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

Prayer

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

Pledge of Allegiance

Mr. Cusick 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 February 17, 2011 meeting shall be approved.

Mr. Angle seconded the motion.

The minutes were approved by voice acclamation.

Presentation of Proclamation

Mr. Angle presented a proclamation to Mr. Vic Mazziotti, Director of Fiscal Affairs, in honor of his faithful service upon his leaving the County.

Mrs. McHale advised Mr. Mazziotti also received an award from the Allentown Diocese and asked if he wanted to tell everyone about it.

Mr. Mazziotti stated he was the Grand Knight for the
Knights of Columbus at his parish and they received the Knight’s Double Star Award.

**Courtesy of the Floor**

Mr. Darin Steward, 669 Washington Street, Easton, PA – advised he was a Northampton County Deputy Sheriff and was here on behalf of his association. He further advised every year they held an Easter Egg Hunt for the employees’ children, but they could not do it without funding from the County, noting last year they received $700.

Mr. Cusick stated a resolution would be prepared for the next meeting.

Ms. Donna Barney, Kunkletown, PA – stated she was present on behalf of her parents and was shocked by what was happening in this County. She further stated the Gracedale issue should not be about unions or the state of the building and it certainly should not be about Court proceedings brought on by Mr. Bernie O’Hare, Mr. Angle or the County Executive, John Stoffa. She noted it was about the present and future residents of Gracedale so they should be allowed to have a voice regarding it.

Ms. Barney advised in August 2010, she asked then County Council President Angle a question that still to this day went unanswered. She further advised after her mother suffered a stroke that left her with complicated health issues, caseworkers tried to find a place for her and the only facility that would accept her was Gracedale. She noted the reason given by the other facilities was they could not provide the care her mother required, but she knew the reason was deeper than that. She further noted because the other facilities were private, they could and do deny people.

Ms. Barney asked Mr. Stoffa when he made statements like he did last week that he would close Gracedale if the County could not sell it, what were the residents of Northampton County going to do when they are faced with the same situation she was faced with regarding her mother’s care.

Mr. Cusick stated they were working on that issue.

Mr. Justus James, Slatington, PA – stated there was a lot
of confusion about tax increases and he believed the taxpayers should be told the truth regarding them because if this were to become a ballot issue, they had to be informed. He further stated there was also a lot of talk regarding negotiations and he wanted to make it clear American Federation State, County and Municipal Employees (AFSCME) was always willing to negotiate.

Mr. James advised in January 2011, his team came to the Administration and they were told if they did not get the signatures, they were not negotiating so where did that leave them.

Mr. James stated the County was telling the 23,000 people who signed the petitions that they did not have the right to vote because they would not allow the issue on the ballot. He further stated the only thing County Council could do to reverse this damage was to allow the issue to be put on the ballot.

Mr. Angle stated on at least three occasions, employees at Gracedale had said they were called into groups and were asked by AFSCME if they wanted to vote to give back $6 million a year for three years. He further stated the employees indicated the groups they were part of voted overwhelmingly to do so, but at no time had AFSCME ever convened a union meeting of the entire bargaining unit to find out if they did want to do that. Therefore, he wanted to know if Mr. James had any intentions of doing that in the near future.

Mr. James advised the union body did want to negotiate, however, the County was not willing to.

Mr. Angle remarked that at no time did he hear Mr. Stoffa state he did not want to negotiate. He then asked Mr. Cusick to make it clear to Mr. James that if he was willing to give back $6 million for three years, along with the County hiring a professional management team, he would vote in favor of doing it.

Mr. Cusick stated that Mr. James had indicated he was willing to negotiate and he could not speak for the Administration, adding he had not been privy to those conversations. He further stated he felt they may be getting into an area where they should not be because the negotiations
had to take place between the union and the Administration not between County Council and the union.

Mr. Angle reiterated that it appeared the union members were willing to give back the $6 million so he was wondering why AFSCME had not held a meeting of all the members to find out if they were, in fact, willing to do that and if so, this whole issue could be resolved by tomorrow morning.

Mrs. Ferraro advised before Mr. James went on leave, he told her the union was absolutely willing to talk and that he would be getting in touch with the Administration, however, that was where it ended, but noted it was her understanding that the Administration did not approach Mr. James.

