentown and not being able to make connecting flights easily.

Mr. Buesing stated he did not have all the answers, but he promised to do his best to make the Lehigh Valley Airport better so he hoped County Council would approve his appointment.

Mr. Ken Nagy, Forks Township, PA – advised he paid taxes, paid for his prescription and paid for his healthcare and he was almost asked to pay higher taxes this year to provide free health care for the people at Gracedale. He further advised he felt Gracedale’s time had come and gone because now the County was not the only facility out there to provide that kind of care. Therefore, he felt it was time for the County to take a good look at the operation of Gracedale and get rid of it.

Mr. Nagy stated the County was trying to renegotiate a contract for 50 employees who were looking for a 21.3% increase over a four year period because the money was not there. He noted the thing that disturbed him was the County would probably have approved the contract if the money was available. He further stated he felt a real salary comparison should be done of the jobs in the County with those of the real market, not those of other governments, because it would probably reveal most County employees were being overpaid.

With regard to the Health Department, Mr. Nagy advised he felt the County should give serious thought to it before agreeing to it because the level of services would be mandated by the State and there was no exiting the program.

In conclusion, Mr. Nagy stated more than $20 million had gone to the City of Bethlehem, therefore, he felt enough was enough.

County Executive’s Report

Mr. Stoffa advised he wished Bridge 115 could be saved, but it was built in 1858 and was made of rubble and was falling apart. He further advised it was located in a flood plan so water could not get through quick enough. He noted they have had meetings with the township and Hanover Engineering whereby the possibility of leaving the bridge and building another one was
discussed, but that was determined not to be a viable option.

In answer to Mrs. McHale’s question as to whether they planned to replace the bridge, Mr. Steve DeSalva, Director of Public Works, stated it was not on the schedule to be replaced.

In response to Mrs. Ferraro’s question as to whether any estimates were obtained as to the cost of repairing the bridge in an attempt to preserve it since it was an historical structure, Mr. Stoffa replied not to his knowledge.

Mr. Stoffa stated a critical issue was that when the area flooded, the water could not get through it fast enough to relieve the flooding.

Mr. Stoffa advised the County had been notified by Canteen, the Prison’s food service, that they could not continue under the current terms of the contract after nine months. He further advised this was a five year contract that went out for bid so they may have to go back and make concessions to the old provider.

Mr. Stoffa stated one of the agenda items pertained to a gift of $1,000 for trees. He further stated he spoke with Mr. Gordon Heller, Parks and Recreation, and it was determined the trees would be placed at Louise Moore Park and Gracedale.

Mr. Stoffa advised the work on Bridge 69, in Bushkill Township, was complete.

Mr. Stoffa stated the window project at Gracedale would be completed ahead of schedule and be slightly under budget.

Mr. Stoffa advised the work at the Juvenile Detention Center was moving along and should be finished by April or May. He further advised it may be able to function without additional staff.

Mr. Stoffa stated if any member of County Council had any earmark ideas for the County to submit to the State legislators, they should do so as soon as possible because the deadline was nearing.
Mr. Stoffa advised Ms. Louise Moore Pine died and the County received a letter that indicated she was bequeathing the sum of $2 million to the County in memory of Louise M. W. Moore to be used in connection with maintaining the Louise Moore Park and to maintain and preserve the 1820 Farmhouse at State Post Farm.

Mr. Cusick stated a recent news article indicated that there was a proposal for a treatment center/nursing home facility in West Easton. He then asked if Mr. Stoffa could provide an update.

Mr. Angle advised Mr. Stoffa was not at the meeting, but he was. He further advised Mr. Abraham Atiyeh was planning to put a work release facility and an assistant living facility on an eight acre site, but he had to work out some details with the Borough of West Easton.

In answer to Mr. Cusick’s question as to whether he had any thoughts about it, Mr. Stoffa stated he had visited that site a few times over the years, but the decision had to be made by West Easton.

In response to Mr. Cusick’s comment that people were concerned about having a work release facility located near a nursing home, Mr. Stoffa replied there was a nursing home right down the block from the Prison and this was also a residential neighborhood.

Presentation of the Lehigh and Northampton Transportation Authority (LANTA)- Easton Transportation Center Project Update

Mr. Angle advised Mr. Armand Greco, Executive Director of LANTA, was present to provide an update on the Easton Transportation Center project.

Mr. Greco stated Mr. Fred Williams, Chairman, LANTA Board of Directors, and Ms. Becky Bradley, Director of Planning and Development for the City of Easton, were also present to answer any questions. He then provided a handout regarding this project (see Attachment #1).

Mr. Greco advised the concept for this project had been
around for a while, but this was a new project. He further advised the second and third pages of the handout had to do with a location analysis that was completed by LANTA last fall that reviewed the various locations they felt would be available for a transportation center in the City of Easton.

Mr. Greco stated LANTA was very interested in creating a focal point for their routes, as well as other carriers, for their passengers to make connections in a safe and secure environment. He further stated the scope of the project would include the transportation center, a parking garage and a commercial or office center.

