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

Prayer

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

Pledge of Allegiance

Ms. Thierry led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 4, 2011 meeting shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Anthony Scott, 324 Stone Church Drive, Mount Bethel, PA - stated he just wanted to express how disappointed he was with County Council for once again flip flopping on the purchase of the Broad and Kirkridge properties. He further stated this showed a lack of leadership and financial responsibility, noting there was nothing wrong with asking for a second appraisal for these properties. He noted the fact that there was going to be a second appraisal down the road was just like rubber stamping the whole process.
Mr. Scott advised the Nature Conservancy was sued in the State of New York several years ago for purchasing properties in the Adirondacks for $6.3 million and selling it back to New York State a few years later at a profit of approximately $3.7 million. He further advised to justify this obscene return on their investment, they furnished two appraisals yet the Nature Conservancy convinced the Supervisors of Upper Mount Bethel that they only required one appraisal.

Mr. Scott stated he wanted to correct something that Dr. Jodee LaCasse read from Ms. Janet Pearson’s letter that indicated Mr. Angle was not a champion of the taxpayers because that was exactly what Mr. Angle was.

Ms. Judy Henckel, Upper Mount Bethel Township, PA - advised she would like County Council to consider funding open space during the 2012 budget year. She further advised she would like to thank them for all the projects they supported thus far, but there were some municipalities who were just getting ready to apply for matching grants.

County Executive’s Report

Mr. Stoffa stated he did not have a report.

Public Hearing on the Ordinance Providing for the Leasing of 301 Northampton Street

Mr. Cusick advised the following ordinance was introduced by Messrs. Dietrich and Dowd at the meeting held on August 4, 2011:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE 301 NORTHAMPTON STREET, LOCATED IN THE CITY OF EASTON, NORTHAMPTON COUNTY PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides,
"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."; and

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."

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to extend the lease for 301 Northampton Street, located in the City of Easton, Northampton County Pennsylvania, for the period August 1, 2011 to July 31, 2014, for the rent of $2,332.75 per month. The terms and conditions of the lease shall be in accordance with the lease agreement and related documentation, copies of which are attached hereto and made a part hereof as Exhibit "A".

Effective Date: This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if anyone from the public wished to address County Council on this ordinance.

Mr. Angle stated it might be beneficial if someone explained what the lease was before asking for comment.

Mr. Dietrich advised the County had been leasing this property for a senior center and the landlord was willing to extend the lease without increasing the rent until 2014.

Mr. Cusick asked if anyone from the public wished to comment.

There were no respondents.
Mr. Cusick asked if any members of County Council wished to comment.

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


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

**Department of Public Welfare - Reimbursements**

Mrs. Ferraro stated she received a call from Senator Bob Mensch’s office informing her the Department of Public Welfare had sent out a Request for Proposal for a study of nursing home reimbursements, both public and private.

**Allentown State Hospital**

Mrs. Ferraro advised the Allentown State Hospital had extended the time period for Northampton County to relocate its residents until June of 2012.


Mr. Cusick stated at the request of Mrs. Thierry, an ordinance was prepared that would terminate Northampton County’s involvement in the formation of a bi-County health department. He further stated the public hearing, debate and possible vote would be held at the meeting on September 1, 2011.

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

AN ORDINANCE REPEALING ORDINANCE NO. 475-2007, AN ORDINANCE TITLED, "AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ."

WHEREAS, Ordinance No. 475-2007 was enacted on December 7, 2007, to read as follows:

"AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ."

WHEREAS, Northampton County Council is empowered as the governing body of Northampton County to exercise the legislative power of the County to enact laws in the form of Ordinances under the powers conferred upon it by the laws of the Commonwealth of Pennsylvania and Section 1.2-202 of the Northampton County Home Rule Charter (348 Pa. Code 1.2-202) and,

WHEREAS, Northampton County Council desires to exercise its powers to create and to establish a Joint Northampton-Lehigh County Department of Health under the local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, § 1, 16 P.S. 12001 - 12028, as amended and,

WHEREAS, in the creation and establishment of the Joint Northampton-Lehigh County Department of Health,
the Local Health Administration Law requires Northampton County Council to act in concert with the governing body Commissioners of Lehigh County and to form a Joint Counties Health Commission and,

WHEREAS, once formed, the Joint Counties Health Commission is thereafter required to appoint a Board of Health under the Local Health Administration Law of the Commonwealth of Pennsylvania.