Mrs. Ferraro stated she knew it was hard to project costs for Gracedale, but the fact of the matter was if she was hearing correctly, Gracedale came in $2 million over budget last year and the union in the first go round was willing to give back $3 million so if the negotiations had ended there, the County would have been a million dollars ahead.

Mr. Angle made a motion that County Council request the County Executive to meet with the union to see if they were willing to give back $6 million a year for each of the next three years and the County would bring in a professional management team to try it for three years.

Mrs. Ferraro seconded the motion.

In answer to Mrs. Ferraro’s question as to why the figure had to be $6 million because she felt there could be a more reasonable amount, Mr. Angle replied that Mr. Mazziotti, himself and Mr. Doran Hamann, Budget Administrator, arrived at the $6 million because that was what it would cost, lacking a 15-18% tax increase, to keep it going for the next three years.

Mr. Angle advised that the $6 million in give backs from the union would not be in pay, but in some very minor benefit concessions which would not hurt the overall economy of those employees, but a 15-18% tax increase would be disastrous to people who were barely hanging on.

Mrs. Ferraro stated she would like the motion to say up to
Mr. Angle amended his motion that County Council request the County Executive to meet with the union to see if they were willing to give back up to $6 million a year for each of the next three years and the County would bring in a professional management team to try it for three years.

Mrs. Ferraro seconded the amended motion.

In response to Mrs. McHale’s question as to how the $6 million figure was arrived at, Mr. Angle advised it was arrived at by reviewing the numbers and finding that it would cost that much money to run Gracedale.

Mrs. McHale questioned how could the union members be asked to give back $6 million when the costs were not only their salaries and benefits.

Mr. Angle stated the $6 million would only come from a give back in benefits and not any pay and if there was a way to adjust that number, he would be in favor of it.

Mr. Dietrich advised he believed the word union had to be pluralized because there was more than one union at Gracedale.

Mr. Angle amended his motion for County Council to request the County Executive meet with the representatives of the employees to see if they were willing to give back up to $6 million a year for each of the next three years and the County would bring in a professional management team to try it for three years.

Mrs. Ferraro seconded the amended motion.

Mr. Dowd stated the focus had to be on reducing costs and finding ways to make Gracedale predictable and consistent.

Mrs. Ferraro advised if this issue could not be resolved, she believed it should be on the ballot to see the will of the people.

In answer to Mrs. McHale’s request that he repeat his motion, Mr. Angle replied his motion was that County Council ask
the County Executive to sit down and bargain with the unions up to $6 million based on current figures on what it would cost to run Gracedale.

Mr. McClure stated he intended to oppose the motion because he felt the $6 million per year figure was conceived by the same people who were wrong by $45 million over the last five years, noting a figure of $3 million had been presented by more than one source.

Mr. Cusick advised he felt County Council was treading in an area where it did not belong because it should be done between the bargaining unit and the Administration. However, if this was going to be done some of the things that were suggested in the Gracedale study were higher contributions to health insurance, eliminating eligibility for other post employment benefits, higher contributions to the pension plan, reduce maximum vacation days and longer period of time to reach maximum, lower annual sick days, capping sick days and carry overs and reducing the number of holidays and personal days.

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


The motion failed by a vote of 3-5.

Rev. Mario Martinez, Forks Township, PA - stated he represented the Coalition of Alzheimer Families, as well as the 23,000 residents of the County who signed their petition. He further stated he personally felt this issue should have been resolved long ago and the only thing the people were asking was the right to vote. He noted this was a moral issue and doing what was right come what may because Gracedale did not belong anywhere, but with Northampton County.

Mr. Martinez advised that Mr. Stoffa encouraged them to get the signatures, but when they did, he played his political game and filed a lawsuit. He further advised he was not threatening Mr. Stoffa, but the next petition could be to recall him. In conclusion, he pleaded for this issue to be resolved now.
Mrs. Ferraro stated she would like Mr. James to get together with the unions and then work out something with the Administration.

Mr. Angle advised this issue had gotten more complicated than it should have, but it did not help when things were stated as fact when they were not. He further advised he was not opposed to letting people vote on the issues, but they had to be made aware of the true facts.

