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; 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. Absent was Ron Angle.

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. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the July 21, 2011 meeting shall be approved.

Mr. Dietrich seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Stephanie Freeby, 652 Franklin Avenue, Palmerton, PA - stated she was present to talk about two issues at the Northampton County Prison. She then read the following statement:

“Good evening Ladies and Gentlemen of the Northampton County Counsel,

Thank you for the time allotted for me to speak with you
and your openness in listening to my concerns.

I have come here today to bring to light two issues. The first concerns the threat of MRSA in our County jail as a threat to our community and the second is the handling of medications to the inmates at NCPC...or lack there of. Just recently I met with Senator Lisa Boscola and was encouraged to bring these issues to your attention.

MRSA as we know is very prominent at the Northampton County Prison. It is a very contagious, dangerous and life altering staff infection. There are a limited amount of antibiotics that can stop this infection once a person has contracted it they carry it with them for life. This "super bug" poses a large threat to our community via inmates, Guards, volunteers and all officials that perform any type of work within the jails walls. It also poses a threat to our community, as all but the inmates go home to there families with the risk of taking with them this infection via their clothing or skin.

We all know that MRSA runs rampant in Hospitals, Nursing Homes, Jails and places of high population with close contact. There is at this time no way to eliminate MRSA. However, there are ways to reduce its spreading and properly handle medications to ensure that control is gained over the infection. I have found that Northampton County Prison has not handled the problem, precautions, and dosage of medication properly.

What brought this to my attention is a documented case where an inmate had gone to Medical in the prison, July of this year. He was informed of the possibility of having MRSA, was placed in quarantine and then was not given the correct amount of antibiotics prescribed by the doctor. Due to the lack of prescribed amounts of antibiotics, this inmate’s infection soon became worse and started spreading up his thigh and into his joints. There posed the risk and possibility of infecting and losing his entire leg. He had been given a hard time, threatened that his issue could be made worse and then out of desperation, contacted me. I called the prison and spoke with Lt Lamont who quickly investigated and resolved the situation by providing the correct amount of antibiotics. For his speedy action I am grateful.

It has been brought to my attention that there are several
other inmates within the prison walls that have contracted MRSA...one of them is about to have his foot amputated.

These facts have stirred my curiosity and so I started to investigate. I found ways in which preventative acts can reduce the spreading of this infection at the jail. I found a company that has injected into regular paint, a chemical that kills MRSA on the spot. So, if a person that has MRSA touches this dried paint, the bug dies and cannot be contracted by another person via contact of the same place. This greatly reduces the spreading of this contagious infection and will save the County thousands of dollars in providing the expensive antibiotics needed to fight this internal battle, possible law suits, and the threat of contamination spreading into our community, to our immediate families and our children.

To address the issue of cost; I have come up with a way that will assist in the onset of cost to the Prison for the correction of this mishap. We can, through the Counties 501C3, hold a National MRSA Awareness Day in which to raise funds for the employment of more medical staff, the painting of all common areas with the MRSA killing paint and any other cost incurred by the County. Local Hospitals and Health Care facilities can be present and pass out information to inform the public.

The second issue at hand is the handling of prescribed drugs for inmates at Northampton County Prison. The same inmate that brought the MRSA issue to my attention also informed me of a separate but related issue. While incarcerated, this inmate was informed that he has a mood disorder which required medication called Depakote. Depakote is a pharmaceutical narcotic that is very effective and very addictive. The use of this drug must be monitored as a steady level must be maintained in the blood. Also blood tests must be taken to maintain the proper level. Used improperly or not monitored, this drug has many consequences too long to list here, but inclusive of liver damage and kidney failure. This inmate was put on Depakote to be administered twice a day. There was no initial blood test taken as a base for the monitoring of levels. Although, when I called the prison and asked Ms. Caputo for protocol, she stressed how the initial blood work would be taken at the prison. After two weeks of taking the medication the inmate was then deprived of the medication three days within one week. No reason was offered for the non administration of these drugs. The prisoner reported
that the side effects of withdrawal were unbearable. He spoke with the guards, put in medical request forms and still received no medicine. This inmate was working in the kitchen at the time that medication was being distributed so he was unable to leave his station.

