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.; Barbara A. Thierry; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent was Ann McHale.

Prayer

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

Pledge of Allegiance

Mrs. Ferraro led County Council in the pledge of allegiance.

Approval of the Minutes

Mrs. Thierry made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 3, 2011 meeting shall be approved.

Mr. McClure seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Reverend Mario Martinez, Forks Township, PA - stated he was speaking on behalf of the Coalition of Alzheimer’s Families and the individuals who signed their petition to save Gracedale. He further stated he saw some footage on television of Mr. John Stoffa, County Executive, stating this issue was not about Gracedale, it was about the Home Rule Charter, however, he felt it had always been about Gracedale and always would be. He
noted the Home Rule Charter did come into play at the end because the petition was challenged.

Reverend Martinez advised the Home Rule Charter had to be respected because it was an important document, but it did not trump the Constitution of the United States of America, noting the first amendment protected the people’s right to petition government. He further advised he felt the decision that had to be made should be a fairly easy one now that the people have spoken and provided what they wanted. He hoped this issue could be resolved as soon as possible because he hated to see the County torn apart over it and it was time to move forward in a positive manner.

Mr. John Halligan, Palmer Township, PA - stated there had been a continuing fight about the referendum being on the ballot, but it now appeared to him that quite a few of the members of County Council seemed to favor that course of action. He further stated the referendum on what to do regarding Gracedale had already been held when the members of County Council were elected to represent the people of this County and come up with the best way to handle government.

Mr. Halligan advised he wanted to know if the members of County Council believe they had an obligation and responsibility to present the taxpayers of this County an accurate and unbiased set of issues on both sides of this particular manner so they could make an informed choice.

Mr. Angle stated the former Director of Fiscal Affairs Vic Mazziotti and Mr. Doran Hamann, Budget Administrator, had indicated to everyone that there would have to be a 15-18% tax increase if the County were to keep Gracedale and it was the responsibility of Mr. Stoffa to decide how he wanted to do it.

Mr. Angle advised it was the impression of some individuals that the County was sitting on monies that could be used, however, it had been pointed out that was not correct. He further advised that he always said if the people were informed of what the consequences would be for keeping Gracedale and 51% of the people voted to do so, he had no problem keeping it.

Mr. Halligan stated there had been a lot of distortion with regard to the information being provided from everyone involved in this matter so he had a great concern about the correct
information getting out to the public so they could make the best decision.

Mr. Angle advised the main reason people want to save Gracedale was because they were concerned the level of care would decrease, however, they should know the level would decrease if the County had to retain Gracedale because there was no commitment from County Council to raise taxes.

Mr. Paul Verret, Allen Township, PA - stated he was the President of United Steelworkers Union Local 2599, Unit 30, which represented the nurses and social workers at Gracedale. He further stated the Social Services Department at Gracedale was doing everything possible to increase the census of Gracedale and serve the public despite the attempts by the Administration and County Council to create failure.

Mr. Verret advised the Steelworkers had a contract agreement with the County in November 2009, however, the day before it was to be presented to County Council, the County Executive changed his mind. He further advised it took another eleven months to come to an agreement with the County and in that agreement the nurses and social workers received only 40% of what the original agreement was so the County received a significant give back at that time. He noted as the social workers were working 10-12 hour days and not receiving overtime, but compensation time, the County was receiving another give back.

Mr. Verret stated during the last meeting, there was a discussion about having the Administration talk to the union regarding a plan to have them give back up to $6 million. He further stated as of today, he had not received any communication to meet and discuss this matter.

Mr. Verret advised the County was saving money by only staffing the Social Services Department at 75% and not paying the social workers overtime for the extra hours they put in. He further advised the nurses and social workers were working under a contract that expired on December 31, 2010 so they have not received a raise for 2011 and as pointed out before, they only received 40% of what was agreed to in the previous contract.

Mr. Verret stated it had been said the union employees had
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To come up with give backs up to $6 million to keep Gracedale running, however, there were 62 Career Service workers at Gracedale so he wondered if they were asked to give anything back. He further stated County Council and the Administration had cited, on several occasions, that there had been mismanagement at Gracedale and had even taken some responsibility for it so he wondered what concessions they were going to make.