Ms. Marylou Zimmer, Palmer Township, PA - read an e-mail that was received that stated “This week Northampton County Chief Executive John Stoffa announced that unless the sale of Gracedale is consummated, Gracedale itself would have to be downsized or closed. This thuggish threat is an affront to every citizen in Northampton County. It flies in the face of Gracedale’s actual financial situation and prospects. It insults both responsible government and the most vulnerable of us, the elderly man and woman who have worked and paid taxes their entire lives, but through no crime of their own, are in need of 24 hour care. Mr. Stoffa’s threat aims directly at the residents and their families in a manner that shocks the conscience. County Council cannot assent by its silence when such behavior occurs. It is time for the County Council members to exercise their own authority vis-à-vis the County Executive and his cohorts. Council’s own credibility is now on the line. I call on Council to censor Mr. Stoffa for his threat unless he retracts it immediately with an apology. I further call on the responsible members of this Council to act as leaders aiming at the consensus rather than as followers of those who would liquidate Gracedale in return for the proverbial bowl of porridge. Sincerely Donald DelMassa”.

Ms. Zimmer stated she had worked at Gracedale for 17 years and worked with the residents who have Alzheimer’s and it was a misconception that these individuals did not know what was going on. She stated they read the newspaper every single day and when they read that Mr. Stoffa planned to close down Gracedale, they became very upset.

In response to Ms. Zimmer’s question as to who was paying for Mr. Stoffa’s appeal, Mrs. McHale advised it was the taxpayers.
In answer to Ms. Zimmer’s question as to whether that was a conflict of interest, Mr. Cusick replied it could be perceived that way.

Ms. Nancy Kutz, West Easton, PA - stated for the last several months, all she heard at these meetings was how the management at Gracedale was not doing their job to make it profitable so she wanted to know who was the management.

Mr. Cusick advised the Administrator was Mr. Marvin Granda, who was approved by the County Executive and the Administration.

Ms. Kutz stated she had a list of all the capital improvements to be done and have been done in the County from 2007 up to and including 2013 and she wanted to know who approved all of them.

Mr. Cusick advised they were approved by County Council as part of the budget that was proposed by the Administration.

Ms. Kutz stated that Mr. Angle had indicated that the employees would have to give back millions of dollars in benefits to offset the cost of running Gracedale, but who approved all of the different fringe benefits and salary increases that were received over the last several years.

Mr. Cusick advised contracts were negotiated and proposed by the Administration and were forwarded to County Council for approval.

Ms. Kutz stated the fringe benefits were approved because of the lower wages received at Gracedale as a way to keep the good, long-standing employees there. She further stated if the benefits and wages were so out of line for the County to pay why were they offered to the employees in the first place.

Mr. Cusick advised the reimbursement rates have not kept up with salaries and benefits.

Mr. Angle stated for many years, County Council and the Administration were controlled by members of the Democratic party and the contracts with the large raises were approved by a Democratic majority and during that time, Gracedale got
everything it wanted except for capital improvements and management.

Ms. Kutz advised the employees were made to look greedy, but if the County had come to them and told them what they could offer, more than half of the employees would accept it. She further advised the employees at Gracedale were not the bad people they were made out to be because when the time came to sell Gracedale, they were going to treat the residents with the same respect and dignity they did now. She noted that for some of the residents, the employees were the only family they had and they meant just as much to them.

In answer to Ms. Kutz’s question as to whose idea it was to do the $4 million window replacement project at one time, Mr. Cusick stated he was not in favor of doing that and even suggested the County borrow the money and pay it back over time, but the Administration believed it was better to fund that project with the Fund Balance. He further stated there were differences of opinions in the way the capital improvements were funded.

Mr. Angle advised in 2001, the County floated a $110 million dollar bond issue, which he was not in favor of, but suggested using some of that money for Gracedale because at that time, cropping up all over the County were a lot of nursing and assisted living facilities that offered nicer amenities and services.

Mr. Angle stated there had been some capital improvements to be done at Gracedale, but there was still a lot to be done. He further stated if the County were to keep Gracedale, he suggested floating a $25 million bond issue to make it competitive.

Ms. Kutz advised there were some capital improvements that were begun, but now have stopped, namely the parking lot and the repairing of the grease traps in the kitchen. She further stated if these projects had money allocated for them in the County’s capital improvements budget, why were they not being done and what was the County doing with that money.

Mr. Angle stated he believed the County Executive’s position was if Gracedale was going to be sold, he did not want
to put any more money into it.

