Easton, Pennsylvania            June 2, 2011

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

Prayer

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

Pledge of Allegiance

Mr. McClure 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 May 19, 2011 meeting shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Antoni Scott, 324 Stonechurch Drive, Upper Mount Bethel Township, PA - stated he wanted to talk about the County’s funding of two properties in Upper Mount Bethel Township which was being proposed tonight. He further stated he would like County Council to reject this request because it was not a priority of the Upper Mount Bethel Township residents.

Mr. Scott advised in 2008, a survey was performed as to what the residents were interested in preserving and the highest
percentage was farmland and prime agricultural land, noting neither of these properties were of that type. He further advised he would not mind seeing the Kirkland property preserved, but the Broad property was totally inaccessible.

Mr. Scott stated in these economic times, developers looked for farmlands that were in trouble and there were currently two of them in Upper Mount Bethel Township so he would rather see them preserved first.

Ms. Carol Scott, 324 Stonechurch Drive, Upper Mount Bethel Township, PA - advised the funding from Upper Mount Bethel Township was from the Earned Income Taxes paid by its residents and the survey was in response to the Marsh Field project as it would have brought in 1250 homes. She further advised as there was little available space for economic development, she would like to see farmlands preserved as they provided food and jobs for the local community. However, if they had to vote on one of these projects, she would suggest the Kirkland property.

Ms. Peg Dalessandro, 705 Front Street, Bangor, PA - stated she wanted to report a recent event that occurred. She further stated the Coalition of Alzheimer’s Families (COAF) have witnessed and often been the subject of Councilman Angle’s angry outbursts, therefore, his recent telephone call to two of its members requesting a meeting came as a surprise. She noted the agenda for his proposed meeting remained unclear.

Ms. Dalessandro advised considering the turmoil everyone experienced within the past 18 months regarding the Gracedale issue, they thought it was best to hold a meeting with their members to discuss Mr. Angle’s request. She further advised after the discussion, it was decided by a unanimous vote not to meet with him. She noted upon being told of their decision, Mr. Angle was angry and accused the COLF of “once again playing games”.

Ms. Dalessandro stated they had no intention of playing games with anyone and had never been nor were they now politically motivated. She further stated their goal was to allow the voters to weigh in on the future of Gracedale and now it was up to County Council and the Administration to make Gracedale successful.
Ms. Dalessandro advised if Mr. Cusick, as President of County Council or one of his designees, requested a meeting with the COAF, they would be more than happy to oblige. She further advised the COAF always had a willingness to assist in an advisory capacity in regard to Gracedale.

Mr. Angle stated after the last County Council meeting, Mr. Mario Martinez and Ms. Mary Ann Schmoyer came up and extended their hands so he contacted them because he believed they were still interested in what happened with Gracedale to inquire from them what they thought their roles could be in its future, but it seems there was no interest.

County Executive’s Report

Mr. John Stoffa, County Executive, advised he wanted to compliment Mr. Al Jordan, ACS Director of Information and Services, and Mr. Doug Hill, ACS Network Manager, for the work they did this past week regarding the issues with the Uninterruptible Power Supply (UPS) system that provides power for the County’s computer system. He further advised this system was more than 30 years old and it was fortunate that $135,000 was budgeted for a new system that would be installed within the week.

Mr. Stoffa stated on May 22, 2011, another successful electronics recycling event was held at Easton High School. He further stated more than two and a quarter tractor/trailers full of electronic waste and 7,520 pounds of refrigerators, freezers and air conditioners were received. He noted another event was scheduled for June 4, 2011, at the Washington Township School parking lot and a third event was scheduled for June 11, 2011, at the Moore Township Municipal Building.

Mr. Stoffa advised next week deliberations would begin for the 2012 budget and if any member of County Council had any suggestions, they should contact him or Mr. Doran Hamann, Budget Administrator.

In answer to Mrs. McHale’s comment that some, if not all, of the cost for the new UPS system could be covered by the County’s insurance, Mr. Stoffa stated he would look into the matter.
Mr. McClure advised according to information that had been received, it appeared that the contract for the management company for Gracedale would be initially for two years, with renewals thereafter at the County’s option. He further advised he was concerned that two years was a very narrow time frame for any organization to come in and make an appreciable difference for the County to determine whether or not outside management was the correct thing to do and, in particular, the chosen firm. He noted the referendum gave the County five years so he wondered why it was for two years.

