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.; Ann McHale; Barbara A. Thierry; Philip D. Lauer, Solicitor to Council, and Frank E. Flisser, Clerk to Council. Absent was Margaret L. Ferraro.

Prayer

Reverend Joseph Tobias, Holy Family Church, Nazareth, led County Council in prayer to open the meeting.

Pledge of Allegiance

Scoutmaster Brian Ahearn and his troop led County Council in the pledge of allegiance.

Approval of the Minutes

Mrs. Thierry made the following motion:

Be It Moved By the Northampton County Council that the minutes of the October 7, 2010 meeting shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Donna Barney, 40 Rodeo Drive, Kunkletown, PA - advised she was present on behalf of the Coalition of Alzheimer Families and read a letter which was presented to County Council, which concerned Mr. Angle’s behavior at previous meetings (see Attachment #1).

Mr. Angle stated that no one had been more liberal in
Mr. Chris Miller, 983 Bushkill Center Road, Nazareth, PA - advised Gracedale had a $6 million deficit, which was forecast to go on for the next several years and it was his understanding that it was not going to be closed, but privatized.

In response to Mr. Miller’s comment that Mr. Ross Marcus, Director of Human Services, indicated that residents of Gracedale would be better off if it was privatized, Mr. Marcus stated that he did not say they would be better off, but that he was in support of the sale of Gracedale.

In answer to Mr. Miller’s question as to whether the employees would be able to renegotiate their contracts with the new owners, Mr. Angle advised according to the other Counties that have done this, most of the employees were retained and it was up to the employees as to whether they wanted to stay union or not, noting some of them did and some of them did not.

In response to Mr. Miller’s question as to whether the cost for a private payor would increase, Mr. Angle replied as far as he knew, it did not occur in the other Counties.

Mr. Miller stated that the County was going to have a debt of approximately $200 million and he wanted everyone to understand that a tidal wave was coming at them because there was not only this indebtedness, but there was also indebtedness in the municipalities and school districts.

Mr. Mario Martinez, Easton, PA - presented County Council with a petition signed by approximately 300 people opposing the sale of Gracedale (see Attachment #2). He advised that at the last meeting before he was interrupted, he wanted to let County Council know that they were going to institute a referendum petition.

Mr. Jack Dalessandro, Bangor, PA - stated the prevailing rate for pay and benefits in Northampton County was union scale, which was what the Gracedale employees received now. He further stated when Gracedale closed its doors, approximately 800 people were going to be laid off.

Mr. Matt Glennon, Plainfield Township, PA - advised it would be necessary for the County to put $500,000 into Farmland Preservation by January 15, 2011, so it could receive matching
funds from the State. He further advised this year, it was expected that the municipalities were going to come in with some money and a match could not be made if they put in more money than the County. He noted it was important to apply for the State money as $28 million was budgeted for Farmland Preservation and there were not a lot of requests for it.

Ms. Nancy Kutz, 160 Spring Street, West Easton, PA - stated every member of County Council should be ashamed of themselves because they allowed Mr. Angle to humiliate, degrade, berate or scream out any person that went against his thinking. She further stated that Mr. Angle represented everyone on County Council as a whole and everyone should resign for letting Mr. Angle behave the way he did. She noted the members of County Council were not doing their duty to the residents of the County by allowing Mr. Angle to act the way he did.

Mrs. McHale advised that Mr. Angle did not speak on her behalf.

Mrs. Thierry stated she was not responsible for Mr. Angle’s actions. She further stated it was not up to the members of County Council to control him, but to control themselves.

In answer to Mr. Angle’s question as to whether she was involved with the Gracedale issue, Ms. Kutz advised she was an employee at Gracedale.

In response to Ms. Kutz’s question as to why he had not returned her numerous telephone calls, Mr. Gilbert stated it was not that he did not wish to speak to her, but he had received a lot of telephone calls and he was more than happy to speak with her.

Mr. Ken Nagy, Forks Township, PA - advised he was not concerned about Mr. Angle’s behavior because he had taken on some very hard issues that had been ignored for a long time. He further advised neither the Administration nor County Council had ever stated that the residents of Gracedale were going to be put out, but emphasized that they were going to remain residents.
Mr. Nagy stated there was a concern about the patient care at Gracedale declining. However, the Federal Centers for the Care of Medicaid and Medicare patients rated the 30 nursing facilities in Lehigh and Northampton County and Gracedale came in 17 out of the 30 and out of the top ten, except for Cedar Crest, they were all privately owned.