Mr. Verret commented saving Gracedale may not be a priority for everyone present tonight, however, the issue needed to be addressed and representatives from County Council, the Administration and the unions had to put politics aside, sit down and discuss the matter.

Mr. Chris Dawson, Jim Thorpe, PA - advised he was the 29th person on the seniority list at Gracedale and he did not believe he or the individuals in front of him would keep their money in the County’s pension plan if Gracedale was sold. He further advised recently approximately 45 Gracedale employees retired because of its situation and hardly any of them kept their money in the fund. In conclusion, he noted that there were going to be significant costs associated with the sale of Gracedale that had to be considered.

Mr. Angle stated he understood what Mr. Dawson was saying, but the County would also not be responsible for the costs of providing pensions for those individuals who took their money out for whatever purpose.

In answer to Mr. Gilbert’s question as to what the conversations were with regard to his discussions with his representation at American Federation of State, County and Municipal Employees (AFSCME), Mr. Dawson advised because of the situation at Gracedale, he got on the negotiation board for AFSCME. He further advised they had meetings with Mr. James and some of his union officials and indicated most of the employees were willing to give back approximately $3 million, but nothing was resolved.

County Executive’s Report

Mr. Stoffa stated the Internet Café from Nazareth was now
operating the cafeteria.

Mr. Stoffa advised according to the recent census, Northampton County’s population during the past ten years went from 267,000 to 297,735, which was an increase of 11.5%, however, it had not changed the formula for funding from the State.

Mr. Stoffa stated in 2008, through the efforts of Mr. Tom Dittmar, Environmental Services Coordinator, the County began single stream recycling and as of March 2, 2011, the County had collected more than 130 tons of recyclables in the Courthouse alone. He further stated by recycling in all of its buildings, the County saved more than $7,326 and more importantly was in compliance with Act 101.

Mr. Stoffa advised April was National County Government Month and the theme of this year’s celebration was Serving Our Veterans, the Military and their Families. He further advised at 10:00 a.m., on Friday, April 1, 2011, a press conference would be held in the rotunda to acknowledge veterans and their families.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met yesterday to review appointments/re-appointments to various authorities, boards and commissions. He then asked if there was a motion to consider these appointments/re-appointments together.

Mr. McClure made that motion.

Mr. Dowd seconded the motion.

The motion passed by voice acclamation.

Mr. Cusick introduced the following resolution:

R. 31-2011  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

INDUSTRIAL DEVELOPMENT AUTHORITY
Re-appointment:  Term to Expire: 3/17/16
Philip E. Gauffreau, P.E.
2230 Stonebridge Lane
Easton PA 18040

GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY

Appointment:  Term to Expire: 12/31/15
Tony Pristash
1637 Main Street
Northampton PA 18067-1542

LEHIGH VALLEY PLANNING COMMISSION

Appointment:  Term to Expire: 12/31/14
(Citizen)
Sandra B. Yerger
2734 Easton Road
Hellertown, PA 18055

Appointment:  Term to Expire: 12/31/11
(Elected Official)
Roger Unangst
7317 Bethlehem-Bath Pike
Bath PA 18014

LEHIGH VALLEY WORKFORCE INVESTMENT BOARD

Appointment:  Term to Expire: 12/31/13
Kenneth M. Kraft
1707 Markham Drive
Bethlehem PA 18017

NORTHAMPTON COUNTY HOUSING AUTHORITY

Re-appointment:  Term to Expire: 2/9/16
Dwight Harris, Jr.
2625 Swanson Street
Easton PA 18045
PERSONNEL APPEALS BOARD

Re-appointments: Term to Expire: 2/3/13
William H. Alexander
2821 5th Street
Bethlehem PA 18020

David Sanders
69 East Goepp Street
Bethlehem PA 18018

PERSONNEL COMMISSION

Appointment: Term to Expire: 12/31/11
Kenneth J. Guerin
353 Kevin Drive
Bethlehem PA 18017

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 County Executive’s Veto of the Ordinance Titled, “AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE VI, DEPARTMENT OF HUMAN SERVICES, SECTIONS 6.06 GRACEDALE DIVISION a. AND c.”

Mr. Cusick advised this ordinance was introduced by himself and Mr. Dietrich at the meeting held February 17, 2011. He further advised the public hearing was conducted at the March 3, 2011 meeting and County Council adopted the ordinance. He noted on March 7, 2011, the ordinance was presented to the County Executive, who vetoed it, and on March 10, 2011, returned it to County Council.