Mr. Stoffa stated his term would terminate at the end of two years and whoever followed him might want to do something different so he felt the option should be left open to them.

Mr. Ross Marcus, Director of Human Services, advised he disagreed that it would take the management company more than two years to show signs that it could turn Gracedale around. He further advised that term would also let them know the importance of the task and of them remaining diligent from the very beginning to the end of the five years.

In response to Mr. McClure’s question as to why he believed two years would give them enough time to show they could turn the facility around, Mr. Marcus replied conversations with several potential respondents, as well as other Counties that had used an outside firm and what he had seen within the last few years with the County.

In answer to Mr. McClure’s question as to which Counties he talked with, Mr. Marcus stated he discussed the matter with Lehigh, Bucks and Chester. He further stated the discussions were not what the terms of their contracts were, but more on how long they should base the initial framework.

Mr. Stoffa advised if the County did not turn Gracedale around in less than two years, it would be in trouble.

Mr. Angle stated that was the right way to do it, noting it was technically a five-year contract, but it allowed the County to remain in control.

In response to Mr. Angle’s question as to whether he had
met with the unions, Mr. Stoffa advised the team met to review both contracts and should be ready to set up a meeting shortly.

With regard to the management contract, Mr. Dietrich stated two members of County Council were involved with the Request for Proposal process. He further stated with regard to the two year issue, it was the consensus that they wanted the management company coming in to produce results quickly because if they were given five years, they might take four years to do something.

Mr. Dowd advised the quality and the number of the responses received would determine whether two years was a good time frame or not.

Presentation of the Lehigh and Northampton Transportation Authority (LANTA) - Easton Parking Garage Project

Mrs. McHale introduced Mr. Armando Greco, Executive Director, LANTA; Mr. Fred Williams, Treasurer, LANTA and Ms. Becky Bradley, Director of Planning and Development for the City of Easton, who would be giving a presentation regarding the Easton Parking Garage Project.

Mr. Williams stated they were here tonight to give an update on the new Easton transportation facility, as well as on some of the new and exciting things that LANTA was in the process of doing.

Ms. Bradley provided a handout regarding the Easton transportation facility (see Attachment #1). She advised this had been a year and a half long process, but they had now received lots of the necessary approvals. She further advised the building in the front would house part of the intermodal bus transfer facility and the bus transfer station itself which would be a coordinated operation that would include not only LANTA, but Trans-Bridge, Susquehanna Trailways, Greyhound and some New Jersey and New York City transit services.

Ms. Bradley stated the upper floors of the building portion in the front would include the National High School Hall of Fame with additional Class A office space and there would also be a public park and plaza area. She further stated this was an opportunity to mesh the needs of a coordinated bus transfer
station with the need for office space and be an additional tourist draw for the community. She further noted the building was 40,000 square feet with a 357 space parking deck.

In answer to Mr. Angle’s question as to how many buses would be utilizing the facility, Ms. Bradley advised the plans were for six buses, but it would accommodate up to ten.

Mr. Greco stated the facility was designed to handle the immediate needs, but also provided for expansion in the future.

Ms. Bradley advised they were reserving some of the space in the front for drop offs and loading, but it could potentially be used for overflow spaces for the buses in the future.

In response to Mr. Cusick’s question as to what their marketing plan was for the office space, Ms. Bradley stated there was a significant marketing plan in place, but they already had tenants secured for the second floor and there would be some retail and commercial space available on the first floor.

Mr. Williams advised all the existing bus stops would remain exactly where they were in downtown Easton, but all the transfers would be done at the transportation center. He further advised as far as Trans-Bridge, their buses did not stop very long, noting their drop off time was approximately 4-6 minutes.

Mr. Greco stated in September, LANTA would be making a major structural change in its fixed route system which was a result of the Moving LANTA Forward Plan. He further stated the structure was designed to simplify the operation, focus on heavy corridors that they had and create the opportunity to grow the operation.

Mr. Greco advised they had a very large outreach program, noting they held public meetings and hearings in an effort to disseminate as much information as possible. He further advised they were meeting with municipalities to discuss the impact of their land use decisions on transportation.

Mr. Greco stated they were going to be starting an enhanced bus study this summer to look at the heavy used routes to determine whether or not they could upgrade the service to
another level. He further stated they were also updating their graphics and website.