Mr. Nagy advised the proposed five year moratorium was absolute nonsense which was proven by Bethlehem Steel who went through 47 quarters of no profit and everyone knew what happened to them.

Mr. Nagy stated he heard that it was not just about the money, but a moral issue so he wanted to know where the morality was in having higher taxes so a small amount of people could have free health care. He further stated it was obvious the cost of patient care at Gracedale was unsustainable.

Mr. Nagy advised, as far as he was concerned, the County was pursuing the right course of action and should divest itself of Gracedale as soon as possible.

Mr. Angle stated if the argument about Gracedale was the high level of service, which was provided by the employees, and they were retained how could the level of service change. He further stated if the petition was to have the County hold onto Gracedale for five years, then it should also reflect the cost of doing so.

County Executive’s Report

Mr. Angle advised as the County Executive indicated he would be attending a ceremony to honor volunteers, his report would be given later in the meeting.

Confirmation of Appointments

Mrs. McHale stated the Personnel Committee met yesterday
afternoon and all the individuals were approved unanimously by the members of the Personnel Committee present. She then introduced the following resolution:

R. 93-2010  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

DRUG & ALCOHOL ADVISORY BOARD

Appointments: Term to Expire: 6/30/11
Caroline Kusi
Lehigh University
39 University Drive, Box E248
Bethlehem, PA 18015

Adina Bono Term to Expire: 6/30/12
Lehigh University
39 University Drive, Box B461
Bethlehem, PA 18015
Christine M. McLaren
Lehigh University
39 University Drive, Box F513
Bethlehem, PA 18015

Adrienne Viola
Lehigh University
39 University Drive, Box K449
Bethlehem, PA 18015

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY - LVEDC COMMITTEE

Re-appointment: Term to Expire: 12/31/13
Dr. Arthur Scott, President
Northampton Community College
3835 Green Pond Road
Bethlehem, PA 18020

RETIREMENT BOARD

Re-appointments: Terms to Expire: 12/31/11
As there were no questions or comments, Mr. Angle called for the vote.


The resolution was adopted by a vote of 8-0.

Introduction of the 2011 Real Estate Tax Millage Rate Ordinance

Mr. Angle advised this ordinance was being introduced at
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this time so County Council would be able to adopt it at any time after the public hearing scheduled for November 4, 2011.

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

AN ORDINANCE PROVIDING FOR THE REAL ESTATE TAX MILLAGE RATE IN THE COUNTY OF NORTHAMPTON FOR THE YEAR 2011

IT IS HEREBY ORDAINED AND ENACTED, that the millage rate for real estate tax purposes for the year 2011 shall be set at 10.8 mills on every dollar of assessed valuation of taxable real estate or $1.08 on every $100.00 of assessed valuation.

Mr. Angle asked if there were any questions or comments regarding this ordinance.

Mrs. McHale stated this was the same millage rate as last year, but it was a shame that the gaming revenues were not able to reduce it because the purpose of the gaming revenues coming to the County was to reduce taxes.

Mr. McClure advised it must be remembered that the taxes were able to be at 10.8 mills last year because of the gaming revenues.

Mr. Angle stated by reducing the size of government, there was a possibility that there could be a tax decrease in 2012.


Mr. Angle advised these contracts were discussed at yesterday’s Finance Committee meeting.

Legal Services Sale/Lease Gracedale - County Nursing Home

Mr. Angle stated the members of the Finance Committee present voted unanimously to present this contract to the whole
Mr. Gilbert and Mrs. Thierry introduced the following resolution:

R. 94-2010  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 October 14, 2010, Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving a contract in the estimated amount of $300,000 for a contract with Eckert Seamans Cherin & Mellot, LLC for legal services to the County of Northampton involving issues that pertain to the alternate ownership (sale/lease) of Gracedale.

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 Eckert Seamans Cherin & Mellot, LLC for legal services to the County of Northampton involving issues that pertain to the alternate ownership (sale/lease) of Gracedale. It shall be understood that the clear intent of the contract with Eckert Seamans Cherin & Mellot LLC is to facilitate and expedite all issues that will result in the alternate ownership (sale/lease) of Gracedale.