Mr. Cusick stated a resolution was prepared to override the County Executive’s veto. He further stated a vote to override
the County Executive’s veto was a vote in favor of the ordinance as originally adopted at the March 3, 2011 County Council meeting. He noted in order to override the veto, at least a 2/3 majority of Council members or six votes was necessary.

Messrs. Cusick and Dietrich introduced the following resolution:

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE VI, DEPARTMENT OF HUMAN SERVICES, SECTIONS 6.06 GRACEDALE DIVISION a. AND c.

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

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

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Northampton County Administrative Code, Article VI, Section 6.06 Gracedale Division (a.) and (c.) shall be amended as indicated hereafter(sections marked with bold underline are being added and sections marked with strikeout are being deleted):

Section 6.06 Gracedale Division (County Home)

a. The head of Gracedale Division (County Home) shall be the Administrator of Gracedale. The Gracedale Division (County Home) shall be managed, operated, and administered by a qualified nursing home management corporation, or entity, selected through the competitive negotiation procedure.

b. The purpose of Gracedale is to provide adequate
residential and patient care for medically and financially needy residents of Northampton County.

c. The Administrator of Gracedale, in person or through subordinates, shall: **A qualified nursing home management corporation or entity shall:**

(1) administer and supervise the County Home in accordance with policies and directives established by the County Executive and the Director of Human Services;

(2) provide residential, medical, nursing and other programs, services, and facilities for the care of the medically and financially needy of the County;

(3) administer admission policies and procedures established by the County Executive and by the Director of Human Services;

(4) administer the Federal, State and County programs and regulations as they relate to residents of the County Home;

(5) prepare monthly and quarterly reports of admissions, discharges, and deaths of patients for Federal, State and County officials;

(6) represent the Division at meetings and conferences;

(7) serve as liaison to cooperating agencies; and

(8) perform such other duties and functions related to the County Home as are assigned by the Director of Human
In response to Mr. Gilbert’s question as to what a vote in favor of the resolution would mean, Mr. Cusick advised it would override the veto and allow the Administration to begin the process of hiring a management company to run Gracedale in case the voters chose to keep it. He further advised his reasoning was that time was of the essence and the process the County had to follow usually moved slowly so he wanted the County to be prepared to act quickly.

In answer to Mrs. Thierry’s question as to whether or not Mr. Cusick believed the Administration was not looking into that issue, Mr. Angle replied the Administration had made it very clear that they had begun the process so this ordinance was not necessary.

Mr. Stoffa stated they would be ready to go once they knew what was going to happen.

In response to Mr. Dowd’s question as to what would happen in the interim if County Council overrode the veto and the voters chose to sell Gracedale and the County was still negotiating the sale, Mr. Angle advised the Administration had to have a management company lined up in case the vote was to not sell Gracedale and if the vote was to sell Gracedale, the contract should be ready to be consummated shortly thereafter.

In answer to Mr. Stoffa’s question as to whether the Request for Proposal (RFP) would be ready to be sent out if the voters wanted to keep Gracedale, Mr. Ross Marcus, Director of Human Services, replied in the affirmative.

In response to Mr. Cusick’s question as to how long it would take to go through the bidding process, bring it back to County Council for approval and install that management company, Mr. Marcus stated it would depend on the circumstances because there were some things going on that should not be discussed in a public meeting that may be able to expedite the process significantly.
In answer to Mr. Cusick’s comment that the County Executive could change his mind and keep the current management at Gracedale if the Administrative Code was not changed, Mr. Marcus advised he did not think the Administrative Code had to be changed to hire an outside management company to manage Gracedale. He further advised all this change did was not allow a County staff to manage it.

Mr. Cusick stated he felt the override was necessary to speed up the process and it codified what he believed was necessary to run Gracedale in a way that was more efficient than it was being run right now.

Mr. Dowd advised he supported this ordinance originally, but he was now having some reservations because if County Council voted for this tonight, someone would be fired which might create a personnel issue that could become difficult to deal with. He further advised that he believed that Mr. Stoffa would act appropriately if the voters chose to keep Gracedale.

Mr. Angle stated Home Rule form of government was one of the most difficult and it only worked if there was a County Executive who wanted to do the right thing and work together with County Council.