With regard to their budget, Mr. Greco advised from an operating standpoint, they were good this year, but indicated there would be a fare increase if it passed. He further advised the State and Federal governments were in the midst of very serious transportation funding problems so the State had established a funding commission that would be releasing a report by August 1st to determine how or whether they could raise the funds that had been identified for the State’s transportation system. He noted the results of that report would tell them where they were going in the future with capital, as well as operating because they had operating money, but no capital.

Mr. Greco pointed out they had been working two years without a Service Transportation Act, noting they merely extended what was in place, so they were hoping by October of 2011, they would finally get to the point where they would pass a new Act. He further pointed out by not having a long term Act in place, it was hard for them to decide where they were going to go year after year.

In answer to Mr. Dowd’s question as to whether they utilized hybrid buses, Mr. Greco stated they had five hybrid buses, but they were seeing about a 50% increase in fuel economy.

Mrs. McHale advised she would just like to thank Mr. Greco and his staff for the work they have done, especially within the past year and a half.

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

Mr. Cusick stated this Collective Bargaining Unit Agreement was initially considered by County Council at the meeting held April 14, 2011, at which time it was defeated by a vote of 6-2. He further stated it was again reviewed at the April 28, 2011 County Council meeting, but consideration of it was tabled.
Mr. Cusick advised at the meeting held on May 5, 2011, County Council considered a resolution which would have approved all three years of the contract and that was defeated by a vote of 4-5. He further advised a second resolution was offered at that meeting that would have approved contract years 2010 and 2011, but would have rejected contract year 2012 and that was tabled by a vote of 5-4.

Mr. Cusick stated the matter was reviewed at the May 18, 2011 Personnel Committee meeting, at which time it was agreed to include consideration of the contract on the agenda for tonight’s meeting.

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

Mrs. Ferraro seconded the motion.

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


The motion passed by a vote of 7-1.

Mr. Cusick introduced the following resolution:

R. 57-2011 WHEREAS, Northampton County Charter Section 202 (12) provides that, “the County Council shall have the power to approve any collective bargaining agreements with officers and employees”.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that contract years 2010, 2011 and 2012 of the Collective Bargaining Unit Agreement/Arbitration Award between the County of Northampton and AFSCME District Council 88, the Court Appointed Professional Unit, shall be approved this 2nd day of June 2011.

Mr. Angle advised a large part of the taxpayers of Northampton County were senior citizens who had not received an
increase in their Social Security during the last two years. Therefore, he did not intend to support this because it was the taxpayers who had to subsidize this contract and he could not allow these citizens to have their taxes increased to pay for it.

Mrs. McHale stated she would be supporting this resolution because she felt if the County could spend money on open space, farmland preservation and environmentally sensitive lands, it could support whatever the costs would be to reward the employees who were working on the County’s behalf to make it a better place to live.

Mr. Dietrich advised he did not support removing this resolution from the table because there was a hearing set for tomorrow and he was not sure whether members would vote their conscience and the vote would be the same as before or would they vote for it only because they were afraid of the outcome of tomorrow’s hearing. He further advised he would not be supporting this resolution because the County Executive signed it and then stated in the paper, the County had no money.

Mr. Angle stated the funding for open space was voted on by the people, but he would be hard pressed to believe that they would vote for a 3.5% increase for these employees.

Mr. McClure advised, with regard to Mr. Dietrich’s comment about the hearing tomorrow, Mr. Lauer’s opinion indicated “A further consideration is the cost to the County to further refuse to approve the arbitration award. There would certainly be costs and fees associated with the litigation. Further, in the event that the Court concludes that Council’s actions, in refusing to approve the award, were improper, sanctions, including payment of opposing parties’ fees and expenses, could be imposed”. He noted these would be unnecessary costs the taxpayers would have to bear.

Mr. McClure additionally stated Mr. Lauer indicated, “Since my prior opinion in this regard, it has been explained by the Executive and others on his behalf, that there are unallocated funds in the budget in amounts substantially greater than is necessary to implement the arbitrator’s award. Accordingly, I believe that Council cannot legally reject the award, unless some contrary evidence is presented on the issue of the need for
a legislative enactment.” He noted there was no contrary evidence to be presented, therefore, County Council must approve this resolution and abide by the law.

Mrs. Ferraro agreed it was time to abide by the law so she was supporting this resolution simply because of the unnecessary costs that would be incurred by the taxpayers. She commented that in these tough economics, all the County could ask for was for the employees to be reasonable.

