A regular meeting of the Northampton County Council was held on the above date with the following present: Ron Angle, President; John Cusick, Vice President; Thomas H. Dietrich; J. Michael Dowd; Margaret L. Ferraro; Bruce A. Gilbert; Lamont G. McClure, Jr.; Ann McHale; Barbara A. Thierry; Philip D. Lauer, Solicitor to Council, and Frank E. Flisser, Clerk to Council.

Prayer

Pastor Carl Fischer, Grace Bible Fellowship Church, Nazareth, led County Council in prayer to open the meeting.

Pledge of Allegiance

An unnamed Veteran 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 August 19, 2010 meeting shall be approved.

Mr. Gilbert seconded the motion.

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

Courtesy of the Floor

Bernie O’Hare, 68 South Main Street, Nazareth, PA - stated Mr. Stephen Barron, the County Controller, made a statement at the last County Council meeting that he’d rather stand with the people behind him, which consisted of employees from Gracedale, than to stand with the person in front of him, which referred to Mr. Angle. He further stated he asked Mr. Barron to be present tonight, but he did not show up.
Mr. O’Hare advised his remarks concerned the event that took place on Tuesday, August 10, 2010, before 3:30 p.m., which was a work day. He noted on that day, Mr. Barron, a supposedly independent and neutral officer of the County, engaged in union organizing activity with the Communication Workers of America at T-Mobile’s Allentown Call Center, which is located in Hanover Township, Lehigh County. He further noted as part of this union organizing activity, Mr. Barron made a number of threatening statements directed at the Vice President of Customer Service of T-Mobile.

Mr. O’Hare stated Mr. Barron had claimed his words had been taken out of context and things were being blown out of proportion. He then read one of remarks into the record: “I’d also like you to think about why you didn’t meet with one of the local elected officials here in the Lehigh Valley, and how that can benefit your company. And when you do that, I’d like you to give me a call - my number is (Mr. O’Hare did not provide the number) and discuss it with you.”

Mr. O’Hare advised he believed this was a threatening remark and was memorialized on YouTube video for anyone to see. He further advised he believed Mr. Barron’s remarks reflected poorly on the County and Mr. Barron and County Council should condemn and repudiate his threatening remarks. He noted he felt County Council should declare that Mr. Barron had no authority to speak on behalf of the County and should find that Mr. Barron had abused the authority of his office and that County Council had no confidence in his ability to perform his functions as Controller. He then played the video.

Timothy Charlesworth, 4001 Schoolhouse Lane, Center Valley, PA – stated he was an attorney with the law firm of Fitzpatrick, Lentz and Bubba, PC in Center Valley. He further stated he represented the Trapani family who owned six properties in the City of Easton and had been communicating with Assistant County Solicitor Christopher Spadoni concerning the taxes on those properties. He noted they appeared before the Easton Area School District last week and were working with the City of Easton. He further noted they were asking for forgiveness of $3,000 in penalties, interest, and costs that accrued on real estate taxes for these properties during 2005 until 2009. He then provided a handout that showed the properties, amounts claimed and the base tax (see Attachment #1).
Mr. Charlesworth advised in 2001, the Trapani family sold these properties to a party named McDuffy, who was not diligent about paying the mortgage and taxes or keeping up the properties. He further advised in 2006, the Trapani family, who held the mortgages on these properties, had to foreclose forcing the McDuffys into bankruptcy. He noted the McDuffys did not make their bankruptcy payment or taxes so the bankruptcy was dismissed and the Trapani family was allowed to continue with their foreclosure on the properties. He noted the Trapani family took back the properties earlier this year, however, when they got the properties back, they were not only saddled with the taxes to the school district, the City and the County, but the properties were left in shambles.

Mr. Charlesworth stated they were seeking relief only from the interest, penalties and costs and were hoping to put this money back into the properties. He further stated the Trapani family had already rehabilitated the property at 33 South 14th Street and the tax assessment increased from $12,000 to $39,000. He noted Mr. Spadoni informed him that the Revenue Department had reviewed the request and rejected it and that the properties were up for tax sale this month.

Mr. Charlesworth advised the school district agreed with their request last week, but it was contingent upon their receiving relief from the City and the County. He further advised he was asked to contact the City tomorrow after his meeting with the County tonight to inform them as to what the County was going to do.

Mr. Angle stated the County never took action until after the school district and the City had made their decisions so he suggested Mr. Charlesworth determine what the City would do and then come back to the County.