Ms. Kutz stated the Swap value was at the lowest it had ever been in the last several years and wondered why a resolution had not been drawn up to pay this bill before he started to climb again and then that savings, along with the capital improvements money, could be used to help offset the cost of running Gracedale.

Ms. Kutz advised the management of Gracedale was ultimately the County Council and that was the reason Gracedale was now in the hole, not the employees with their fringe benefits and wages.

Mr. Chris Dawson, 304 West Broadway, Jim Thorpe, PA - stated a few days ago, he read in the newspaper that Mr. Stoffa had indicated he might close Gracedale or reduce the number of beds, which statement was hurtful to the resident, their families and the employees. He further stated if Gracedale was sold, he and many other employees would have to start drawing down from the pension fund while not putting anything into it. Therefore, he wondered how that could not hurt the pension fund.

County Executive’s Report

Mr. Stoffa advised the Swaption value as of March 2, 2011, had risen $1 million from $12.1 million to $13.1 million.

Mr. Stoffa stated Susan’s Catering had announced they would no longer operate the cafeteria. He further stated they were putting together a bid proposal, however, there were not a lot of people interested in that type of operation.

Mr. Stoffa advised earlier today a press conference was held announcing that Northampton County had received $1,851,378 from the Commonwealth for farmland preservation. He further advised this was the third highest allocation behind Lancaster and Bucks Counties in the State. He noted this only came about because of the County’s partnership with Plainfield and Moore Townships.

Mr. Stoffa stated all the repairs to the parking deck should be completed by the end of April.
Mr. Stoffa advised he had appointed Mr. Hamann as Acting Director of Fiscal Affairs, effective Monday in view of Mr. Mazziotti’s leaving.

In response to Mr. Cusick’s question as to whether the window project for the Courthouse was on time and on budget, Mr. Stoffa replied in the affirmative.

In answer to Mr. McClure’s question as to whether the County had the appraisals for Gracedale, Mr. Stoffa stated he did not.

Mr. McClure advised he read that after the bids came in, Mr. John Conklin, Director of Administration, indicated that some potential negotiation from the top of the bid price down for capital improvements might be necessary so he wondered if the potential buyer suggested what that number would be.

Mr. Stoffa stated not to his knowledge, but he planned to have it in the near future.

In response to Mr. McClure’s question as to whether they had any information regarding the impact on the pension fund if Gracedale were sold, Mr. Mazziotti advised the County’s pension obligation had two components, which were the normal costs and the unfunded liability. He further advised the normal costs were just the expense of having someone on the payroll each year with the assumption that some portion of the County’s employees would one day receive a retirement benefit.

Mr. Mazziotti stated the normal costs for the County was approximately $4 million last year, however, the larger cost was for the unfunded liability, which was approximately $6 million. He further noted the unfunded liability was approximately $69 million at the end of 2009, but he was hoping that would come down for 2010.

Mr. Mazziotti advised the normal costs would come down approximately $1.3 million if Gracedale was no longer a County operation. He further advised the unfunded liability would also come down, but only approximately $700,000 so the total would be approximately $2 million. However, in 2010, Gracedale
contributed $3 million so there would be $1 million that would have to be made up by the remainder of the County to offset the difference.

In answer to Mr. McClure’s question as to whether that would be a one time cost, Mr. Mazziotti stated that it would continue on until the unfunded liability disappeared.

In response to Mr. McClure’s question as to when the actuary felt the unfunded liability would disappear, Mr. Mazziotti advised it depended on the stock market.

In answer to Mr. Angle’s question as to what Mr. Cusick would do with regard to the deficient, he replied the contribution could be raised.

Mr. Angle stated another option would be if Gracedale was sold, part of the proceeds should go to fully fund the pension, including the employees at Gracedale who were going to retire.

In response to Mr. Angle’s question as to what impact inflation and increasing rates have on the Swaption, Mr. Mazziotti advised the Swaption itself would come down during an inflation because the swap was the difference between what the County had to pay the counter party, which was 4.9%, and what they had to pay the County, which was based on an index of interest bonds.

In answer to Mr. Angle’s question as to whether he would retire the Swaption today or wait, Mr. Mazziotti stated he would wait.