Mr. Angle advised the issue was not whether the employees did an outstanding job because they did. He further advised the issue was the taxpayers would be footing the bill and it was County Council’s job to represent them.

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


The resolution was adopted by a vote of 6-2.

Public Hearing on the Ordinance Providing for Amendments to the Northampton County 21st Century Open Space Initiative Guidelines

Mr. Cusick stated this ordinance was introduced by Mrs. Ferraro and himself at the meeting held May 19, 2011.

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE GUIDELINES

WHEREAS, the Northampton County Council adopted ordinance #423-2004, the ordinance titled, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY OPEN SPACE INITIATIVE, ACCEPTING THE REPORT OF THE NORTHAMPTON COUNTY COUNCIL OPEN SPACE COMMITTEE PREPARED WITH THE ASSISTANCE OF THE LEHIGH VALLEY PLANNING COMMISSION, CREATING THE NORTHAMPTON COUNTY OPEN SPACE ADVISORY BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE INITIATIVE,” at the meeting held November 4,
2004. The ordinance was signed by the County Executive on November 5, 2004 and it became effective as such on December 5, 2004; and

WHEREAS, the Northampton County Council adopted ordinance #468-2007, the ordinance titled, “AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE GUIDELINES”, at the meeting held September 20, 2007. The ordinance was signed by the County Executive on September 21, 2007 and it became effective as such on October 21, 2007. Ordinance #468-2007 incorporated the waiver of retroactivity policy for land acquisition programs into the Northampton County 21st Century Open Space Initiative Guidelines; and

WHEREAS, the Northampton County Open Space Advisory Board, at its meeting held March 10, 2011, reviewed and approved changes to the Northampton County 21st Century Open Space Initiative Guidelines.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that the revised Northampton County 21st Century Open Space Initiative Guidelines (a copy of which is attached hereto and labeled as Exhibit “A”) are hereby approved.

Section I. Short Title

This ordinance shall be known as, and may be cited as, the Northampton County 21st Century Open Space Initiative Guidelines Ordinance.

Section II. Repealer

Any Ordinance or any part of any other ordinance conflicting with the provisions of this Ordinance is hereby repealed.

Section III. Effective Date

This Ordinance shall become effective thirty (30) days after the date of enactment.
Mr. Cusick advised the Open Space Committee met and reviewed the guidelines at the meeting held May 19, 2011. He further advised they agreed to recommend the adoption of the revised guidelines.

**Public Hearing**

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

Mr. Cusick asked if there was any member of County Council who wished to comment on this ordinance.

Mr. Angle stated he read it, but he would like someone to give him a short overview of what was being presented.

Mr. Cusick advised the municipal parks portion of the Open Space Initiative had been completed so that program would no longer be offered. He further advised should there be an initiative from a County Council or County Executive in the future, it may be possible to reimplement this program and re-authorize the funding.

Mr. Cusick stated there were changes to the ranking system that would be used by the Open Space Advisory Board as they rated these properties and the County would still have the opportunity to preserve environmentally sensitive lands.

Mr. McClure advised one of the things the County got away from was a balance approach to open space, environmentally sensitive lands, farm lands and municipal parks. He further advised he favored a bond issue instead of the .5 mils, however, the County had to now re-evaluate how it was going to use the money going forward and changing these guidelines to abandon the balance approach that was in place before may not be what was needed at this time.

Mr. Dowd stated without Farmland Preservation Administrator Ms. Maria Bentzoni being present, he felt a lot of questions were not going to get answered so he was going to make a motion to table this ordinance.

Mrs. McHale and Mr. Angle seconded the motion.

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


The motion passed by a vote of 6-2.


Mr. Cusick advised the Open Space Committee met and reviewed the Kirkridge project for $199,400, the Broad project for $61,000 and the LaPenna project for $127,500, which totaled $387,900. He further advised as the remaining funds totaled $272,410, the Open Space Committee was only recommending the funding of the Kirkridge and Broad projects, which would total $260,400, leaving a balance of $12,010. He noted funding for the LaPenna project would be dependent upon the availability of future funding in a future budget.

