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.

Pledge of Allegiance

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

Prayer

Rabbi Yitzchok Isaac Yagod, Congregation Beth Avraham, Easton, led County Council in prayer to open the meeting.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 4, 2010 meeting shall be approved.

Mrs. McHale seconded the motion.

The minutes were approved by voice acclamation, with Mrs. Ferraro and Mrs. McHale abstaining.

Courtesy of the Floor

Ms. Bea Kemmerer, 150 Diehl Road, Easton, PA - provided a handout (see Attachment #1) and advised her husband worked for the County for 26 years. She further advised after her husband passed away in 2004, she was told she would be able to purchase secondary insurance at the employee’s rate as long as she lived unless the rules changed. She noted she was paying $106 dollars
and then in July 2007, she informed Mr. John Stoffa, County Executive, that her rates were raised.

Ms. Kemmerer stated in August, she was notified her coverage had terminated the end of July as she was on Consolidated Omnibus Budget Reconciliation Act (COBRA) health insurance, however, she never received any notification that it would be ending. She further stated the County did allow her to receive coverage for three more months, but her premium went up.

Ms. Kemmerer advised the County was willing to give her the $300 back if she was willing to drop an issue she had concerning her husband’s pension, which she refused.

Mr. Angle stated there was nothing that County Council could do for her and asked her to set up an appointment with Mr. Stoffa to further discuss the matter.

County Executive’s Report

Mr. Stoffa advised on Sunday and Monday, he would be attending the County Commissioners Association of Pennsylvania conference.

Mr. Stoffa stated they received four proposals to evaluate Gracedale which they would be reviewing shortly.

Mr. Stoffa advised they have met with the people from State Archives, who informed them that after meeting with 58 department heads and doing a pre-comprehensive analysis of the County’s needs, they determined the County required between 25,000-30,000 cubic feet of storage. He further advised he planned to put a committee together to review the issue and asked if Mr. Cusick could be a member of the committee.

Mr. Angle appointed Mr. Cusick to the committee.

In answer to Mr. Cusick’s question as to whether there was any update on the Bethlehem Township zoning, Mr. Stoffa replied he had not heard anything.
Presentation of the LANTA Transportation Plan

Mrs. McHale introduced Mr. Fred Williams, Chairman of the Board of Directors, and Mr. Armando Greco, Executive Director, Lehigh and Northampton Transportation Authority (LANTA), who were present to make a presentation.

Mr. Williams provided a handout entitled, “Regional Public Transportation Plan for the Lehigh Valley” (see Attachment #2). He stated this handout was a summary of a study that had been done to determine the direction LANTA wanted to go with the transportation needs in the Lehigh Valley, noting there had been a 70% increase in ridership since 1997.

Mr. Greco stated they conducted this study because they have not been able to keep pace with the demand. He further stated they conducted several analyses, received local input and had formed an expert panel to assist in the study.

Mr. Greco advised the analysis showed the current LANTA system was undersized compared to its peers, but it was second from the top in performance. He further advised it also revealed they had to simplify the route structures and improve intermodal connections.

Mr. Greco stated there were recommendations made in the service plan, marketing and land use. He further stated they developed implementation plans for the short term (1-3 years), intermediate term (3-6 years) and long term (beyond 6 years), as well as a plan to fund them.

In response to Mr. Cusick’s question as to whether an update could be provided regarding the Easton garage, Mr. Greco advised it was moving along in correspondence to the plan they had previously laid out. He further advised the detailed design work would begin shortly so it could be put out for bid by the end of this calendar year with construction beginning the next calendar year.

In answer to Mrs. Ferraro’s question as to the correlation
between land use and LANTA, Mr. Greco stated transit needs density meaning having people within walking distance to transit facilities so they plan to work with the Lehigh Valley Planning Commission and the municipalities affected to change the land use decisions.

Mr. Williams advised LANTA was also planning to work closely with the planning departments of the municipalities to make sure they were building transit friendly facilities.