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


The resolution was adopted by a vote of 6-2.
Mr. Dowd and Mr. Cusick introduced the following resolutions:

R. 95-1010 **WHEREAS**, the Northampton County Council adopted resolution #57-2009 in which it approved certain contracts for the renovation of the Juvenile Center; and

**WHEREAS**, resolution #57-2009 reads as follows:

**WHEREAS**, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1)(2) 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.”, and c.(2) “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 June 12, 2009, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing four contracts, in the amount of $3,239,490 with Everon Electrical for $438,490; Myco Mechanical, Inc. for $458,000; JBM Mechanical for $192,000 and Walter Brucker & CO for $2,151,000 for Juvenile Center Renovations.

**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 contracts to Everon Electrical, Myco Mechanical, Inc., JBM Mechanical and Walter Brucker & Co. for Juvenile Center Renovations.
WHEREAS, on October 14, 2010 the Northampton County Council received a request from the Northampton County Executive to approve a change order totaling a 11.6% increase over the original price of the electrical contractor, Everon Electrical, for the Juvenile Center expansion. The original contract price was $438,490 and the new contract price is $489,196.24.

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 approve the contract change order for Everon Electrical for the Juvenile Center renovations.

R. 96-2010 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 October 15, 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 $1,142,613, with Alfero Co., Inc. for the historic Courthouse window repair and replacement 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 Alfero Co., Inc. for the historic Courthouse window repair and replacement project.

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


The resolutions were adopted by a vote of 8-0.

Consideration of Resolutions Authorizing the Filling of Certain
Vacancies: a. Civil Division, Department of Court Services; b. Coroner; c. Gracedale Division - Department of Human Services; d. Area Agency on Aging Division - Department of Human Services

Mr. Angle asked if there were any objections to vote on these resolutions together. There were no objections.

Mrs. McHale introduced the following resolutions:

Civil Division - Department of Court Services

R. 97-2010 **RESOLVED**, by the Northampton County Council that it does hereby concur with the recommendation of the County Executive to fill the two (2) vacant positions of full time Clerical Technician III positions in the Civil Division, pay grade CR 13 - Step 1, with an annual salary of $23,009.

Coroner

R. 98-2010 **RESOLVED**, by the Northampton County Council that it does hereby concur with the recommendation of the County Executive to fill the 0.4 FTE vacant positions of part time Deputy Coroner, pay grade CS 19 - Step 1, at $15.4982 an hour, with an approximate salary of $3,224.

Gracedale Division - Department of Human Services

R. 99-2010 **RESOLVED**, by the Northampton County Council that it does hereby concur with the recommendation of the County Executive to fill the one (1) vacant position of full time Social Service Coordinator position, pay grade SW 22 - Step 3, with an annual salary of $39,625.

Area Agency on Aging Division - Department of Human Services

R. 100-2010 **RESOLVED**, by the Northampton County Council that it does hereby concur with the recommendation of the County Executive to fill the one (1) vacant position of part-time Senior Center Care Manager I (substitute), pay grade PS 29 - Step 1, at $13.0850 an hour with an approximate annual salary of
$19,313.

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


The resolution was adopted by a vote of 8-0.

Consideration of the Resolution Authorizing the Submission of a Written Concept Proposal to a Federal Agency for the Provision and Operation of a Detention Facility and to Take Other Related Actions

Mr. Angle advised the following proposed resolution was discussed at yesterday’s Finance Committee meeting and then referred to Mr. Lauer for his review:

A RESOLUTION OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY, PENNSYLVANIA, AUTHORIZING THE SUBMISSION OF A WRITTEN CONCEPT PROPOSAL TO A FEDERAL AGENCY FOR THE PROVISION AND OPERATION OF A DETENTION FACILITY AND TO TAKE OTHER RELATED ACTIONS

WHEREAS, a federal agency ("Federal Agency") has solicited a "written concept proposal" from local governmental entities in the northeastern portion of the United States who are interested in providing detention services related to the housing of federal detainees in a facility designed and operated in accordance with applicable federal regulations (the "Facility") pursuant to the terms of an intergovernmental services agreement ("IGSA") between the local governmental entity and Federal Agency; and