Mr. Charlesworth advised they would be willing to accept the County’s decision with the contingency that the school district and the City were on board.

Mr. McClure stated he felt this was fundamentally the providence of the County Executive to deal with and it appeared the decision was the taxes, penalties, costs and interest were to be paid.
Mr. Dowd agreed with Mr. McClure that County Council did not have the ability to take any action and Mrs. McHale advised she felt it might set a bad precedent.

Mr. Lauer stated he just became aware of the situation and after a quick review, he felt it was a function of the County Executive.

In answer to Mr. Gilbert’s question as to what the delinquency period was, Mr. Charlesworth advised it was a five year period from 2001-2006.

Mr. McClure questioned whether the County, even functioning through the County Executive, had the power to waive interest and penalties.

Mr. Charlesworth stated interest, costs and penalties could be waived if it was determined that the amount of money an entity was to recoup from a tax sale was less than the value.

In response to Mrs. McHale’s question as to whether the owners of the properties collected rents every month from the tenants, Mr. Charlesworth advised the McDuffys did, but they were not paying the taxes.

When Mrs. McHale questioned whether the Trapani family was aware of the situation when they purchased the properties, Mr. Charlesworth stated it was a distress situation because the McDuffys were filing for bankruptcy and left the properties in a condition where no one would buy them.

Mrs. McHale reiterated she felt if the County were to forgive these costs, penalties and interest, it would be setting a bad precedent and she could not support it.

Mr. Angle advised the Trapani family sold the properties and took back a mortgage and if the person did not pay the mortgage, they could foreclose. He further advised if the person did not pay the taxes, they could pay the taxes and take it back through the tax sale or they could let it go for taxes on the first sale and it was subject to the existing mortgage, meaning whoever paid the taxes also had to assume the mortgage. He noted that was how the system worked for the past 250 years.

When Mr. Lauer stated the only difference here was the
properties were in bankruptcy for a number of years, Mr. Angle stated there were laws for that too.

Mr. Angle made a motion that the Trapani family be told County Council had no interest in being involved in this matter.

Mr. Cusick seconded the motion.

Mr. Angle called for a voice vote on the motion.

The motion was passed by a voice vote of 8-1, with Mr. McClure voting no.

Ken Bishop, Palmer Township, PA – advised he was present in support of Mr. Barron’s activities at T-Mobile. He further advised he was a member of Communication Workers of America Local 1058 in New Jersey, but he was not involved in T-Mobile, noting T-Mobile was not a good employer or neighbor. He further noted he did not see anything offensive in the video that was shown and if T-Mobile was in violation of labor laws then they were criminals and should not be doing business with any government agency. Additionally, there was nothing wrong with an elected official requesting a meeting.

In conclusion, Mr. Bishop stated he wished more government officials stood up for the working people of this country because they needed the support, but did not get it.

Mario Martinez, Forks Township, PA – provided additional petitions with names of people who were not in favor of selling or leasing Gracedale (see Attachment #2).

County Executive’s Report

Mr. John Stoffa, County Executive, advised the West Nile Virus was found in the City of Bethlehem, Hanover Township and Lower Nazareth Township and it was being monitored.

Mr. Angle commented if it was that wide spread, the County should find out what options were available to deal with the
Mr. Stoffa stated Lehigh County’s budget called for a reassessment in January 2013 and budgeted $330,000 in the 2011 budget to start the project. He further stated Lehigh and Northampton Counties performed a joint assessment in January 1991, however, at the last moment, Lehigh County dropped their values 15% to eliminate a lot of appeals without informing Northampton County.

Mr. Stoffa advised in 1992, the housing market dropped dramatically and Northampton County performed another assessment effective 1995, but Lehigh County kept its 1991 values. He further advised presently the Assessment Division was swamped with appeals because the common level ratio, which the Revenue Appeals Board used as their criteria, was now at 32%. He noted a predetermined ratio was set at 50% by County Council in 1995, therefore, it had to be determined if the County should do another assessment.

Mr. Angle agreed the assessments were stale, but the question was more as to whether they were fair. Therefore, he wanted to know what a reassessment would do in the way of equity.

Mr. Stoffa stated from everything he read, reassessment was not about raising taxes, it was about fairness of property evaluation.

Again, Mr. Angle agreed so if everyone in 1995 was assessed at that value and anything built after that was assessed at the same value, what would a reassessment do to make it more equitable.