Mrs. McHale stated the best example of what Mr. Williams was explaining was the new shopping center at Route 33 and Freemansburg Avenue because the LANTA buses could not go into it because the entrances were not big enough and the people had to be dropped off right on Freemansburg Avenue.

Mr. Gilbert advised another aspect that should be explored was the trend in changing population, noting that the elder population was increasing which could result in greater use of the public transit system.

Confirmation of Appointment

Mrs. McHale introduced the following resolution:
RESOLVED, by the Northampton County Council that the following individual shall be confirmed in his re-appointments as indicated hereafter:

INDUSTRIAL DEVELOPMENT AUTHORITY

Re-appointment: Term to Expire: 3/17/15
Michael Moorehead
501 Reeder Street
Easton PA 18042

Mrs. McHale stated this appointment was reviewed at yesterday’s Personnel Committee meeting and the members voted unanimously to recommend him to the whole of County Council for approval.

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


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

Public Hearing on the Ordinance Providing for the Leasing of Storage Space by Northampton County

Mr. Angle advised this ordinance was introduced by Messrs. Dowd and Cusick at the March 4, 2010 County Council meeting.

AUTHORIZING NORTHAMPTON COUNTY TO LEASE 3,150 SQUARE FEET OF STORAGE SPACE IDENTIFIED AS UNIT F-8 LOCATED AT 181 S. WHITFIELD STREET, NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes that conveyance or lease of any real property of the County"; and
NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize Northampton County to lease 3,150 square feet of storage space identified as Unit F-8 located at 181 S. Whitfield Street, Nazareth, Pennsylvania, for an initial annual rent of $1,850.00 per month, said rent to escalate in accordance with the term of the lease agreement, attached hereto and made a part hereof as Exhibit "A".

Public Hearing

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

Mr. Angle stated at the Finance Committee meeting, which was held yesterday, a debate ensued pertaining to this ordinance. He further stated suggestions were made to build a storage facility at Gracedale or to find another County facility where these items could be stored and have the County stop paying money for leases.

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


Before the vote could continue, Mr. Angle opened the issue up for discussion and asked Mr. Stoffa to provide his opinion.

Mr. Stoffa advised the County only had one place for storage, which was this one, and there was a tremendous need for the County to have storage. He further advised he would like County Council to approve this ordinance and then take a look at a long term solution for the County’s storage needs, which may result in some sort of facility being erected.

In answer to Mr. Angle’s question as to the term of the lease, Mr. Ross Marcus, Director of Human Services, stated it was a five year lease, but had a 120-day escape clause.
Mr. Dowd advised he would like to see County Council approve this because there was a short term need and would then like the Administration to come back, within a year, to County Council with a long term solution.

Mr. Dietrich asked since the storage space was required at this time why the lease could not be reduced to one year while the Administration decided what to do long term.

Mr. Dowd made a motion to reduce the term of the lease to one year and requested the Administration to come back to County Council with a long term storage plan before the end of the year.

Mrs. Ferraro seconded the motion.

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


The motion failed by a vote of 4-5.

In response to Mr. Gilbert’s question as to the original vote, Mr. Flisser indicated that Mr. McClure and Mr. Angle still had to vote.


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

Mr. Angle stated even though the ordinance was adopted, he would like Mr. Stoffa to come back to County Council within six months with a long term storage plan.

Introduction of the Fry’s Run Bridge Ordinance

Mr. Angle stated a presentation was made by the
Pennsylvania Department of Transportation at yesterday’s Finance Committee meeting. He further stated they requested the County provide them easement so they could repair the Fry’s Run Bridge, which was in deplorable shape.