Mr. Greco advised the partners in this project were the City of Easton/Easton Parking Authority who were going to be the developer and owner and would run the parking garage, and LANTA, who would be leasing the transit elements for 99 years and would be the operator of the transit center.

Mr. Greco stated the General Project Budget was $12 million and their obligation under the project was not only to run the transit elements, but to deliver available Federal Transit Administration dollars of $4 million total to the project and to secure all available earmarks. He further stated they also planned to partner with Trans Bridge, who would operate the facility under a sublease with LANTA.

Mr. Greco advised right now they have completed the location analysis, the City was completing a project feasibility study and a Preliminary Site Plan had been developed.

In answer to Mrs. Ferraro’s question as to whether the money that was given for a transportation center a few years ago was still available, Mr. Greco stated it was an earmark that was approved and was for approximately $2 million.

In response to Mrs. Ferraro’s question as to whether there would be adequate parking, Mr. Greco advised they would have the parking garage, but the feasibility study would address this issue.

In answer to Mr. Dowd’s question as to what was their time frame, Mr. Greco stated the final designs would be done this
year and if everything goes extremely well, the project could begin by 2011.

In response to Mr. Gilbert’s question as to whether Trans Bridge would have any investment in this project, Mr. Greco advised their investment would be to operate the facility, noting LANTA would not have any staff there.

In answer to Mr. Cusick’s question as to what would become of the stop that takes the bus to New York City, Mr. Greco advised at this time, there were no plans to eliminate stops.

Mr. Angle stated he noticed one of the preferred sites was Governor Wolf, therefore, he wondered if any discussions were held with the County Executive regarding a joint project there. Mr. Greco indicated there had not because they were actually looking at the Third Street site.

Confirmation of Appointments

Mrs. McHale introduced the following resolution:

**R. 3-2010 RESOLVED**, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

**AIRPORT AUTHORITY**

Appointment: Robert Buesing
701 Uhler Road
Easton PA 18040

Term to Expire: 12/31/14

**AREA AGENCY ON AGING ADVISORY COUNCIL**

Appointments: William Feeney
436 Ramblewood Drive
Bangor PA 18013

Terms to Expire: 7/1/11

Jean Feeney
436 Ramblewood Drive
Bangor PA 18013
CONSERVATION DISTRICT

Re-appointment:  Term to Expire: 12/31/13
Sidney R. Butler
460 Gower Road
Nazareth PA 18064

ELECTION COMMISSION

Appointments:  Terms to Expire: 12/31/11
Democratic Party
Christopher Randazzo
4440 Crosswinds Drive
Easton PA 18045

Nicole Schlener
832 Center Street
Bethlehem PA 18018

Re-appointments:
Democratic Party
Kenneth M. Kraft
3445 Gail Lane
Bethlehem PA 18017-5007

Republican Party
Mary K. Diggs
926 Merrivale Road
Bethlehem PA 18017

Joan Rosenthal
3315 Harmor Lane
Bethlehem PA 18017

FARMLAND PRESERVATION BOARD

Appointment:  Term to Expire: 6/30/12
Ron Angle
52 Million Dollar Highway
Bangor PA 18013

LEHIGH AND NORTHAMPTON
TRANSPORTATION AUTHORITY

Appointment: Timothy J. Brady
Camels Hump Farm
3817 Christian Springs Road
Bethlehem PA 18020

terms to expire: 3/2/15

Re-appointment: Ann McHale
750 Barrymore Lane
Bethlehem PA 18017

LEHIGH VALLEY ECONOMIC
DEVELOPMENT CORPORATION
EXECUTIVE COMMITTEE

Appointment: Ron Angle
County Council President
52 Million Dollar Highway
Bangor PA 18013

terms to expire: 12/31/10

Re-appointment: John Stoffa
County Executive
3519 Kreidersville Road
Northampton PA 18067

LEHIGH VALLEY WORKFORCE
INVESTMENT BOARD

Appointments: Community Based Organization
Gregg Dowty
2000 South 25th Street
Easton PA 18042

terms to expire: 12/31/12

Private Sector
Edward J. Easterly
5 Vista Drive
Easton PA 18040
Re-appointments:

**Private Sector**
Todd Donnelly  
4727 Kathy Drive  
Bethlehem PA 18017

Victor J. (Kelly) Meyer, CPA  
2223 Summit Drive  
Hellertown PA 18055

Michael Moorehead  
501 Reeder Street  
Easton PA 18042

**One-Stop Partner**
Edward J. Murray  
4186 Kennedy Court  
Bethlehem PA 18020-8968

Arthur L. Scott  
3741 Schaffer Street  
Easton PA 18045

Edward Zale  
Bureau of Workforce Development Partnership  
990 Spring Garden Street  
Philadelphia PA 19123-3559

**PERSONNEL APPEALS BOARD**

Appointment:  
Term to Expire: 2/3/12

John Dally, Jr.  
202 Constitution Avenue  
Wind Gap PA 18091

**PERSONNEL COMMISSION**
Appointments:

Terms to Expire: 12/31/11

Eugene R. Auman, SPHR
518 East Main Street
Bath PA 18014

Reginald E. Hockenberry
33 Belvidere Street
Nazareth PA 18064

Mr. McClure made a request to vote on each appointment/re-appointment separately.