In response to Mrs. Ferraro’s question as to what would be the time line if the veto was overridden and the ordinance was to take effect, Mr. Cusick advised it took 30 days for the ordinance to go into effect and then bids would be solicited, which could take a minimum of 60 days before a selection was made. He further advised that would put this process past the referendum date so he did not see anyone losing their job before May.

When Mr. Stoffa acknowledged the RFP would be ready to go the day after the voting on the referendum if the decision was to keep Gracedale, Mr. Angle commented that would be a shorter time line than with Mr. Cusick’s override.

Mr. Dietrich remarked he did not believe the County Executive would tell them one thing and do another.

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

The override resolution failed by a vote of 2-6.

Consideration of Bill 594-2011, the Ordinance Titled, “AN ORDINANCE PROHIBITING THE SALE OF THE COUNTY NURSING HOME KNOWN AS GRACEDALE”

Mr. Cusick stated this ordinance was introduced by Mr. McClure and Mrs. McHale at the County Council meeting held February 3, 2011 and the public hearing was held at the February 17, 2011 meeting. He further stated at that time, a motion was made by Mr. Angle, seconded by Mr. Gilbert and adopted by a vote of 5-4, to table this ordinance until all legal challenges or times of appeal by either Mr. Stoffa or Mr. O’Hare had expired and then it could immediately be brought back to County Council even if it required a special meeting to expedite the matter.

Mr. Cusick advised since that meeting, it had come to his attention that there were time lines involved that may not allow this to proceed so he called on Mr. Lauer to explain the situation in more detail.

Mr. Lauer stated there was a requirement that any item to be placed on the ballot had to be given to the Election Commission not less than 60 days prior to the election and after the last meeting, someone pointed out that if this was not acted on by tomorrow, the deadline would have passed.

Mr. Angle made a motion to remove this ordinance from the table.

Mr. Dowd seconded the motion.

Mr. Cusick called for the vote to remove the ordinance from the table.

The motion passed by a vote of 8-0.

When Mr. Cusick asked for clarification as to what a vote for the ordinance would represent, Mr. Lauer advised it would not place the question on the ballot, but County Council would be agreeing with the petitioners not to sell Gracedale for a period of five years. He further advised if the ordinance was not adopted, the question would go back to the Election Commission for placement on the ballot.

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

AN ORDINANCE PROHIBITING THE SALE OF THE COUNTY NURSING HOME KNOWN AS GRACEDALE

The County nursing home, known as Gracedale, shall not be sold and/or leased by the County of Northampton for a period of five years from the date of the enactment of this Ordinance.


The ordinance failed by a vote of 1-7.

Mr. Cusick stated as this ordinance failed, he was introducing the following resolution directing the Clerk to County Council to file the referendum petition with the Election Commission:

R. 32-2011 WHEREAS, County Council has not enacted the ordinance proposed by the Initiative Petition without substantial change; and

WHEREAS, it is the position of County Council that no such ordinance would be enacted by County Council; and

WHEREAS, all parties desire a prompt resolution of the issues raised by the Initiative Petition; and
WHEREAS, the time for placing this matter on the ballot will expire on March 18, 2011, unless the matter is returned to the Election Commission by that date.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of County Council is directed to return the Initiative Petition to the Election Commission for further action by that body.

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 Resolutions Providing for Elimination of Positions

Mr. Cusick advised during the budget adoption process in November 2010, County Council adopted resolutions Number 103-2010 and Number 104-2010, which stated County Council would consider abolishing positions if certain conditions were met. He further advised the Human Resources Department recently notified County Council that the conditions were met and the positions listed in those resolutions could now be eliminated. Therefore, two resolutions, one eliminating the positions listed in resolution Number 103-2010 and a second eliminating the positions listed in resolution Number 104-2010, were prepared. He noted at the Personnel Committee meeting, this proposal was reviewed and it was the members’ recommendation to present these resolutions to County Council for approval.

As the members of County Council agreed to vote on these resolutions together, Mr. Cusick introduced them both.

R. 33-2011 WHEREAS, the Northampton County Council adopted resolution Number 103-2010, which reads as follows:

Number 103-2010
WHEREAS, the Administration has prepared and submitted to County Council a listing (a copy is attached hereto and labeled as Exhibit “A”) of Unfunded Full-Time Occupied Positions in the 2011 budget.