I cannot tell you the level of disgust that I feel when I think about all of the inmates within these prison walls and the lack of medical attention that must be happening here. The people within these walls still have basic civil and human rights that are obviously being ignored. There is also a looming public threat of contamination of MRSA. What I have seen and found is cruel and unusual punishment that needs to be brought to your attention and corrected.

I would welcome the opportunity to assist the County in pursuit of corrections of these concerns with the proper authorities. At the completion of this meeting, I will be reporting back to Senator Boscola to address any concerns or initiatives. Again I thank you for your time and your attention in this matter.”

In answer to Mrs. McHale’s question as to whether she had brought these issues to the attention of the Prison Advisory Board, Ms. Freeby advised she was informed they would be meeting next month.

In response to Mrs. McHale’s question as to whether she had contacted the Director of Corrections or the County Executive, Ms. Freeby replied she had tried to contact the Director of Corrections, but had not heard back from him. She added she had not contacted the County Executive.

Mrs. McHale stated County Council was the legislative body and the County Executive would be the individual responsible for the administration of the Prison.

County Executive’s Report

Mr. John Stoffa, County Executive, advised the County had collected more than $223,000 from the Tax Parcel Certification Program that started in the Recorder of Deeds Office on January 1, 2011.
Mr. Stoffa stated he was continuing to work on the budget for 2012 and would be meeting with the various department heads during the next four weeks.

Mr. Stoffa advised there would be a reduction of $1 million in Medicare reimbursement payments to Gracedale for 2012. He further advised Gracedale had 611 beds and as of July 29, 2011, they had 587 patients.

Mr. Stoffa stated Employee Online was now up and running.

Mr. Stoffa advised the interviews for the four potential Gracedale management firms would occur on August 8 and August 10, 2011.

He further advised that Mrs. Ferraro would be participating in the interviews, but Mr. Dietrich would not be able to make the August 10, 2011 interview so if anyone else wished to attend, they were more than welcome.

Mr. Stoffa stated the third party administrator for health care proposals would be out for bid by the third week of August.

Mr. John Conklin, Director of Administration, advised the 911 Center received the call at approximately 5:00 a.m. regarding the fire at Nico Polymers in Plainfield Township. He further advised a lot of the fire houses in the area responded and no significant environmental issues arose, but individuals with breathing difficulties were advised to stay indoors.

Mr. Conklin stated the 911 Center played an integral part in the coordination of all the different fire houses and individuals involved and he felt everyone did an excellent job.

In answer to Mr. Dowd’s question as to the water pressure issue, Mr. Conklin advised there were several different agencies looking into the cause behind some of the precautionary equipment not functioning properly and also to determine how the fire began.

Mrs. Ferraro stated she saw Mr. Robert Mateff, Director of Emergency Services, on the television and he did an excellent job in keeping people informed. She further stated she would
like to commend all the individuals involved.

Mr. McClure advised the Center for Medicare Services (CMS) made an adjustment to their formula and one of the important points he wanted to make was there would be a 3.4% increase in Medicare reimbursements to nursing facilities like Gracedale in the coming fiscal year. He further advised according to CMS there was an error in the formula they were using and they have worked to correct it.

Mr. McClure stated the County Executive talked about how the amount of Medicare reimbursements were going to be based on the beds that were filled at Gracedale which he found very interesting because if all the people who were referred to Gracedale since April 2009 had been contacted and 70% of them were converted (the number provided if contacts were actually made), they would be at or near capacity today, which meant more money to Gracedale.

Mr. McClure advised if 700 beds were filled at Gracedale, it would not have to worry about the 3.4% increase in 2012 because it would be pulling money in. He further advised he believed one of the things the management team needed to know was what bed capacity Gracedale intended to have.

Lehigh Valley Health Commission

Mr. Cusick stated an e-mail was received indicating a tentative meeting of the Lehigh Valley Health Commission had been scheduled for Monday, September 19, 2011, commencing at 6:00 p.m. in the Northampton County Council Meeting Room.

