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

Prayer

Mr. Dowd led County Council in prayer to open the meeting.

Pledge of Allegiance

Mr. Gilbert led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the April 14, 2011 meeting shall be approved.

Mrs. Thierry seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met on April 27, 2011, to review the County Executive’s appointments to the Election Commission and the Workforce Investment Board.

Mrs. McHale introduced the following resolution:
RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

**ELECTION COMMISSION**

Appointment: Term to Expire: 12/31/11
George H. Treisner, Jr.
236 East Ettwein Street
Bethlehem PA 18018-4137

**LEHIGH VALLEY WORKFORCE INVESTMENT BOARD**

Appointment: Term to Expire: N/A
Marlice D. Hrycyszyn
308 Mauch Chunk Street
Nazareth PA 18064

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


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

**Courtesy of the Floor**

Mr. Jerry Green, United Steelworkers Union - advised he had been hearing and reading the unions would not sit down and negotiate to save Gracedale, which he found disturbing. He further advised he had sent numerous e-mails asking the Administration to sit down and bargain. He then asked if a statement was made during the Executive Session by Mr. John Conklin, Director of Administration, that he had made a commitment to the prospective new buyers that he would not solidify a contract with the two unions representing the members of Gracedale so that they would not be bound by the contract in
the event they did take over the facility.

Mrs. McHale stated it was her understanding that was the case.

Mr. Angle advised he did not remember that statement.

Mr. Dietrich stated if the comment was made it was during an Executive Session so he respectfully declined to answer.

Mr. Cusick advised he did not recall the specifics, but he felt there was an election in a few weeks and at that time, things would change markedly.

Mr. McClure stated what Mr. Green indicated was true.

Mrs. Ferraro advised she would not swear to it, but she did remember something to that effect.

Mr. Dowd stated the topic was brought up, but he could not recall the final resolution. He further stated it was during an Executive Session so he would rather defer the matter to the County Council’s Solicitor so nothing inappropriate would be discussed. He noted County Council had asked the Administration, on numerous occasions, to sit down with the unions and negotiate.

Mr. Green advised the point he wanted to make was if that was the Administration’s intention, then why should they even attempt to sit down with them and if that statement was made, he would have issue with it.

Mr. Chris Miller, Bushkill Township, PA - stated he wanted to express his dismay at the way the petition and signature process occurred regarding the Gracedale issue. He further stated he understood enough signatures had been collected to put the issue on the ballot, but what was dismaying was the fact there was apparently some chicanery that went on and there were signatures on there that were not properly acquired because the individuals who circulated the petitions were not witnesses to every signature. He noted he was not upset that the question was going to be on the ballot, but because some people stepped all over the election process with this activity.

Mr. Miller advised if there were going to be discussions
Mr. Miller stated he certainly hoped that when Mr. Mario Martinez responded, “get use to it” to Mr. Bernie O’Hare’s comment about mob rule, he was not advocating anarchy.

Ms. Raydene Harwick, American Federation of State, County and Municipal Employees (AFSCME) District 88 Staff Representative – advised she represented the Court-Appointed Professional Unit in Northampton County. She further advised County Council rejected an arbitration award for this unit by a majority vote of 6-2 at its last meeting. Although, it was not her practice to negotiate contracts publicly, she felt she needed to address the issues made public by some County Council members.

Ms. Harwick stated what might not have been known was the Court-Appointed Professional Unit had a wage freeze from 2004-2007 when the economic climate was not as detrimental as it appeared to be today. She further stated the prior contract also went to binding interest arbitration whereby this unit was awarded a pay classification study which was to be completed on or before the end of June 2009. She noted the Administration hired the Hay Group to perform the study, however, it was the non-representing Career Service employees who benefitted from it pursuant to a County Executive directive. She further noted one might perceive this action as a union busting tactic.