WHEREAS, the positions were not funded in the proposed 2011 budget prepared and submitted by the County Executive. Most, or all, of the positions are currently occupied and the personnel bumping process is ongoing.

RESOLVED, by the Northampton County Council that once the bumping process is completed, it will consider a resolution abolishing the positions listed on Exhibit “A”.

WHEREAS, on March 4, 2011, the Human Resources Department notified County Council that the positions on Exhibit “A” of resolution Number 103-2010 can now be abolished.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that all positions listed on Exhibit “A” shall be abolished, effective this 17th day of March 2011.

R. 34-2011 WHEREAS, the Northampton County Council adopted resolution Number 104-2010, which reads as follows:

Number 104-2010

WHEREAS, the Administration has prepared and submitted to County Council a listing (a copy is attached hereto and labeled as Exhibit “A”) of Funded Full-Time Occupied Positions in the 2011 budget.

WHEREAS, the positions listed on this sheet correspond to some of the budget revisions contained on the “2011 Proposed Budget, Schedule of Budget Revisions” (a copy is attached hereto and labeled as Exhibit “B”).

RESOLVED, by the Northampton County Council that
if the positions listed on Exhibit “A” become vacant due to action taken by the County Executive, County Council will consider a resolution abolishing the then vacant positions.

WHEREAS, on March 4, 2011, the Human Resources Department notified County Council that the positions on Exhibit “A” of resolution Number 104-2010, can now be abolished.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that all positions listed on Exhibit “A” shall be abolished, effective this 17th day of March 2011.

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


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

Gracedale Motion

Mr. Angle made a motion that County Council request the County Executive sit down with AFSCME and the Steelworkers one more time in the hopes of getting give backs, up to $6 million, and if he was able to do that, to have him bring it back to County Council at the very next meeting.

Mrs. Ferraro seconded the motion.

Mr. Gilbert commented there were several items that had to be considered, such as the costs of goods, services, capital improvements and the Swaption issue. He further commented there was a misconception that there was extra money in the Fund Balance, but most of that money was accounted for so a tax increase of 15-18% would be evitable. However, he felt that would only help the County to survive for one year because with the current trends, more money would be needed in the following
years. He noted even if Gracedale was operating at 100% efficiency today, in the future if the same problem existed as it existed today, it would cost the taxpayers 20% more. Therefore, he felt sitting down with the unions might help in the short term, but not in the long term.

Mr. McClure stated a 20% tax increase would produce approximately $17 million in revenue for the County and since the number being given to run Gracedale was only $6 million, he wondered why taxes would have to be raised 20%.

Mr. Gilbert advised $6 million was given as the figure for Gracedale just to survive, but, in fact, reality suggested that number needed to be a lot higher.

In answer to Mr. Angle’s question as to what the amount in the Fund Balance actually represented, Mr. Hamann stated the total Fund Balance figure was $60.4 million as of December 31, 2010. He further stated what had to be considered under the Governmental Accounting Standards Board (GASB) 54 regulations, which went into effect June 2010, was the County had to identify commitments and assignments that were made of the total Fund Balance.

Mr. Hamann advised the County had a Swaption commitment that had to be addressed in 2012 and as of last week, that amount was $13.7 million. He further advised a Financial Stabilization Fund had to be established and in an ordinance County Council passed, it was clearly identified that amount would be based upon one to two months minimum of the General Fund’s total budget. He noted the Administration had opted to use the figure of $25 million as the amount, which was almost three months.

Mr. Hamann stated then there was the amount of money to be used to balance the ensuing year’s budget, which for 2011 was approximately $6 million. He further stated there were also the encumbrance amounts, which were commitments made in the prior year that were rolled forward and were still obligations of the County.

Mr. Hamann advised if you were to add all those numbers together and subtract them from the $60.4 million, the
unassigned amount was $15.2 million. He further advised those unassigned funds would be used for the arbitration awards presented by the Bargaining Units and for any unforeseen circumstances that could arrive in 2011.

In response to Mr. Angle’s question as to whether he would agree that during the last five years, the County had been financially sound in its management, met its obligations, maintained a high bond rating and had efficiently dealt with its finances, Mr. Hamann replied he felt that was the goal of the Administration and County Council.