Mrs. McHale asked if there were any questions or comments regarding the appointment of Mr. Robert Buesing to the Airport Authority.

In response to Mr. Angle’s question as to what the recommendation by the Personnel Committee was, Mrs. McHale advised all the appointments/re-appointments were unanimously recommended.

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


The appointment was approved by a vote of 8-1.

Mrs. McHale called for the vote on the appointments of Mr. William Feeney and Ms. Jean Feeney to the Area Agency on Aging Advisory Council.


The appointments were approved by a vote of 9-0.

Mrs. McHale called for the vote on the re-appointment of Mr. Sidney Butler to the Conservation District.

Angle, “yes” and Cusick, “yes”.

The re-appointment was approved by a vote of 9-0.

Mrs. McHale called for the votes on the appointments of Mr. Christopher Randazzo and Ms. Nicole Schlener and the re-appointments of Mr. Kenneth Kraft, Ms. Mary Diggs and Ms. Joan Rosenthal to the Election Commission.


The appointments and re-appointments were approved by a vote of 9-0.

Ms. McHale called for the vote on the appointment of Mr. Ron Angle to the Farmland Preservation Board.


The appointment was approved by a vote of 8-1.

Mrs. McHale called for the vote on the appointment of Mr. Timothy Brady and the re-appointment of Mrs. McHale to the Lehigh and Northampton Transportation Authority.


The appointment and re-appointment were approved by a vote of 8-0, with Mrs. McHale abstaining.

Mrs. McHale called for the vote on the appointment of Mr. Ron Angle and the re-appointment of Mr. John Stoffa to the Lehigh Valley Economic Development Corporation (LVEDC) Executive Committee. She noted this was a requirement as a part of LVEDC’s bylaws.


The appointment and re-appointment were approved by a vote of 8-1.

Mrs. McHale called for the vote on the appointments of Mr. Gregg Dowty, Mr. Edward Easterly, Mr. Patrick Clasen and the re-appointments of Mr. Todd Donnelly, Mr. Victor Meyer, Mr. Michael Moorehead, Mr. Edward Murray, Mr. Arthur Scott and Mr. Edward Zale to the Lehigh Valley Workforce Investment Board.


The appointments and re-appointments were approved by a vote of 9-0.

Mrs. McHale called for the vote on the appointment of Mr. John Dally, Jr. to the Personnel Appeals Board.


The appointment was approved by a vote of 9-0.

Mrs. McHale called for the vote on the appointments of Mr. Eugene Auman and Mr. Reginald Hockenberry to the Personnel Commission.


The appointments were approved by a vote of 9-0.

Based on the voting, the resolution, in its entirety, was adopted.

Consideration of Appointment to the Northampton County Gaming Revenue and Redevelopment Authority
Mrs. McHale introduced the following resolution, noting Mr. Dally would be from a noncontiguous municipality:

**R. 4-2010 WHEREAS**, on July 23, 2009, the Northampton County Council adopted resolution No. 63-2009, which confirmed the appointment of Charles Palmeri to the Northampton County Gaming Revenue and Economic Redevelopment Authority; and

**WHEREAS**, on January 4, 2010, Charles Palmeri submitted his resignation from the Northampton County Gaming Revenue and Economic Redevelopment Authority.

**NOW, THEREFORE, BE IT RESOLVED** By the Northampton County Council that John Dally shall be confirmed in his appointment to the Northampton County Gaming Revenue and Economic Redevelopment Authority, as indicated hereafter:

**NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY**

<table>
<thead>
<tr>
<th>Non-Contiguous Municipalities</th>
<th>Term to Expire:</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Dally, Jr.</td>
<td>December 31, 2014</td>
</tr>
<tr>
<td>202 Constitution Avenue</td>
<td></td>
</tr>
<tr>
<td>Wind Gap PA 18091</td>
<td></td>
</tr>
</tbody>
</table>

Mrs. McHale then asked if there were any questions or comments regarding this appointment as it was not discussed at the Personnel Committee meeting held on January 20, 2010. There were no respondents.


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

**Discussion of the Greater Shiloh - Nehemiah Project - 2009 Contingency Allocation**

Mr. Angle stated at the last County Council meeting, this issue was tabled and a committee was formed which included Mr.
Gilbert, Mr. Stoffa, Mr. John Conklin, Director of Administration, and himself. He further stated they met with the representatives of the Greater Shiloh Church to further discuss this project.

Mr. Gilbert advised at the meeting, they determined there were several areas that they had to be revamped in terms of record keeping on the parts of both entities. He further advised since both parties agreed to do so, it was agreed to move the project forward as planned.