In response to Mrs. McHale’s question as to what the dollar amount would be if every County employee at Gracedale would pull out their personal contribution in one lump sum, Mr. Mazziotti advised he did not have the number at this time, but he could get it. He further advised the total number for all of the County’s employees that were currently in the pension fund was approximately $9 million, so proportionately it would be approximately $3 million. He noted if an employee was going to retire, it would be in their best interest to leave it there and increase their benefit.
Mr. Cusick stated the following ordinance was introduced by himself and Mr. Dietrich at the County Council meeting held February 17, 2011:

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 Services or the County Executive.

Mr. Angle made a motion to table this ordinance because the cart had gotten so far ahead of the horse.

Mrs. McHale seconded the motion.

Mr. Cusick advised the public hearing had to be held first.

Public Hearing

Mr. Cusick asked if there was anyone from the public who would like to address County Council with regard to this ordinance.

There were no respondents.

Mr. Cusick asked if any member of County Council had any questions or comments.

Mr. McClure advised he tended to allow people to make predictions about the future, but tonight he was hopeful that Gracedale would be kept in County hands. He further advised that some of that hope was generated by the introduction of this ordinance irrespective of what happened to it tonight.

Mr. McClure stated he felt the greatest reason for his optimism was that so many of his colleagues had stated that if they determined that the quality of care would suffer at Gracedale for the current residents, they would not move to privatize the facility.

Mr. McClure advised he had been doing some research so he would like to share some information he found at a website which was a service of the United States National Institutes of Health. He further advised a study was published and presented at the Academy of Health meeting that was run by the National Institutes of Health and the presenter was from the University
of California Berkeley in the Health Services and Policy Analysis Department. He noted the conclusion of that study was as follows:

“RESEARCH OBJECTIVE: The primary research objective is to describe and analyze all nursing home chains operating in the United States during 2003 and 2004. Specific attention on the nursing home chains components will provide insights regarding organizational structure and operating strategies. STUDY DESIGN: This study will analyze the most recently available (as of 12/2004) Online Survey and Certification Reporting System (OSCAR) data that has chain linked information. The study will include descriptive analyses at both the chain and individual facility level. In addition, the study uses cross tabulations to describe where these chains operate, how many homes they operate, the type and amount of staff they employ, and the characteristics of the residents that live in these homes. POPULATION STUDIED: This population-level study examines all free standing nursing homes that are certified to receive Medicare and/or Medicaid funds during 2003 and 2004. This sample includes 15,006 nursing homes. Facilities from all 50 states are included, and includes non-profit (24%), for-profit (71%), and publicly-owned nursing homes (5%). Fifty-two percent of this sample of nursing homes are chain-affiliated. PRINCIPAL FINDINGS: Using the chain-linkage information, 37% of the chain-affiliated homes are operated by a parent company that has only one other certified facility. Ninety percent of the chains operate 15 homes or fewer, and only two percent of the chains operate 50 or more homes. Nearly two-thirds (66.3%) of the chains operate in only one state. Meanwhile, 19% of the chains operate in two states, and 5% of the chains have components in more than five states (maximum is 30 states). CONCLUSIONS: Chain-affiliation in the field of nursing homes is commonplace--over fifty-percent, and residents living in chain-owned nursing homes may be receiving below average levels of care. The for-profit status of the majority of these chains suggests the possibility that profit motives may affect the quality of care delivered in these nursing homes. IMPLICATIONS FOR POLICY, DELIVERY OR PRACTICE: Greater attention is needed from survey agencies and researchers to the chains to which nursing homes belong. Certain nursing homes chains may be able to standardize high quality care, while the major concern is that other nursing home chains standardize low quality care.”
Mr. McClure stated in the *Public Administration Review*, which was a leading journal for public administration, an article was published entitled, “Privatizing Public Nursing Homes: Examining the Effects on Quality and Access”. He then read the article:

“This study examines the effects of local government divestment on quality and access to care for Medicaid recipients in privatized nursing homes. The central hypotheses are concerned with the impact of new ownership on both aspects of organizational performance. The analysis indicates that privatization of nursing homes involves a complex set of trade-offs. Changing organizational ownership to for-profit increases the number of regulatory violations, decreases residents’ quality of life, but does not influence Medicaid admissions. While no decline in quality is found among divested nonprofit facilities, access to care declines in the comparison groups of nonprofit homes. The author concludes that as counties minimize their roles as service producers, federal, state and local governments should enhance their regulatory capacity by improving quality assurance mechanisms and providing adequate reimbursement for low-income clients.”