Ms. Harwick advised in 2007 and 2008, non-representing Career Service employees and bargaining union employees were performing similar duties with Career Service employees’ salaries ranging from $562 to $808 higher than the Court-Appointed Professional Unit employees’ salaries. She further advised in 2009, after the Hay Group study, non-representing Career Service employees, performing those same similar duties, received salary increases ranging from $2,188 to $3,578 above the bargaining unit employees.

Ms. Harwick stated the union believed this was a direct result from that pay classification study, which was negotiated and awarded to the Court-Appointed Professional Unit. She further stated the union did file for arbitration, which they won, however, there was no remedy awarded because the contract did not specify consequences to the County for failing to
complete the study. She noted it did factor in an unnecessary financial expense to the County to prepare and present their case at the arbitration hearing, but if they had just honored the Collective Bargaining Agreement, that expense would not have occurred.

With regard to the employees' health care contributions, Ms. Harwick advised the Court-Appointed Professional Unit employees have always paid the same percentage as the non-representing Career Service employees. She further advised the Court-Appointed Professional Unit employees' health care contributions increased in January 2010 and 2011 even though their salaries did not. She noted overall, the Court-Appointed Professional Unit employees' health care contributions increased by 1.5% while their salaries remained frozen since 2009.

Ms. Harwick stated at the time this contract was negotiated, a budget analysis was performed from financial audits provided by the County for the last three years prior to the negotiation year. She further stated their AFSCME Labor Economist provided a summary that showed in 2009, there was a balance of approximately $62 million in unreserved funds, which could be used for union negotiations. She noted this was a surplus well over the 5-15% recommendation by the Government Financial Officers Association (GFOA) and the Government Accounting Standard Board (GASB) recommends that unrestrictive funds should represent no less than two months of operating expenses, however, a minimum as little as 5% may be appropriate for larger governments. She further noted the County continues to hold a surplus of approximately $40-62 million, which exceeded the GFOA and GASB recommendations.

Ms. Harwick advised it was mentioned at the last meeting that the Court-Appointed Professional Unit employees should live in the real world. She further advised their real world consisted of front line social services work which generated revenue for the County through fees, programs or government grants and their real world deserved equal compensation. She noted the County had a newly implemented Driving Under the Influence after hours program that will be generating a great deal of money and would more than substantiate the wage increase awarded to this unit.

Ms. Harwick stated the Court-Appointed Professional Unit
employees were taxpayers that elected them into office and were constituents in the municipalities each County Council member represented. She further stated public employees continued to be treated and viewed as second-class citizens, however, the duties they performed kept communities safe. She noted Northampton County had many attractions for visitors, however, when it came to Northampton County employees living here, County Council rejected what sustains them.

Ms. Harwick advised the union was prepared to file an Unfair Labor Practice charge based on the rejection vote which would cause further unnecessary financial strains on the County’s economic situation.

County Executive’s Report

Mr. John Stoffa, County Executive, stated the Veteran Mobile Unit was present at the Milides parking lot this afternoon, which a number of individuals visited.

Mr. Stoffa advised there was an emergency situation with one light standard at Route 512 and Route 22 that may have to come down. He further advised the County was responsible for light standards at the intersections of Route 22, Route 191, Route 33 and Route 512. He further advised he did not think they should be the County’s responsibility and planned to contact the State legislatures to determine what could be done about the issue.

Mr. Stoffa stated the vending machine compressor in the Work Release building caught fire this afternoon, but was handled before the fire company arrived.

Mr. Stoffa advised one of the two bridges that had closed would be reopened either today or tomorrow. He further advised he asked Mr. Steve DeSalva, Director of Public Works, and Keller Engineering, who had evaluated the County’s bridges, to rate them because money was going to have to be found to replace some of them. He noted they received $500,000 through Liquid Fuel Taxes, but it was not enough to take care of 114 bridges and the four bridges Northampton County shared with Lehigh County.

Mr. Stoffa stated Mr. David Graf, Director of Veteran
Affairs, was retiring in three months so they were going to have to find a replacement for him.