WHEREAS, The GEO Group, Inc. ("GEO") is a Florida-based global company recognized as an industry leader in the development, management and operation of detention/correctional and residential treatment facilities throughout the world, including the development and operation of detention facilities
on behalf of local governmental IGSA partners with federal agencies for the provision of similar detention services; and

WHEREAS, GEO has offered to design and construct the Facility at GEO's cost on a properly zoned site to be located in an area of the county that is acceptable to the County (the "Site"), and to make the Site and Facility available to the County for purposes of facilitation an IGSA between the County and Federal Agency on terms acceptable to the County; and

WHEREAS, the County Council believes that the development and operation of the Facility on the Site will provide substantial positive economic benefits to the County and its citizens, including hundreds of new long-term jobs and millions of dollars in local spending on goods and services required by the Facility; and

WHEREAS, the County Council believes that it will serve the County's best interests to submit a written concept proposal to the Federal Agency for the development and operation of the Facility by the County in partnership with GEO, and

WHEREAS, the County is authorized to proceed in partnership with GEO without the solicitation of competitive bids pursuant to applicable law that allows for an exemption to competitive bidding of contracts of the types contemplated for this project, based upon the unique nature of the preferred provider's qualifications and the impracticality of advertising for bids;

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Northampton that:

1. The County recognizes that the development and operation of a detention facility (the "Facility") by The GEO Group, Inc. ("GEO") on a site to be located in an area of the county that is acceptable to the County (the "Site") pursuant to an intergovernmental agreement ("IGSA") between the County and a federal agency ("Federal Agency") will provide substantial positive economic benefits to the County and its citizens, including the payment of property taxes, the creation of hundreds of new long-term jobs, and the expenditure of millions of dollars on construction of the Facility and in recurring local spending on goods and
services required by the Facility;

2. The County Executive is hereby authorized to enter into negotiations with GEO related to the County's utilization of the Facility, upon terms and conditions acceptable to the County, for purposes of facilitating the County's ability to enter into an IGSA with the Federal Agency for the housing of federal detainees at the Facility;

3. The County Executive is hereby authorized to work with GEO to develop and submit a written concept proposal to the Federal Agency prior to October 30, 2010, for the provision and operation of the Facility to be designed, financed, constructed and operated on the County's behalf by GEO;

4. The County shall cooperate fully in the issuance of all required development and construction authorizations and permits for the intended purpose of developing and operating the Facility on the Site;

5. Based upon the unique nature of GEO's qualifications to develop and operate the contemplated Facility in partnership with the County, GEO's control of the Site which is suitable for the location of the Facility, and the impracticality of advertising for bids prior to the Federal Agency's submission due date of October 30, 2010, the County hereby waives the requirement for any competitive bidding related to the County's negotiation and execution of necessary agreements with GEO related to the development and operation of the Facility on the Site by GEO consistent with the terms of an IGSA between the County and a federal agency, provided that the terms and conditions of all such agreements and related documentation have first been reviewed and approved by the County's Solicitor.

Mr. Lauer stated he wished he had more time to review the matter, but would give his opinion at this time. He further advised County Council was provided with a resolution to consider, which essentially favored a project that was to be undertaken by GEO and authorizing the County Executive to enter into negotiation with GEO, to work with GEO to submit a written
concept proposal prior to October 30, 2010, cooperate fully in the issuance of all required development and construction permits and authorizations and develop and operate the facility in partnership with GEO and the Federal agency involved.

Mr. Lauer advised he requested the representatives of GEO to provide him with a sample contract, which they did. He further advised that he and Mr. Karl Longenbach, County Solicitor, read it and it was an intergovernmental service agreement between the United States Department of Homeland Security Immigration and Customs Enforcement (ICE) and the County.

Mr. Lauer stated the contract provided the County could subcontract certain items and what was being proposed was the County submit a proposal for the execution of such an agreement with GEO as the subcontractor who would do the construction, design and staffing of the facility. He further stated he was concerned that entering into this type of an agreement without any competitive considerations could violate the Administrative Code.

Mr. Lauer advised the Administrative Code did provide for non-competitive negotiations in very limited circumstances, namely, when the County Executive or his designee determined it was not practical or prudent to use other than the required or designated supply, service or item. He further advised that prior to entering into any such contract, the County Executive must issue an Executive Order stating specific reasons for using non-competitive negotiations.

