A regular meeting of the Northampton County Council was held on the above date with the following present: John Cusick, 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. Absent was Margaret L. Ferraro, Vice President.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mrs. McHale made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 3, 2011 and January 6, 2011 meetings shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Bryan Eichfeld, Hellertown, PA - stated at the last meeting he urged County Council members to sign a Limited Government Resolution, however, it was pointed out that some items did not apply to County government. He further stated after discussions with members of the Tea Party Group, it was determined the document would not be modified for each level of government, but they would not hold County Council members
Mr. Eichfeld advised there were four principals in the resolution which were taxes must be lowered, noting holding line on taxes was not good enough and increasing or adding new taxes was unacceptable; government was not to engage in deficit spending because it could no longer live beyond its means; public debt must be decreased not increased and governmental power, authority and regulatory functions must be reduced and not increased. He further advised he did not know if any County Council member had signed the resolution, but noted they would be publicizing who signed it.

Mr. Angle stated he would not be opposed to signing a document containing those four principals, but he could not sign this document.

When Mr. Angle asked if it would be acceptable if he crossed out the parts he felt did not pertain to him and submitted that, Mr. Eichfeld replied he would prefer to have him sign the document as presented.

Mr. Mario Martinez, Forks Township, PA – advised he was speaking on behalf of the Coalition of Alzheimer Families and indicated 23,391 residents of Northampton County had signed their Gracedale petition, noting he had never before witnessed that many people in one County coming together for a cause. He further advised the issue of Gracedale was very emotional to everyone and he hoped County Council could see those signatures for what they were and that was the voice of the people.

In answer to Mr. Angle’s question as to what he wanted County Council to do, Mr. Martinez stated he wanted County Council to work together to find a reasonable solution to allow Gracedale to continue to operate.

County Executive’s Report

Mr. John Stoffa, County Executive, advised in preparing for the historic Courthouse project, it was discovered there was between 13-27 coats of five different colored paints on it.
Mr. Stoffa stated he will have the final figure with regard to the parking deck shortly so that issue could be resolved.

Mr. Stoffa advised Mr. Vic Mazziotti, Director of Fiscal Affairs, would be resigning from his position and leaving the County on March 18, 2011. He further advised he was disappointed to see him leave as he had saved the County a substantial amount of money during his tenure.

Mr. Angle stated in all his years in County government, Mr. Mazziotti had been one of the shining lights.

Mr. Cusick advised he agreed with that, noting he was a true professional and any time he had asked for anything, he had been more than willing to be forthcoming. He then thanked Mr. Mazziotti for his service and wished him well in whatever he chose to do.

Mr. Mazziotti stated he wanted to thank County Council for maintaining a good relationship with him and providing him the opportunity to serve the County. He further stated in his five years, he had numerous residents come to him with questions or concerns about a division he was responsible for and he found each and every one of them to be cooperative. Additionally, it had been a privilege and an honor to work with the employees in his department, noting they provided him with a target of a standard of excellence that he often had trouble hitting.

Mr. Mazziotti advised he wanted to thank Mr. Stoffa for giving him the opportunity to serve on his cabinet. He further advised everyone heard the statement “power corrupts and absolute power corrupts absolutely,” however, anyone who knew Mr. Stoffa knew, even though he had significant power, it never corrupted him in any way which was why he was not only a great man, but a good man.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met on January 19, 2011, to review the County Executive’s appointments/re-appointments to the Conservation District, the General Purpose Authority, the Lehigh Valley Planning Commission and the Lehigh Valley Workforce Investment Board.
As the members of the Personnel Committee present yesterday did not make a unanimous recommendation for all the individuals, Mrs. McHale requested that they be voted on by category.

Mrs. McHale called for the vote on the appointment of Mr. Keifer to the Conservation District.


This portion of the resolution was adopted by a vote of 8-0.

Mrs. McHale called for the vote on the re-appointments of Mrs. Ferraro and Mr. Langen to the General Purpose Authority.

Mr. Cusick asked that these individuals be voted on separately.

Mrs. McHale called for the vote on Mrs. Ferraro.


This portion of the resolution was adopted by a vote of 6-2.

Mrs. McHale called for the vote on Mr. Langen.


This portion of the resolution was adopted by a vote of 8-0.

Mrs. McHale called for the vote on the appointment of Mr. Elliott to the Lehigh Valley Planning Commission.

The vote: McHale, “yes”; Angle, “yes”; Dietrich, “yes”;

This portion of the resolution was adopted by a vote of 8-0.

Mr. Angle commented his objection to the re-appointment of Mrs. Ferraro did not have to do with Mrs. Ferraro, but with an individual being on County Council and on an authority like the General Purpose Authority.

Mr. Cusick agreed, noting Mrs. Ferraro was qualified, but he had a consistent position, since being on County Council, that he did not think it was proper for a member of County Council to sit on an authority County Council created.

When Mrs. Thierry asked if she could change her vote after taking that into consideration, Mr. Angle and Mrs. McHale both indicated that she could.

Mr. Dowd advised the members of that authority could take action that did not commit the County and a voting member would have more power than a liaison so he felt it would be beneficial for the taxpayers to have a voting member when making those decisions.

Mr. McClure stated he understood the potential for misconduct, but authorities were independent entities.

Mr. Angle made a motion to open the vote on Mrs. Ferraro for consideration.

Mr. McClure seconded the motion.

Mr. Cusick advised the motion was passed by voice acclamation.

Mr. Cusick called for the recalling of the vote for Mrs. Ferraro’s re-appointment.

Mr. McClure stated he did not believe a recall would be necessary for the records to reflect a change in Mrs. Thierry’s vote.
Mr. Flisser asked Mrs. Thierry for her vote and she replied “no”.

Therefore, the vote for Mrs. Ferraro’s portion of the resolution was adopted by a vote of 5-3.

Mrs. McHale called for the vote on the appointments of Mr. Bailey, Mr. Cunningham, Ms. Kingsley, Mr. McLaughlin, Ms. Gilmore, Mr. Sperandio and re-appointments of Mr. MacDonald, Ms. Scheirer, Mr. Mitman and Mr. Mehler to the Lehigh Valley Workforce Investment Board.