After a polling of the members of County Council, it appeared there would be a majority available to attend the meeting. He then asked Mr. Flisser to contact them informing them they could call a meeting for that day if they felt it was necessary.

Consideration of the Administrative Code Section 13.15 Appraisal Waiver Resolution
Mr. Cusick advised the Administration requested County Council waive the requirement for two appraisals on the proposed lease for the Area Agency on Aging Easton Area Senior Center. He further advised the proposed lease was for the same location and at the same rate as the previous lease, noting it had been at this location for quite sometime.

Mr. Dietrich introduced the following resolution:

WHEREAS, Northampton County Administrative Code Section 13.15 b. provides that, “The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers.”; and

WHEREAS, the County of Northampton currently leases 301 Northampton Street, Easton, Pennsylvania, as the Easton Area Senior Center; and

WHEREAS, the County Executive is considering signing a three-year extension of the lease for that property; and

WHEREAS, the County Executive has requested that County Council waive the Administrative Code Section 13.15 b. requirement for appraisals; and

WHEREAS, Administrative Code Section 13.15 b. 2. allows for the waiver of the aforementioned appraisal requirement if certain conditions are met.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby concur with the County Executive’s request to waive the requirement for appraisals due to the provisions of Northampton County Administrative Code Section 13.15 b.2., which reads, “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.”

Mrs. McHale made a motion to amend the last paragraph of this resolution to change “request to waive the requirement for appraisals” to “request to waive the requirement for an appraisal for 301 Northampton Street, Easton, Pennsylvania”.

Mr. Dietrich seconded the motion.


The motion was passed by a vote of 8-0.

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

R. 73-2011  WHEREAS, Northampton County Administrative Code Section 13.15 b. provides that, “The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers.”; and

WHEREAS, the County of Northampton currently leases 301 Northampton Street, Easton, Pennsylvania, as the Easton Area Senior Center; and

WHEREAS, the County Executive is considering signing a three-year extension of the lease for that property; and

WHEREAS, the County Executive has requested that County Council waive the Administrative Code Section 13.15 b. requirement for appraisals; and

WHEREAS, Administrative Code Section 13.15 b. 2. allows for the waiver of the aforementioned appraisal requirement if certain conditions are met.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby concur with the County Executive’s request to waive the requirement for an appraisal for 301 Northampton Street, Easton, Pennsylvania, due to the provisions of Northampton County Administrative Code Section 13.15 b.2., which reads, “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.”

The vote: Dietrich, “yes”; Dowd, “yes”; Gilbert, “yes”;

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

Introduction of the Ordinance Providing for the Leasing of 301 Northampton Street

Mr. Cusick stated the Administration requested County Council authorize a three year extension of the lease for 301 Northampton Street which serves as the Area Agency on Aging Senior Center in Easton. He further stated the public hearing, debate and possible vote was scheduled for the August 18, 2011 meeting.

Mr. Dietrich and Mr. Dowd introduced the following ordinance:

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.

Consideration of the Administrative Code Article XIII Contract Approval Resolution

Mr. Cusick advised from time to time, County Council was asked to approve certain contracts due to the requirements of Administrative Code Article XIII. He further advised in this case, County Council was being asked to approve three change orders, totaling $31,247, for the Historic Courthouse project. He noted County Council was being asked to approve the change orders because they were being paid from Department of Energy grant funds.

Mr. Cusick introduced the following resolution:

R. 74-2011 WHEREAS, the Northampton County Council adopted resolution #44-2011, which approved contract change orders for the Historic Courthouse Window Repair and Replacement Project; and

WHEREAS, resolution #44-2011 reads as follows:

Number 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:

Number 96–2010

WHEREAS, Northampton County Administrative
Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for “any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, on October 15, 2010, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $1,142,613, with Alfero Co., Inc. for the historic Courthouse window repair and replacement project.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Alfero Co., Inc. for the historic Courthouse window repair and replacement project.