Minsi Corridor - Kittatinny Ridge - Kirkridge

Mr. Cusick introduced the following resolution:

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

WHEREAS, the Northampton County Open Space Advisory Board has recommended the conservation easement acquisition by the Nature Conservancy of the Kirkridge Property, Upper Mount Bethel Township, County of Northampton, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

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

Property Owner(s): Kirkridge Inc., Kirkridge Retreat & Study Center

Site Location: 2495 Fox Gap Road, Bangor, PA
NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the conservation easement acquisition by the Nature Conservancy of the Kirkridge property, Upper Mount Bethel Township, County of Northampton, located at 2495 Fox Gap Road, Bangor, PA 18013, Upper Mount Bethel Township, Northampton County being approximately 108 acres, and also known as Northampton County Uniform Parcel Identifier Numbers B9-2-3 and B9-2-9.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $199,400 as consideration for the conservation easement acquisition by the Nature Conservancy of the Kirkridge property.

Mrs. McHale stated the documents reflected the other funding was only being requested and it was her understanding that the County was to be the last entity to approve funding.

Ms. Ellen Lott, The Nature Conservancy, advised Upper Mount Bethel Township was going to vote on this property on June 13, 2011, and the Pennsylvania Department of Conservation and Natural Resources would not be announcing their grant funding
In answer to Mr. McClure’s comment that unless Upper Mount Bethel Township approved these projects, the transaction would not take place, Ms. Lott agreed.

In response to Mrs. McHale’s question as to whether that meant the County’s money would not be released until everyone approved it, Mr. Cusick stated that was his understanding.

When Mrs. McHale asked if that was, in fact, the case, Mr. Stoffa replied he was not sure.

Mr. Dowd advised by policy the County should be the last entity to approve a project, or at least after the local municipality. He further advised unless he heard that Upper Mount Bethel Township approved this project, he was not going to support it.

In answer to Mr. Cusick’s comment that he thought Upper Mount Bethel Township had approved this project, Ms. Lott stated their Open Space Committee recommended it, but it had not been before their Board of Supervisors.

Mr. Angle advised some of the supervisors in Upper Mount Bethel Township were beginning to question why none of their money had gone into farmland preservation so he was not sure this would be approved. He suggested that members of County Council take a look at the property in question because he felt a developer would not be interested in it and the price being paid for an easement was too much.

In response to Mr. McClure’s question as to what would happen if the County did not support this, Ms. Lott stated they would have a better chance of getting the grant with the County’s support.

Mrs. McHale made a motion to table this resolution and the following resolution until the next County Council meeting to allow the Board of Supervisors to vote first.

Mr. Dowd seconded the motion.
WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the fee simple acquisition by the Nature Conservancy of the Broad Property, Upper Mount Bethel Township, County of Northampton, which is described more fully in Exhibit “A” (a copy of which is attached hereto); and

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

<table>
<thead>
<tr>
<th>Property Owner(s):</th>
<th>David &amp; Patricia Broad</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>138 S. Northampton Street, Bangor, PA 18013</td>
</tr>
<tr>
<td></td>
<td>Upper Mount Bethel Township, Northampton County</td>
</tr>
<tr>
<td>Parcel Identification</td>
<td>B10-2-10, B-10-2-11 &amp; B10-2-12</td>
</tr>
<tr>
<td>Site Information:</td>
<td>Approximately 22 acres, wooded acreage with Minsi Lake vernal pools</td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>$143,000</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$ 61,000</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$ 76,250 Requested from PA DCNR</td>
</tr>
<tr>
<td></td>
<td>$ 15,250 Requested from Upper Mount Bethel Township</td>
</tr>
</tbody>
</table>

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

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the fee simple acquisition by the Nature Conservancy of the Broad property, Upper Mount Bethel Township, County of Northampton, located at Blue Mountain Drive, Bangor, PA 18013, Upper Mount Bethel Township, Northampton County, being approximately 22 acres, and also known as Northampton County
(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $61,000 as consideration for the fee simple acquisition by the Nature Conservancy of the Broad property.

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


The motion was passed by a vote of 6-2.

Consideration of the Resolution Pertaining to State Funding of Public and Private Nursing Homes

Mr. Cusick stated at the request of Mr. Dowd, a resolution was drafted that invited the Northampton County delegation to the General Assembly of the Commonwealth of Pennsylvania to a County Council meeting to discuss the disparity between State funding for public and private nursing homes.