Public Hearing on the Ordinance Titled, “AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XIII, PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, Section 13.15 PURCHASE, SALE AND LEASE OF REAL ESTATE”

Mr. Cusick advised the Administration requested the Administrative Code Section 13.15 be amended to waive the requirement of obtaining two appraisals in certain instances pertaining to the sale/lease of County property.

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

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XIII, PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, SECTION 13.15 PURCHASE, SALE AND LEASE OF REAL ESTATE, b. SEALED APPRAISALS

WHEREAS, Northampton County Home Rule Charter Section 202 Powers (7) provides that the County Council shall have the power “to adopt, amend, and repeal the Administrative Code”; and

WHEREAS, Northampton County Home Rule Charter Section 602. Ordinances (a) Acts Required (1) provides that the County Council shall “adopt an ordinance for any act which adopts or amends the Administrative Code…”

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Northampton County Administrative Code, Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate, b. Sealed Appraisals, shall be amended to read as indicated hereafter (sections marked with bold underline have been added and sections marked with strikeout have been deleted):

ARTICLE XIII

PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY

SECTION 13.15 Purchase, Sale and Lease of Real
Section 13.15  Purchase, Sale and Lease of Real Estate

   a. The County Executive has the authority to execute or cause to be executed on behalf of the County all deeds and contracts for the purchase, sale, or lease of real estate, subject to the procedures set forth in this article.

   b. Sealed Appraisals. The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers. This requirement may be waived by the County Executive and approved by the Northampton County Council, by resolution, where it can be demonstrated that:

      1. The costs of the appraisals are likely to exceed the value of the properties or project to which the appraisals pertain;
      
      2. The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise deemed unnecessary;
      
      3. The property at issue has been appraised within 2 years prior to the proposed sale, lease or purchase of the real estate, and the appraisals were approved by County Council;
      
      4. Other compelling reasons exist to waive the
appraisals for example, "time is of the essence" to complete the sale, lease or purchase, and a reasonable statement of value is available.

5. In any of circumstances set forth in sections 13.15 b.1., 2., 3. or 4., County Council shall approve, by resolution, the County Executive proceeding without two sealed appraisals.

c. Purchase/Sale/Lease of Real Estate

(1) The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease.

(2) In presenting a proposal or a contract to purchase/sell/lease real estate to County Council for approval, the County Executive shall make public the two sealed appraisals received by the County.

Public Hearing

Mr. Cusick asked if there was anyone from the public who wished to comment on this ordinance. There were no respondents.
Mr. Cusick asked if any member of County Council wished to comment.

Mrs. Ferraro asked if County Council would still have to approve all purchases, sales or leases, to which Mr. Karl Longenbach, County Solicitor, replied they would.

Mr. Lauer stated this ordinance was proposing the County Executive could bring a proposal before County Council without appraisals from two professional appraisers if one of the exceptions applied. He further stated County Council would still have to give final approval.

Mrs. McHale advised she would not support this ordinance because she felt the appraisals should be received. She further advised she realized the Administration’s reasoning behind this ordinance was the cost involved, however, if that was the case, the entity that either wanted to purchase or lease the County’s property, should pay the cost of the appraisals.

In answer to Mr. McClure’s question as to who determined whether the project itself required an appraisal, Mr. Longenbach stated under the existing Administrative Code, in every instance where there was a sale, lease or purchase of real estate, the appraisals were required, however, if this amendment was approved, it would create exceptions that would allow the County Executive to come before County Council without the two professional appraisals and the reason why.

Mr. McClure advised he was not concerned with those items dealing with the cost, but he was concerned with item number four wherein it referred to the essence of timing.

Mr. Longenbach stated that was offered to suggest there may be instances when the Administration felt prompt action was appropriate, however, County Council maintained the right to determine whether they agreed.

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

The ordinance was adopted by a vote of 6-2, with 1 abstention.

Public Hearing on the Ordinance Titled, “AN ORDINANCE AUTHORIZING NORTHAMPTON COUNTY TO LEASE A PORTION OF COUNTY OWNED PROPERTY AT 255 LEVIS ROAD, UPPER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA TO T-MOBILE NORTHEAST LLC”

Mr. Cusick advised the Administration requested County Council approve a lease for County-owned property at Levis Road.