Mr. McClure advised the County was so fortunate to have the quality of citizens to give freely of their time to serve on these authorities, boards and commissions.


This portion of the resolution was adopted by a vote of 8-0.

Based on the votes, the following resolution was adopted in its entirety:

R. 6-2011 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

CONSERVATION DISTRICT

Appointment: Jeffrey Keifer  
Term to Expire: 12/31/14
9275 Richmond Road
Bangor, PA 18013-3715

GENERAL PURPOSE AUTHORITY

Re-appointments: Margaret L. Ferraro  
Terms to Expire: 12/31/15
LEHIGH VALLEY PLANNING COMMISSION

Appointment: Term to Expire: 12/31/14

Citizen
Charles W. Elliott, Esquire
604 Cattell Street
Easton, PA 18042

LEHIGH VALLEY WORKFORCE INVESTMENT BOARD

Appointments: Term to Expire: 12/31/13

Private Sector
Stephen Bailey
3273 Oakland Square
Bethlehem, PA 18020

Luke Cunningham
576 Angelo Drive
Bethlehem, PA 18017

Ellen S. Kingsley, Esquire
4441 Tuskatee Drive
Bethlehem, PA 18020
Matthew J. McLaughlin
1199 Meadow Lark Way
Bethlehem, PA 18015

Other Category
Susan Gilmore
311 West Burke Street
Easton, PA 18042-1544
Youth Council - Other Category Term to Expire: N/A
John Jay Sperandio
2300 Monocacy Creek Avenue
Bethlehem, PA 18017

Re-appointments: Terms to Expire: 12/31/13

Private Sector
John D. MacDonald
553 Kevin Drive
Bethlehem, PA 18017

Sharon J. Scheirer, SPHR
307 West Grant Street
Easton, PA 18042

Economic Development
Phil Mitman
910 Paxinosa Avenue
Easton, PA 18042

One-Stop Partner
John R. Mehler
2741 Stephens Street
Easton, PA 18045

Review of the Butterfly House Project

Mr. Cusick stated at the County Council meeting held December 9, 2010, the following resolution was offered to allocate $50,000 to the Butterfly House. He further stated it was subsequently tabled until such time as a representative of Butterfly House could be present to make a presentation to County Council.

WHEREAS, the Butterfly House, a transitional living center for female Northampton County Prison inmates to help with their reentry into the community.
NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $50,000 shall be transferred from the 2010 Contingency account #05000-76050 and allocated to the Butterfly House, this 9th day of December 2010.

Mrs. McHale made a motion to remove this resolution from the table for consideration.

Mrs. Thierry seconded the motion.

Mr. Cusick called for the vote on the motion.


The motion passed by a vote of 8-0.

Ms. Anne Houston advised the Butterfly House was going to be a transitional living place for women that were released from any prison system. She further advised this project came about from her work with female prisoners and the fact that there were a lot of shelters that took men or women with children, but single women did not usually have a place to go.

Ms. Houston stated that a lot of times, the paperwork that was required for them to be successful as they went back into the community was not done so there was a lapse in the time period for them to attend their drug and alcohol evaluations or other necessary programs and they sometimes wound up on the street or back in prison.

Ms. Houston advised they were going to be governed by a board and the paperwork was in place for them to be a 501C3. She further advised she did have a Certificate of Occupancy for a place in Easton. She noted she planned to start with six women and it would be connected with the United African Methodist Church located in the South Side of Easton. She further noted it was a 90-day program with all the programs being outsourced.
Ms. Houston stated she would be taking advantage of grant opportunities, private foundation donations, annual appeals and fund raisers. She further stated the reason she was seeking this “seed” money was because she knew money was provided for a program for the men.

Ms. Houston provided a copy of their brochure for the record (see Attachment #1).

Mr. McClure advised he was very supportive of her program, but pointed out this money was to come from County Council’s Contingency account so it would be a one time contribution and he wondered if that would be an issue.

Ms. Houston stated she was aware of that and it would not be a problem.

In answer to Mr. Dowd’s question as to whether she had other funding in place, Ms. Houston advised she did, however, most of them required that they be physically in their location and operating.

In response to Mr. Dowd’s question as to whether she had title to the place, Ms. Houston stated she did have a Certificate of Occupancy, noting it would be leased from the church.

Mrs. McHale made a motion to amend the resolution to indicate the funds coming from the 2011 General Fund Balance or from the Prison Inmate Fund.

After some discussion as to where the funds should come from, it was determined they should come from County Council’s Contingency Fund.

Mr. Cusick advised his only concern was that was half of the Contingency Fund and if there were some unexpected expenditures down the line, it would put County Council in a difficult situation.

Mr. Dowd stated he felt anything that would cut down on the recidivism rate would benefit the County long term economically and socially so the only issue was how best to fund it. Therefore, he requested it be reviewed by Mr. Mazziotti to
determine the best way to do that and to come back in two weeks with his suggestion.

When Mr. Gilbert asked if it would be agreeable to Ms. Houston to receive half the funding now and half at the end of the year, she replied that would be acceptable.

Mrs. McHale withdrew her motion so a new motion may be made.

Mr. McClure made a motion that the sum of the resolution be amended from $50,000 to $25,000 and the dates changed.

Mrs. McHale seconded the motion.

Mr. Angle remarked County Council was now dedicating 50% of its Contingency Fund to the Butterfly House and a comment was made that if County Council needed more money later, it could be taken from the General Fund. However, he would like to remind everyone that the County could not keep spending this way and in 2012 expect to hold the line on taxes.

Mrs. Thierry advised she looked at this project as an investment because for every person that did not return to the prison, it saved the County money.

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


The motion was passed by a vote of 7-1.

In answer to Mr. Dietrich’s question as to the project’s 501C3 status and if she could wait on the funding, Ms. Houston stated the paperwork had been submitted and she should receive notification shortly. She further stated she could wait for the funding until it was received.

As there were no further questions or comments, Mr. Cusick called for the vote on the following amended resolution being introduced by Mrs. Thierry and Mrs. McHale:
WHEREAS, the Butterfly House, a transitional living center for female Northampton County Prison inmates to help with their reentry into the community.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $25,000 shall be transferred from the 2011 Contingency account #05000-76050 and allocated to the Butterfly House, this 20th day of January 2011.