Mr. Lauer stated he would submit that competitive methods were not practical in this case, but only because of the short period of time that was available from the time this was presented to County Council and the time it was supposed to be presented to ICE. He further stated in order to determine if this was something that might be competitively negotiated, both Mr. Longenbach and himself got on line today to see whether there were other companies that did similar types of things and they found two very large companies, which were Corrections Corporation of America (CCA) and Management and Training Corporation (MTC).
Mr. Lauer advised if County Council were to pass this resolution and make an award to GEO, he believed it would be in violation of the Administrative Code and it may provide a position for other companies who provide this kind of service to create some litigation difficulties for the County and GEO. However, he was not questioning GEO’s abilities in this regard.

Mr. Lauer stated in answer to a question from yesterday as to GEO’s ability to reimburse the County in the event of any liability, he found GEO did have an extensive litigation history, but they were no different from any other company because a lot of them were from prisoners who want to get out. He noted there was an award against GEO for millions of dollars in Texas for the death of a prisoner under circumstances where they were deemed to have been less than careful.

Mr. Lauer advised he did not know the details and he was not suggesting they were not every bit as good as anyone else, but what he was suggesting was that he believed the Administrative Code required competitive negotiation where there were other providers. He further advised the only factor in this case that made it inappropriate for negotiating was the timing.

Mrs. McHale suggested tabling this resolution because based on Mr. Lauer’s comments, she would not support it.

Mr. Dowd stated he had some concerns as to what the responsibilities of the County would be, asking if the County’s contract would be with ICE and then subcontracted to GEO to provide the service.

Mr. Lauer advised that would be correct as the County would be the entity which the contract referred to as service provider, but would then, in turn, contract with GEO to provide the service. Again, he remarked he did not think it was a bad idea, but he had some concerns about the selection process when it was provided ten days before something had to happen.

Mrs. McHale stated she was concerned about the legal liabilities the County would have with the contracts with GEO and ICE.
Mr. Lauer advised as the contract was with ICE, it did provide a whole other layer of difficulties with respect to any litigation that involved ICE and of which the County was a party because they enjoyed certain immunities the County did not.

Mr. Angle stated he understood there were other Counties around the State that already had an agreement in place because they housed these people for the Federal Marshals and ICE.

Mr. John Conklin, Director of Administration, advised the biggest reason the County did not have any agreement in place was because the age and actual infrastructure of the Prison did not meet the American Correctional Association regulations for housing Federal prisoners.

Mr. Lauer stated another concern he had was that union issues may be a problem in how the prison was operated.

Mr. John Stoffa, County Executive, arrived at the meeting at this time.

In answer to Mr. Dietrich’s question as to whether contracting this to a third party would create problems because there were subcontracting clauses in a lot of the County’s bargaining unit agreements, Mr. Conklin replied it was a potential concern.

According to the resolution, Mr. Dowd advised it appeared the County would be involved in the building of the prison, therefore, he wondered if it had to be done under a union contract.

Mr. Angle stated the County would have to abide by any necessary labor laws.

Mr. McClure advised he did not think the County had to “build a union”, but prevailing wages would have to be applied and generally, those contractors tended to be union contractors.

In response to Mr. Gilbert’s request to again review his concern regarding the Administrative Code, Mr. Lauer stated the preference would be competitive sealed bid or competitive negotiation, however, the Administrative Code did provide for exception to that in various circumstances. He further stated
this project was more than $25,000 so the County was bound by the Administrative Code and one of the things it stated was the County could award a contract after non-competitive negotiation, but prior to the award of the contract, the County Executive shall issue an Executive Order stating the specific reasons for using non-competitive negotiations. He noted this was clearly designed for circumstances where there was only one company or person who could provide the requested service or where there was some emergency that had to be met and there was a person or entity locally who could meet that emergency in a timely fashion.

Mr. Angle asked what if there were only three entities who could provide the service and two were already proposing their services somewhere else so it only left one entity that could propose to provide it here because the Federal government was only looking for one facility.

Mr. Lauer advised he could not answer that because he did not know that those entities were applying elsewhere, but if that was the case, then it was something to be considered. However, he did not feel it relieved the County of its obligation to the Administration Code.