In answer to Mr. McClure’s statement that under GASB 54, the County had the right to move money between the different line items in the Fund Balance, Mr. Hamann stated that was correct.

In response to Mr. McClure’s question as to what he believed the Fund Balance would be at the end of 2011, Mr. Hamann advised he hoped, based on the budget that was adopted, it would be approximately $60 million less the obligations. He further advised the biggest unknown to the County was the State’s fiscal year because it was not known what impact that would have on the County’s budget. He noted that two-thirds of the revenue that came into the County came from intergovernmental revenue.

Mr. Cusick stated the Home Rule Charter clearly separated the negotiating power of contracts by giving the County Executive the power to negotiate and County Council only having the power to vote them up or down. Therefore, he felt County Council would be treading some place it did not belong.

Mr. Angle advised this motion was not telling the County Executive what to do, it was only requesting him to talk to the unions.

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

Consideration of the Resolution Requesting the Controller’s Review of County Subcontractors

Mr. Cusick stated that at the request of Mr. Gilbert, a resolution was prepared asking the County Controller to perform an audit of sub-contractors hired by the County.

Mr. Gilbert introduced the following resolution:

R. 35-2011    WHEREAS, Northampton County Home Rule Charter Section 202. Powers provides that the County Council shall have, among others, the following powers: (8) to require periodic and special reports from elected officials and their subordinates.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council respectfully requests that the Northampton County Controller's Office shall prepare and submit a report to the Northampton County Council which shall include, but not be limited to: (1) a list of subcontractors doing business with Northampton County, (2) the amount of funding spent on each of the subcontractors, (3) the amount of time the subcontractor has been doing business with Northampton County and (4) the identification of options that may give the County improved value and/or a cost savings.

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


The resolution passed by a vote of 8-0.

Consideration of the Court’s Personnel Request

Mr. Cusick advised these requests were reviewed at the Personnel Committee meeting and were approved to be presented to the whole of County Council. He then introduced the following resolution:
RESOLVED, By the Northampton County Council that the one (1) existing full time position of Juvenile Probation Officer II, Department of Court Administration, Northampton County Court of Common Pleas, pay grade CP-25, 2009 salary range $39,982 to $54,411, shall be abolished effective February 1, 2011.

IT IS FURTHER RESOLVED By the Northampton County Council that the one (1) new full time position of Juvenile Probation Supervisor, Department of Court Administration, Northampton County Court of Common Pleas, pay grade CS-26, salary range $44,496 to $66,157, shall be created effective February 1, 2011.

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 District Attorney’s Personnel Request

Mr. Cusick stated the members of the Personnel Committee reviewed and approved this request at their meeting yesterday. He then introduced the following resolution:

RESOLVED, By the Northampton County Council that the one (1) existing full-time position of Clerical Technician III in the District Attorney’s Office, pay grade CR-13, Step 3-C, salary $25,126, shall be upgraded to Clerical Specialist, pay grade CR-16, Step 3-C, salary $28,850, effective March 17, 2011.

District Attorney John Morganelli advised this position was 100% grant funded and the money was in their budget.

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


Consideration of the Administrative Code Article XIII Contract Approval Resolution

Mr. Cusick advised from time to time, County Council was asked to approve certain contracts that met conditions and/or thresholds in Administrative Code Article XIII. He further stated the Finance Committee met yesterday and reviewed this matter and the members present voted to bring this matter to the whole of County Council.

Mr. Cusick introduced the following resolution:

R. 38-2011 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(1) requires approval of County Council for “...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary.”

WHEREAS, on March 3, 2011, the Northampton County Council received a request on behalf of the County Executive for County Council to adopt a resolution approving a contract in the amount of $128,300.00 with Tyler Industries, Inc. for software maintenance for the assessment property tax system.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Tyler Industries, Inc. for software maintenance for the assessment property tax system.

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 Contingency Transfer Request

Mr. Cusick stated at the County Council meeting held March 3, 2011, Deputy Sheriff Darin Steward was present on behalf of his Association and stated every year they held an Easter Egg Hunt for the employees’ children, but they could not do it without funding from the County. He further stated last year, they received $700.00 so a resolution was drafted to provide that same amount.

Mr. Cusick introduced the following resolution:

R. 39-2011 RESOLVED, By the Northampton County Council that the sum of $700.00 shall be transferred from the Contingency account for the Northampton County Easter Egg Hunt.