The amended resolution was adopted by a vote of 6-1 with 1 abstention.

Pension Board

Mr. Angle commented Mr. Dowd and Mrs. Ferraro were appointed to the Pension Board, but Mr. Cusick should be on it as he was President of County Council.

Mr. Cusick advised he appointed Mr. Dowd and Mr. Gilbert and asked Mrs. Ferraro to serve in his place.

Mr. Angle asked if Mr. Cusick felt Mrs. Ferraro had more financial expertise than him.

Mr. Cusick declined to answer that question.

Gracedale

Mr. Angle asked if a general report could be provided on the Gracedale issue.

Mrs. Thierry stated they were down to four firms, noting one did drop out. She further stated they had visited two nursing homes and would be visiting another one on Tuesday. She noted some of the members of the panel would also be going to Chicago to visit the fourth one. She further noted there were
eight to ten individuals on the panel and everyone was looking at everything and weighing the pros and cons to arrive at a good decision.

In response to Mr. Angle’s question as to whether she, Mr. Gilbert or Mr. Dowd would be going to Chicago, they all replied they would not.

When he suggested County Council use some funds to send one of these individuals to Chicago because he felt someone from County Council should be there, Mrs. Thierry advised she believed the people who were going were very capable.

In answer to Mr. McClure’s question as to whether the firm that dropped out did so because of the uncertainty with regard to the petition drive, Mrs. Thierry replied that was not the reason.

Consideration of Municipal Open Space Projects: Upper Nazareth Township; Lower Nazareth Township; Roseto Borough; Wind Gap Borough; Nazareth Borough; Allen Township and Williams Township

Mr. Cusick stated the Open Space Committee met prior to this meeting and reviewed Municipal Open Space Projects in Upper Nazareth Township; Lower Nazareth Township; Roseto Borough; Wind Gap Borough; Nazareth Borough; Allen Township and Williams Township. He further stated the members of the Committee present unanimously voted to recommend these projects to the whole of County Council. He noted the funds for all of these projects were included in this year’s budget and these would be the last municipal park projects to come before County Council.

In response to Mr. Angle’s question as to whether these funds were in the 2011 budget or remained from the 2010 budget, Mr. Conklin advised these funds were carried over from last year into this year’s budget.

In answer to Mrs. McHale’s question as to whether the County was financing a dog park, Mr. Cusick stated that question was raised at the committee meeting and he believed some latitude should be given to the municipalities to determine what they felt there was a need for in their communities, but indicated they wanted to avoid having dogs on the trail.

Mr. McClure advised he wanted to make it very clear that he
was for the dogs.

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

Upper Nazareth Township

R. 8-2011  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 Upper Nazareth Township Tuskes Community Park Improvements Project, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

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

Property Owner: Upper Nazareth Township
Site Location: Bath Pike, Upper Nazareth Township, Northampton County
Parcel Identification: K6-8-1F
Park Development Description: Install landscaping, basketball court, new pathways, path lighting and timber guiderails
Appraised Value: No acquisition involved
Municipal Allocation: $106,713
County Grant Request: $106,713
Other Grants: $147,287 Upper Nazareth Township

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

(1) The Northampton County Council hereby approves the Upper Nazareth Township Tuskes Community Park Improvements
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 $106,713 as the Northampton County contribution to the Upper Nazareth Township Tuskes Community Park Improvements Project.

Lower Nazareth Township

R. 9-2011 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 Lower Nazareth Township Newburg Community Park Project, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

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

Property Owner: Lower Nazareth Township

Site Location: Newburg Road, Lower Nazareth Township, Northampton County

Parcel Identification: K7-19-25

Park Development Description: Athletic fields to include football, soccer, and overlay T-ball

Appraised Value: No acquisition involved

Municipal Allocation: $123,974

County Grant Request: $123,974

Other Grants: $227,256 Lower Nazareth Township

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

(1) The Northampton County Council hereby approves the Lower Nazareth Township Newburg Community Park 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 $123,974 as the Northampton County contribution to the Lower Nazareth Township Newburg Community Park Project.

Roseto Borough

R. 10-2011 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 Roseto Borough Park Project, which is described more fully in Exhibit "A" (a copy of which is attached hereto); and

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

Property Owner: Roseto Borough
Site Location: McKinley Avenue, Roseto Borough, Northampton County
Parcel Identification: D9SE1D-7-8
Park Development Description: Install new fencing and security cameras, curbing along road to prevent flooding problems, pave the parking lot, upgrade bathroom facilities, upgrade playground equipment, basketball court resurfacing and kitchen upgrades
NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council:

(1) The Northampton County Council hereby approves the Roseto Borough Park 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 $49,253 as the Northampton County contribution to the Roseto Borough Park Project.

Wind Gap Borough

R. 11-2011 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 Wind Gap Borough Park Courts Rehabilitation Project, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

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

Property Owner: Wind Gap Borough

Site Location: Third Street and Lehigh Avenue, Wind Gap Borough, Northampton County

Parcel Identification: F8-1-1, F8-1-9
NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council:

(1) The Northampton County Council hereby approves the Wind Gap Borough Park Courts Rehabilitation 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 $73,269 as the Northampton County contribution to the Wind Gap Borough Park Courts Rehabilitation Project.

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 Nazareth Borough Nazareth Park Pool Filtration System Rehabilitation Project, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

WHEREAS, the Northampton County funding will be used as follows:
<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>Nazareth Borough</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>North Broad Street, Nazareth Borough, Northampton County</td>
</tr>
<tr>
<td>Parcel Identification:</td>
<td>J7-10-11</td>
</tr>
<tr>
<td>Park Development Description:</td>
<td>Rehabilitate pool filtration system</td>
</tr>
<tr>
<td>Municipal Allocation:</td>
<td>$139,806</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$139,806</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$210,194 Nazareth Borough</td>
</tr>
</tbody>
</table>

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

(1) The Northampton County Council hereby approves the Nazareth Borough Nazareth Park Pool Filtration System Rehabilitation 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 $139,806 as the Northampton County contribution to the Nazareth Borough Nazareth Park Pool Filtration System Rehabilitation Project.