Mr. Cloid Shuler, Vice President Business Development, The GEO Group, Inc., introduced Mr. Ruben Cortina, Consultant, The GEO Group, Inc., and Mr. Philip D. Mosciski, Vice President Design Services, President, GEO Design Services, Inc., and stated that CCA and MTC were fine companies that they competed against all the time. He further stated they had contacted Pike County about this proposal, but the representatives there would not talk to him because they were talking with CCA.

Mr. Shuler advised he knew that ICE was visiting sites in New Jersey, New York and Pennsylvania. He apologized to County Council for the short notice, but they only found out about this 30 days ago and when Pike County indicated they were not interested, he remembered he looked at land two years ago in Northampton County so he thought he would come here.

Mr. Shuler stated he would like to see County Council move forward with the agreement because it was non-binding. He further stated they could submit the concept paper while negotiating with ICE and doing all the procedural stuff. He
noted some of the reasons for hiring GEO for this project were because it was unique and there was a time issue involved. He noted it was like hiring professional services to some extent in the sense that there were only a few companies that did this kind of work. He further noted he believed that CCA and his company were the only two entities that could do a project of this scope and get money in these difficult times.

Mr. Lauer advised one way County Council could proceed with the issue was to draft a resolution with any reference to GEO eliminated and just proposing to ICE the County’s interest in moving forward as a service provider. He further advised if ICE was interested, then the County could go through the competitive bid process.

In response to Mr. Lauer’s question as to what was ICE looking for by October 30, 2010, Mr. Shuler stated it was looking for movement toward reaching an agreement to house ICE detainees and the concept paper. He further stated he planned to have as many meetings as necessary to make sure the community fully understood what was to take place.

Mr. McClure advised he was reluctant to do anything with regard to this issue tonight because it was talking about the potentiality of housing 2,000 criminal illegal aliens in Northampton County and it was asking for a decision after only two days of discussion.

Mr. Angle stated the resolution would authorize the County Executive to do the negotiation of the possibility of a concept if it were to be put in Upper Mount Bethel. He further stated all the detainees would not be criminals, but those who were criminals were those who had already served their time and were just waiting to be deported. He noted this would bring approximately 700 jobs in an area that desperately needed jobs.

Mr. Dietrich advised it would be more than two days of making a decision because this was just the negotiation process and finalization would come before County Council for approval at a later date.

With regard to the October 31, 2010 deadline, Mrs. McHale stated someone else’s lack of planning should not be County Council’s problem.
Mr. Shuler advised he did not see this as a problem, but an opportunity. He further advised the notice was sent out to people who had an intergovernmental agreement, but because Northampton County did not have one, it did not receive the notice.

In answer to Mrs. McHale’s question as to whether they owned the land where the facility was going to be located, Mr. Shuler stated they were in negotiations for it.

In response to Mr. Dowd’s question as to what exactly was County Council obligating the County to do, Mr. Lauer advised it was recognizing the development and operation of the facility on a site located in the County was acceptable to the County pursuant to IGSA. He further advised it would authorize the County Executive to enter into negotiations which would ultimately be or not be acceptable to the County, to work with an unnamed entity to develop and submit a written concept proposal and to cooperate with the issuance of permits.

In answer to Mr. McClure’s question as to when ICE generally negotiated these types of agreements did they want to have the vendor identified, Mr. Cortina stated when a vendor was involved, it would get permission to be part of the negotiations so the vendor would be identified.

In response to Mr. Shuler’s question as to whether it would have to be decided tonight, Mr. Contina advised he believed they just wanted to know there was an interest in the project. He further advised when they received the information, the deadline had passed and they requested an extension so if the County Executive expressed an interest, but more time was required, he did not think that would be a problem.

In answer to Mr. McClure’s question as to whether his company had an option or were just in negotiations for the property, Mr. Shuler stated they had a verbal agreement that was moving toward a sales/purchase agreement.

Mr. Dowd advised it appeared to him the options were to close the door on the project completely or to leave it open and allow the County Executive to move forward. He further advised he was willing to move ahead.
Mr. Stephen Wiencek, Bangor Area School District Business Manager, stated he would like County Council to consider this proposal with an open mind and to grant the request to let ICE know the County did have a potential site that was capable of meeting the needs of providing this service. He further stated he believed it would be beneficial for Northampton County and specifically for the Bangor Area School District.