Mr. Angle introduced the following resolution:

R. 5-2010  WHEREAS, at the County Council meeting held February 19, 2009, representatives of Greater Shiloh Church presented their Nehemiah House Vision Statement and project. After the presentation was completed, County Council adopted a motion (made by Ron Angle and seconded by Ann McHale and adopted by a vote of 8-1) which committed $50,000 in 2009 Contingency Funds to the Nehemiah project. The financial commitment was made with the understanding that the County’s funding would be allocated as the final component after all other projects funds were raised; and

WHEREAS, at the March 5, 2009 County Council meeting a motion was made to rescind the County’s funding commitment, but it failed due to the lack of a second; and

WHEREAS, on December 14, 2009, Elder Kirk Hillman, Greater Shiloh Church, sent a letter to County Council requesting release of the County’s $50,000 allocation; and

WHEREAS, at the County Council meeting held January 7, 2010, the Council President indicated that a meeting was going to be held between County officials and representatives from Greater Shiloh Church to discuss this matter; and

WHEREAS, on January 15, 2010, a meeting was held between County officials and representatives from Greater Shiloh Church. Further, after discussing the grant request, it was agreed to by those present that the County’s $50,000 commitment to Shiloh should be released at such time an occupancy permit is issued for the Nehemiah House project.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the 2009 Contingency grant for the Shiloh Church -
Nehemiah House Project, shall be placed in the 2009 Grants section of the 2009 budget, and shall roll forward into the 2010 budget. The funding shall only be released at such time the greater Shiloh Church receives an occupancy permit for the Nehemiah House project.

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


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

Public Hearing on the Ordinance Declaring a Portion of the 2001 Bond Issue Impracticable and Unfeasible

Mr. Angle stated this ordinance was introduced by Messrs. Cusick and Dietrich at the meeting held January 7, 2010.


WHEREAS, the County of Northampton (“County”), a County of the third class of the Commonwealth of Pennsylvania (“Commonwealth”), pursuant to the Municipality Authorities Act, act of June 19, 2001, P.L.287, codified beginning at 53 Pa C.S.A. §5601 (“Authorities Act”), by ordinance duly enacted December 3, 1998 (“Authority Organizing Ordinance”), established the Northampton County General Purpose Authority (“Authority”) for the purpose of exercising any and all powers conferred by the Authorities Act; and

$125,000,000 for the purpose of guaranteeing a like amount of bonds of the Authority to be issued in order to fund certain capital projects ("Authority Bonds") as authorized by the Debt Act; and

WHEREAS, among such capital projects are: (1) a project known as the Bethlehem Commerce Center Project, which consists of roadway infrastructure construction and related improvements for the Rt. 412 and North Gate areas of the Bethlehem Commerce Center, for the payment of the costs of which proceeds of the Bonds in the amount of $13,150,000 were allocated, and (2) a project known as the Arcadia East Industrial Center Project, which consists of water and related infrastructure construction, and related improvements, for the area Northeast of Silvercrest Road and East of Route 512, for the payment of the costs of which proceeds of the Bonds in the amount of $1,000,000 were allocated; and

WHEREAS, Section 3(e) of the Guaranty Ordinance provides that proceeds of the Authority Bonds may be applied to pay the cost of capital projects other than those included in the project authorized in Section 1 hereof should any of the components of the project become "unfeasible or impracticable, pursuant to an ordinance adopted by County Council amending this ordinance for such purpose..."; and

WHEREAS, it is the opinion of the County Council that, due to a change in certain circumstances: (1) a portion of the Bethlehem Commerce Center Project, in the approximate amount of $686,000, has become in whole or in part unfeasible or impracticable, and (2) a portion of the Arcadia East Industrial Center project, in the approximate amount of $8,900, has become in whole or in part unfeasible or impracticable; and

WHEREAS, in accordance with Section 3(e) of the Guaranty Ordinance, the County desires by this ordinance to declare: (1) a portion of the Bethlehem Commerce Center Project to be unfeasible or impracticable and to reallocate the amount of $686,000 to the Gracedale County Home for the Aged capital projects, and (2) a portion of Arcadia East Industrial Center Project to be unfeasible or impracticable and to reallocate the amount of $8,900 to the Gracedale County Home for the Aged capital projects.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County
1. The County Council hereby declares, due to a change in certain circumstances, a portion of the Bethlehem Commerce Center Project to be impracticable or unfeasible.

2. The County Council hereby declares, due to a change in certain circumstances, a portion of the Arcadia East Industrial Center Project, to be impracticable or unfeasible.

3. The County Council authorizes and approves the reallocation of the approximate amount of 694,900 to the Gracedale County Home for the Aged capital projects.

4. The proper officers of the County are hereby severally authorized on behalf of the County to execute any and all papers and documents and to do, or cause to be done, any and all acts and things necessary or appropriate for the implementation of this ordinance and Ordinance 371-2001.

5. Except as explicitly set forth herein, the Guaranty Ordinance is not in any way modified or amended and remains in full force and effect.

6. This ordinance shall become effective at the earliest date permitted by the County Home Rule Charter.

Public Hearing

Mr. Angle asked if there was anyone from the public who wished to comment on this issue.

Mr. Pfenning advised it was his recollection that the last time this issue was discussed, the Director of Public Works for the City of Bethlehem, through good management, had brought this project in significantly under the original budget and the City wanted to retain the remainder of the funds to do some additional infrastructure within the area. However, there were a number of people on County Council that were not in favor of that so a deal was made that the County would take back all, but
approximately $600,000. Now, County Council wanted to take that back too.