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

AN ORDINANCE AUTHORIZING NORTHAMPTON COUNTY TO LEASE A PORTION OF COUNTY OWNED PROPERTY AT 255 LEVIS ROAD, UPPER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA TO T-MOBILE NORTHEAST LLC

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 to T-Mobile Northeast LLC, a portion of County-owned property at 255 Levis Road (identified as Tax Parcel No. J7-13-9-PKB-242-Ac), Upper Nazareth Township, Northampton County, Pennsylvania for an initial annual rent of $1,800.00 per month, said rent to be adjusted in accordance with the terms of the lease agreement, attached hereto and made a part hereof as Exhibit "A".

Public Hearing

Mr. Cusick asked if there was anyone from the public who wished to comment on this ordinance. There were no respondents.
Mr. Cusick asked if any member of County Council wished to comment regarding this ordinance.

In response to Mrs. McHale’s question as to why the lease did not request the County be added as an additional insurer and if there was proof of Waiver of Subrogation, Mr. Longenbach stated these were part of the indemnification as set forth in the agreement.

Mr. McClure made a motion to table this ordinance until such time as the issues Mrs. McHale raised were addressed. Mrs. McHale seconded the motion.

After Mr. Angle commented that he agreed those issues should be part of the agreement, however, he did not want to risk the possibility of losing this deal, Mrs. McHale withdrew her second to table.

As there was no longer a second to the motion, it was withdrawn.

Mrs. McHale made a motion to amend the ordinance to include the County as an additional insurer on the tenant’s liability policy and to provide the County with proof.

Mr. Dowd seconded the motion.

As there were no further questions or comments, Mr. Cusick called for the vote on the motion to amend the ordinance.


The motion was passed by a vote of 9-0.

As there were no further questions or comments, Mr. Cusick called for the vote on the following amended ordinance:

AN ORDINANCE AUTHORIZING NORTHAMPTON COUNTY TO LEASE A PORTION OF COUNTY OWNED PROPERTY AT 255 LEVIS ROAD, UPPER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA TO T-MOBILE
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 to T-Mobile Northeast LLC, a portion of County-owned property at 255 Levis Road (identified as Tax Parcel No. J7-13-9-PKB-242-Ac), Upper Nazareth Township, Northampton County, Pennsylvania for an initial annual rent of $1,800.00 per month, said rent to be adjusted in accordance with the terms of the lease agreement, attached hereto and made a part hereof as Exhibit "A".

IT IS FURTHER ORDAINED AND ENACTED that the tenant shall add the County of Northampton as an additional insured on their liability policy.


The amended ordinance was adopted by a vote of 9-0.

Collective Bargaining Unit Agreement Between the County of Northampton and AFSCME District Council 88, the Court-Appointed Professional Unit

Mrs. McHale advised earlier today, County Council received Mr. Lauer’s opinion with regard to the labor contract that was voted down at the last meeting. She further advised his legal opinion suggested the matter be considered again by County Council and any action be preceded by a detailed discussion and analysis of cost. She noted the costs were presented to County Council during its Executive Session so she was making a motion that County Council approve the Collective Bargaining Agreement of AFSCME District 88 Court-Appointed Professional Unit.

Mr. McClure seconded the motion.
Mr. Cusick asked if there were any comments regarding the motion.

Mr. Angle stated as a point of order, this issue should have been given to Mr. Flisser by Monday to be put on today’s agenda.

In answer to Mr. McClure’s question as to whether it was his view that County Council acted unlawfully in rejecting the 2010 and 2011 awards, Mr. Lauer replied that was part of it.

Mr. Lauer advised there was a statute with respect to Court employees and that statute provided if they reached an impasse in collective bargaining and it could not be resolved, the impasse shall be submitted to a panel of arbitrators whose decision shall be final and binding upon both parties with the proviso that if the decision of the arbitrators would require legislative enactment to be effective, it shall be considered advisory only.

