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

Prayer

Rev. Deogratias Rwegasira, from Our Lady of Lebanon Church, Easton, led County Council in prayer to open the meeting.

Pledge of Allegiance

Mr. Bernie O’Hare led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Dowd made the following motion:

Be It Moving By the Northampton County Council that the minutes of the June 17, 2010 meeting shall be approved.

Mr. Gilbert seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Bob Pfenning, 2830 Linden Street, Bethlehem, PA stated from a practical point of view under the Tax Increment Financing (TIF) agreement signed in 2000, there was nothing anyone could do about the situation except the City of Bethlehem Mayor and the Redevelopment Authority. Therefore, he wanted to
say he appreciated the efforts of County Council and the Administration to try to negotiate something for the good of the County in the terms of revenues. He further stated he had the same concerns as the Bethlehem Area School District with regard to how this money was going to be spent.

Mr. Pfenning advised if the bond indenture that was issued clearly that any public improvements that were constructed would be available to the public for use free of charge, he would be okay with that. However, if there was going to be a charge to use these facilities or preferential seating allowed, then it kind of changed the term public and it was leaning more toward privatization, which he would be against no matter how good the organization happened to be.

Mr. Pfenning stated Act 113 noted project costs were any expenditures made for public costs or improvements. He further stated Act 113 went on to define what public costs were and that included building new buildings, tearing down old buildings, as well as other things. Therefore, he wondered if his argument was defensible or not because it hinged on the word public and from the legislation he could not clearly determine what the legislative intent was.

Mr. Pfenning advised what bothered him most was he recently read that due to economic restraints, the County would be cutting the program to educate the inmates in an effort to reduce recidivism, but there was money in the system to build an arena to hold festivals.

Mr. James Wright, 1113 Butler Street, Easton, PA - stated he read where the County was having problems with expenditures in the Court system and in general. He further stated he had quite a bit of experience with the Court system and it was not what it appeared to be. He noted he was very averse to the fact the County was funding an enterprise where one third of the judges were basically corrupt, a Court Administrator who was a criminal and a number of employees who were furthering this type of conduct.

Mr. Wright advised he would be willing to supply documentation to County Council to get an administrative
Mr. Lauer stated if Mr. Wright believed there was conduct which was unlawful that law enforcement would be the place to present his complaint.

Mr. Wright advised he did go to the authorities on several different items, however, they chose to ignore his complaints.

Mr. Angle stated he would be willing to receive the complaint from Mr. Wright.

County Executive Report

As Mr. John Stoffa, County Executive, was not present, Mr. John Conklin, Director of Administration, gave the report.

Mr. Conklin advised the Northampton County Prison Community Education Centers graduation would be held on August 4, 2010. He further advised they recently held another successful Community Forum Outreach Programs on June 10, 2010. He noted it appeared the inmates and staff were pleased with the service Aramark was providing. He further noted beginning July 13, 2010, the annual State inspection would begin.

Mr. Conklin stated the work on the parking deck began this week and there were more than enough requests for the parking spaces at St. Anthony’s Church.

Mr. Conklin advised the Juvenile Justice Center project was near completion and invitations would be sent for the ribbon cutting ceremony. He further advised the project was to provide more beds and a female treatment area, however, if some of the beds remained unoccupied for a period of time, they could be offered to house juveniles from other counties which would bring in some revenue for the County.

Mr. Conklin stated that construction on Bridge 216, which was located in Lehigh Township, had begun.

Mr. Conklin advised a new Benefits Administrator had been hired. He further advised her name was Lorena Morley and she would be starting on July 19, 2010.
In answer to Mr. Angle’s question as to whether everyone was adhering to the hiring freeze, Mr. Conklin stated they appeared to be.

When Mr. Angle commented he thought he received correspondence indicating the District Attorney was going to ignore the hiring freeze, Mr. Conklin advised he did not know anything about it. Mr. Vic Mazziotti, Director of Fiscal Affairs, stated he believed he saw something as well.

In response to Mr. Cusick’s question as to where the Sheriff Deputies’ cars were being parked, Mr. Conklin advised they were parking on the top level of the parking deck.

In answer to Mr. Cusick’s question as to whether anyone had been hired for the Community Development Block Grants Coordinator position in the Department of Community and Economic Development, Mr. Conklin stated the position was posted internally for ten days and if no one was interested, it would have to be advertised for someone on the outside. He further stated there was a Manpower person in the office to assist Ms. Lori Sywensky, Community Development Administrator, until someone could be hired full time.

In response to Mr. Angle’s question as to the situation with the bottled water, Mr. Conklin advised they were looking into that situation, as well as periodicals and magazines and other items where costs could be cut. He further advised he would research the matter further to determine whether it would be beneficial to have a resolution passed regarding those things.