Mr. Wiencek advised it would create new jobs, which was very important to them. He further advised they did not want this property to become a housing development because a housing development would be a drain on the school district, but this would be a tax benefit to the school district.

Mr. Angle called for a short recess so that Mr. Lauer, Mr. Longenbach and Mr. Flisser could adjourn and draft a resolution eliminating all reference to GEO.

Mr. Angle called the meeting back to order.

Mr. Lauer stated they drafted a resolution that eliminated any reference to GEO and left in references to the fact that the County Executive was authorized to enter into negotiations with a qualified private firm to be selected by a competitive bid process.

In answer to Mrs. McHale’s question as to whether any of the detainees would be allowed back into society, Mr. Shuler advised that 95% would be returned to their country of origin or another accepting country. He further advised there may be a small percentage who, with the Court’s approval, may have family here that may be returned to that family.

In response to Mrs. McHale’s question as to whether that would be the case if they had a criminal record as well, Mr. Contina stated it would depend on the criminal record. He further stated statutorily there were certain requirements that made a person ineligible to stay in the country.

In answer to Mr. McClure’s comment that he often read in the paper about illegal aliens and Driving Under the Influence so he wondered if that would be considered one of those statutory requirements, Mr. Lauer advised it was not an aggravated felony unless there was some other activity involved.
Mr. Jerry Geake, Upper Mount Bethel Township Board of Supervisors, stated the reason the representatives from GEO were present and not those from the township was because of the short time frame. He further stated it was suggested they appear before County Council to get the ICE issue taken care of prior to submitting any plans to the township because if County Council did not approve this portion, then there was no need to go any further.

Mr. Geake advised he would like to see this project move forward not just for the township or the school district, but for all the taxpayers of the County. He further asked that the project not be killed at the beginning and for County Council to enter it with an open mind and think about the future of the County. He noted that a lot of people were of the opinion that these individuals should not be housed anywhere, but just returned to their countries, however, that was not the way our legal system worked.

In response to Mr. Dietrich’s question that as the resolution was written, there would be a Request for Proposal (RFP) process and then it would come back to County Council for the final approval, Mr. Lauer stated it would have to satisfy the requirements of the competitive process, noting any contract would have to be approved by County Council.

When Mrs. McHale asked as to whether anyone had done a background check on GEO because she was concerned about the liabilities issues, she was informed the new resolution did not specifically deal with GEO and it only would if they were chosen after the competitive process was completed.

Mr. Dietrich and Mrs. Thierry introduced the following resolution:

R. 101-2010

A RESOLUTION OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY, PENNSYLVANIA, AUTHORIZING THE SUBMISSION OF A WRITTEN CONCEPT PROPOSAL TO A FEDERAL AGENCY FOR THE PROVISION AND OPERATION OF A DETENTION
WHEREAS, a federal agency ("Federal Agency") has solicited a "written concept proposal" from local governmental entities in the northeastern portion of the United States who are interested in providing detention services related to the housing of federal detainees in a facility designed and operated in accordance with applicable federal regulations (the "Facility") pursuant to the terms of an intergovernmental services agreement ("IGSA") between the local governmental entity and Federal Agency; and

WHEREAS, the County Council believes that the development and operation of the Facility on the Site will provide substantial positive economic benefits to the County and its citizens, including hundreds of new long-term jobs and millions of dollars in local spending on goods and services required by the Facility; and

WHEREAS, the County Council believes that it will serve the County's best interests to submit a written concept proposal to the Federal Agency for the development and operation of the Facility by the County in partnership with a qualified private firm to be selected by a competitive process.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Northampton that:

1. The County recognizes that the development and operation of a detention facility (the "Facility") on a site to be located in an area of the county that is acceptable to the County (the "Site") pursuant to an intergovernmental agreement ("IGSA") between the County and a federal agency ("Federal Agency") will provide substantial positive economic benefits to the County and its citizens, including the payment of property taxes, the creation of hundreds of new long-term jobs, and the expenditure of millions of dollars on construction of the Facility and in recurring local spending on goods and services required by the Facility;
2. The County Executive is hereby authorized to enter into negotiations with a qualified private firm to be selected by a competitive process related to the County's utilization of the Facility, upon terms and conditions acceptable to the County, for purposes of facilitating the County's ability to enter into an IGSA with the Federal Agency for the housing of federal detainees at the Facility;

3. The County Executive is hereby authorized to work with a qualified private firm to be selected by a competitive process to develop and submit a written concept proposal to the Federal Agency for the provision and operation of the Facility to be designed, financed, constructed and operated on the County's behalf by a qualified private firm to be selected by a competitive process;

4. The County shall cooperate fully in the issuance of all required development and construction authorizations and permits for the intended purpose of developing and operating the Facility on the Site.