**Allen Township**

R. 13-2011 **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 Allen Township Savage Road Trail Spur Extensions/Dog Park Development Project, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and
WHEREAS, the Northampton County funding will be used as follows:

- **Property Owner:** Allen Township
- **Site Location:** Western side of Savage Road on Northampton County's Nor-Bath Trail parcel, Allen Township, Northampton County
- **Parcel Identification:** L4-16-1A-1 PKB
- **Park Development Description:** Trail Spur Extensions—connect Nor-Bath Trail to subdivision to the north and trails to and within the dog park. Dog park—small and large dog areas located between Nor-Bath Trail and Wynnefield Estates
- **Appraised Value:** No acquisition involved
- **Municipal Allocation:** $69,498
- **County Grant Request:** $69,498
- **Other Grants:** $69,648 Allen Township

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

1. The Northampton County Council hereby approves the Allen Township Savage Road Trail Spur Extensions/Dog Park Development 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 $69,498 as the Northampton County contribution to the Allen Township Savage Road Trail Spur Extensions/Dog Park Development Project.
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 Improvements & Renovations, Municipal Park and Raubsville Park Projects, which are described more fully in Exhibit “A” (a copy of which is attached hereto); 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>Williams Township Municipal Park, Cider Press &amp; Gaffney Hill Roads Raubsville Park, Keifer &amp; Young Streets, Raubsville, Williams Township, Northampton County</td>
</tr>
<tr>
<td>Parcel Identification:</td>
<td>Municipal Park - N9-6-17; Raubsville - N10-4-13-13, N10-4-13-20, N10-4-13-32</td>
</tr>
<tr>
<td>Park Development Description:</td>
<td>Williams Township Park - Install new safety surface at playground and extend and repair the primitive trail Raubsville Park - Extend parking area, replace pavilion roof, adding bleachers at the athletic fields, and adding picnic tables at the pavilion</td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>No acquisition involved</td>
</tr>
<tr>
<td>Municipal Allocation:</td>
<td>$107,625.00</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$ 32,625.00</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$ 33,986.58 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 Improvements & Renovations, Municipal Park and Raubsville Park Projects. 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 $32,625 as the Northampton County contribution to the Williams Township Improvements & Renovations, Municipal Park and Raubsville Park Projects.


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

Consideration of Filling Certain Vacancies - Special Exception Panel

Mr. Cusick stated at the Personnel Committee meeting, the following requests from the Special Exception Panel to fill certain vacancies were reviewed.

Mrs. McHale advised the members of the Personnel Committee present at the meeting voted unanimously to recommend all but one department’s request to the whole of County Council for approval.

When Mrs. McHale asked if County Council wanted to vote on all these requests together, Mr. Cusick noted the only department’s requests that were not recommended were for the Sheriff’s Department so he suggested they all be voted on except for that department.
Mrs. McHale introduced the following resolution:

R. 15-2011  WHEREAS, the Northampton County Executive has reviewed several requests to fill certain existing vacancies.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby concur with the request and recommendation of the County Executive to fill the following vacancies:

COURT SERVICES

A. One (1) FT Clerical Technician III, Criminal Division, Pay Grade CR-13, salary range $23,009 to $31,311.

DEPARTMENT OF CORRECTIONS

A. Eight (8) FT Correction Officers, Pay Grade PR-1, salary range $30,835 to $50,286.

B. One (1) FT Corrections Intake Administrator, Pay Grade CS-27, salary range $46,591 to $69,272.

C. One (1) PT Clerical Technician I, Pay Grade RU-9, salary range $9.4549/hour to $13.4524/hour.

HUMAN SERVICES

A. One (1) PT Senior Center Manager I, Area Agency on Aging Division, Pay Grade PS-29, salary range $13.5429/hour to $21.4785/hour.

B. Five (5) FT Caseworker II positions, Children, Youth and Families Division, Pay Grade PS-35, salary range $37,748 to $59,800.

C. One (1) FT Social Services Coordinator, Gracedale, Pay Grade SW-22, salary range $39,624 to $53,925.

D. One (1) FT Caseworker II position, Developmental
Programs Division, Pay Grade PS-35, salary range $37,748 to $59,800.

E. Two (2) FT Caseworker II positions, Early Intervention, Mental Health/Early Invention/Developmental Programs Division, Pay Grade PS-35, salary range $37,748 to $59,800.

F. One (1) FT Administrator Officer IV, HealthChoices, Pay Grade HS-45B, salary range $52,089 to $86,341.

**FISCAL AFFAIRS**

A. One (1) FT Clerical Technician III, Assessment Division, Pay Grade CR-13, pay grade $23,009 to $31,311.

B. One (1) FT Real Estate Assessor III, Assessment Division, Pay Grade RU-23, salary range $37,469 to $53,311.

**911 OPERATIONS**

A. Six (6) FT 911 Telecommunicators, Pay Grade RU-20, salary range $32,636 to $46,435.

**SHERIFF’S DEPARTMENT**

A. Four (4) FT Deputy Sheriff positions, Pay Grade 23, salary range $40,726 to $55,423.

B. Five (5) PT Deputy Sheriff positions, Pay Grade 23, salary $19.57/hour.

Mrs. McHale called for the vote on all the positions except for those in the Sheriff’s Department.


This portion of the resolution was adopted by a vote of 8-0.

Mr. Cusick asked if there were any questions or comments on the positions in the Sheriff’s Department.

In response to Mr. Angle’s question as to how many Deputy Sheriff’s there were in beginning of 2010, Sheriff Randall Miller answered they had 53.

In answer to Mr. Angle’s comment that if they added these positions, they would have more deputies now than in the beginning of 2010, Sheriff Miller replied not complement wise.

Mr. Angle told Sheriff Miller to forget about complement because that was government thinking wherein if the money was not spent this year, money would not be given next year. He stated his department operated with less personnel in 2010, but wanted more for 2011, which was growing government. He further stated he did not think having three Deputy Sheriffs in a Courtroom was a good use of taxpayer dollars.

Sheriff Miller advised that was what the standards of the National Sheriff’s Association and Court Administration minimally required.

Mr. Cusick asked Sheriff Miller to forward a copy of those standards to County Council.

Mr. Angle stated the bottom line was his department could get by with fewer deputies and he felt the idea, at least in 2010, was to cut government.