Mr. Nagy stated $20 million was already given to the City of Bethlehem and bushes, signs, etc. were not infrastructure, but part of the City maintenance program. He further stated this road, which was only a mile and half long, cost more than $13 million whereas PennDOT puts in roads for $1.5 million a mile. He noted as a concerned taxpayer he did not want to see any more of his money going to the City of Bethlehem.

Mrs. McHale advised people of Bethlehem did not complain about the money going to farmland preservation or open space, noting they pay their tax bills just like everyone else in the County.

Mr. Nagy stated Forks Township received $200,000 to preserve farmland and there were several farms that were waiting to be preserved, however, $1 million was given to the City of Bethlehem to create its rails to trails proposition, which was more commercial than anything else.

Mr. McClure advised in this time of high unemployment, any jobs the County could create, should be created and this would do that because people would be employed to put in the signs, shrubbery and the improvements and that, in turn, would bring in more jobs. He further advised he did not believe any Court would find this project impractical and unfeasible and the City of Bethlehem had based their work on the agreement made. Therefore, he felt this ordinance should not be passed.

Mrs. Ferraro stated this project came in substantially under budget and through good faith negotiations, the County allowed the City of Bethlehem to keep a certain portion of that money to finish the job. She further stated the project was not impractical and unfeasible, but the County was looking at how tight its budget was and was looking for places where it could get some money.

Mrs. McHale advised the ordinance indicated it was being presented due to changes in certain circumstances so she asked what those changes were.

Mr. Cusick stated his objection to the City of Bethlehem using this money was well known and documented. He further
stated he felt it was a waste of money and there were now funds out there that were not available when this agreement was made that could be used for this, an earmark request could be made and/or an application could be made to the gaming authority. Additionally, a developer was coming in who would probably want to market their property and had the money to do this project themselves. Therefore, he felt these changes in circumstances warranted using the money for the betterment of Gracedale than for shrubs.

Mr. Gilbert advised he understood when this project was started, it was with the best intentions and so it was felt it should move forward, but there have been government and private sector institutions that had to take a second look at what their original plans were due to the changes in economic and marketing conditions. He agreed with Mr. Cusick in that now there were other avenues available for these funds. Therefore, he felt it would be great to be able to use this money and possibly create a position or two, but he had to again agree with Mr. Cusick that this money could be better spent by the County.

Mr. Dowd stated a deal was negotiated with the City of Bethlehem to receive part of the funding back, with approximately $600,000 remaining for the City to use. He further stated County Council, at that time, agreed to the deal and told the City of Bethlehem to complete their project. Therefore, he was concerned about the County now wanting the money back as he felt the County was obligated to allow the City of Bethlehem to finish the project.

In response to Mr. McClure’s question as to how he felt about the situation, Mr. Stoffa advised he had one, but was not going to reveal it.

Mr. Dietrich stated he understood why some of the members of County Council were reluctant for the County to go back on its word, but there were now revenues coming into the City of Bethlehem which were not available a few years ago. He further stated County Council’s word was given to the citizens of Northampton County and there were properties here that needed to be repaired and maintained.

Mr. Angle asked what was the possibility of amending this ordinance and putting 50% into Gracedale and the other 50% into economic development somewhere else in the County that would
Mr. Cusick advised if the concern was about generating jobs, the repairs at Gracedale would create jobs.

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


The ordinance was adopted by a vote of 5-4.

Public Hearing on the Ordinance Amending Northampton County Administrative Code Article XV - Section 15.02 Retirement Board c. Membership

Mr. Angle stated this ordinance was introduced by Messrs. Cusick and Angle at the meeting held January 7, 2010.

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XV, AUTHORITIES, BOARDS AND COMMISSIONS, SECTION 15.02 RETIREMENT BOARD, AND DELINEATING THE MEMBERSHIP OF THE NORTHAMPTON COUNTY RETIREMENT BOARD

WHEREAS, Northampton County Home Rule Charter Section 202 Powers (7) provides that the County Council shall have the power “to adopt, amend, and repeal the Administrative Code;” and

WHEREAS, Northampton County Home Rule Charter Section 602. Ordinances (a)Acts Required (1) provides that the County Council shall “adopt an ordinance for any act which adopts or amends the Administrative Code, establishes or abolishes an agency, or assigns powers or duties among agencies.”

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED By the Northampton County Council that Northampton County Administrative Code, Article XV, Section 15.02 Retirement Board shall be amended as indicated hereafter (sections marked with bold underline are being added and sections marked with strikeout are being deleted):
ARTICLE XV

AUTHORITIES, BOARDS AND COMMISSIONS

Section 15.01 Establishment

15.02 Retirement Board

Section 15.01 Establishment

a. The following boards and commissions are established by the Charter:

(1) Personnel Appeals Board,
(2) Revenue Appeals Board,
(3) Election Commission; and
(4) Personnel Commission.

b. In accordance with Section 1304 of the Charter, the following authorities, boards, and commissions shall continue to exist unless specifically abolished by ordinance:

(1) Joint Planning Commission of Lehigh and Northampton Counties;
(2) Lehigh and Northampton Airport Authority;
(3) Lehigh and Northampton Transportation Authority;
(4) Northampton County Children’s Bureau Advisory Committee; (designated as the Advisory Board to the Division of Children and Youth)
(5) Northampton County Conservation District;
(6) Northampton County Coordinating Committee of the Lehigh Valley Transportation Study;
(7) Northampton County Drug and Alcohol Commission;
(8) Northampton County Hospital Authority;
County Council Minutes -23- January 21, 2010

(9) Northampton County Housing Authority;
(10) Northampton County Industrial Development Authority;
(11) Northampton County Mental Health/Mental Retardation Advisory Board;
(12) Northampton County Overall Economic Development Committee;
(13) Northampton County Park Board;
(14) Northampton County Re-development Authority;
(15) Northampton County Solid Waste Authority;
(16) Northampton County Prison Advisory Board; and
(17) Northampton County Area Agency on Aging Advisory Board.

All other authorities, boards and commissions are hereby abolished except as otherwise provided by ordinance or this Code.

Section 15.02 Retirement Board

a. Establishment. There is hereby established the Northampton County Retirement Board.

b. Function. The Northampton County Retirement Board shall administer the retirement system of the County in accordance with applicable law.

c. Membership. The Retirement Board shall be comprised of seven (7) five (5) members. The members shall be the County Executive, the Northampton County Controller, the President of the Northampton County Council, and two (2) other members of the Northampton County Council, the Director of Administration, the Director of Fiscal Affairs, two (2) members of County Council (one of whom shall be President of Council) and two (2)
participating members in the retirement system one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County Employee’s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

Mr. Angle advised he had an amendment to this ordinance, which he planned to introduce, noting he spoke to Mr. Cusick, Mr. Stoffa and Mr. Gerald Seyfried, as a representative of the retirees, and they were all in agreement with it.

Public Hearing

Mr. Angle asked if there was anyone from the public who wished to comment on this issue. There were no respondents.

Mr. Angle introduced the following resolution:

R. 6-2010 WHEREAS, Bill 574 of 2010, an ordinance titled, “AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XV, AUTHORITIES, BOARDS AND COMMISSIONS, SECTION 15.02 RETIREMENT BOARD, AND DELINEATING THE MEMBERSHIP OF THE NORTHAMPTON COUNTY RETIREMENT BOARD,” was duly introduced at the January 7, 2010 meeting of the Northampton County Council.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that Bill 574 of 2010 shall be amended, so that Northampton County Administrative Code Article XV, Section 15.02 C. Membership, shall read as indicated hereafter (sections marked with **bold underline** are being added and sections marked with **strikeout** are being deleted):

Section 15.02 Retirement Board

c. Membership. The Retirement Board shall be comprised of seven (7) members. The members shall be the County Executive, one (1) member selected by the
County Executive, the Director of Administration, the Director of Fiscal Affairs, two (2) three (3) members of County Council (one of whom shall be President of Council) and two (2) participating members in the retirement system one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County Employee’s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

Mr. McClure stated his first concern about this ordinance was a procedural one pertaining to how this issue came about because according to a news article, it came about in a secret meeting among the Republican members of County Council and the amendment was done out of the view of the public. He further stated he was not saying any laws were broken, but he felt these things should be done in a public forum, especially because this was one of the largest financial obligations the County had and there was a large number of people whose retirement depended upon how well the job was done.

Mr. McClure advised the other concern he had was with the substance of the ordinance because this type of issue usually occurred when there was a problem that had to be fixed. He further advised he was aware that there were two members of the current Retirement Board who were not eligible to be on it because they did not reside in the County. However, he did not believe this would constitute the complete overhaul of the Retirement Board, noting the reasoning behind the current structure was that it included full time, high level cabinet members who had the time and opportunity to study these issues, to stay abreast of market conditions and to be constantly in communication with the people who handled these finances.

Mr. McClure stated he did not think it was a good idea to shift the balance of power from the full time professionals to part time professionals.

Mr. Angle stated he believed Mr. Cusick’s original argument was under the County Commissioner form of government, the
majority of the Retirement Board was the Commissioners. He further stated with his amendment, the change would not be so drastic.

Mrs. Ferraro advised it was a drastic change because it was taking three full time people and substituting three part time people. She further advised a Commissioner form of government was different because the executive and legislative branches were combined into one person.

Mr. Angle stated the reality was the decisions that were being made were actually being made by a part time financial advisor.

When Mrs. McHale advised there was an advisor, but every decision was ultimately made by the members of the Retirement Board, Mr. Angle noted the board approved the recommendations made by the advisor.

Mrs. McHale made a motion to amend the amendment with regard to the three members of County Council so that two of them would be from the same political party.

Mr. McClure seconded the motion.

Mr. Angle called for the vote on the amendment to have two of the three County Council members to be from the same party.


The motion failed by a vote of 3-6.

Mr. Angle then called for the vote on the resolution amending the ordinance.


The resolution was adopted by a vote of 7-2.

