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

Pledge of Allegiance

Mr. Al Jordan, a Veteran, led County Council in the pledge of allegiance.

Prayer

Monsignor Stephen Radocha, St. Jane Frances deChantal Church, Easton, led County Council in prayer to open the meeting.

Approval of the Minutes

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the February 18, 2010 meeting shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Darin Steward, Treasurer, and Mr. Mike Mohn, Vice President of the Deputy Sheriff’s Association - advised, in the past, the County had sponsored an Easter Egg Hunt for the children of employees and they were present to ask County Council if they would be willing to contribute $700 to this
Mr. McClure made a motion that County Council take $700 from its Contingency Fund and have it directed to the Easter Egg Hunt.

Mr. Cusick seconded the motion.

Mr. Angle stated the motion was passed by voice acclamation.

County Executive’s Report

With regard to the Mortgage Foreclosure Assistance Program, Mr. John Stoffa, County Executive, advised so far, they have heard 683 cases and 96 of them resulted in new payment schedules. He further advised there were a lot of no shows, but they were scheduled until June.

Mr. Stoffa stated a representative from the State Archives was coming in, at no cost to the County, to look at the County’s need for all types of storage and they would be issuing a report sometime in March.

Mr. Stoffa advised they have interviewed six individuals for the position of Director of the Department of Human Resources with four more scheduled for tomorrow.

Mr. Stoffa stated during the month of April, County Government would be celebrated so if there was anything County Council wanted to do, they would be willing to work with them.

Mr. Stoffa advised the Revenue Appeals Board planned to approach County Council in the near future to change the deadline for assessments because last year, they heard more than 400 appeals and they expected more for this year. He further advised the normal deadline for an appeal was September 1st, with all decisions rendered by October 31st so they were looking to move the September date to August 1st.

Mr. Stoffa stated parking still remained a large issue and as work on the parking garage was scheduled to begin soon, other alternatives were going to have to be explored. He then asked if anyone had any ideas as to how to ease the situation, to notify him. He noted he had asked to meet with the President
Judge to see if something could be done on the Court side.

Mr. McClure advised as he was a driving force behind the mortgage diversion program, he was pleased to hear that 96 homeowners were helped. However, it appeared that a lot of the lenders did not show up for their hearings and he wondered how the Court was handling this situation.

Mr. Stoffa stated he did not think anything happened because it was not mandatory for them to participate.

Mr. Angle commented he felt a lot of these issues were resolved before a hearing took place because the lenders did not want the properties.

In answer to Mr. Angle’s question as to whether Mr. McClure wanted to discuss extending the program at the end of the year at a Legal and Judicial Committee meeting, he replied he would.

Confirmation of Appointments

Mr. Angle advised as the Retirement Board would be holding a meeting tomorrow, he felt it was appropriate for County Council to vote on their appointments tonight so there would be a full compliment.

Mr. Cusick introduced the following resolution:

R. 17-2010 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

RETIREMENT BOARD

Appointments: Term to Expire: 12/31/10

County Executive Representative

Doran Hamann
3552 Sutton Place
Bethlehem PA 18020

County Council Representatives
Mr. McClure requested the appointments could be voted on separately.

Mr. Angle called for the vote on Mr. Hamann.


The vote to approve Mr. Hamann was 7-0.

Mr. Angle called for the vote on himself.


The vote to approve Mr. Angle was 6-1.

Mr. Angle called for the vote on Mr. Gilbert.


The vote to approve Mr. Gilbert was 7-0.

Mr. Angle called for the vote on Mr. Dowd.


The vote to approve Mr. Dowd was 7-0.
The resolution was adopted in its entirety as reflected by the votes.

**Snow Emergency Relief**

Mr. Cusick stated at the last meeting, he asked if the County would be eligible for snow emergency relief and Mr. John Conklin, Director of Administration, did some investigation on the matter.

Mr. Conklin provided a handout which provided Federal Emergency Management Agency’s policy as to reimbursement and the reasons the County did not qualify (see Attachment #1).