Mr. McClure advised these positions were budgeted for in the last budget that Mr. Angle had claimed credit for so he did not understand why he was questioning them.

Mr. Angle stated the 2010 budget was sufficient to get the County into 2011 with no tax increase, but there had to be a new program for 2011 because if not, there would be a tax increase in 2012.

Mr. Cusick called for the vote on the portion of the
resolution dealing with the positions in the Sheriff’s Department only.


This portion of the resolution was adopted by a vote of 6-2.
Based on the votes, the resolution was adopted in its entirety.

Consideration of the District Attorney’s DUI Center Staffing Proposal

Mr. Cusick advised at the Personnel Committee meeting, the District Attorney’s DUI staffing Center Staffing Proposal was reviewed.

Mrs. McHale introduced the following resolution:

   R. 16-2011 RESOLVED By the Northampton County Council that the one (1) existing full-time position of DUI Center Operator, in the office of the District Attorney, Pay Grade CS-19, annual salary $72,618, shall be changed to one (1) part-time position of DUI Center Administrative Supervisor, pay grade CS-19, annual salary $38,890.

Mrs. McHale stated the District Attorney approved this change which would save the County approximately $33,720 annually. She further stated the members of the Personnel Committee present voted unanimously to recommend this proposal.

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 Administrative Code Article XIII Contract Approval Resolution - Outside Legal Counsel for Labor Matters

Mr. Cusick advised at the Personnel Committee meeting, a proposed contract for outside legal counsel for labor matters with Flamm Walton was reviewed.

Mrs. McHale introduced the following resolution:

WHEREAS, Northampton County Administrative Code Section 11.03 Outside Legal Counsel, provides in Section 11.03 a., “The Solicitor, with the approval of the County Executive and County Council, may retain outside legal counsel where necessary.” and in Section 11.03 b., “For the purposes of this section, outside legal counsel shall mean the use of any legal counsel, attorney, or firm of attorneys, other than the County Solicitor and Assistant County Solicitors, which may be used to defend and/or represent the County of Northampton, a County employee, or a County elected official in litigation; and/or assist the Solicitor’s Office with matters involving the County of Northampton.”; and

WHEREAS, Northampton County Administrative Code Section 16.04 Outside Legal Counsel, provides in Section 16.04 a., “The requirements set forth in Administrative Code Section 11.03, Outside Legal Counsel, shall apply to all departments, services, bureaus, offices, divisions, or other administrative unit under the direction and supervision of the County Executive.” and in Section 16.04 b., “For the purposes of Section 11.03, the term approval of County Council shall mean either the adoption of a separate and specific resolution, or ordinance, regarding any retention of outside legal counsel.”; and

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes the County Executive to award a contract to Flamm Walton PC for outside legal counsel to advise and assist the County with labor and labor related matters. It shall be clearly understood that: (1) authorization is being given only for a one (1) year contract; (2) the total compensation paid to Flamm Walton PC shall not exceed a total of $84,000 for the period of the one year contract and (3) that there shall not be any contract extensions, without the approval by resolution or ordinance of County Council.
Mrs. McHale stated there was no recommendation by the members of the Personnel Committee present at the meeting.

Mrs. Thierry asked if Gracedale was sold would there be a need for the County to hire this firm.

Mr. John Conklin, Director of Administration, advised the County had 11 Collective Bargaining Units, only two of which were at Gracedale, so it was felt it was necessary.

In response to Mr. McClure’s question as to how much the County had budgeted for outside legal counsel, Mr. Conklin stated they limited it to $60,000 from February to February, but they were already going to exceed that amount and it could reach the $84,000.

Mr. McClure commented that previously the County had expended $600,000 - $700,000 on outside legal counsel so this was a great improvement.

Mr. Angle advised the County had six part time and one full time solicitors already on the payroll. He further advised he did not have a problem with hiring an expert because the County did need one in this field, but then it should reduce its number of solicitors.

In answer to Mr. Angle’s question as to what was budgeted, Mr. Conklin replied $60,000, however, in the Professional Services line of the budget, there was the additional $24,000.

Mr. McClure stated he understood Mr. Angle’s point about only $60,000 being budgeted and he felt this Administration had tried to limit the growth of government where it could, but this service was absolutely necessary. He further stated he believed the County would have $4 million at the end of this budgeting cycle that was going to be added to the Fund Balance. He noted he planned to support this contract because it was necessary and there was no financial reason not to.

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

The resolution failed by a vote of 4-4.

Consideration of the Administrative Code Contract Approval Resolution -Guaranteed Energy Savings Agreement (GESA) - McClure Company

Mr. Cusick advised the Finance Committee met yesterday and reviewed a proposed Guaranteed Energy Savings Agreement with the McClure Company.

Mr. McClure stated he wanted to make it clear that he had no connection with the McClure Company.

Mr. Gilbert introduced the following resolution:

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 December 29, 2010, the Northampton County Executive requested that the Northampton County Council approve a contract with the McClure Company for an investment grade audit, costing $113,743.00, to be used to negotiate a possible Guaranteed Energy Savings Agreement (GESA). Further, if the County enters into a GESA, the cost of the audit would be incorporated into the GESA. The McClure Company’s projected cost is $5,274,755.00 based on the preliminary evaluation. The total cost savings over 15 years is estimated at $8,155,450.00, with a net positive savings of $1,078,309.00.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes the County Executive to award a contract to the McClure Company, in accordance with the documentation
In response to Mr. Angle’s question as to what would the actual cost and projected savings be in 2011, Mr. Gilbert stated he was not sure if they received a preliminary of what their order of replacement of items would be, but the Courthouse and the Prison would be the primary focus, although other areas of the County would be involved. However, once it was received, they would be asked to provide a number that would give a preliminary sketch of what the savings would be to the County this year versus the cost.

Mr. Steve DeSalva, Director of Public Works, advised any cost the County had this year or any year during the next 15 years would not exceed the cost the County was now paying for utilities, fuel, oil and gas.

In answer to Mr. Angle’s comment that he meant the cost the County was going to pay them, Mr. DeSalva stated there was a financial arrangement that was developed with a bank and all this went into the bank and they got paid out of that.