Mr. Lauer stated there were essentially two requirements if County Council wanted to consider an arbitrator award advisory and not binding. He further stated first, they would have to find that it required legislative action in order to implement it, which usually meant taxes had to be raised or something like that and secondly, if they wanted to ignore it and consider it to be advisory, they would have to, according to the Supreme Court, carefully consider it.

Mr. Lauer advised in a case similar to this, an award of arbitrators was presented to the County Commissioners and within a day or two prior to the County Commissioners’ meeting, a summary analysis was put together and it was rejected. However, the Supreme Court ruled that even though they got over the first hurdle, they had not gone over the second hurdle because they did not really consider it. He noted considering it meant looking at it to determine whether or not it required legislative action.

Mr. Lauer stated the mere fact that something was going to cost more money in an arbitrator award was not a reason to
consider it as advisory only. He further stated their point was every arbitrator award ended up costing money so that was not the issue. He noted the issue was whether some action had to be taken in the way of legislation to implement what the arbitrators awarded. He further noted the Supreme Court specifically stated simply transferring money within the budget from one line item to another was not legislative action and did not render the arbitrators’ award meaningless.

Mr. Lauer advised with respect to 2010 and 2011, as there were budgets and items were moved around within those budgets and as the County had a surplus of some size, which the Supreme Court specifically indicated had to be used for things such as this, it seemed to him that the financial consequences of the arbitrators’ award for those two years could be resolved by something other than current legislative action.

Mr. McClure asked whether he was correct, in his understanding, that the action taken with regard to 2012, would have been proper had certain criteria been met and specifically, had all the debate that took place in the conference room had taken place in public before the rejection of the 2012 arbitration.

Mr. Lauer stated there could have been an Executive Session to discuss it, but County Council’s rejection of it was probably not defensible unless the reasons for rejecting it were stated for the record. He further stated with respect to 2012, County Council could reject it, but first a decision had to be made as what legislative action had to be taken, which would mean the levying of a new tax or something along those lines, and then the reasons had to be stated for public record.

In response to Mr. McClure’s question as to whether the years were severable, Mr. Lauer replied he did not know, but he did not think so. He further replied he believed there were give and takes that went into an arbitrator award and probably one of those was the term of the contract, therefore, it was probably a single, non-severable item.

Mr. Longenbach advised there were probably competing views on this subject, but based on what Mr. Lauer suggested, it appeared that 2010 and 2011 would be, if an Unfair Labor Practice was filed, upheld as binding on the County, whereas
2012, was separate and distinct. He further advised he had not researched this particular point, but it would be reasonable to consider that 2010 and 2011 were distinct and severable from the three year contract. However, whether that was the case or not, he was not absolutely sure, but otherwise, County Council was left with not approving the entire contract and depriving them of benefits of the last two years which would appear to be inevitably enforceable at some point down the road.

In answer to Mr. McClure’s comment that based on that analysis, a Court could potentially impose 2010 and 2011 on the County and say it was on its own for 2012, Mr. Longenbach indicated that was correct, but the County might want to obtain the reaction of the other party to the collective bargaining as to how they would perceive that action because they may find it objectionable and warranting some type of legal action.

Mr. Lauer pointed out for the sake of discussion, an argument could be made that this was contemplated to be one agreement for three years and that if only two were enforceable, then perhaps other concessions would have been considered. Further, he agreed with Mr. Longenbach that the County would have a hard time prevailing for 2010 and 2011.

Since they were basically stating the taxpayers, who have not received any raises, had to pay for this contract, Mr. Angle suggested the County should proportionally lay off a couple of people to make up for the 5% raise because where was the County going to keep finding this money.

Mr. Cusick stated as County Council just received this opinion and he did not have a copy of that contract in front of him, he was not prepared to address it. Therefore, he asked if Mrs. McHale and Mr. McClure would withdraw their motion and place it on next week’s agenda.