Mr. Vic Mazziotti, Director of Fiscal Affairs, advised as far as everyone being assessed at the 1995 value, Mr. Angle was correct. However, there was a neighborhood code assigned to every neighborhood and that code was also part of the calculation process. He further advised over a period of time, some neighborhoods became more desirable to live in and while others became less desirable, which was shown by market values as it related to the assessed values.

Mr. McClure stated traditionally in reassessments, there
were people who had their taxes lowered, there were those whose taxes stayed the same and then there were those whose taxes went up. He further stated when Counties reassessed, they did not reassess for equitable reasons, but because they did not think their tax base was assessed at the proper level so more revenue would flow in eventually.

Mr. Mazziotti advised the Administration did not set the tax rate, County Council did, so their job was to determine assessed values. He further advised his understanding was that when those assessed values were determined, the tax rate must be adjusted downward if the assessed values went up, but no more than 10%. Therefore, County Council could set a tax rate that would increase revenue by 10%.

Mr. Stoffa stated Mr. Angle and Mr. Dowd attended the rededication of the Juvenile Justice Center, which went from 60 beds to 84. He further stated two classrooms were added and four offices for probation officers. He noted $5.5 million was allocated for the project, but it was going to come in under budget.

In answer to Mr. McClure’s question as to the caseload at Children, Youth and Families now that children were back at school, Mr. Stoffa advised he did not know, but he did know they were down staff.

Mr. Ross Marcus, Director of Human Services, stated the caseload would be going up in the next few weeks because it took a period of time for the teachers to get to know their new students and what the problems were. Therefore, they anticipated by the end of September/beginning of October, there would be a dramatic increase in the number of calls.

In response to Mr. McClure’s question as to whether the Division of Children, Youth and Families was understaffed, Mr. Marcus advised there were seven vacancies and he would be appearing before the special exception panel to fill some of those positions in the next few weeks.

In answer to Mr. McClure’s question as to whether there would be incidents of abuse not investigated if these positions remained unfilled, Mr. Marcus indicated there would not be because they were in the process of moving staff around within the division.
Mr. McClure then questioned why it would be necessary to fill the vacancies and Mr. Marcus replied that there would be some things of less priority that would be put aside and the caseload sizes would be increased.

In response to Mr. McClure’s question as to whether there was money in the budget, Mr. Marcus indicated there was.

Mr. Stoffa stated the County Commissioners Association of Pennsylvania (CCAP) sent an announcement of a budget freeze because the State of Pennsylvania was expecting approximately $850,000 million from the Federal government, but received approximately $280,000 million less. He further stated there were two pages of cuts so he would like County Council’s Intergovernmental Affairs Committee to meet at least twice a year with the State’s legislatures because there needed to be a dialogue with them.

Mr. Cusick advised recently Mr. Abraham Atiyeh received zoning approval for a Driving Under the Influence facility in West Easton and he wondered if Mr. Stoffa had any discussions with him.

Mr. Stoffa stated they met with Mr. Atiyeh last week.

Mr. McClure asked if the County was able to overcome some of the hurdles to working in West Easton, how would that affect the plans for a facility in Bethlehem Township.

Mr. Stoffa remarked they would have to look at the whole picture and how much money was available. He noted they were both excellent options, but both are going to cost money.

In answer to Mrs. McHale’s question as to whether Mr. Atiyeh had paid the Internal Revenue Service lien that was filed against him in Lehigh County, Mr. Stoffa replied he did not think the matter was resolved.

Public Hearings on the Ordinances Providing for Amendments to the 2010 Northampton County Budgets – Gaming Revenues and County-wide

Mr. Dowd and Mrs. Thierry introduced the following
Gaming Revenues

AN ORDINANCE AMENDING THE 2010 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - GAMING HOST COUNTY TABLES; GAMING HOST COUNTY SLOTS; GAMING AUTHORITY - RESTRICTED; GAMING AUTHORITY - UNCOMMITTED

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### C&ED - Gaming Authority - Uncommitted

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**Effective Date:**

In accordance with Northampton County Home Rule Charter 705 (e) this ordinance shall become effective upon the date of enactment.

In response to Mr. McClure’s question as to what was going on with the gaming revenues, Mr. Doran Hamann, Budget Administrator, advised the amendment that was before County Council was recognizing the experiences the County had within the first six months, primarily with the slot revenue, which exceeded what was anticipated by approximately $200 for the County per day and approximately $400 for the Gaming Authority per day.