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


The resolution was adopted by a vote of 5-2, with one abstention.

Gracedale Referendum Petition

Mr. Angle advised there was a group of citizens who initiated a referendum regarding the sale of Gracedale. He further advised the people had a right to go to the Election Commission with such a petition as long as they had 12 signatures. He noted the question was did it come before County Council at that time or after they got the required number of signatures and got acknowledgment from the Election Commission that they met the criteria.
Mr. Longenbach stated it would come before County Council after they received the required number of signatures, at which time County Council had the right to either vote it up or down. He further stated if County Council did vote it down, then it would go back to the Election Commission and then on the ballot.

In answer to Mr. Angle’s question as to what role County Council’s vote play in the process did, Mr. Longenbach advised it would allow County Council to know what 10% of the registered voters wanted.

In response to Mr. Angle’s question as to what would happen if Gracedale was sold prior to the time the question was to appear on the ballot, Mr. Longenbach stated if the required number of signatures were collected and it was ready to go before County Council, they might be able to seek relief in the Courts that could bar it from entering into a contract of sale because this initiative was in process.

In answer to Mr. Angle’s question as to what would happen if after it was put on the ballot and 51% of the voters voted in favor of it, Mr. Longenbach advised it became the law of the County.

Mr. Angle stated it was very important for the public to understand that if they signed the petition, they were signing a 20% tax increase for every year of the next five years and signing for $12-18 million in capital improvements over the next three-four years to Gracedale. He further stated he did not mind it being on the ballot, but it needed to reflect the whole picture.

In response to Mr. Angle’s question as to whether something could be done about that, Mr. Longenbach advised Mr. Angle was certainly free to render an opinion as to what the consequences would be with the enactment of the ordinance, but that explanation would not fit in the tiny square in the voting booth should this matter be scheduled for a vote.

Mr. Dietrich stated he was concerned about the petition because no was talking about closing Gracedale, but if the County was forced to retain it, there could be a movement to defund it and then it probably would close.
Mr. McClure advised in Section 1105 of the Home Rule Charter there seems to be a little bit of ambiguity about what happened once the petition was filed with the Election Commission. He further advised the way he interpreted it was that no action could be taken with respect to the subject of the initiative or referendum while it was pending.

Mr. Longenbach stated there could be a distinction between a referendum petition and an initiative petition.

Mr. Angle advised Section 1101 of the Home Rule Charter clearly stated that nothing could be put on the ballot that dealt with the budget or finances and this certainly dealt with those issues.

Mr. McClure stated that he did feel that the initiative pertained to a budget or financial issue and he hoped it would not take a Court decision to determine the difference.

In answer to Mrs. Thierry’s question as to what would happen if there was a contract to sell Gracedale before it was determined the question could go on the ballot, Mr. Longenbach advised he was not sure how far along the petitioners had to be in the process before the Court would consider it and perhaps grant them a stay.

Mr. Lauer stated even though this issue was being discussed here, he felt it should be addressed by the law firm that was going to handle the Gracedale issue for the County.

**County Executive Report**

Mr. Stoffa indicated he had nothing to report tonight.

**Human Services Committee Report**

Mr. Dietrich advised the Human Services Committee held their meeting tonight where they discussed the Information Referral and Emergency Services Division of the Department of Human Services. He further advised this division was the starting point for receiving any human services assistance, excluding Gracedale.
Northampton County Gaming Revenue and Economic Redevelopment Authority Liaison Report

Mrs. McHale stated the Northampton County Gaming Revenue and Economic Redevelopment Authority would be meeting on Monday, October 25, 2010 and at that time, some of the grants would be awarded.

Adjournment

Mr. Angle made a motion to adjourn.

The motion was passed by acclamation.

Frank E. Flisser
Clerk to Council