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


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

Introduction of the Levis Tower Lease Ordinance

Mr. Cusick advised this proposed lease was reviewed at the Finance Committee meeting yesterday and the members present voted to present it to the whole of County Council. He further advised it leased a site on County property to T-Mobile for communications, noting the lease amount was $1800 a month for ten years, with five year renewals thereafter.

Mr. McClure commented he had done some preliminary work regarding this issue which he shared with Mr. Lauer so he would be interested in knowing his opinion with regard to it.

Mr. Lauer stated Mr. McClure sent him some information contained in similar leases and suggested it be passed along to
the County Solicitor’s Office, who prepared the ordinance. He further stated he had not yet met with the County Solicitor to discuss the matter, but planned to do so shortly and they may come back with some suggestions.

In answer to Mr. Angle’s question as to whether there would be major changes made to this ordinance, both Mr. McClure and Mr. Lauer replied there could be.

Mr. Cusick advised even though there may be changes, the ordinance had to be introduced so he asked for two sponsors, noting the public hearing would be held at the April 14, 2011 meeting, at which time, any amendments could be made.

Mr. Dowd and Mrs. Thierry indicated they would be the sponsors of this ordinance.

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

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes that conveyance or lease of any real property of the County"; and

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

Mr. John Conklin, Director Administration, stated a question was raised at yesterday's meeting as to the tax exempt portion. He further stated Ms. Cheryl Johnson, Assessment Manager, informed him that eight years ago, County Council did
not take any action as far as proposing an ordinance making it a taxable parcel and the reason for that was because it was a Pennsylvania Assessment Law. Therefore, Ms. Jill Mancini, Assistant Solicitor, who had handled the negotiations with the lease agreement, would have to go back to T-Mobile, but he believed any recommendations they had would duck tail with this nicely.

Mr. Conklin advised they carved out a half acre parcel and the value of it was $226,000, with the assessed value being $113,000 so when you apply all the taxes to that, the taxes due were $6,887. Therefore, the County’s first year’s revenue would total $21,600. He further advised the County taxed municipalities for towers, as well as others, which was unbeknownst to him so Ms. Mancini was going to see if they could modify the lease somehow.

Mr. Conklin stated the concern was this was the first entity in and that tower was large enough to have up to six entities which would provide six sources of revenues, so the lease agreement might have to include a prorated amount if another entity came in.

Mr. Angle acknowledged minor changes could be made to an ordinance, however, it appeared there might be major changes involved here so he made a motion to remove this from the agenda.

In response to Mr. Cusick’s question as to whether the sponsors would be willing to withdraw the ordinance, Mr. Dowd and Mrs. Thierry agreed to withdraw it.

Eckert Seamans Bill

Mr. McClure advised this week there had been a lot of conversation about some of the items that were included on the bill from Eckert Seamans. He further advised he reviewed the entries and they were typical lawyer billing entries, which did not necessarily tell the whole story. He then asked who requested that Eckert Seamans do the petition review.

Mr. Conklin stated the Department of State indicated that it was absolutely the responsibility of the Election Division to check and verify all those signatures.
In answer to Mr. McClure’s question as to whether the Election Commission was aware that Eckert Seamans was being used to review the petitions, Mr. Conklin advised, in his opinion, he did not think it was necessary for them to know it.

Mr. McClure questioned whether anyone thought it was inappropriate to have a firm that was assisting the sale of Gracedale to review petitions of those individuals who were trying to get the issue on the ballot.

Mr. Conklin stated the employees of the Election Division were not able to verify a signature as being acceptable, but they did not have the ability to determine if that signature appeared on more than one petition so he went to Mr. Al Jordan, ACS Director of Information Services, to see if his people could come up with a system to do that. He further stated after trying to accomplish that and not succeeding, he sent copies of petitions to Eckert Seamans for their staff to compare the signatures.

Mr. Conklin advised as this was taking a great deal of time and he learned Mr. Bernie O’Hare was reviewing the petitions in the Election Division, he went back to Mr. Jordan to see if a program could be developed that would allow the petitions to be checked for duplicate names, which they were able to do and it was faster and more accurate.

In response to Mr. McClure’s question as to whether Eckert Seamans reviewed the initiative petitions for the purpose of challenging the initiative, Mr. Stoffa stated initially they were.