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.
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.”; and

WHEREAS, these change orders are being funded through Department of Energy grant funds; and

WHEREAS, on July 22, 2011, the Northampton County Council received a request from the Northampton County Executive to approve three change orders totaling $31,247, in the individual amounts of $33,556, $3,947, and -$6,256, relative to the contract with Alfero Co., Inc.

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 orders for Alfero Co., Inc. for the Historic Courthouse Window Repair and Replacement Project.

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


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

Consideration of the Resolution Approving the FY 2011 Community Development Block Grant Annual Action Plan for the County of Northampton

Mr. Cusick stated the Economic Development Committee met earlier this evening to review a resolution approving the FY 2011 Community Development Block Grant Annual Action Plan.
Mr. Dowd advised the deadline for submission of this grant was August 16, 2011, therefore, it had to be presented tonight. He further advised the members of the Economic Development Committee unanimously recommended it be presented to the members of County Council for approval.

Mr. Dowd introduced the following resolution:

R. 75-2011

A RESOLUTION APPROVING THE FY 2011 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE COUNTY OF NORTHAMPTON

WHEREAS, the County of Northampton has prepared an Annual Action Plan for the County covering the period October 1, 2011 to September 30, 2012; and

WHEREAS, the purpose of the Annual Action Plan is to identify housing and community development needs and to develop specific goals and objectives to address those needs over a one-year period, and is a requirement of the U.S. Department of Housing and Urban Development which the County must meet in order to receive federal housing and community development funds; and

WHEREAS, the County of Northampton has prepared an Annual Action Plan for Fiscal Year 2011 (FY 2011) which includes the funding application for the Community Development Block Grant Program, said application having been duly reviewed and considered, together with supporting documentation which took into account blight in the community, needs of low and moderate income families, environmental factors, fiscal considerations, and the maintenance of local effort in community development activities.

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

1. That the FY 2011 Annual Action Plan for FY 2011 Community Development Block Grant funds is hereby in all respects approved. The County Executive is hereby directed to file a copy of said application with the
minutes of this meeting.

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with Federal financial assistance.

3. That the County Executive of the County of Northampton is authorized to execute and file the application for financial assistance for such amounts as the U.S. Department of Housing and Urban Development is willing to make available to carry out the Community Development Block Grant Program.

4. That the County Executive of the County of Northampton is hereby authorized to provide such assurances and/or certifications as required by the U.S. Department of Housing and Urban Development, and also any additional or revised data which may be requested during the review of said applications.

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


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

Executive Session

Mr. Cusick advised the County Executive had requested to meet with County Council in Executive Session to discuss real estate matters, specifically the West Easton Treatment Center and Archives.

Mrs. Thierry made a motion to move into Executive Session to discuss these matters.

Mr. Dowd seconded the motion.
Mr. Lauer stated the members of County Council adjourned to Executive Session at 7:00 p.m. and reconvened at 7:35 p.m.. He further stated the purpose of the Executive Session was to discuss with the County Executive issues relating to possible real estate transactions.

Economic Development Committee Report

Mr. Dowd advised the Economic Development Committee would not be meeting on September 1, 2011, but will join the Finance Committee at their meeting on September 14, 2011, to discuss a proposed Tax Increment Financing for Palmer Township.

Human Services Committee Report

Mr. Dietrich stated the Human Services Committee would be joining the Finance Committee meeting being held on August 17, 2011, to address the results and issues pertaining to the Request for Proposal process for Gracedale’s management team.

Mr. Dowd advised he wanted to commend the Miracle League of Northampton County, which Mr. Stoffa and Mr. Tom Harp, Deputy Director of Administration, were board members, for the work they were doing and those that supported their efforts.

Finance Committee Report

Mr. Cusick stated he hoped to have information with regard to remaining funds from the 2001 Bond Issue so the issue could be discussed at the Finance Committee meeting to be held on August 17, 2011. He further stated he also hoped to have a recommendation regarding the management team for Gracedale and some feedback regarding the capital issues at Gracedale that were previously discussed.
Solicitor’s Report

Mr. Lauer advised he was working on his opinion with regard to having Court Services transferred from the control of the County Executive to the Court.

Adjournment

Mrs. McHale made a motion to adjourn.

Mrs. Thierry seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council