Mrs. Ferraro advised she contacted the State legislators and provided them with background information on the situation and discussed some possible dates. She further advised she pointed out that the voters in Northampton County voted overwhelming to keep Gracedale and it was important for it to receive equal funding.

Mr. Dowd introduced the following resolution:

R. 58-2011   WHEREAS, Medicaid reimbursement for skilled nursing facilities is directly administered by the Pennsylvania Department of Public Welfare (DPW); and

WHEREAS, until June 30, 2006, the Medicaid reimbursement
rates for County-owned and privately-owned nursing homes were largely based on the Case Mix Index (CMI); and

WHEREAS, as of July 1, 2006, DPW froze the Medicaid reimbursement rates for County-owned nursing homes at the April 2006 CMI, with only minimal inflationary increases since that time, while privately-owned nursing homes continued to be reimbursed largely based on their CMI; and

WHEREAS, according to a July 2010 study by Complete Healthcare Resources-Eastern, Inc. (CHR), if County-owned nursing homes were still reimbursed according to their CMI, Gracedale, Northampton County's nursing home, would have received an additional $3.1 million annually in Medicaid reimbursement; and

WHEREAS, an excerpt from the CHR study (a copy of which is attached hereto and labeled as Exhibit "A") explains in detail the differential in Medicaid reimbursement rates between County-owned and privately-owned nursing home; and

WHEREAS, the County of Northampton feels that the different reimbursement systems for County-owned and privately-owned nursing homes is unfair and does not enable County-owned nursing homes to fairly compete with privately-owned nursing homes in Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it respectfully invites each member of the Northampton County delegation to the General Assembly of the Commonwealth of Pennsylvania to attend the July 21, 2011 joint meeting of the Northampton County Council Intergovernmental Affairs and Human Services Committees to review and discuss the Medicaid reimbursement rates for County-owned nursing homes.

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


The resolution was adopted by a vote of 8-0.
Consideration of the Resolution Concerning Notification Pertaining to County Contracts

Mr. Cusick stated at the request of Mr. Dowd, a resolution was drafted that requested the County Executive to provide County Council with 90 days advanced written notification of contracts that were about to expire.

Mr. Dowd introduced the following resolution:

WHEREAS, Northampton County Administrative Code Article XIII - PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, Section 13.16 C - Contracts and Agreements sets forth Northampton County Policies and Procedures for entering into contracts and agreements; and

WHEREAS, Administrative Code Section 13.16 c (1) (2) sets forth circumstances under which County Council approval is required for certain contracts; and

WHEREAS, fairly often County Council is asked to approve contracts on a restrictive and tight time frame often without sufficient time to adequately review and/or question the given contract and its terms and/or conditions; and

WHEREAS, Northampton County Home Rule Charter Section 202 (8) provides that County Council has the power, “to require periodic and special reports from elected officials and their subordinates.”

NOW, THEREFORE, BE IT RESOLVED by the Northampton county Council that the Northampton County Executive/or his designee shall provide County Council with a written report which lists contracts ninety (90) days before they are about to expire.

In answer to Mrs. McHale’s question as to whether the County Executive had to put out to bid a contract that had renewal options at amounts required for County Council approval by the Administrative Code, Mr. Lauer advised it would depend on the original terms of the contract, but he would check into the issue.

Mr. Dietrich stated these contracts, with the renewals,
were already budgeted for, therefore, the County Executive did not have to bring them back before County Council for approval. He further stated he felt the resolution was a step in the right direction, but wondered if the 90-day period was appropriate.

Mr. McClure advised the intention of the resolution was obvious, but there was no way County Council was ever going to prevent the presentation of last minute contract approvals.

In response to Mr. Angle’s question as to how he could do this better, Mr. Stoffa replied County Council did not realize how many contracts the County handled.

Mr. Angle then suggested having the appropriate committee hold a meeting with the Administration to see how best to handle the issue.

Mr. Dowd stated he would withdraw this resolution and asked Mr. McClure if he would have his Judicial, Legal and Operations Committee review it.

Consideration of the Emergency Shelter Grant Resolution

Mr. Cusick advised at the request of the Department of Community and Economic Development, an Emergency Shelter Grant resolution was prepared and reviewed at the Economic Development Committee meeting held earlier this evening.