**Introduction of the Ordinance Amending the Articles of Incorporation of the Lehigh-Northampton Airport Authority**

Mr. Angle advised this item was removed from the agenda because Mr. Conklin contacted him and indicated there were a few issues that had to be worked out with Lehigh County before it could be introduced.

**Introduction of the Ordinance Providing for the Leasing of Storage Space by Northampton County**

Mr. Angle stated that Messrs. Dowd and Cusick were cosponsoring this ordinance:

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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
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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".

In response to Mrs. Thierry’s question as to what was being stored at this location, Mr. Ross Marcus, Director of Human Services, advised there were records that were not required on a daily basis, but had to be maintained and there was no room for them at any of the County’s facilities. He further advised they also put equipment there, such as older broken beds, which were kept for their parts because it was cheaper than buying new equipment.

Mr. McClure stated he wanted it on record that he was objecting to any discussion regarding this ordinance as it was only being introduced.

Consideration of the Resolution Eliminating Post-Employment Health Care Benefits for Individuals Hired After June 30, 2010

Mr. Cusick introduced the following resolution:

RESOLVED By the Northampton County Council that all County employees hired on or after June 30, 2010 shall not be eligible for, nor shall they receive, post-employment health care benefits.

Mr. Cusick advised this was originally suggested a few years ago by the County Executive, but at that time, he was not able to garner enough support for it. He further advised he was presenting this resolution because he felt it was a good idea and something that should be pursued.

In answer to Mr. Angle’s question as to whether he was in favor of this, Mr. Stoffa indicated he was.

Mr. McClure stated he was opposed to this as he felt the employees of the County gave up the ability to earn more money in the private sector to work in the public sector because of the benefits. He further stated by keeping this benefit, it would allow the County to continue to draw the high quality
Mr. Gilbert advised this did not have to do with the quality of the employees that serve and will continue to serve, but it had to do with the County’s ability to support this benefit and the burden it would place on the taxpayers.

Mr. Dietrich stated the County did have great employees working for it, but he never heard this given as the reason they sought their jobs. He further stated he believed the reason was the County was still giving pay raises when private industry was not.

Mr. Dowd advised he suggested a few years ago for a review to be made of how the County employees compared to the private sector, which he felt was still a good idea. However, this matter would not really be addressed for at least 25 years so the County would not be saving any money at this time.

Mr. Lauer stated after reviewing the issue, he found several things that County Council may want to consider. He further stated there had been two prior Solicitor opinions as to whether or not the County Executive had the authority to eliminate retirees’ medical benefits and it was concluded he did not and the appropriate place for that action to be taken was at the Retirement Board level.

Mr. Lauer advised he realized this was not the same issue, but there was a recent Commonwealth of Pennsylvania case that said these types of benefits were in essence a pension benefit and as such, would fall under the administration of whoever established what the pension benefits were. He further advised it was quite clear who created the Pension Board, which was County Council, and who managed and administered issues, which was the Pension Board, but it was not clear who defined what the pension benefits would be. However, historically it appeared the Pension Board made the decisions and County Council funded them by approving the budget.

Mr. McClure stated he had two points of order. The first, was the resolution was out of order due to the fact he believed an ordinance would be required to change the benefits.

Mr. Angle asked Mr. Lauer for an opinion as to whether this
should be done by resolution or ordinance.

Mr. Lauer advised he was aware of two changes to certain aspects of the pension system, which were done in 1979 and 1996, and they were done by resolution. However, he was not prepared tonight to state if it had to be one or the other without further reviewing the matter.

Mr. McClure stated he further believed this resolution was out of order due to the recent Commonwealth Court decision and previous Solicitor opinions.

Mr. Gerald Seyfried, a member of the Retirement Board and past County Executive and County Council member, advised Act 96 indicated the Retirement Board could grant benefits to employees, however, it was not specific as to what type of benefits. He further advised based on the Solicitor opinions, if this resolution was adopted tonight, it could be challenged. Therefore, he suggested the issue be brought before the Retirement Board.

Mr. Flisser stated a resolution would state the opinion of County Council and did not have the force and affect that an ordinance would have so it could be adopted and then the Retirement Board could take whatever action it had to take.