Messrs. Cusick and McClure introduced the following ordinance:

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

WHEREAS, Northampton County Home Rule Charter Article 602 (a) (6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes the conveyance or lease of any real property of the County"; and

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

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

WHEREAS, PENNDOT has created a Plot Plan entitled "Right-of-Way Claim Information", a true and correct copy of which is attached hereto and made a part hereof as Exhibit "A"; and which Plot Plan depicts the areas which PENNDOT must acquire in order to construct a temporary roadway by which traffic may travel while the FRY'S Run Bridge is being replaced; and
WHEREAS, the County Council of Northampton believes it is in the public's best interest to grant such Deed of Easement and Temporary Construction Easement; and

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

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

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

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

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

Introduction of the Tax Assessment Appeals Ordinance

Mr. Angle advised the Appeals Board was asking to have the deadline for submitting appeals moved up a month to allow them ample time to review them.

Mrs. Ferraro and Mr. Cusick introduced the following ordinance:

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY, CHANGING THE EFFECTIVE DATE FOR TAX ASSESSMENT APPEALS FROM
WHEREAS, the County of Northampton currently allows taxpayers to file Assessment Appeals with the Board of Assessment on or before September 1st, for the following year; and

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

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

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

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

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED as follows:

1. All "WHEREAS" clauses are incorporated herein as though the same were more fully set forth at length.

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

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

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

Consideration of the Administrative Code Article XIII Contract Approval Resolutions

Mr. Angle introduced the following resolutions, noting the contracts were reviewed at yesterday’s Finance Committee meeting.

Convergent Security Solutions, Inc. for the Prison Security System

R. 22-2010 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “…any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”

WHEREAS, on February 25, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $305,780.00 with Stanley Convergent Security Solutions, Inc. to upgrade the integrated security electronics system for the Prison.

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 Stanley Convergent Security Solutions, Inc. to upgrade the integrated security electronics system for the Prison.

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

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

Aramark Correctional Services Management Services for Correction Food Service

R. 23-2010 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “…any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”

WHEREAS, on March 5, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $2,270,932.80 with Aramark Correctional Services for correctional food service management services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Aramark Correctional Services for correctional food service management services.

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


The resolution was adopted by a vote of 8-1.
Continental Flooring Company for the Courthouse Floor Tile Project

R. 24-2010  WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for “any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, on February 26, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $100,580.00, with the Continental Flooring Company for the Courthouse floor tile project.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to the Continental Flooring Company for the Courthouse floor tile project.

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


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

TuWay Communications for Upgrades to the 911 System

R. 25-2010  WHEREAS, the Northampton County Council adopted resolution Number 12-2010, which authorized the County Executive to enter into a contract, in the amount of $1,897,285.53, with TuWay Communications, for a 911 and administrative telephone system, digital voice logging recorder and console furniture upgrade and installation. Resolution No. 12-2010 reads as indicated hereafter:
WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for "any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary."; and

WHEREAS, on January 28, 2010 the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $1,897,285.53 with TuWay Communications, for a 911 and administrative telephone system, digital voice logging recorder and console furniture upgrade and installation.

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 TuWay Communications for a 911 and administrative telephone system, digital voice logging recorder and console furniture upgrade and installation.

WHEREAS, on March 12, 2010, the Northampton County Executive requested an increase, in the amount of $405,933.75, for the contract with TuWay Communications.

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 amend and increase the initial amount of the contract awarded to TuWay Communications for 911 phone, administrative phone, digital recorder and console upgrades. The original contract amount shall increase from $1,897,285.53 to $2,303,219.28.

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 Revised 2010 Human Services Administration Pay Scale

Mr. Angle advised this issue was discussed at the Personnel Committee meeting held yesterday and its members voted unanimously to recommend this resolution to County Council for approval.

Mrs. McHale introduced the following resolution:

R. 26-2010  WHEREAS, the Northampton County Council adopted resolution #101-2009, which adopted pay scales for full-time County employees, including the 2010 Human Services (non-union) Administrative Pay Scale; and

WHEREAS, on March 8, 2010, the Human Resources Office indicated that due to changes in State maximum dollar amounts, it became necessary to revise the 2010 Human Services (non-union) Administrative Pay Scale.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the 2010 Human Services (non-union) Administrative Pay Scale, shall be revised to read as indicated on the attached document (refer to Exhibit “A”).