NOW THEREFORE, BE IT ENACTED UNDER NORTHAMPTON COUNTY HOME RULE CHARTER 1-602 (14) AND RESOLVED AS LAW THAT:

1. Provided the governing body Commissioners of Lehigh County has first or contemporaneously herewith enacted an Ordinance identical in purpose as this Ordinance, that Northampton County Council hereby creates and establishes a Joint Northampton-Lehigh County Department of Health.

2. Northampton County Council hereby directs the Northampton County Executive under 1.2-202 of the Northampton County Health Administration Code (348 Pa. Code 1.2-202) to prepare separate, special reports to Northampton County Council containing (1) a comprehensive plan to comply with the provisions of the Local Health Administration Law of the Commonwealth of Pennsylvania required to establish Joint Departments of Health under that law and (2) a special report which shall include the recommendations of the County Executive and the basis therefore for Northampton County Council to appoint Board of Health members to represent Northampton County on the Board of Health to be established by the Joint County Health Commission consisting of Northampton County Council and the Commissioners of Lehigh County.

3. Northampton County Council delegates its administrative powers and duties required of it under the Pennsylvania Sewage Facilities Act (1966, Jan. 24, P.L. (1965) 1535, § 1, eff. July 1, 1967, 35 P.S. 750.1, et seq.) to the direction and supervision of the County Executive who shall direct the appropriate
departments and offices of Northampton County to administrate the requirements upon the Joint County Departments of Health to administrate provisions of that Act for Northampton County municipalities. Such administration shall be in compliance with the laws of the Commonwealth of Pennsylvania and the Northampton County Home Rule Charter and shall include the subcontracting of the inspection function to the private sector.

4. It is expressly understood that additional legislative action will be required to be taken by Northampton County Council to establish the Joint Northampton-Lehigh County Department of Health.” and

WHEREAS, current economic conditions and budgetary constraints at the Federal, State and County levels, make the continued viability of the formation of a County Health Department precarious at best; and

WHEREAS, the formation of a County Health Department would, in all likelihood, place an undue financial burden on the taxpayers of Northampton County.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 475-2007, the ordinance titled, “AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ.,” is hereby repealed.

FURTHER, it is the consensus of the Northampton County Council to forthwith terminate the involvement of Northampton County in any further discussions regarding the formation of a Joint Northampton-Lehigh County (Lehigh Valley) Department of Health.

EFFECTIVE DATE: This ordinance shall become effective thirty (30) days after the date of enactment.
Mr. Cusick advised County Council received a recommendation by the committee formed to review the Gracedale Administration and Management Request for Proposals. He further advised this recommendation was reviewed at a joint meeting of the Finance and Human Services Committees held yesterday.

Mr. Dietrich introduced the following resolution:

R. 76-2011 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 August 12, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $1,989,665 with Premier Healthcare Resources for the administration and management 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 Premier Healthcare Resources, for the administration and management of Gracedale.

Mr. Dietrich stated the members of the Finance and Human Services Committees present at yesterday’s meeting voted unanimously to recommend presenting this resolution to the whole of County Council for approval.

Mr. Cusick advised he wanted to thank Mr. Dietrich and Mrs. Ferraro for their involvement in this process and making a difficult decision. He further advised he believed they made the right decision and he looked forward to working with this
Mrs. Ferraro commented she would like to thank Mr. Ross Marcus, Director of Human Services, for all his assistance and Ms. Ann Terres, a volunteer who served on the committee, for her time and input.

Mr. McClure stated he supported this contract and one reason was because they understood Gracedale had to increase its census. He further stated he wanted to make it clear that although County Council was concerned about the finances of Gracedale that historically the finances at Gracedale were not necessarily a problem even though budgeting may have been.

Mr. McClure advised in talking about the financial and budget concerns, Premier indicated they would not let patient care suffer in the name of improving the financial condition overall at Gracedale.

Mr. McClure stated based on those two factors, he was looking forward to working with them, but his main concern was that two years was not enough time for them to demonstrate true improvement, but Premier had indicated they could. He further stated Premier had also agreed to submit regular reports to County Council.