Mr. Angle made a suggestion to Mr. Cusick to amend the resolution to make it a recommendation to the Retirement Board for their consideration.

Mr. Cusick introduced the following amended resolution:

R. 18-2010 RESOLVED By the Northampton County Council that this body recommends to the Northampton County Retirement Board that all County employees hired on or after June 30, 2010 shall not be eligible for, nor shall they receive, post-employment health care benefits.

Mr. Angle called for the vote on the amended resolution.


The resolution was adopted by a vote of 6-1.
Consideration of the Bethlehem Sands Table Games Resolution

Mr. Cusick introduced the following resolution:

R. 19-2010 \textit{WHEREAS}, the Northampton County Council supported the initial application of the Sands Casino Resort Bethlehem for a gaming license and adopted Resolution No. 23-2006 (a copy is attached hereto and labeled as Exhibit “A”) to formally indicate its support for the Sands Casino Resort; and

\textit{WHEREAS}, a prime cornerstone of the Sands Casino Resort project is that it is a major urban brownfield redevelopment project that includes a large multi-use development (which included construction of a 300 room hotel, a 3,600 seat events center and a retail shopping mall) on the site of the former Bethlehem Steel Plant in South Bethlehem; and

\textit{WHEREAS}, the Las Vegas Sands Corporation halted construction of the multi-use development aspects of the project in November of 2008, and indicated that construction would resume when economic conditions improved; and

\textit{WHEREAS}, completion of the previously promised multi-use development aspects of the Sands Casino Resort Bethlehem project is the best opportunity to speed the reclamation of the urban brownfield site in South Bethlehem, create new jobs and improve the economy; and

\textit{WHEREAS}, recent news reports indicate that: (a) the Las Vegas Sands plans on constructing a new $3 billion casino resort in Florida and (b) the Las Vegas Sands will open the first phase of its Singapore casino on April 27, 2010, earlier than expected, implementing a project that will reportedly generate $1 billion in annual profits. The $5.5 billion Marina Bay Sands Casino will start operating along with 963 hotel rooms, part of the shopping mall and convention center and several dining outlets; and

\textit{WHEREAS}, the Pennsylvania Gaming Control Board will be conducting a public input hearing on Thursday, March 11, 2010, on the petition of Sands Casino Resort Bethlehem for table games.
NOW, THEREFORE, IT IS RESOLVED by the Northampton County Council that it does hereby urge the Pennsylvania Gaming Control Board to require, as a condition for final approval of the petition for table games by the Sands Casino Resort Bethlehem, that the Sands Casino Resort Bethlehem complete the multi-use development aspects of the Sands Casino Resort Bethlehem project, as originally proposed with the initial application for a gaming license and to also establish a timetable for completion of said projects.

Mr. Cusick advised when the Sands project was proposed, it included a hotel and event center, which had yet to be completed. He further advised there have been reports that they were planning to open other casinos in Florida and Asia. He noted there was going to be a hearing for the Sands with regard to table games and he felt part of the provisions should include the completion of their project.

Mr. McClure stated he would be supporting this resolution because when it was completed, it would create good paying, local jobs. He further stated it had been stated by Lehigh Valley Economic Development Corporation (LVEDC) that there was more development of jobs in Lehigh County because they paid more hotel tax so when this hotel was finished, Northampton County should be getting some of those development jobs.

Mr. McClure advised he was not a big proponent of the Sands coming to the area, but he had to admit it did help generate revenues that helped ameliorate real estate property tax increases so he was glad it was here.

Mr. Dowd stated he also was not a big fan of the Sands, but they have turned out to be good neighbors in South Bethlehem and hoped they would plan to continue with their original project.

Mr. Gilbert advised he would support this resolution because he felt the Sands was obligated to complete this project and remain true to their promises. He further advised when it was learned that they were looking to put their money in other areas, the County owed it to its citizens to do something to try and get this project completed because it would be a nice injection of capital to the area.
Mr. Dietrich stated along the major highways, there were billboards advertising casinos in Atlantic City and he felt by having the hotel, people would be staying at the Sands and perhaps venture out to experience other benefits the County offered. He further stated he wholeheartedly supported this resolution not just for the influx of jobs, but the influx of revenue it would bring.