Mr. McClure and Mrs. McHale both indicated they would not withdraw their motion.

Mr. Cusick made a motion to table Mrs. McHale and Mr. McClure’s motion.
Mr. Angle seconded the motion.

As a point of order, Mr. McClure asked Mr. Cusick as to under what authority in the Home Rule Charter he was proceeding because under the Home Rule Charter any two members of County Council could raise an issue at any time.

Mr. Cusick advised he would agree that was accurate, but he felt there was some flexibility with it and for him, personally, as he did not have the contract in front of him and Mr. Lauer’s opinion was only received earlier in the day, he was not prepared to cast a vote so that was the reason he wanted to proceed with the motion to table.

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


The motion to table passed by a 7-2 vote.

Consideration of the Administrative Code Article XIII, Contract Change Order Approval Resolution - Historic Courthouse

Mr. Cusick stated from time to time County Council was asked to approve contracts that met certain requirements of the Administrative Code Article XIII. He further stated the County Executive was now asking County Council to approve change orders for the Historic Courthouse Window Replacement Project. He noted this request was considered at the Finance Committee meeting held yesterday and it was recommended that it be presented to the whole of County Council.

Mr. Cusick introduced the following resolution:

R. 44-2011 WHEREAS, the Northampton County Council adopted resolution No. 96-2010, in which it approved a contract with Alfero Co., Inc. for the Historic Courthouse Window Repair and Replacement Project; and

WHEREAS, resolution No. 96-2010 reads as follows:
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.

WHEREAS, on April 16, 2011, the Northampton County Council received a request from the Northampton County Executive to approve a change order, in the amount of $441,134.00, relative to the contract with Alfero Co., Inc. The original contract price was $1,142,613.00 and the new contract price is $1,583,747.00. 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 approve the contract change order for Alfero Co., Inc. for the Historic Courthouse Window Repair and Replacement Project.

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

The vote: Cusick, “yes”; Ferraro, “yes”; Angle, “yes”;

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

Consideration of the Amendment to Resolution No. 42-2009 - Williams Township Municipal Park Open Space Project

Mr. Cusick advised at the request of the Administration, a resolution was prepared amending resolution #42-2009, which initially approved a Williams Township municipal park project. He further advised County Council initially approved an allocation of $75,000 for the project, but only $73,055.56 was needed and this resolution made the necessary adjustment.

Mr. Cusick introduced the following resolution:

R. 45-2011 WHEREAS, the Northampton County Council approved the Miller-Kies open space project by adopting resolution #42-2009 (a copy is attached hereto and labeled as Exhibit “A”) at the meeting held May 7, 2009; and

WHEREAS, resolution #42-2009 indicates that the County grant request was for $75,000; and

WHEREAS, subsequent to the adoption of resolution #42-2009, it was determined that $73,055.56 was needed instead of the original request of $75,000.

NOW, THEREFORE, BE IT RESOLVED that resolution #42-2009 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline were added):

Number 42-2009

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 approval of the Williams Township - Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project; and

WHEREAS, the Northampton County funding will be used as follows:

<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>Williams Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>Raubsville Park, Kiefer &amp; Young Streets, Raubsville, Williams Township Municipal Park, Cider Press &amp; Gaffney Hill Roads, Williams Township, Northampton County</td>
</tr>
<tr>
<td>Parcel Identifications:</td>
<td>Raubsville: N10-4-13-13, N10-4-13-20; Township Park N9-6-17</td>
</tr>
<tr>
<td>Park Development Description:</td>
<td>Raubsville Park - Replace climbing and play structures for pre-school and school aged children; install durable safety surfacing</td>
</tr>
<tr>
<td>Williams Township Park - Add life trail equipment adjacent to the walking path</td>
<td></td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>No acquisition involved</td>
</tr>
<tr>
<td>Municipal Allocation:</td>
<td>$107,625</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$75,000 $73,055.56</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$75,000 Williams Township</td>
</tr>
</tbody>
</table>

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

(1) The Northampton County Council hereby approves the Williams Township - Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his designee, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.
(2) The Northampton County Council further directs the Northampton County Executive to appropriate $75,000 as the Northampton County contribution to the Williams Township - Raubsville Park Playground Rehabilitation Project and Township Park Life Trail Project.