Mr. Cusick advised he also wanted to quote something from the study the County had done by Complete Healthcare Resources-Eastern, Inc. (CHRE) and was the reason why he introduced this ordinance:

“If Northampton County's decision is to continue operating Gracedale as a county nursing home, CHRE recommends the Northampton County consider contracting with a full-service management company to provide support to Gracedale's management in implementing all these recommendations that they have included in this study, as well as remaining operationally, clinically and financially sound in the future.

In the past, Gracedale has engaged various consultants on a piece-meal basis. While Gracedale has achieved good survey and clinical results, the use of consultants has not resulted in proven measurable results for Gracedale to become an operationally-efficient and financially-sound business.”

Mr. Cusick stated Mr. Angle noted that this ordinance was putting the cart before the horse, but he had to disagree. He
further stated the election that may have this ballot question was two months away and everyone knew how long it took this Administration to move things forward. Therefore, he felt this ordinance should not be tabled and consideration should be given to adopting it.

Mr. Cusick advised the reason why he felt it was important that County Council moved on this sooner rather than later was because next week Governor Tom Corbett was going to introduce his budget and one of the key things was a possible change in the Medicaid reimbursement rates and if so, it was going to impact this facility. Therefore, the County should have a management team in place if the voters decide to keep this facility. He noted delaying this action would not serve the taxpayers, but continue to be a drag on the potential operation, clinical and financial success of the facility in the short term and possibly in the long term.

Mr. Angle stated County Council did not have the right to legislate the County Executive’s running of things. He further stated Mr. Stoffa had assured him that before he did anything with Gracedale, if the initiative passed, he would come back to County Council with his proposal. Therefore, he again made a motion to table this ordinance.

Mrs. McHale seconded the motion.

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


The motion failed by a vote of 4-4.

Mr. Dietrich agreed that government did run slowly, therefore, he wondered how much progress could be made in two months.

Mr. Angle questioned who would sign a contract for management if the County was potentially going to sell Gracedale.
Mr. Dowd advised the search process could begin and he would support the ordinance because he felt for a long time the way to go was with a management team, but he was also concerned as to whether anyone would respond to a Request for Proposal if a sale was on the table.

Mr. McClure stated there would not be an immediate requirement to do a Request for Proposal as there was a time period before the ordinance would take effect. Therefore, he felt it was a prudent move to plan ahead so the County did not lose any more time to act.

Mr. Angle advised if the ordinance passed and Gracedale did not sell and Mr. Granda walked out, Mr. Stoffa could not operate Gracedale in the meantime because he would have to abide by the law of the ordinance and during the period it could take to get someone in there, Gracedale could be inoperable.

In answer to Mr. Angle’s questions as to whether he would consider hiring a management team and would he first come to County Council before doing anything, Mr. Stoffa stated he would come to County Council with a recommendation.

Mr. Angle reintroduced a motion to table this ordinance until the County figured out what it was doing with Gracedale, noting Mr. Stoffa was willing to bring in a management team and would do nothing until coming to County Council first.

Mrs. McHale seconded the motion.

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


The motion failed by a vote of 3-5.

Mr. McClure advised it was no secret as to his opinion on the sale of Gracedale, but ultimately to be responsible, Gracedale not only had to be saved, but reformed to make sure that year after year it performed the way it should and he felt this was a good first step.
As there were no further questions or comments, Mr. Cusick called for the vote on the ordinance as presented.


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

Consideration of the Resolution Providing for Modifications to the County's Homelessness and Rapid Re-Housing Program

Mr. Cusick stated the Economic Development Committee met prior to this meeting to review this matter and asked Mr. Dowd to address it.

Mr. Dowd advised this issue was discussed in great detail and the members of the Economic Development Committee present voted unanimously to present it to the whole of County Council. He further advised there was an increase in homelessness today and there was not a shelter or program that was not in duress at the present time, including the food banks.

Mr. Dowd stated the Department of Community and Economic Development was able to free up $29,000 that could be moved to an active program with Catholic charities to meet the needs of homelessness.