Mr. Stoffa advised he wanted County Council to think about what they were doing because he felt if the Sands was not losing money, they would have built the hotel and he did not want to chase them away.

Mr. Angle stated he did not think this would chase them away and he believed, it was up for sale and if so, then the new buyers would have to complete the project.

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


The resolution was adopted by a vote of 7-0.

Consideration of the Conservation District Board Composition Resolution

Mrs. Thierry introduced the following resolution:

R. 20-2010 WHEREAS, at the Conservation District meeting held February 16, 2010, the Board of Directors voted to approve a change in the composition of the Conservation District Board from the current composition of four (4) Farmer Directors, two (2) Public Directors and one (1) County Government Director to a composition that would consist of three (3) Farmer Directors, three (3) Public Directors and one (1) County Government Director; and

WHEREAS, the Conservation District forwarded the change to County Council and requested that County Council also approve the change.
NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that it does hereby concur with the Northampton County Conservation District of Board of Directors and hereby approves a change in the composition of the Conservation District Board from the current composition of four (4) Farmer Directors, two (2) Public Directors and one (1) County Government Director to a composition that would consist of three (3) Farmer Directors, three (3) Public Directors and one (1) County Government Director.

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


The resolution was adopted by a vote of 7-0.

Economic Development Committee Meeting

Mr. Dowd stated at the Economic Development Committee meeting, which was held earlier in the evening, Mr. Conklin and members of the LVEDC talked about four priority projects for the County that were being presented to the State for funding. He further stated they were the Reliant Energy, Portland Industrial Park, the Proposed Slate Belt Industrial Park and the Easton Silk Mill projects.

Mr. Dowd advised they were given an excellent presentation regarding the Easton Main Street Program and the Ambassador Program, of which the County was a big supporter. He further advised he would like to hear from different areas of the County to see what was important to them and how the County could assist them in development of urban communities.

Mr. Dowd stated the Economic Development Committee would be meeting regularly at 5:00 p.m., on the first Thursday of the month.

Farmland Preservation Liaison Report

Mr. Cusick advised he attended his first Farmland
Preservation Board meeting and learned there were 34 farms, 2200 acres, on the list for 2010 to be preserved. He noted one of the Board members felt it might be a good idea to put a cap on what the County paid per acre.

Mr. Angle stated there were more and more farms to be preserved, but less money so he suggested a cap be placed on the amount the County was going to pay per acre.

Council Solicitor’s Report

Mr. Lauer advised he received a memorandum from Mr. Cusick regarding the status of the Wilson Tax Increment Financing (TIF) Cooperation Agreement and he asked since the Cooperation Agreement had a clause whereby it indicated the developer would complete the project by January 1, 2010, what the legal implications were.

Mr. Lauer stated he previously reported he spoke to the Solicitors of Wilson Borough and the Wilson Area School District and one of the things he reported at that time was, based on the records he had seen, he could not determine whether there ever really was a Cooperation Agreement. He further stated Mr. Flisser researched the issue and eventually spoke to Mr. Joseph Reibman, owner of the Dixie Cup Plant, who did have a fully executed agreement.

Mr. Lauer advised the Cooperation Agreement did have a requirement that the developer complete the project no later than January 2, 2010 so he did not think the County was bound to any terms of that agreement and since the County may be renegotiating an agreement, he felt compelled to point out in the original agreement, it defined the project as 269 or more condominiums and apartment units.

Mr. Lauer stated each time the project was mentioned in the TIF ordinance, it referred to the creation of residential condominium units, therefore, the Cooperation Agreement should reflect the same if that was being contemplated.

Mr. Conklin advised this project would be negotiated through the Industrial Development Authority and Ms. Alicia Karner, Economic Development Analyst, would be working with the
Mr. Cusick stated the assessment value of the TIF was based on the fact they were going to be condominiums and if they were going to be apartments, then that assessment value would change. He further stated if they were condominiums, the County would gain from such fees as transfer taxes and the recording of deeds.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Angle adjourned the meeting.

Frank E. Flisser
Clerk to Council