Mr. Gilbert advised that if something, like a boiler, had to be replaced, their cost was covered by that construction itself so whatever the County paid for the boiler, their cost came out of that payment. He further advised they asked if there would be an increase in percentage based on paying their percent of whatever their fee was and they were told there would not.

Mr. DeSalva stated his understanding was the County would not pay any more than it was paying at this time.

Mr. Gilbert commented if the County went to an outside vendor to get the boiler replaced, the cost that would have been accepted should be somewhat similar to what the costs would be by having this group do the construction.

Mr. Dowd advised the cost of financing would be much lower than the cost the County would incur going out in the market because this was a guarantee rate.

Mrs. McHale stated, according to some of the documents that
were provided, there was an annual service fee of approximately $513,000.

When Mr. Angle advised he read the documents too and he was not comfortable with this proposal so he was not prepared to vote on it without being provided more detailed information.

Mr. DeSalva stated he had a cost chart for 15 years which indicated the County was financing $186,000 for the first year.

In response to Mr. Angle’s question as to what was being financed, Mr. DeSalva replied it was worked into a 15-year payment program.

In answer to Mrs. McHale’s question as to what the annual fee would be, Mr. Gilbert advised he believed what would happen if they brought back a scheduled repair, it would be part of the $186,000 that would be spent and would include the materials and labor.

Mr. Angle stated that was not necessarily correct. He further stated he felt this was like the Swaption deal the County got into which was now going to cost $12 million to get out of. He noted that he did not feel anyone on County Council could explain to him exactly what was going to happen if the County entered into this contract.

Mrs. McHale advised she believed the fee for the company to come in and do the audit was $113,000.

Mr. Angle made a motion to table this resolution.

Mrs. Thierry seconded the motion.

Mr. Gilbert stated he would like this group to provide an example of work they considered had to be done and then provide the cost to the County and what they would make on it.

Mr. Cusick called for the vote on the motion.

Cusick, “no”.

The motion passed by a vote of 6-2.

Reconsideration of Administrative Code Article XIII Contract Approval Resolution - Outside Legal Counsel for Labor Matters

With respect to the issue of outside legal counsel, Mr. McClure stated, according to the Administrative Code 11.03, County Council had prohibited the hiring of outside legal counsel.

Mr. McClure then made a motion that Northampton County Council authorize the County Executive to award a contract to Flamm Walton PC for outside legal counsel to advise and assist the County with labor and labor related matters. Further, it shall be clearly understood that: (1) authorization was being given only for a one (1) year contract; (2) the total compensation paid to Flamm Walton PC shall not exceed a total of $84,000 for the period of the one year contract and (3) that there shall not be any contract extensions, without the approval by resolution or ordinance of County Council.

Mr. Gilbert seconded the motion because the County was on the threshold of some very important issues and even though it would cost $14,000 more, the County had so much more to lose without proper legal representation.

When Mr. Angle asked if he would be willing to reduce the Solicitor’s office by one less solicitor, Mr. Gilbert replied he would not make that a contingency of this action.

Mr. McClure withdrew his motion and then made a motion to reconsider the outside counsel resolution.

Mr. Cusick seconded the motion.

Mr. Cusick called for the vote on the motion.


The motion passed by a vote of 5-3.

Mr. Angle made a motion to reduce the number of part time solicitors by one.

Mrs. Thierry seconded the motion.

In response to Mr. Cusick’s question as to whether it was appropriate to make that motion, Mr. Lauer advised the last motion was to reconsider the resolution so he did not think this motion could be considered at this time.

Mr. Cusick called for the vote on the reconsideration of the following resolution:

R. 17-2011 WHEREAS, Northampton County Administrative Code Section 11.03 Outside Legal Counsel, provides in Section 11.03 a., “The Solicitor, with the approval of the County Executive and County Council, may retain outside legal counsel where necessary.” and in Section 11.03 b., “For the purposes of this section, outside legal counsel shall mean the use of any legal counsel, attorney, or firm of attorneys, other than the County Solicitor and Assistant County Solicitors, which may be used to defend and/or represent the County of Northampton, a County employee, or a County elected official in litigation; and/or assist the Solicitor’s Office with matters involving the County of Northampton.”; and

WHEREAS, Northampton County Administrative Code Section 16.04 Outside Legal Counsel, provides in Section 16.04 a., “The requirements set forth in Administrative Code Section 11.03, Outside Legal Counsel, shall apply to all departments, services, bureaus, offices, divisions, or other administrative unit under the direction and supervision of the County Executive.” and in Section 16.04 b., “For the purposes of Section 11.03, the term approval of County Council shall mean either the adoption of a separate and specific resolution, or ordinance, regarding any retention of outside legal counsel.”; and

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes the County Executive to award a contract to Flamm Walton PC for outside legal counsel to advise and assist the County with labor and labor related matters. It shall be clearly understood that: (1) authorization is being given only
Mr. Angle made a motion to amend the resolution to also reduce the number of part time solicitors by one.

Mrs. Thierry seconded the motion.

Mr. Cusick called for the vote on the amendment.


The motion failed by a vote of 2-6.

Mr. Cusick called for the vote on the resolution as presented.


The resolution was adopted by a vote of 5-3.

When Mr. Angle asked where the money was coming from to pay for this service, Mr. Conklin advised when this was presented in September, Ms. Patricia Siemiontkowski, Director of Human Resources, indicated the funds existed in their Professional Services budget.

Discussion of the Gracedale Petition Challenge

Mr. Cusick stated at the request of Mr. Angle, this item was added to agenda as a discussion item.

Mr. Angle advised he felt County Council should be kept abreast as to what was happening in this matter in case they may want to take some action. He further advised from what he
understood there were more than 23,000 signatures, but a great many of them were not legitimate.

Mr. Conklin stated the petition collection closed at the end of the day on Tuesday, but throughout the course of the process, people have been dropping off their petitions. He further stated the role of the Election Office right now was to verify the signatures against their data base.

Mr. Conklin advised according to the Election Law, there was a seven-day time period that would enable challengers to the petitions to file in Commonwealth Court their objections. He further advised according to the Home Rule Charter, there was a 20-day period to have the actual number of eligible signatures verified. He noted they have scheduled an Election Commission meeting for Tuesday.