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


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

Lehigh Valley Convention and Visitors Bureau (LVCVB)

Mr. Cusick stated for the last several years, the LVCVB was committed to having locations in each of the three down towns in the Lehigh Valley, however, they were now reconsidering this
commitment. He further stated at their annual meeting, the question was going to be raised as to whether or not the County was committed to having a site located in Bethlehem and Easton. Therefore, he was looking for some feedback from the members of County Council as to whether or not it wanted to continue to have physical locations in Bethlehem and Easton.

In answer to Mr. Angle’s question as to his opinion, Mr. Cusick advised the one in Bethlehem did very well and the one in Easton was recently moved from the Crayola Factory to the Canal Museum and should benefit from the new bus station going in. Therefore, he felt they should be kept.

Mr. Dowd stated the County had always said it was committed to the down towns and development there and tourism was one way to stimulate that so he would be in favor of keeping the sites.

Mr. McClure advised he did not want to give up on Easton and would like to give the new site a chance to prove itself.

Mr. Gilbert stated he could not speak for Bethlehem, but he felt Easton was a very historical location rich in culture much more than Allentown and Bethlehem.

When Mr. Angle asked what Mr. Cusick wanted from County Council, he indicated he would prepare a resolution for the next meeting indicating County Council’s support to maintaining these sites in Easton and Bethlehem.

Council Clerk’s Report

Mr. Flisser wanted to remind everyone that the meetings for April would be held on April 8, 2010 and April 22, 2010 instead of April 1, 2010 and April 15, 2010.

Mr. Dowd added the Economic Development Committee meeting would also be held on April 8, 2010.

Council Solicitor’s Report

Mr. Lauer advised Mr. Cusick had asked since there was a provision in Article XIII which required County Council’s
approval when a contract was over a certain amount, why then did some contracts go on forever, i.e., the Iron Mountain contract. He acknowledged that contract had been in effect for quite some time and it was determined the contract had an evergreen provision whereby it renewed itself annually.

Mr. Lauer stated he looked at that contract and he discovered the contract itself was for one year with four permitted one year renewals, which he believed expired next month. He further stated attached to it was a form contract that was suppose to be used thereafter and that form contract had the evergreen provision in it automatically renewing itself.

Mr. Lauer advised his interpretation of that contract was the controlling language was the language contained in the document that everyone signed and, therefore, he believed that contract was valid for an initial one year period and four annual renewals, the last of which expired April 30, 2010.

Mr. Angle questioned if this contract was rebid and it had the same renewal provision, would it have to come before County Council only initially or every time the renewal came up.

Mr. Lauer stated if the total contract, with the renewals, exceeded $100,000, it would only have to be approved one time by County Council.

Mr. McClure advised he was not addressing this contract, but suppose the County were to enter into a contract in contravention of the Administrative Code and someone brought a suit, would the County be bound by the contract or would it be abrogated by the fact that it was done in contravention of the law.

Mr. Lauer stated litigation could go any way, but he felt if it was enacted in contravention of the Administrative Code and a judge found that to be the case, the contract would be voided and would have to be bid again.

Mrs. McHale advised an e-mail was sent to the members of County Council which reflected what could happen if guns were not destroyed in a reasonable amount of time after a Court case and asked if County Council should pass an ordinance requiring the destruction of any guns or materials of that nature.
Mr. Lauer stated he would like to explore the issue further before providing an opinion.

Mr. Angle advised the weapons in question were sold to another entity who, in turn, sold them to someone who used them illegally. He further advised the Controller’s report reflected that the Sheriff Department had guns that were not accounted for and Sheriff Randall Miller had indicated he was changing the way this matter was handled.

Mr. Stoffa stated Sheriff Miller had contacted him and informed him they have accounted for every weapon and planned to have the Controller come back for a re-evaluation.

Swaption

Mr. Angle advised a meeting was to be held by himself, Mr. Stoffa and Mr. Vic Mazziotti, Director of Fiscal Affairs, to discuss the options available regarding the Swaption.

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. Thierry seconded the motion.

The motion passed by acclamation.