Mr. McClure then commented that taxpayer money was used to investigate whether or not the initiative was going to be challenged.

In answer to Mr. McClure’s question as to whom was going to file the challenge, Mr. Stoffa stated the Administration would have if it was determined the petitions were not valid.

When Mr. McClure stated the Election Code would not allow
that, Mr. Conklin replied that they were told differently.

Mr. Stoffa advised the Administration did nothing wrong with regard to the bills, noting the resolution County Council passed gave them the power to do everything they could to find an alternative buyer for Gracedale and that was all they did.

When Mr. Angle commented that yesterday, Mr. Cusick indicated he had no personal knowledge of him doing anything wrong by answering his phone when Eckert Seamans called, Mr. McClure stated he never said he did and in fact, acknowledged he did not see anything within the bill statements that would indicate tax money went to support Mr. Angle’s lawsuit.

Mr. Angle stated he was only bringing this up because two articles were written which inferred that he had used County lawyers for his personal business, which was not correct.

**Census Data**

Mr. Cusick advised regarding the census data that was just released, he had Mr. Flisser prepare a spread sheet of the four Council districts and based on that information, it appeared that District 2 was substantially larger than the other three. Therefore, at some point County Council would have to consider a possible redistricting.

Mr. Angle stated he did not see how any trade off could be made where the municipalities would remain contiguous.

**Controller Solicitor**

Mr. Angle advised when Mr. Stephen Barron, Controller, took his office he informed County Council that he planned to be a full time Controller and this was going to be his only job. However, he was spending a lot of time at political events and only 15-18 hours per week in the office, noting it was fortunate that there were some outstanding individuals who worked in that office. He further advised that bothered him, but what bothered him more was his solicitor, which he was able to choose, was a gentleman who, on a regular basis, donated money to Mr. Barron’s campaign.
Mr. Angle stated he checked to determine how often the solicitor visited the office and what he did and the determination was not very often and it was not known what he did. Therefore, if the County was looking to save money, he questioned why it was paying for a solicitor, who donated campaign money to the Controller, when once or twice a year when there was a need for a solicitor, he could use any one of the County’s solicitors.

Mr. Angle advised he would like the Finance Committee to look at whether or not the Controller’s Office needed a solicitor.

Mrs. Ferraro asked Mr. Lauer if the Controller were to use one of the County’s solicitors, would it present a conflict. She then suggested allowing him to hire a solicitor on an as needed basis.

Mr. Lauer stated the County solicitor, under the Home Rule Charter, essentially represented the County in virtually every area, but he would have to review the matter further.

Mr. McClure advised he understood where Mr. Angle was coming from, but when it was written that he took $3,000 from GEO four days after causing a resolution to be passed, he stated at the time there was nothing wrong with it. He further advised he knew Mr. Barron and Mr. Timothy Brennan and neither of them would do anything for money and the insinuation that there was anything inappropriate was just wrong.

Mr. Angle stated he did take the money from GEO, but he told them that a significant portion of it would go toward a poll to determine if the residents of Mount Bethel were in favor of their proposal and if they were not, he would retract his support even though he thought it was a decent idea. He further stated the poll was conducted, which they paid for and actually caused their demise, and he retracted his support of the proposal.

Mr. Cusick advised he knew what Mr. Barron stated during his campaign, but the fact remained, his position at this time, was part time. However, next year, it would be full time and the person in that position would then have to be held accountable to put in those hours.
Long Range Planning and Capital Expenditures (LRPCE) Committee Meeting Report

Mr. Angle stated the LRPCE Committee had their first meeting and they determined some items that had to be addressed. He further stated one thing they learned was this County government had doubled in size during the past ten years.

Human Services Committee Report

Mr. Dietrich advised the Human Services Committee met and Mr. Marcus provided information regarding the State’s proposed budget. He further advised the impact on the County would be less than anticipated, but the County was still going to have to look at some of its programs and possibly discontinue some services for its residents.

Convention and Visitors Bureau Liaison Report

Mr. Cusick stated that at a meeting of Discover Lehigh Valley, it was noted that they would not be receiving any funding from the State, however, hotel occupancy had been up in both Counties so they could continue to operate under the funding received from the hotel tax.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dowd seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council