In answer to Mr. Angle’s question as to what would happen if they did not get the required number of signatures, Mr. Conklin stated it would not have to go before the Election Commission, but anything could be appealed by either party.

In response to Mr. Angle’s question as to where that appeal would be heard, Mr. Conklin indicated any appeal would go before the Court of Common Pleas in this County.

In answer to Mr. Angle’s question as to whether it was correct that any citizen, the County Executive or County Council could challenge it, Mr. Conklin replied in the affirmative.

In response to Mr. Angle’s question as to what was the appeal period if the Election Commission verified they had collected the eligible number of signatures, Mr. Karl Longenbach, Solicitor for Northampton County, advised if the determination was that they had not met the minimum number, under Section 1104 of the Home Rule Charter, it could be subject to judicial review within 20 days after such determination of failure. He further advised if they did have the required number of signatures, then the County Executive or County Council, or both bodies, could proceed to challenge the finding of the Election Commission that the petitions had conformed, which was where the seven-day period came in. He noted it would be premature to take any action until the Election Commission acted.
In answer to Mr. Angle’s question as to what would happen if the Election Commission ruled the required number of signatures were ascertained and there were no appeals, Mr. Longenbach stated if it was deemed to be a conforming petition, it would then come before County Council because they had to determine whether or not they wanted to pass an ordinance consistent with the terms of the proposed initiative. He further stated if County Council opposed the proposed initiative, then it would go onto the ballot.

In response to Mr. Angle’s question as to whether County Council had a say as to whether it did or did not go on the ballot, Mr. Longenbach replied it did not.

In answer to Mr. Angle’s question as to why it went from the Election Commission as a pass through to County Council if it already met the criteria, Mr. Longenbach advised because if County Council chose to agree with the proposed initiative, then there was no reason to put it on the ballot.

Mr. Angle asked if a citizen, the County Executive or County Council decided to take action to oppose the initiative, did County Council forfeit its right to also hear it before it went on the ballot.

Mr. Longenbach replied in the negative because there would have to be a determination as to why any challenge by County Council was legitimate.

In response to Mr. Angle’s question as to whether a citizen challenged the petition and it went to Court and the Court agreed with the challenger’s petition, was it appealable, Mr. Longenbach stated he believed it would be.

Mr. Angle asked if this whole process could be done, appeals and all, in time for it to be put on the ballot, Mr. Conklin advised he could not speak for the Courts, but he believed they were well aware of the importance of the matter. Mr. Longenbach stated he believed there was a 60-day provision and if it was not done in time for the Primary Election, it could go on the ballot for the General Election.

Mr. Conklin remarked then the question would be if
Gracedale was sold, would it become a moot point at that time.

Mr. Angle advised when this process first started; his research showed him that an initiative or referendum could not be done on anything that encumbered the finances or budget of the County.

In answer to Mr. Angle’s question as to whether there were legal opinions that concurred with that, Mr. Conklin stated there were communications between the Election Commission’s Solicitor and the County’s special counsel, but he was not privileged to talk about them at this point.

Mr. Angle advised the long and short of all this was even if all the signatures were declared valid, it would still have to be determined if it was legal for the question to be put on the ballot.

With that in mind, Mr. Angle asked Mr. Lauer what was County Council’s role when it came before them after the Election Commission determined that it conformed to the requirements of the Home Rule Charter, he replied a determination had to be made as to whether it wanted to adopt an ordinance that agreed with the initiative that was being proposed to be on the ballot, however, if it chose not to, it would be placed on the ballot.

In response to Mr. Angle’s question as to whether he had researched the legality of placing this question on the ballot, Mr. Lauer replied he would give his opinion when the issue came before County Council.

Mr. McClure asked with respect to the work that the Voters Registration Office and the County’s Information Technology (IT) Department was doing was there any authorization in the Election Code for them to do that.

Mr. Conklin stated they did not feel there was any conflict with it. He further stated well before his time with the County, individuals from other departments voluntarily assisted with the process of tallying the votes during the Primary and General Elections. He noted since he had been here because of the need to get the numbers out to the press and candidates as soon as possible, they had enlisted the help of the IT
In answer to Mr. McClure’s question as to whether they created a program for this, Mr. Conklin advised they created a program that allowed them to check the signatures against the Statewide Uniform Registry of Electors (SURE) data base.

In response to Mr. McClure’s statement that it was correct that he did not know of any authorization in the Election Code for them to do that, Mr. Conklin replied nor any prohibition.

In answer to Mr. McClure’s question as to whether he checked with the Department of State before implementing this program, Mr. Conklin stated that Ms. Dee Rumsey, Voter Registrar, had been in contact with the Department of State throughout the process.

In response to Mr. McClure’s question as to whether they had been in contact with them specifically with regard to this program, Mr. Conklin advised this program did nothing to invalidate the Department of State’s SURE System.

In answer to Mr. McClure’s comment that the Department of State was not contacted to get their authorization for the County to do this, Mr. Conklin stated this program was much like a normal report writer that would be done with any other type of information that can be obtained off the SURE System.

In response to Mr. McClure’s statement that the Department of State did not know what the County was doing, Mr. Conklin advised that was not what he said, noting that Ms. Rumsey had been in contact with them and they knew exactly the County’s dilemma and that it had a huge amount of petitions and signatures to go through.

In answer to Mr. McClure’s question that they were aware of the program and they authorized it, Mr. Conklin stated Ms. Rumsey told him that they were involved.

Mr. McClure advised the Home Rule Charter was crystal clear that the only role County Council had was to determine whether or not it would adopt the language of the initiative. He further advised County Council was not an entity that had the legal ability to go to Court so it could not challenge the petitions. Additionally, Section 1100 also provided no role for
the County Executive at all, noting it specifically abrogates the power of the County Executive to veto any ordinance with respect to the initiative process, so he did not think the County Executive could challenge the petitions.

Mr. McClure stated with regard to whether the initiative ran afoul of the Home Rule Charter’s prohibition with respect to amending or changing a budget, the initiative language did not add nor delete a line item to the budget. He further stated the way he interpreted the language of the Home Rule Charter with respect to budget items not being subject to initiative or referendum was that a specific budget could not be altered by adding or deleting specific line items by the initiative or referendum process. He noted the initiative pertained to the sale of real property, the most value asset this County had ever had, and the Home Rule Charter permitted the citizens to determine the future of Gracedale if the requisite signatures were met.