In answer to Mrs. Ferraro’s question as to when the County would see some revenues from the table games, Mr. Hamann answered the County would not receive any revenues from the table games.

**County-wide**

AN ORDINANCE AMENDING THE 2010 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - AFFORDABLE HOUSING, COMMUNITY DEVELOPMENT GRANT, HOTEL ROOM RENTAL TAX; DEPARTMENT OF ADMINISTRATION - EMERGENCY COMMUNICATION & 911-ACT 56 ELIGIBLE; DEPARTMENT OF FISCAL AFFAIRS - CONSTABLES; DEPARTMENT OF HUMAN SERVICES - MENTAL HEALTH
## 2010

### BUDGET AMENDMENT

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Effective Date:

In accordance with Northampton County Home Rule Charter 705 (e) this ordinance shall become effective upon the date of enactment.

In response to Mr. Cusick’s question as to why the wireless fees were going up $852,464, Mr. Robert Mateff, Director of Emergency Management Services, stated currently for the 2011 budget, they were looking at what they knew they were approved for by the State. He further stated they had to make application for wireless funding in January of each year, but did not receive approval for that funding until June. He noted the reason the State budget varied so much on wireless was because it depended on how much fees they were collecting and since they were increasing the amount of those fees, there was an increase this time.

When Mr. Cusick commented his concern was that the increase was double what was budgeted, Mr. Mateff advised it was not strictly like the wire line where it was just based on your fee, it was what projects they asked to do that they were going to be using that money for.

In answer to Mr. Cusick’s question as to what was the money being used for, Mr. Mateff stated part of it was salary reimbursement, new equipment at the 911 Center, reimbursement to the County’s Geographical Information System (GIS) Division and to back up the GIS so it would be available here at the Courthouse and the 911 Center.
As there were no further questions or comments, Mr. Angle called for the vote on both ordinances.


The ordinances were adopted by a vote of 9-0.

Consideration of the Resolution Reallocating 2001 Bond Proceeds

Mr. Angle introduced the following resolution:

R. 79-2010 WHEREAS, on July 19, 2001, the Northampton County Council enacted Ordinance No. 371 of 2001 (a copy of which is attached hereto and labeled as Attachment “A”), which is more commonly known as the 2001 Bond Issue Ordinance, and which is titled, “AN ORDINANCE OF THE COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA (“COUNTY”), AUTHORIZING, PURSUANT TO THE PENNSYLVANIA LOCAL GOVERNMENT UNIT DEBT ACT (“DEBT ACT”), THE INCURRING OF LEASE RENTAL DEBT IN AN AMOUNT NOT TO EXCEED $125,000,000 TO BE IN THE FORMS OF AND EVIDENCED BY A LOAN AGREEMENT OR SIMILAR DOCUMENT WITH THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY (“AUTHORITY”) AND/OR A GUARANTY OR SIMILAR AGREEMENT PURSUANT TO WHICH THE COUNTY WILL PAY TO THE AUTHORITY SUCH AMOUNTS AS ARE NECESSARY TO EFFECT, OR WILL GUARANTEE, PAYMENT OF BONDS TO BE ISSUED BY THE AUTHORITY FOR THE PURPOSES OF PROVIDING FUNDS TO BE APPLIED FOR AND TOWARD CERTAIN CAPITAL AND ECONOMIC DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY THE COUNTY AND THE AUTHORITY; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND/OR GUARANTY; SETTING FORTH THE AMOUNTS OF THE PAYMENTS TO BE MADE THEREUNDER AND COVENANTING TO BUDGET, APPROPRIATE AND PAY SUCH AMOUNTS; PLEDGING ITS FULL FAITH, CREDIT AND TAXING POWER FOR SUCH BUDGETING, APPROPRIATION AND PAYMENT; AUTHORIZING AND DIRECTING THE PREPARATION, EXECUTION AND FILING OF A TRANSCRIPT OF PROCEEDINGS, INCLUDING THE DEBT STATEMENT AND BORROWING BASE CERTIFICATE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AUTHORIZING AND DIRECTING THE TAKING OF NECESSARY OR APPROPRIATE ACTIONS, INCLUDING EXECUTION AND DELIVERY OF REQUISITE DOCUMENTS IN CONNECTION WITH THE ISSUANCE BY THE AUTHORITY OF SAID BONDS; AND TAKING RELATED ACTIONS”; and
WHEREAS, Exhibit “A” to Ordinance No. 371-2001 identifies County General Improvement projects for which bonds were issued and included $12,896,460 for open space land acquisition, farmland preservation and for the development of County parks, including the Wayne A. Grube Memorial Park (Weaversville); and