Mr. Angle then called for a vote on the following amended
AN ORDINANCE AMENDING NORTHAMPTON COUNTY
ADMINISTRATIVE CODE ARTICLE XV, AUTHORITIES,
BOARDS AND COMMISSIONS, SECTION 15.02
RETIREMENT BOARD, AND DELINEATING THE
MEMBERSHIP OF THE NORTHAMPTON COUNTY
RETIREMENT BOARD

WHEREAS, Northampton County Home Rule Charter Section 202
Powers (7) provides that the County Council shall have the power
“to adopt, amend, and repeal the Administrative Code;” and

WHEREAS, Northampton County Home Rule Charter Section 602.
Ordinances (a)Acts Required (1) provides that the County Council
shall “adopt an ordinance for any act which adopts or amends the
Administrative Code, establishes or abolishes an agency, or
assigns powers or duties among agencies.”

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED By the
Northampton County Council that Northampton County
Administrative Code, Article XV, Section 15.02 Retirement Board
shall be amended as indicated hereafter(sections marked with
bold underline are being added and sections marked with
strikeout are being deleted):

ARTICLE XV

AUTHORITIES, BOARDS AND COMMISSIONS
Section 15.01 Establishment

a. The following boards and commissions are established by the Charter:

(1) Personnel Appeals Board,
(2) Revenue Appeals Board,
(3) Election Commission; and
(4) Personnel Commission.

b. In accordance with Section 1304 of the Charter, the following authorities, boards, and commissions shall continue to exist unless specifically abolished by ordinance:

(1) Joint Planning Commission of Lehigh and Northampton Counties;
(2) Lehigh and Northampton Airport Authority;
(3) Lehigh and Northampton Transportation Authority;
(4) Northampton County Children’s Bureau Advisory Committee; (designated as the Advisory Board to the Division of Children and Youth)
(5) Northampton County Conservation District;
(6) Northampton County Coordinating Committee of the Lehigh Valley Transportation Study;
(7) Northampton County Drug and Alcohol Commission;
(8) Northampton County Hospital Authority;
(9) Northampton County Housing Authority;
(10) Northampton County Industrial Development Authority;
(11) Northampton County Mental Health/Mental
Retardation Advisory Board;

(12) Northampton County Overall Economic Development Committee;

(13) Northampton County Park Board;
(14) Northampton County Re-development Authority;
(15) Northampton County Solid Waste Authority;
(16) Northampton County Prison Advisory Board; and
(17) Northampton County Area Agency on Aging Advisory Board.

All other authorities, boards and commissions are hereby abolished except as otherwise provided by ordinance or this Code.

Section 15.02 Retirement Board

a. Establishment. There is hereby established the Northampton County Retirement Board.

b. Function. The Northampton County Retirement Board shall administer the retirement system of the County in accordance with applicable law.

c. Membership. The Retirement Board shall be comprised of seven (7) members. The members shall be the County Executive, one (1) member selected by the County Executive, the Director of Administration, the Director of Fiscal Affairs, two (2) members of County Council (one of whom shall be President of Council) and two (2) participating members in the retirement system one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County Employee’s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to
confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

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


The ordinance, as amended, was adopted by a vote of 6-3.

Public Hearing on the Ordinance Repealing Northampton County Ordinance No. 453 of 2006, the Ordinance Titled, “AN ORDINANCE PROVIDING FOR THE PARTICIPATION BY THE COUNTY OF NORTHAMPTON IN THE WILSON PARK TAX INCREMENT DISTRICT”

Mr. Angle stated this ordinance was introduced by Messrs. Cusick and Dowd at the meeting held January 7, 2010.


WHEREAS, Northampton County Ordinance No. 453 OF 2006, the ordinance titled, “AN ORDINANCE PROVIDING FOR THE PARTICIPATION BY THE COUNTY OF NORTHAMPTON IN THE WILSON PARK TAX INCREMENT DISTRICT,” was duly enacted on October 6, 2006.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED By the Northampton County Council that 453 OF 2006, the ordinance titled, “AN ORDINANCE PROVIDING FOR THE PARTICIPATION BY THE COUNTY OF NORTHAMPTON IN THE WILSON PARK TAX INCREMENT DISTRICT,” shall be, and the same hereby is, repealed effective upon the effective date of this ordinance.

Mr. Angle advised before conducting the public hearing, he wanted Mr. Lauer to address County Council because he had been in contact with the solicitors to the Wilson Area School
Mr. Lauer stated he spoke with both solicitors and the solicitor for Wilson Borough Council indicated to him what the concerns were that they were discussing, but he was not in a position to say what the ultimate decision by the Borough Council would be. However, he noted their biggest concern was the possibility that the project, as it was now being discussed, may result in a more transient population which would result in less income as related to real estate transfer taxes.

Mr. Lauer advised it was his understanding that it remained a topic of discussion by the Borough Council, but no indication was given as to when the issue would be resolved.

As far as his discussion with the solicitor for the School District, Mr. Lauer stated the same types of concerns were expressed and it was his understanding that it was on the School Board’s agenda, at least for discussion purposes, at a recent meeting. He further stated a representative from Wilson Borough attended that meeting and expressed strong support for the project because he felt it was better that something happened at that site rather than nothing.

Mr. Lauer advised the decision of the School District was to make no decision and to meet with representatives of the developer to discuss their concerns.