(3) Approval of this project is contingent on the money being appropriated.

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


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

Consideration of the County Commissioners Association of Pennsylvania (CCAP) 125th Anniversary Celebration Resolution

Mr. Cusick stated in honor and recognition of the 125th Anniversary of CCAP, Counties across Pennsylvania were adopting proclamations to commemorate this momentous occasion.

Mr. Cusick introduced the following resolution:

R. 46-2011 WHEREAS, the County Commissioners Association of Pennsylvania (CCAP) has provided the Commonwealth of Pennsylvania’s sixty seven Counties with a variety of essential services to assist Counties in effectively and efficiently meeting the needs of the Commonwealth’s residents for the past 125 years; and

WHEREAS, CCAP and all of the Counties it represents, including the County of Northampton, take seriously their responsibility to protect and enhance the health, welfare and safety of their residents in sensible and cost-effective ways; and
WHEREAS, the depth and breadth of the knowledge and services CCAP has provided to Counties has consistently benefitted the County of Northampton in meeting the unique and emerging needs of Pennsylvania’s population in a wide range of settings; and

WHEREAS, CCAP has worked diligently to elevate the awareness of what County government does, has worked to assure Counties and their employees are prepared to meet the needs of residents, and has provided superior representation before the State and Federal governments on behalf of all Counties; and

WHEREAS, CCAP, as the voice of County government, is working to protect the interests of Counties and their residents while at the same time working to chart a new course for resilient and cost-effective County government that can meet the challenges of a diverse and changing population; and

WHEREAS, County government delivers many important and diverse services and programs to Pennsylvania’s residents and their families including, but not limited to, services to the aged; mental health /early intervention /developmental programs; children, youth and family services; drug and alcohol services; 911 and emergency management services; elections; an array of criminal justice services, as well as community and economic development programs; and

WHEREAS, CCAP is the only state-wide organization that represents County government in the Commonwealth of Pennsylvania; and

WHEREAS, the County of Northampton and CCAP are working together to Restore the Partnership among all levels of government to better serve Pennsylvania’s communities.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council of the County of Northampton does hereby proclaim this 28th day of April 2011 as County Commissioners Association of Pennsylvania Day, in honor of CCAP’s 125th Anniversary, and in recognition of its continuing support and leadership for all Counties. Further, all County officials, employees and residents are encouraged to participate in activities that honor County government and its contributions to our community.
As there were no questions or comments, Mr. Cusick called for the vote.


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

Economic Development Committee Report

Mr. Dowd advised a study was previously requested by County Council to look at the relationship between the Lehigh Valley Economic Development Corporation (LVEDC) and the County’s Department of Community and Economic Development (DCED) activities. He further advised a copy of that study, which was conducted by Camoin Associates, was distributed to members of County Council. He noted he did not think there were any surprises in the report, but there were a number of actions that may be taken as a result of it that would be beneficial to the County.

Mr. Dowd stated the study presented some ideas which would allow the County’s DCED to expand its reach in the field of economic development. He noted one thing that had been done previously, but not in the last ten years, was the development of an economic strategy for the County.

Mr. Dowd suggested everyone review the study for discussion in the near future at either an Economic Development Committee or County Council meeting.

In response to Mr. Angle’s question as to whether the County could have done more with those economic dollars than LVEDC, Mr. Dowd advised the conclusion of the report was it could not.
In answer to Mr. Angle’s question as to what was the County’s total contribution, including the hotel tax, to LVEDC, Mr. Dowd stated it was approximately $600,000.

In response to Mr. Angle’s question as whether the County could not do more for the County with that money, Mr. McClure replied the law stated hotel tax dollars could not be used in house for economic development.