WHEREAS, Exhibit “A” to Ordinance No. 371-2001 also identifies economic development projects for which the bonds were issued and included $13,150,000 for the Bethlehem Commerce Center project and $8,966,540 for municipal grants for infrastructure and related improvements, including the original amount of $2,573,000 for the Wind Gap Industrial Park project.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes and approves the reallocation of $871,500 of the remaining Wind Gap Industrial Park Project grant to: (a) $671,500 to the development of the Wayne A. Grube Memorial Park (Weaversville) and (b) $200,000 to the Farmland Preservation program.

BE IT FURTHER RESOLVED that the Northampton County Council authorizes and approves the reallocation of $300,000 of the remaining Bethlehem Commerce Center Project grant funds to the Farmland Preservation program.

Mr. John Conklin, Director of Administration, advised in preparing the 2011 budget, he looked at those projects that were currently funded with General Fund money and those areas that had funds allocated through the 2001 Bond Issue, but were essentially not going anywhere. He further advised he looked at ways to move money from the Bond Issue to those projects using General Fund monies and basically supplanted that to free up the General Fund monies so they could come back to the County for use.

Mr. Conklin stated this resolution presented projects that were allowable under the 2001 Bond Issue and to move that money to cover those projects and releasing the General Fund money for County use.
As there were no further comments, Mr. Angle called for the vote.


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

Consideration of the Amendment to Resolution #36-2009 - Miller-Kies Open Space Initiative Project

Mr. Cusick introduced the following resolution:

R. 80-2010  WHEREAS, the Northampton County Council approved the Miller-Kies open space project, by adopting resolution #36-2009 (a copy is attached hereto and labeled as Exhibit “A”) at the meeting held May 7, 2009; and

WHEREAS, resolution #36-2009 indicates that the County grant request was for $30,500; and

WHEREAS, subsequent to the adoption of resolution #36-2009, it was determined that $11,030.77 was needed, instead of the original request of $30,500.

NOW, THEREFORE, BE IT RESOLVED that resolution #36-2009 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline were added):

“WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the fee simple acquisition, by The Nature Conservancy, of the Miller/Kies property, Upper Mount Bethel Township, County of Northampton, which is described more fully in Exhibit “A”, a copy of which is attached hereto; and
WHEREAS, the Northampton County funding will be used to acquire properties as follows:

<table>
<thead>
<tr>
<th>Property Owner(s):</th>
<th>Daniel Miller, Shirley Kies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>South of Institute Road, Upper Mount Bethel Township, Northampton County</td>
</tr>
<tr>
<td>Parcel Identification</td>
<td>C10-5-20</td>
</tr>
<tr>
<td>Site information:</td>
<td>approximately 5.83 acres, wooded, stream runs through parcel, within the Lake Minsi Vernal Pool Complex</td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$30,500.00 $11,030.77</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$46,000.00 Pennsylvania DCNR</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, to take any and all steps necessary to complete the fee simple acquisition, by The Nature Conservancy, of the Miller/Kies property, located at South of Institute Road, Upper Mount Bethel Township Northampton County, Pennsylvania being approximately 5.83 acres, and also known as Northampton County Uniform Parcel Identifier #C10-5-20.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $30,500.00 $11,030.77 as consideration for the fee simple acquisition, by The Nature Conservancy of the Miller/Kies Property."

Mr. Cusick advised the original resolution was being amended because the County’s contribution was going to be less than previously stated.
Mr. McClure congratulated the Administration on their supporting open space, environmentally sensitive lands and farmland preservation during these difficult economic times.

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


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

Consideration of the Selection of Berkheimer Associates as the Collector of the Earned Income Taxes Resolution

Mr. Angle introduced the following resolution:

R. 81-2010 WHEREAS, the Northampton County Tax Collection Committee is comprised of 36 municipalities and eight school districts that each currently collect the Earned Income Tax independently; and

WHEREAS, as per a law enacted by the General Assembly of the Commonwealth of Pennsylvania, the Northampton County Tax Collection Committee is currently reviewing the selection of a single County-wide entity to perform the collection of the Earned Income Tax in Northampton County; and

WHEREAS, the Northampton County Tax Collection Committee reportedly has received proposals from Tri-State Financial, Keystone Municipal Collections and Berkheimer Associates for the collection of the Earned Income Tax in Northampton County; and