Mr. Lauer stated neither entity had made a decision and both were examining their options.

Mr. Lauer provided a memorandum which summarized his opinion as to where the County was (see Attachment #2) and it seemed to him if there was a decision to move forward by County Council, there were two ways it could be done.

First, as he did not think the cooperation agreement that was contemplated by the initial act had ever actually been executed, County Council could decide not to execute it. However, Mr. Lauer indicated he would have to review that issue further.

Secondly, the County could institute a declaratory
judgement action, but Mr. Lauer indicated he would have to defer to the County Solicitor on that.

Mr. Lauer advised it was his opinion if County Council determined there was a substantial change in the project, it would have to obtain Court approval to withdraw its position if in fact there was an agreement.

Public Hearing

Mr. Angle asked if there was anyone from the public who wished to comment on this issue. There were no respondents.

Mrs. McHale made a motion to table this ordinance.

Mr. Dowd seconded the motion.

Mr. Angle called for the vote on the motion.


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

Consideration of the County Depository Resolution

Mr. Angle introduced the following resolution:

R. 7-2010    WHEREAS, Northampton County Administrative Code Section 12.06 a. Depositories of Funds of the County provides that “the County Council, after the evaluation of written proposals, shall by resolution, select a depository or depositories for County monies.”

    NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the following shall constitute the current and updated listing of County Authorized Depositories (sections marked with bold underlining have been added, sections marked with strikeout have been deleted), effective this 21st day of January 2010:

1. Adjustable Rate Mortgages
2. Bank of America
3. Bank of New York
4. Citizens Bank of Rhode Island
5. Commerce Bank
6. First Commonwealth Federal Credit Union
7. First Star Savings Bank
8. Firsttrust Bank
9. Fulton Financial Advisors
10. Harleysville National Bank
11. JP Morgan Chase Bank
12. Keystone Nazareth Bank & Trust (KNBT)
13. Lafayette Ambassador Bank
14. M & T Bank
15. Marshall Bank First
16. Mellon Bank
17. National Penn Bank
18. Pennsylvania Local Government Investment Trust (PLGIT)
19. PNC Bank
20. Sovereign Bank
21. Susquehanna Patriot Bank
22. TD Bank
23. The Bankcorp Bank
24. The Trust Company of the Lehigh Valley
25. US Bank
26. Wachovia Bank

BE IT FURTHER RESOLVED that any resolution, or any part thereof, conflicting with the provisions of this resolution, is hereby repealed insofar as the same affects this resolution or is inconsistent with this resolution.

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


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

Acceptance of the Harleysville National Corporation Plant-A-tree Project Gift Resolution
Mr. Angle stated the Harleysville National Corporation wanted to give the County $1,000 to plant trees and as previously stated they would be planted at Louise Moore Park and Gracedale.

Mr. Angle introduced the following resolution:

R. 8-2010    WHEREAS, Northampton County Home Rule Charter Article II, County Council, Section 202. Powers (10), provides that the County Council shall have the power “to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts.”; and

WHEREAS, the Parks Division, Department of Public Works, has received a monetary gift of $1,000 from the Harleysville National Corporation for a Plant-A-Tree Project; and

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it does hereby authorize and direct the Northampton County Executive to accept the monetary gift from Harleysville National Corporation for a Plant-A-Tree Project on behalf of the County of Northampton.

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


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

Consideration of the Administrative Code Article XIII Contract Approval Resolution - Industrial Communications Co.

Mr. Angle introduced the following resolution:

R. 9-2010    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: c.(1) “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 January 15, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving a contract totaling $351,020.01 for continued maintenance for the ModUcom Console Equipment at the Emergency Management 911 Center.

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 Industrial Communications Co. for 24/7 maintenance service for fully digital radio dispatch communication consoles.

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


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

Northampton County Gaming Revenue and Redevelopment Authority Liaison Report

Mrs. McHale advised the Northampton County Gaming Revenue and Redevelopment Authority would be meeting at 5:30 p.m., on Monday, January 25, 2010.

Northampton County Genealogical and Historical Society (NCGHS)

Mr. Dowd stated a letter was received from the NCGHS thanking the County for the contribution they recently received.

911 Liaison Report

Mr. Dietrich advised he met with some of the management and administration at the 911 facility. He further advised they had
a reverse 911 service where they would contact residents in the areas that were affected by emergencies so they could identify what the problem was, what action should be taken and where they could obtain additional information.

Lehigh Valley Convention and Visitors Bureau (LVCVB) Liaison Report

Mr. Cusick stated the Convention and Visitors Bureaus across the State have taken a significant hit under the new budget and Mr. Mike Stershic, President of LVCVB, was working on ways to deal with that reduction.

Farmland Preservation Liaison

Mr. Angle advised he chose Mr. Cusick to be the new liaison for Farmland Preservation.

Lehigh Valley Economic Development Corporation (LVEDC)Liaison Report

Mr. Angle stated he attended the LVEDC meeting today and it appeared their revenues were down. He further stated that he and Mr. John Conklin, Director of Administration, had a meeting with Mr. Phil Mitman, President and CEO of LVEDC, to discuss their concerns.

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.