Mr. Angle agreed as the law stood now, but consideration should be given to changing the law because hotel tax money should go to tourism.

Mr. Dowd advised he received notice from Ms. Lori Sywensky, Community Development Administrator, DCED, that they were now soliciting responses from local municipalities for Community Development Block Grant funds for the coming year so the members of County Council may want to discuss this with the municipalities in their districts.

Human Services Committee Report

Mr. Dietrich stated the Human Services Committee met today and the topic was the State’s budget effect on the Department of Human Services. He further stated as the budget had not been passed, they discussed how the County could have a positive impact on the funding for the services it provided and decided a letter from County Council would be appropriate to identify that the County was in need of funding to be able to provide these services and if it was not received, some of them may have to be eliminated or downsized.

Mr. Dietrich advised they also discussed conducting a meeting with elected officials at the County and State levels to open up the lines of communication to ensure an awareness of the situation.

In response to Mr. McClure’s comment that from the information provided by CCAP, he did not see a panic situation, Mr. Cusick agreed the initial budget that came out was not as bad as expected. However, he believed the concern was since higher education took a big hit and had a lot of lobbyists, some of the funding allocated for human services may become a target
to fill some of their budget requests. He stated he felt it was incumbent upon the County to make the case to keep the budget as it was initially proposed even though CCAP was already doing it.

Mr. Marcus, Director of Human Services, advised beyond that was the restoration of the Human Services Development Fund, which was a flexible source of funding they received for the entire department at a very small cost to the State and allowed them to do a lot of different types of services than the categorical funding.

Open Space Committee Report

Mr. Cusick stated he scheduled a meeting of the Open Space Committee for 4:00 p.m., on May 19, 2011, to discuss some changes to the County’s open space plan and to review a number of projects in the pipeline.

Finance Committee Report

Mr. Cusick advised the Finance Committee met yesterday to discuss the County Executive’s proposed Gracedale budget amendment, as well as some projects for the Guaranteed Energy Savings Agreement that the County already entered into.

Mr. Angle stated another issue that was discussed, and where there appeared to be a consensus, was for the County Executive to operate Gracedale for the entire year on the $3 million that was budgeted.

In answer to Mr. Dowd’s question as to whether County Council would receive an assessment as to where that budget was at the present time, Mr. Angle advised Mr. Stoffa indicated they were on target.

Mr. Stoffa stated he planned to present County Council with a budget amendment and then County Council would have to determine if they wanted to vote it down.

Mr. McClure advised he did not see any danger in initially sticking with the $3 million budget because he did not think anyone present would not vote to contribute another $500,000 or
$1 million if there was a chance that critical services would not be provided.

Mr. Angle stated if the County Executive sat down with the two unions and discussed the $6 million in give backs, there would not be a problem.

Mr. McClure advised he did not think there was any panic with regard to the budget amendment because first the issue had to be voted on and then a management team had to be hired. He further advised even the flawed study that was previously presented indicated approximately $2 million could be saved with some management changes. Additionally, he never agreed with the figure of $6 million for give backs, but some level of concessions could obviate any need for a County contribution.

Mr. Cusick stated Mrs. Ferraro and Mr. Dietrich both agreed to volunteer their time to be part of the evaluation committee to review the management proposals.

911 Liaison Report

Mr. Dietrich advised the dispatcher positions had been filled and the individuals were currently being trained.

Northampton County Gaming Revenue and Economic Redevelopment Authority Liaison Report

Mr. Dietrich stated they were still making progress with the uncommitted funds, noting interviews and presentations were being held, but no decisions have been made.

Agricultural Extension Liaison Report

Mr. Dietrich advised the State was looking at cutting Penn State’s budget for agricultural extension so even though the
County was making progress preserving farmland, it could be losing a lot of resources to help the farmers. He further advised if anyone was concerned about the situation, they should contact their State representatives.

Mr. Angle advised that Penn State did more with gardeners than actual farmers.

Adjournment

Mrs. Thierry made a motion to adjourn.

Mrs. McHale seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council