WHEREAS, news reports indicate that the proposed rate fees of the three proposals are within 0.1% of each other; and

WHEREAS, Berkheimer Associates, a second generation company, is the only company based in Northampton County of the three submitting Earned Income Tax collection proposals. Further, Berkheimer Associates has a 60-year history of successful collection and administration of taxes for all sizes of municipalities and school districts throughout the state; and
WHEREAS, the selection of a Northampton County based company would undoubtedly make it easier to address and resolve problems that might arise; and

WHEREAS, during the current turbulent economic conditions, it is of the utmost importance to retain jobs in Northampton County whenever and wherever possible.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council supports the selection of Berkheimer Associates, as the sole company responsible for the collection of Earned Income Taxes in Northampton County. The Northampton County Council feels that the selection of Berkheimer Associates is in the best interest of the citizens of Northampton County for the reasons herein set forth.

Mr. Angle stated it came to his attention approximately a week ago that Berkheimer Associates, which had its headquarters in Northampton County, was not going to be the collector of choice for Northampton County. He further stated he asked the Lehigh Valley Economic Development Corporation (LVEDC) and the Lehigh Valley Chamber of Commerce (LVCC) if they would attend a meeting with himself, Mr. Stoffa and the Chairman of the Northampton County Tax Collection Committee to go over what the possibilities were.

Mr. Angle advised Berkheimer Associates admitted their presentation was awful and were willing to give another one if it was requested. He further advised the end result was they indicated they would match the same price as the low bidder.

Mr. Angle stated at the meeting, it was decided that he and Mr. Stoffa would be sending a letter to all the members of the committee asking them to reconsider, as well as make telephone calls. He further stated that LVEDC and LVCC were also going to be sending letters recommending the same thing. He noted the final vote was going to be taken on September 9, 2010.

Mr. Angle advised LVEDC and LVCC have agreed this was an economic issue because there could be a chance that Berkheimer Associates may want to relocate their headquarters to a more central part of the State so they would be able to service the Counties they had gotten contracts for, which would mean a loss
of approximately 300 plus jobs.

Mr. Dowd commented government often found itself in a position whereby it wanted to support local business, but had an obligation to get the lowest price. However, he did not think the County could look cavalierly at 300 jobs during a time when the Commonwealth was experiencing its highest unemployment rate. He further commented if the price was competitive, he would personally prefer to keep the jobs in the Lehigh Valley.

Mrs. Ferraro stated she would support this resolution because she had always been a strong supporter of local businesses and she felt this was a huge economic development and job issue for the County. She further stated she felt the Committee was being extremely foolish if it turned its back on local employment.

In response to Mr. Cusick’s question as to how some of the representatives voted, Mr. Angle advised they had a list which would be provided to him after the meeting.

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


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

Gracedale

In answer to Mrs. McHale’s question as to whether Monroe County was outsourcing some of its patients because they do not have enough rooms, Mr. Marcus stated he was not aware of that, but he would check into it.

With regard to the proposed sale of Gracedale, Mrs. McHale advised she received a telephone call from a constituent who informed her that the Moravian Church had deeded Gracedale to the County and there was a restriction in the deed which may prevent a sale because it indicated if the County wanted to sell Gracedale, it would have to revert back to the Moravian Church.
Mr. Angle asked Mr. Lauer to look into the matter.

Consideration of the Resolution Pertaining to Stephen J. Barron, Controller

Mrs. Thierry introduced the following resolution:

WHEREAS, according to news reports, on August 10, 2010, Stephen Barron, the Northampton County Controller, visited the T-Mobile Allentown Call Center and attempted unsuccessfully to meet with T-Mobile Group Vice President Brian Brueckman; and

WHEREAS, during that visit, Mr. Barron reportedly made statements that could reasonably be considered threatening to T-Mobile. Also during that visit, Mr. Barron made statements which represented that he spoke on behalf of Northampton County; and

WHEREAS, Mr. Barron’s actions and statements have irreparably harmed the independent nature of the Office of Northampton County Controller and have unnecessarily politicized the Office of Northampton County Controller.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby call for the immediate resignation of Stephen Barron as the Northampton County Controller.

Mr. McClure stated he was very annoyed when he heard about the foolishness of Mr. Barron’s behavior, however, a lot of his annoyance dissipated when he saw Mr. O’Hare’s video. He further stated before the video surfaced, most everyone would agree that Mr. Barron was doing a good job as Controller.