Mr. Angle advised he would like to see a committee of Mr. Dietrich, Mrs. Ferraro and himself formed to meet monthly with Premier.

Mr. McClure stated he thought that was a good idea, but he did not want that to be a substitute for Premier appearing before the whole of County Council.

Mr. Cusick advised he believed this would fall under the purview of Human Services Committee.

Mr. Dietrich stated Premier had agreed to report monthly to County Council.

Mrs. Ferraro advised she was looking forward to the Citizens Advisory Committee that was going to be appointed. She further advised she would like Ms. Terres involved in any
meetings.

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


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

In answer to Mr. Angle’s question as to whether he planned on having the new management team participate in the negotiations with the unions, Mr. Stoffa indicated he did.

Consideration of the Geographic Information Systems (GIS) Promotional Personnel Request Resolution

Mr. Cusick stated at the request of the Fiscal Affairs Department, a resolution was prepared that would make the positions of the GIS Technician I and GIS Technician II promotional. He further stated this matter was reviewed at the Personnel Committee meeting that was held yesterday.

Mr. Cusick introduced the following resolution:

R. 77-2011  WHEREAS, the positions of Geographic Information Systems (GIS) Technician I and Geographic Information Systems (GIS) Technician II exist in the Department of Fiscal Affairs, GIS Division; and

WHEREAS, the Department of Fiscal Affairs has requested that the aforementioned GIS positions be made promotional positions.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the positions of a) GIS Technician I (RU-18) and b) GIS Technician II (RU-23) shall henceforth be considered promotional positions. A GIS Technician I, on successful completion of the Certified Pennsylvania Evaluator (CPE) certification, will be eligible for advancement to the title of GIS Technician II. As such, the Northampton County Executive,
shall be authorized to slot an individual into the appropriate classification depending upon qualifications, experience and demonstrated job performance. However, the promotional nature of these positions shall only exist from one pay grade to another. Progression within a given pay grade, e.g., step "A" to step "B", step "B" to step "C", step "C" to step "D", etc., shall take place in accordance existing Personnel Rules and Regulations.

Mr. Cusick advised the members of the Personnel Committee present at yesterday’s meeting voted unanimously to recommend this resolution to the whole of County Council for approval.

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


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

Consideration of the Resolution Designating the Northampton County Retirement Board as Administrator of the OPEB (Other Post Employment Benefits) Trust

Mr. Cusick stated at the request of the Retirement Board, a resolution was prepared which would designate the Retirement Board as the Administrator of the OPEB Trust. He further stated this resolution was reviewed at the Personnel Committee meeting, but no recommendation was made. He noted there was some discussion as to whether or not the County Council should seek further information.

A RESOLUTION DESIGNATING THE NORTHAMPTON COUNTY RETIREMENT BOARD AS ADMINISTRATOR OF THE OPEB (OTHER POST EMPLOYMENT BENEFITS) TRUST

WHEREAS, the County of Northampton provides post employment health care benefits to employees hired before June 30, 2010; and
WHEREAS, the OPEB Trust was created to monitor the financial obligations associated with post employment benefits; and

WHEREAS, on June 3, 2011, the Northampton County Retirement Board passed a motion requesting that County Council adopt a resolution identifying and designating the Northampton County Retirement Board as administrator of the OPEB Trust.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the Northampton County Retirement Board shall serve as the administrator of the OPEB Trust.

Mr. Dowd advised he believed this issue should be tabled until Mr. Gilbert obtained additional information.

Mr. Dowd made a motion to table this resolution.

Mrs. Ferraro seconded the motion.

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


The motion was passed by a vote of 7-0.

West Easton Treatment Facility

In response to Mr. Angle’s question as to whether any head way was being made regarding the treatment facility, Mr. Stoffa replied there was some.

In answer to Mr. McClure’s comment that Mr. Angle referred to it as a treatment center and he wondered if he believed treatment was going to be part of the mix, Mr. Angle stated maybe he should have referred to it as the Driving Under the Influence (DUI) center.

When Mr. McClure asked if treatment at this particular facility would not be part of the process, Mr. Angle advised it depended on what Mr. McClure meant by treatment.
In response to Mr. McClure’s question as to whether he believed there would be DUI classes held at this facility, Mr. Angle stated that was his presumption.