Public Hearing on the Ordinance Providing for an Amendment to the Home Rule Charter - Section 104 General Prohibitions

The following ordinance was introduced by Messrs. Cusick and Dietrich at the June 17, 2010 meeting:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE I ELECTED OFFICIALS, SECTION 104. GENERAL PROHIBITIONS
BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 2, 2010 General Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

"Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter, ARTICLE I, Section 104. General Prohibitions, so that it reads as follows:

Section 104. General Prohibitions

(a) During his term of office no elected official shall hold any other elective public office.

(b) During his term of office no elected official shall hold other employment with the County for which he receives compensation.

(c) During his term of office no elected official, except any member of the County Council, shall serve as an official, other than as a candidate of a political party."

SECTION II - EFFECTIVE DATE

A. This ordinance shall become effective thirty days after the date of enactment.
Mr. Cusick stated the intent of this ordinance was to make it clear that dual office holding was prohibited.

Public Hearing

Mr. Angle asked if there was anyone from the public who wished to make a comment regarding this ordinance. There were no respondents.

Mr. Angle then asked if there were any questions or comments from the members of County Council.

In answer to Mrs. Thierry’s question as to the cost to put this on the ballot, Mr. Flisser stated the advertising cost would be approximately $2,200-$3,200.

Mr. Dowd advised as this issue was currently before the Courts, he wondered what was the status of the case.

Mr. Angle stated the case was before the Supreme Court and he believed it was being expedited, but it would still be a few months before a decision was rendered.

Mr. Dowd advised he understood the intent of the ordinance, but he would like to wait until a decision was made before acting on it.

Mr. Dowd made a motion to table this ordinance.
Mrs. McHale seconded the motion.

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


The motion passed by a vote of 6-2.

Mr. Angle stated even if this ordinance had passed, it would not have been on the ballot because Mr. Stoffa had called him and informed him that he would have vetoed it.

Mr. Dietrich advised he felt this ordinance provided an
opportunity to clear things up and take the issue to the people so they could decide.

Mr. Gilbert stated Mr. Dietrich made a valid point, but the people had spoken, but their voice was usurped by another authority who thought it had a greater knowledge regarding the process. However, whether or not that was true, he agreed it was an issue that had to be resolved at some point.

Mr. Cusick advised he hoped after the Supreme Court made their decision that County Council would come back to this section of the Home Rule Charter to clarify it.

Mr. Lauer stated he felt one of the issues the Supreme Court would decide would be who had the power to determine if offices were incompatible.

**Bethlehem City Tax Increment Financing (TIF)**

Mr. Angle advised he spoke to one of the Bethlehem Area School District (BASD) members to determine what their issue was with the proposal made and it appeared they were bogged down on worrying about what was wrong with the TIF. He further advised they felt there were some items in the TIF that were not done correctly and he informed her that may be true, and if so, they could always ask for compensation. He noted he also informed her that time would not help their cause and if they put it off too long, they might not see any money. He further noted he read in the paper that the BASD was not happy with the proposal made and he wanted to make it clear that the first proposal was Mr. Mazziotti’s and the second proposal was his and not the City’s.

Mr. Cusick stated this was a school district that raised taxes and laid off teachers and yet there was money sitting on the table. Therefore, for them to walk away from what he thought was an outstanding deal confounded him so he hoped they would revisit the issue and act quickly.
Mr. Angle advised there had to be someone at the table negotiating on the Palmer TIF Plan from Palmer Township, the Easton Area School District and the County. Therefore, since Mr. Dowd had been involved in this matter from the beginning, he would like to appoint him as the County’s representative.

Mr. Dowd then asked if any member of County Council was opposed to this appointment. There were no respondents.

**Live Streaming of Committee Meetings**

Mrs. McHale asked if the members of County Council wanted their committee meetings live streamed.

Mr. Dowd stated he had no problem having his committee meetings live streamed or any meeting in which he was involved.

Mrs. McHale advised that the Northampton County Gaming Revenue and Economic Redevelopment Authority and the General Purpose Authority were planning to have their meetings live streamed. She then asked if there were any fees involved.

Mr. Flisser stated Mr. Al Jordan, ACS Director of Information Services, indicated it could be done for either a minimal fee or no cost, but it would only work for regularly scheduled meetings.

Mr. Dietrich advised he would agree to have his Human Services Committee meetings live streamed because some of the people affected by their discussions might not be able to attend.

**Open Space Committee Report**

Mr. Cusick stated the Open Space Committee met earlier today and three open space projects were discussed and two of them were recommended, noting the third project required additional information. He further stated there was also a discussion regarding park acquisition and development plans for the City of Easton, Hanover Township, Hellertown Borough, Stockertown Borough and Portland Borough. He noted these projects could be on the agenda in two weeks for approval.
Mr. Angle advised the County was in the midst of a hiring freeze and was facing budgetary issues, but it was still moving ahead with swamp land purchases. He further advised he talked to Mr. Conklin earlier and he thought it was decided that if money was going to be spent on anything, it would be for farmland preservation. Therefore, he wondered if these funds should be given back to farmland preservation.