Mr. McClure advised when he voted on this resolution, he was going to consider the totality of the work Mr. Barron had done, however, he did think his remarks were foolish, but everyone made mistakes and he did not think anything was served by calling on him to resign.

Mrs. Ferraro stated she believed County Council had to condemn and maybe repudiate that Mr. Barron had no authority to speak on behalf of the County and should not, as an independent watchdog, been there working as a union organizer. However, she
had to agree with Mr. McClure in that Mr. Barron was in his first term and his heart was in the right place and she did not think there was anyone who had been in public service that had not said or done things that they were completely embarrassed about and never forgotten.

Mr. Dowd advised condemnation was a strong word and he was not sure this matter warranted that. He further advised the matter was a trust between Mr. Barron and the voters and as he was up for reelection next November, they would have their say then. He agreed that Mr. Barron’s behavior was foolish, but he did not think it called for his resignation.

Mr. Gilbert stated having to face everyone Mr. Barron had to work with was its own form of punishment, but it did not excuse his behavior. He further stated he would be hard pressed to find anyone who had not made mistakes, but Mr. Barron had to take responsibility for his actions.

Mr. Cusick agreed that Mr. Barron’s behavior was foolish, but he did not think it rose to the level where he should be asked for his resignation. He commented he felt Mr. Stoffa’s letter was appropriate and he would support County Council sending a similar letter.

Mr. Dietrich advised he felt the resolution was a little harsh and he would like to table it until Mr. Barron could be present. He further advised that an apology should be forthcoming from Mr. Barron to the workers of Lehigh and Northampton Counties.

Mrs. McHale stated a resolution was non-binding, noting that a resolution was adopted several years ago when Mr. Angle had made some comments on his radio show that was never complied with.

Mrs. Thierry advised she viewed the Controller as a working partner of County Council and it could be said he was just being foolish, but he was not a little boy. She further advised when someone went around threatening people, it looked bad for the County and she wondered how she could trust working with this man.

Mrs. Thierry stated that Mr. Barron did not have to go to Lehigh County because there was probably work for him to do
here. She further stated she found his behavior a bit bullish, which she found appalling especially since he was a teacher. She noted if the workers wanted a union they had every right to call someone and have the union there, they did not need anyone from County Council or Mr. Barron there.

Mr. Angle advised his concern went beyond the comments, noting when Mr. Barron ran for office, he distinctly said even though it was a part time job, he would work full time because it was a pay raise. He further advised he had done his own investigation and Mr. Barron, on his best week, was in his office 20 hours. He noted while in the office, most of the time, he was on the phone with unions and politicians.

Mr. Angle stated he understood there were people who did not want Gracedale sold and he respected their opinion, but in the end the County would determine what had to be done. He further stated instead of being on the side of the County and doing his job by coming up with numbers that would verify what was right or wrong, he went out and worked with the unions against the County. He noted everybody knew he was catering to the unions because he wanted the County Executive job and he believed they would get it for him.

Mr. Angle advised he agreed Mr. Barron should not be asked to resign and indicated there was another resolution that would deal with this issue. He further advised he would be in favor of sending a letter to T-Mobile along the same lines as that which was sent by the County Executive.

After Mr. McClure asked if Mrs. Thierry was withdrawing her resolution, she acknowledged she was.

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

WHEREAS, on Tuesday, August 10, 2010, at some time before 3:30 P.M., Northampton County Controller Stephen Barron [Barron] engaged in union organizing activity with the Communications Workers of America at T-Mobile's Allentown Call Center, located at 794 Roble Road, Allentown, PA 18109.

WHEREAS, as part of this union organizing activity, Barron made the following threatening statement, directed at T-Mobile
Customer Service VP Brian Brueckman: "Please remind him [T-Mobile VP Brueckman] that if he needs anything from Northampton or Lehigh County, we're going to remember this day and we'll make sure that it will be part of the negotiations."

WHEREAS, Barron made the following additional remark for T-Mobile VP Brueckman: "I'd also like you to think about why you didn't meet with one of the local elected officials here in the Lehigh Valley, and how that can benefit your company. And when you do that, I'd like you to give me a call - my number is [redacted] - and discuss it with you."

WHEREAS, Barron's threatening remarks have been memorialized in YouTube videos on the Internet, and they imply that Northampton County will consider some form of retaliatory action against T-Mobile.