In answer to Mr. McClure’s question as to whether they will still have programs at the Prison, Mr. Angle advised not for DUI individuals if all those individuals were at the facility.

Mr. Lauer stated the Prison would continue the Community Education Centers program and people who were convicted of a DUI offense would receive treatment at the DUI center.

In response to Mr. McClure’s question as to whether there would be an additional cost for the treatment at the DUI Center, Mr. Angle replied he believed that was still being negotiated. He further replied also in question was the $150 fee West Easton wanted to charge per inmate.

Mr. McClure advised at this time he was not worried about the $150 because he was more concerned with the cost of treatment and the staffing level. He further advised he did not believe the $150 would be an issue if the County truly wanted to proceed with this facility.

Mr. Stoffa stated he had not met with West Easton regarding their proposal so he would rather wait until a meeting had taken place and then come back to County Council for discussion.

**Artsquest**

Mr. Cusick advised the County had committed a substantial amount of money in the budget to the facility and he was concerned with some of the reports he had seen in the last few days about the business issues that may be taking place there. He further advised during the hotel tax portion of the budget, Mr. Jeff Parks, President of Artsquest, should be asked to appear before County Council and answer questions concerning his business model.

Mr. Dowd agreed, stating that he believed Mr. Parks was doing the best he could with all Artsquest ventures, but it was
Mr. Angle advised he agreed the County had a right to know what was being done with the money it provided, however, he did not know if it had a right to know how they operated their business. He further advised this was a bad year for Musikfest, but he did not think Artsquest was in financial trouble.

Economic Development Committee Report

Mr. Dowd stated the Economic Development Committee will be joining the Finance Committee at their meeting on September 14, 2011, to discuss the Route 33 Interchange.

Human Services Committee Report

Mr. Dietrich advised they held a joint meeting with the Finance Committee yesterday and he felt it was very productive in presenting to the public the hard work that was necessary in order to select a management team.

Finance Committee Report

Mr. Cusick stated the Finance Committee met yesterday where the Gracedale capital projects and possible ways to fund them were discussed. He further stated the Independent Audit letter was reviewed. Additionally, a discussion was also held with regard to the Swaption, but no decision was made.

Mr. Cusick advised they were still waiting for the results of the audit of the 2011 Bond Issue to determine what the final number was and how much money was remaining. He further advised he believed the best place to appropriate the remaining funds would be to the Gracedale capital projects.

In answer to Mr. Angle’s question as to when the adjustment would normally be made on the Government Accounting Standards Board (GASB) to account for the Swaption, Mr. Doran Hamann, Budget Administrator, stated the outside auditors would make that adjustment when they come in and do the audit for 2011. He further stated the evaluation of the Swaption would be reflected in the next quarterly financial statement.
Long Range Planning and Capital Expenditures Committee Report

In response to Mr. Angle’s question as to whether County Council ever received the information that was requested at the last committee meeting, Mr. Flisser advised some of it had been received.

Mr. Angle stated this Committee required certain information if it was going to come up with a long range plan so he would appreciate if the Administration could get that information to them.

911 Liaison Report

Mr. Dietrich advised the Officer Robert Lasso memorial was held at the Northampton County Community College. He further advised there was a great outpour of support for the family by the various members of the police, fire and emergency personnel, as well as political dignitaries and the general public.

Solicitor’s Report

Mr. Lauer stated his opinion regarding the transferring Court Services to the Court was provided to County Council on August 16, 2011. He further stated it could be done, but it would have to be done by a lawful action by the County Executive. He noted he cited in his opinion all the sections of the Home Rule Charter and Administrative Code that he felt would permit it. He further noted there were some Collective Bargaining issues that would have to be addressed if it were to occur.

Mr. Stoffa asked if Mr. Lauer could forward him a copy of his opinion.

Mr. Cusick advised it came to attention at the County Commissioners of Pennsylvania (CCAP) conference that the Administrative Office of Pennsylvania Courts were considering whether clerk offices should be moved under the auspices of the courts statewide so he would be hesitant to make a move if that was going to come down from the State sometime in the future.
Adjournment

Mr. McClure made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council