Mr. McClure advised the County did not have to put any money into Gracedale because County Council could require that Gracedale operate solely on its reimbursements, therefore, it did not necessarily impact the budget. He further advised he only hoped a judge would take testimony regarding Gracedale’s impact on the County’s budget because ultimately Gracedale had added to the budget.

In conclusion, Mr. McClure stated he was deeply concerned about the County’s outside legal counsel having contact with the Election Commission because it was an independent agency and attorneys hired by the County for the purposes of selling Gracedale should not be giving legal advice to them. He further stated as there was no attorney-client relationship between the outside legal counsel and the Election Commission, it was highly improper.

Mr. Angle advised if Mr. McClure had pulled up the test cases regarding this issue, he would have discovered that the Court ruled that the finances, budget or encumbrances that dealt with money in the County could not be fooled with. He further advised he had already hired an attorney to appeal this issue, if necessary.
Mrs. McHale asked Mr. Lauer if he believed if the County decided to follow through with the potential sale of Gracedale and an injunction was filed that any judge would rule against 23,000 people.

Mr. Lauer stated there was no simple answer to that question because there were a lot of things to be considered, however, if there was litigation pending, he believed it would be difficult for someone to get financing to make the purchase.

In response to Mrs. McHale’s question as to whether County Council was opening itself up to liability when it made its decision, Mr. Lauer advised the decision County Council was being asked to make under the Home Rule Charter was whether County Council wanted to adopt an ordinance based on what the petitioners were requesting. He further advised if that was done, then there was no reason to put it on the ballot, however, if County Council chose not to, it would go on the ballot.

With regard to the issue of whether County Council had a right to engage in litigation, Mr. Lauer stated that was something that could be argued, but he believed the Home Rule Charter was quite clear that issues relating to litigation were to be handled by and the County was to be represented by the County’s solicitor. However, if there were issues County Council felt stepped upon its powers, they could bring them before the Court.

When Mr. McClure commented he believed County Council’s only power was to adopt the initiative as worded Mr. Lauer agreed.

Mr. McClure advised if this issue went into litigation, it could be held up for a long time and in that time, a management company could have been brought into Gracedale and have it making money. He further advised it was unfortunate that County Council was going to ignore more than 23,000 citizens.

Mr. Angle stated that many of the people who signed the petitions were told they were signing something totally different from what they were signing and that went to the core of his argument with the save Gracedale people. He further stated the petition said it wanted to save Gracedale for five
years and he might have even signed it if they had included that in order to do that, it would cost the individual a 18% tax increase.

With regard to the issue of allowing it to run without County money, Mr. Angle advised the people were worried that the quality of care would decrease if Gracedale was sold so how do they think the quality of care would be if there was no money coming in from the County.

Mr. Gilbert stated he hoped that if this issue was to go before a judge, that a judge would make his decision based on what would be best for the County and not on what 23,000 people may or may not do. He further stated this was the wish of 23,000, but there were 300,000 people who could be negatively and adversely impacted not only now, but in the future.

On the issue of the County’s Special Counsel being in contact with members of the Election Commission, Mr. Conklin advised there were only conversations between the Special Counsel attorney and the Election Commission attorney on opinions relating to the various viewpoints.

Slate Belt Council of Government

Mr. Angle stated last year, the County Executive did not include in the Department of Community and Economic Development budget the County’s dues for the Slate Belt Council of Government, which was $1400.

Mr. Angle made a motion that $1400 be taken out of County Council’s Contingency Account to pay these dues.

Mr. Cusick advised that would have to be done by a resolution and requested Mr. Angle submit one for consideration at the next meeting.

Finance Committee Report

Mr. Gilbert stated at yesterday’s Finance Committee meeting the issue of looking at the County’s needs long term both financially and economically arose so he asked Mr. Angle to
Mr. Angle advised he felt a committee should be formed to look at the past, present and future of the County in the areas of finances, buildings, operation, services and needs, as well as many other things and to come up with a long term plan. He further advised the individuals he felt would be a good fit for the committee would be Mrs. Thierry, Mr. Dowd, Mr. Gilbert and himself.

Mr. Cusick then appointed these individuals to the Long Term Planning Committee.

Human Services Committee Report

Mr. Dietrich stated the Human Services Committee met today and there was a discussion regarding the closing of the Allentown State Hospital and its impact on some of its residents who were citizens of Northampton County. He further stated it appeared, with the assistance of the County, the transition went well for them.

In answer to Mrs. McHale’s question as to whether any of those residents went to Gracedale, Mr. Ross Marcus, Director of Human Services, replied it was deemed that none of them were appropriate for Gracedale because Gracedale could not provide the necessary mental health care to them.

Open Space Committee Report

Mr. Cusick advised the Open Space Committee met earlier in the evening and he wanted to thank County Council for approving all the projects that were presented tonight. He further advised every municipality that was entitled to allocations received them except for the Boroughs of Glendon and Chapman, who forfeited their allocations. He noted those projects concluded that portion of the Open Space Program.

Mr. Cusick stated they were looking into some projects that were approved several years ago, but had not been closed upon to date.
911 Liaison Report

Mr. Dietrich advised he was in contact with the Northampton County Fire Chiefs Association, as well as the Ambulance Association, and they were both happy that the six dispatcher vacancies were filled.

Solicitor’s Report

Mr. Lauer stated he had been asked by Mr. McClure to determine whether additional agencies or parties, with the permission of County Council, could issue subpoenas and he interpreted Home Rule Charter Section 202 to, in general, permit that and he also provided the procedure to be employed in the event that were to happen.

Mr. Lauer advised Mr. Dietrich had some questions with regard to the potential role of a municipal authority with respect to the bi-County health issue. He noted he was reviewing that issue and would report back on it.

Mr. Lauer stated in reviewing the issue of the initiative/referendum process, there was a specific provision for judicial review, but it only applied if there was a determination by the Election Commission that the petitions did not conform.

Adjournment

Mrs. McHale made a motion to adjourn.