WHEREAS, Barron has been invited to appear before this Council to offer explanation or clarifications of his statements.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Northampton County Council hereby condemns and repudiates the threatening remarks made by Controller Stephen J. Barron.

2. Northampton County Council hereby declares that Controller Stephen Barron has no authority to speak on behalf of Northampton County.

3. Northampton County Council hereby finds that Controller Stephen Barron has abused his office and exceeded the scope of his authority, and as a result, has no confidence in his ability to act as Controller.

4. Northampton County Council hereby directs that a copy of this resolution be furnished to T-Mobile and Controller Stephen Barron.

Mr. McClure made a motion to remove number three from the last paragraph.
Mr. Angle called for the vote on the motion to amend the resolution.


The motion was passed by a vote of 6-3.

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

R. 82-2010 WHEREAS, on Tuesday, August 10, 2010, at some time before 3:30 P.M., Northampton County Controller Stephen Barron [Barron] engaged in union organizing activity with the Communications Workers of America at T-Mobile's Allentown Call Center, located at 794 Roble Road, Allentown, PA 18109.

WHEREAS, as part of this union organizing activity, Barron made the following threatening statement, directed at T-Mobile Customer Service VP Brian Brueckman: "Please remind him [T-Mobile VP Brueckman] that if he needs anything from Northampton or Lehigh County, we're going to remember this day and we'll make sure that it will be part of the negotiations."

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NOW, THEREFORE, BE IT RESOLVED as follows:

1. Northampton County Council hereby condemns and repudiates the threatening remarks made by Controller Stephen J. Barron.

2. Northampton County Council hereby declares that Controller Stephen Barron has no authority to speak on behalf of Northampton County.

3. Northampton County Council hereby directs that a copy of this resolution be furnished to T-Mobile and Controller Stephen Barron.


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

Open Space Initiative

Mr. Cusick advised he wanted to remind the municipalities that have not submitted requests for the municipal park grant money that the deadline is September 15, 2010.

Finance Committee

Mr. Angle stated he would like to get representatives from the Dauphin County Nursing Home to give a presentation at the next Finance Committee meeting as to how their operation was working.

In response to Mr. Cusick’s question as to whether he was investigating how to proceed with the Swaption, Mr. Angle advised they were keeping track of the number it would take for the County to get out of the Swaption.

Mr. Mazziotti stated if the County was to liquidate the Swaption, then it would have the option of calling the bonds and refunding them. He further stated interest rates were at a historical low so even though the County would have to pay to
buy out of the Swaption, it could refinance the bonds at a lower rate which would be a savings.

In answer to Mr. Cusick’s question as to whether he planned to come before County Council with a proposal in the near future, Mr. Mazziotti replied he was not.

Palmer Tax Increment Financing (TIF)

Mr. Angle advised he had a meeting with Ms. Alicia Karner, Economic Development Administrator, Department of Community and Economic Development; Mr. Conklin and Mr. Peter Reinke, Vice President of Regional Development, LVEDC, with the hopes of getting some State money for the Route 33 Project so the TIF was more beneficial to the County.

Mr. Dowd stated the TIF committee had been formed so now they could begin conducting their meetings.

911/I-78 Accident

Mrs. Ferraro advised she just wanted to say that Mr. Mateff did a great job in keeping the County informed regarding the horrific accident that took place on I-78 today.

Airport Authority Liaison Report

Mr. Dowd stated that there had been some changes made at the Lehigh Valley International Airport and he would keep County Council apprised as to what was going on.

Solicitor’s Report

Mr. Lauer advised he was asked to contact other solicitors regarding the Bethlehem TIF and noted there have been proposals and counter proposals made.

Mr. Angle suggested that an Executive Session be held to discuss the matter.
Mr. Lauer stated he had issued opinions on two other issues which would be forwarded to Mr. Flisser for distribution before the next meeting.

Executive Session

Mr. Lauer advised County Council entered into Executive Session at 8:37 p.m. and at 8:58 p.m., they reconvened.

Mr. Angle stated County Council entered into Executive Session to discuss the ongoing situation with the Bethlehem TIF and it was hopeful that within the next ten days the Bethlehem Area School District would make a decision as to what they were going to do. He further stated time was of the essence so a decision had to be made soon and if they did not, then it would be presented at the next meeting to determine a course of action, which he hoped would not involve litigation.

Adjournment

Mr. Dowd made a motion to adjourn.

Mr. Angle seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council