Mr. Dowd introduced the following resolution:

R. 29-2011

Authorizing Submission of a Request for Modification to the Homelessness Prevention and Rapid Re-Housing Program

WHEREAS, the Pennsylvania Department of Community & Economic Development (PA DCED) granted the County of Northampton $423,523 in Homelessness Prevention and Rapid Re-Housing Program
(HPRP) funding, as authorized under the American Recovery and Reinvestment Act of 2009, thereby requiring all proposed activities to be conducted as terms of the contract with PA DCED; and

WHEREAS, Northampton County originally obligated $25,000 of this award toward Data Collection activities and $8,400 toward the County's administrative costs; and

WHEREAS, it was determined that there continues to be a high demand for assistance for persons facing homelessness; and

WHEREAS, it was further determined the County could better meet this need by reallocating all Data Collection costs and $4,000 of the Administration expenses within the County's budget to support Homelessness Prevention Stabilization and Financial Assistance costs; and

WHEREAS, the County of Northampton has met and complied with the required regulations pertaining to the preparation and submission of the request for modification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the County Executive of the County of Northampton is hereby authorized to request approval from the PA DCED of modification to the HPRP contract as described above.

In answer to Mr. Angle’s question as to whether Mr. Ross Marcus, Director of Human Services, was aware of this, Mr. Dowd advised the funds were actually from the Community Development Block Grant.

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 Pertaining to the County Executive’s Appeal of the Gracedale Initiative Process

Mr. Cusick stated at the request of Mr. McClure, a resolution was drafted which pertained to the County Executive’s appeal of the Gracedale ballot initiative.

Mr. McClure introduced the following resolution:

R. 30-2011 WHEREAS, on February 1, 2011, the Solicitor to the Election Commission certified to the Northampton County Council that the proposed Gracedale initiative petition was conforming to the provisions of the Home Rule Charter; and

WHEREAS, the initiative petition was signed by in excess of 23,000 registered voters in Northampton County; and

WHEREAS, this initiative process allows voters to have a voice in the ultimate disposition of Gracedale.

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Northampton County Council that the County Executive shall not pursue, nor file, any further appeals to the Gracedale initiative process.

Mr. McClure advised it was perfectly legitimate for the County Executive to defend the Home Rule Charter (Charter) if he felt the initiative violated it, but if he believed in the right of the people to vote on it, then he must discontinue the appeals.

Mr. Angle stated he believed this resolution pertained more to Mr. O’Hare’s case because Mr. Stoffa’s case had to do with the Home Rule Charter. He further stated one of the saddest things about this whole issue was Senior Judge William Moran was one of the original framers of the Charter and Judge Stephen Baratta could have asked him what was the intent of the Charter in this matter.

Mr. Angle advised Mr. Stoffa’s intent was to have a court determine what the Charter actually stated. He further advised if the Commonwealth Court came back and stated the initiative was legal under the Charter, he would be willing to have a
special meeting so County Council could take a vote and put it on the ballot.

Mr. McClure stated they received an opinion by Judge Baratta that it was legal.

Mr. Angle advised he applauded Mr. Stoffa for appealing because now there would be a decision by the Commonwealth Court, which was not appealable to any other court.

Mr. Dietrich stated that a comment was made that if 51% of the people voted to keep Gracedale, then this would be done, so why not let it go on the ballot and find out.

Mr. McClure advised one of the reasons this was so important was because if the 60 days that Mr. Lauer referred to in his opinion did not begin until after the final determination by an appellate court, it may push it past the May Primary Election and the Administration had already indicated their time table to finalize the sale of Gracedale was June. Therefore, he would be interested in hearing what Mr. Lauer’s thinking was at the time of the certification of the ballot question.

Mr. Lauer stated in his response to the Election Commission’s Solicitor he indicated that it was not clear to him where the final determination occurred. He further stated as he understood the provision of the Charter it became County Council’s job to make a decision one way or the other once there had been a “final” determination on whether it conformed with the Charter.

Mr. Lauer advised he felt an argument could be made that the final determination was the determination made by the Election Commission and that was the way it would normally work except in this situation where it was going through multiple levels of litigation. Therefore, he did not think it was easy to look at the Charter under these circumstances and know exactly when that 60 day period begun.

Mr. McClure stated the only appeal that was contemplated in the Charter was by the petitioners so if you combine that with the certification by the Election Commission, in his opinion, the 60 days begun with the certification by the Election Commission to County Council.
Mr. Lauer advised that the matter was still within the 60 days so hopefully there would be an answer.