Mr. Cusick stated with regard to the parks, the municipalities had already moved forward with their plans based on the County’s participation. He further stated the two properties that were recommended have been in the pipeline for some time, noting there had been a lot of work done by the property owners and the Department of Conservation and Natural Resources, and if the County were to back out at this point, it would lose a certain amount of credibility with those entities.

Mrs. Ferraro advised there was a half mil tax increase for open space and last year when some of those funds were used for budgetary purposes, it was stated that there were certain projects already in the pipeline that the County would go forward with and their funds were guaranteed. She further advised that was the reason she supported the withdrawal of those funds.

Mr. Dietrich stated the municipalities purchased these properties in anticipation of the County partnering with them.

Mr. Angle advised if the municipalities had the money to buy them, why were they asking the County to kick in some money so they could get a rebate. He further advised a lot of the municipalities were in better shape financially than the County.

Human Services Committee Meeting Report

Mr. Dietrich stated a Human Service Committee meeting was held where the discussion pertained to the Area Agency on Aging. He further stated the one thing that became apparent when discussing the different divisions was even though there were different equations used to determine the money they received, there was a need for more money from the State. He noted it was suggested that County Council may want to present a resolution
to the State legislators to encourage them to move a little faster in figuring out which equation they wanted to use.

Mr. Dietrich advised they have not come up with a topic for the July meeting as they were anticipating the receipt of the Gracedale study, however, it was scheduled for July 15, 2010. He further advised after the Gracedale study was received, they would probably move up the August meeting.

Finance Committee Report

Mr. Angle stated the Finance Committee held a special meeting yesterday and received updates on the County’s cost cutting measures. He further stated he was very impressed with the Administration’s cooperation in this matter.

Northampton County Gaming and Economic Redevelopment Liaison Report

Mrs. McHale advised the Northampton County Gaming and Economic Redevelopment Authority met on Monday and they had a huge concern regarding the receipt of funding if a budget amendment was not passed by County Council. She further advised the County received the money and there had to be a budget amendment in order for them to disperse their grants.

Mrs. McHale stated that she asked Mr. Doran Hamann, Budget Administrator, if it was possible to have a separate budget amendment just for them because they could not disperse any funding without County Council’s approval. She further stated they opened the grant process with the deadline being the end of July so they would be receiving the applications and they wanted to be able to make their decisions knowing the funds would be available.

Ms. Alicia Karner, Economic Development Analyst, Department of Community and Economic Development, advised they under budgeted what came in from the casino and they could only give out what they had budgeted for so the concern was if more money came in, they could not give out that money until County Council approved a budget amendment.
Mr. Dowd stated their exposure under a budget amendment was no different than anyone else’s and he noted it was an unusual situation that it took longer to pass the last budget amendment.

In response to Mr. Dietrich’s question as to whether there were deadlines that had to be met, Ms. Karner advised the only stipulation was that if money was not expended for grants in the year which the funds were received, those funds would roll over to the uncommitted funds.

In answer to Mr. Cusick’s question as to whether there had to be an amended ordinance to give control over the table gaming funds as they were not considered in the first ordinance, Ms. Karner replied the authority had no control over funds from the table games.

Mrs. McHale asked Ms. Karner to send an e-mail to the members of the Northampton Gaming Revenue and Economic Redevelopment Authority informing them that County Council did not feel any action was required regarding their concern.

Solicitor’s Report

Mr. Lauer stated he sent his legal opinion to the members of County Council regarding a request as to what authority County Council had over the Court’s budget. He further stated his opinion indicated County Council had the authority to establish the overall budget for the Court and the Court had to function within that budget unless they believed, for various reasons, that they could not and then would have to seek relief from it. However, he did not believe County Council could change allocations of money or eliminate positions within their budget.

Prison Liaison Report

Mrs. Thierry advised the security camera should be installed at the time clocks in the Prison next month. She further advised they were going to come before County Council with a request for eight new Correction Officers and two clerical positions. She noted they were also going to talk about getting insurance that would put a cap on covered medical
Mr. Gilbert stated he would like a report prepared that would show the different ways this would play out for payroll, i.e., what the cost of eight new officers would be against maintaining the current staff or only hiring four officers instead of eight.

In response to Mr. Dowd’s question as to whether this request would be made due to turn over, Mrs. Thierry advised she believed it had more to do with overtime.

Mr. Conklin stated due to the hiring freeze, these position requests would have to be reviewed by a committee the Executive set up to determine if the positions were truly justified.

Adjournment

Mr. Dowd made a motion to adjourn.

Mr. Dietrich seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council