Mr. Dowd stated this resolution provided funding to the Bethany Ministries in Bethlehem and the Third Street Alliance in Easton to allow them to rehabilitate their buildings. He further stated there was no cost to the County as the money was being passed through from the State. He then introduced the following resolution:

R. 59-2011

Resolution Authorizing Submission of the 2011 Emergency Shelter Grant to the PA DCED

WHEREAS, the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, authorized the Emergency Shelter Grant (ESG) Program; and
WHEREAS, the Commonwealth of Pennsylvania through the Department of Community and Economic Development (PA DCED) has received ESG program funds and is making these funds available to units of local governments for eligible emergency shelter activities; and

WHEREAS, the County of Northampton desires to submit an application to the PA DCED for ESG Program funds on behalf of homeless shelter housing and service providers.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Northampton County Council that:

1. The proposed projects, "Rehabilitation" and "Administration", to be funded by a grant from the Pennsylvania ESG Program are hereby eligible and approved.

2. The County Executive on behalf of the County of Northampton is authorized and directed to execute an ESG Program application in an amount not to exceed $125,000 to the PA DCED.

3. Any sub-recipient agencies receiving awards under this application will assume the responsibility for securing the required matching amount of project funds.

4. The County of Northampton will reimburse the Commonwealth for any expenditure found to be ineligible. Any sub-recipients receiving funds under the 2011 ESG Program will be required to reimburse the County of Northampton for any expenditure found to be ineligible.

5. The County Executive is authorized to provide such assurances, certificates, and supplemental data or revised data that DCED may request in connection with the application.

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 Amendment to the Sheriff’s License to Carry a Firearm Fee

Mr. Cusick advised due to a change in State statues and a concurring opinion by the County Solicitor, there was a need to change the fees the Sheriff’s Office charged to issue a License to Carry a Firearm.

Mr. Cusick introduced the following resolution:

R. 60-2011 WHEREAS, Northampton County Ordinance #17-79 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates as deemed necessary; and

WHEREAS, the Northampton County Sheriff has requested an amendment to the Sheriff's Office fee schedule pertaining to the license to carry a firearm fee.

NOW, THEREFORE, IT IS HEREBY RESOLVED By the Northampton County Council that the Sheriff's Fee Schedule shall be amended, to read as indicated hereafter, effective this 2nd day of June 2011 (sections marked with bold underline have been added):

<table>
<thead>
<tr>
<th>Current Fee</th>
<th>$19.00</th>
<th>$20.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>LICENSE TO CARRY A FIREARM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee</td>
<td>$19.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>Picture, Card</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>PA Temporary Fee (*)</td>
<td>5.00</td>
<td></td>
</tr>
<tr>
<td>PA Additional Fee (**)</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$35.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>TEMPORARY EMERGENCY LICENSE (**<em>) (</em>)</td>
<td>$10.00</td>
<td></td>
</tr>
</tbody>
</table>

IT IS FURTHER RESOLVED, that any other fee schedule inconsistent herewith is hereby repealed insofar as the same affects this fee schedule.
(*) State mandated fee to be remitted to PA State Treasury, Firearms License to Carry Modernization Account.

(**) State mandated fee to be remitted to PA State Treasury, Firearms License Validation System Account.

(***) (*) State mandated fee per PA Act 131 of 2008.

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


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

Economic Development Committee Report

Mr. Dowd stated Mr. David Haines, Chairman of the Lehigh Northampton Airport Authority, appeared at the meeting today and indicated total passenger growth was up 15% and the total costs per plane was being reduced by 10%.

Treatment Center

In response to Mr. Angle’s question as to the status of the treatment center, Mr. Stoffa advised there were no updates that he could publicly reveal.

In answer to Mr. Dietrich’s question as to whether there was any truth to the rumors regarding the fees and the County’s responsibility, Mr. Stoffa stated the County had not agreed to anything.

Farmland Preservation Liaison Report

Mr. Cusick advised Mr. Stoffa that there were two individuals whose terms were expiring and there were still two
Mr. Stoffa stated he continually tried to get people involved.

**Employee Appreciation**

Mr. Dowd advised there was a very nice ceremony today honoring those employees who have been employed by the County for 30 years or more, noting that Mr. Flisser celebrated 33 years.

**Solicitor’s Report**

Mr. Lauer stated there was a hearing scheduled tomorrow at which he and Mr. Longenbach would be attending to resolve the contract issue in light of the vote tonight.

**Adjournment**

Mrs. McHale made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion passed by acclamation.

Frank E. Flisser  
Clerk to Council