In answer to Mr. McClure’s question as to what the contingency was if an answer was not received within these 60 days, Mr. Lauer stated that was something that County Council may have to vote upon, but to be honest, he felt it was not an easy question to answer because the way the Charter was written. He further stated there was a provision that it went to the Election Commission and then upon a final determination that the referendum or initiative conformed to the Charter, County Council had 60 days within which to act.

Mr. Lauer advised the point Mr. McClure was making was that the Charter did not provide for appeals in the event the petition was found to comply with the Charter only if it did not comply. Therefore, the suggestion was being made that since the Charter defined what could be appealed and it did not fit in that category, the 60 days would begin at the time the Election Commission made its determination.

Mr. Dowd stated whatever decision was made today would be mute because County Council had the opportunity to advise, but not compel, so Mr. Stoffa could do what he wanted to do. He further stated he was struck by the inconsistency of County Council’s discussions where in one hand a majority of members were unwilling to suggest that the County Executive sit down and meet with the labor unions, but were willing to suggest he forego his perceived obligation to appeal. With that said, he noted he would like to see this issue go on the ballot.

With regard to Mr. Lauer’s comments, Mr. Angle advised that Mr. Stoffa’s appeal was to get a decision on what could be done according to the Charter. Therefore, he felt County Council had to wait for that decision before it moved ahead.

Mr. McClure stated the one thing the appeal was not about was the timing of the certification.

Mr. Angle agreed, but the appeal would address whether it was a legitimate ballot question because it dealt with finances. Additionally, he commented that he could not believe that there was not a unanimous vote to have Mr. Stoffa sit down again with
the unions because if that occurred, this whole matter could be resolved.

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


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

Prison Liaison Report

Mrs. Thierry advised at a recent County Council meeting, comments were made with regard to problems at the Prison and that it was in crisis. She further advised she talked to Mr. Robert Meyers, Director of Corrections, and Mr. Todd Buskirk, Warden, and met with various individuals who worked there.

Mrs. Thierry stated if anyone had the time, they should visit the Prison because they had to see what really went on over there and what the Correction Officers and Administration had to deal with. She further stated the majority of the employees went to work every day and did a good job, but morale was a little low right now because of recent events.

Mrs. Thierry agreed there could be improvement and she was sure if Mr. Stoffa decided to bring in outside help, they would be more than willing to listen to any suggestions.

Mrs. Thierry advised the Prison Board adopted a resolution in support of the Prison Administration and at this time, she would like to add her support. She further advised she attended a Labor Management meeting and it appeared issues were being resolved.

Farmland Preservation Board Report

Mr. Angle stated the Farmland Preservation Board did an excellent job in farmland preservation as alluded to previously by Mr. Stoffa. He further stated that it took a while before
the townships were allowed to participate and the County would not have $5.5 million in farmland preservation without Moore and Plainfield Townships.

Mr. Cusick advised what they actually did was a model for the whole State because Northampton County was the first county to come up with a program like this and he wanted to congratulate everyone involved.

Economic Development Committee Report

Mr. Dowd stated another discussion that took place at their meeting early in the evening dealt with the Community Development Block Grant funds and what impact the Federal and State budget would have on them, noting there could be a 60% reduction in those funds in 2011. He further stated without these funds, smaller municipalities may not be able to make necessary improvements and provide services.

Governor’s Budget Address

Mrs. Ferraro advised the Governor’s budget address would be held on Tuesday and she felt County Council should listen very closely to see what effect it was going to have on the services the Department of Human Services provided.

Solicitor’s Report

Mr. Lauer stated he wanted to make it clear the 60 days began from the date County Council received the Election Commission’s determination because it did have a Court decision that the determination was appropriate and until that got changed by some other court, the 60 days was running.

Mr. Angle advised that the Commonwealth Court did indicate they would be fast tracking this issue so a determination should be received shortly and in plenty of time to get on the ballot.

Mr. Cusick advised the only action County Council could do was to either vote it up or down and if it was voted down, it went on the ballot anyway.

Mr. Lauer agreed, but one of the problems with the way the Charter was written was that if County Council decided it did
not want to adopt the ordinance and wanted it to go on the ballot, the Charter indicated County Council would still have to wait out the 60 days before it went back.

Mrs. McHale stated after this whole issue was resolved, perhaps the Legal and Judicial Committee should look into amending the Charter to make it clearer.

Adjournment

Mr. Dowd made a motion to adjourn.

Mr. McClure seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council