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

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the April 28, 2011 and May 5, 2011 meetings shall be approved.

Mrs. McHale seconded the motion.

The minutes were approved by voice acclamation.

Presentation of Commendations

Mr. Cusick stated proclamations were being presented to two Northampton County Corrections Officers and recognition was being given to the Northampton County Prison Administration pertaining to the incident that occurred at the Prison.

Mrs. Thierry advised she wanted to publicly thank Correction Officers Anthony Eggleston and Donald Snyder for their thoughtful and effective actions in preventing the
escape of an inmate on May 3, 2011. She further advised letters of thanks were sent to the officers, however, she wanted to present each officer with a proclamation on behalf of all the taxpayers and the members of County Council.

Mrs. Thierry had Mr. Bob Meyers, Director of Corrections, introduce the officers while she presented them with their proclamation. In introducing these officers, Mr. Meyers also acknowledged Mr. Nathan Stahlnecker, Vice President of their union and Warden Todd Buskirk.

Mr. Meyer stated these officers came to work every day to do their job that could be dangerous at times and he was thankful that there were officers like this to carry out the mission of the Prison and the taxpayers should also be thankful because they prevented a very dangerous criminal from getting back into the community.

Mr. Angle arrived at the meeting at this time.

Courtesy of the Floor

Ms. Donna Barney, Kunkletown, PA - advised she had appeared before County Council since August 19, 2010 and had asked the same question each time, but never received an answer. She further advised the question was that since no private nursing home in the Lehigh Valley would accept her mother, where would she have gone if Gracedale was not there. She noted she got her answer on May 17, 2011, from more than 20,000 voters, and that was Gracedale was to remain the County home. She further noted it was now time for County Council to stop the bickering, name calling, threats, and the political posturing that had taken place and make it work.

Mr. Tom Tosti, Langhorne, PA - passed out a document entitled, “Public Employee Relations Act” (see Attachment #1). He stated he was the Director of the American Federation of State, County and Municipal Employees (AFSCME) District Council 88 and represented many employees in Northampton County including the Court-Appointed Professional employees.

Mr. Tosti advised there was an arbitration award that was
handed down in February of 2011, which the County was failing to implement. He further advised under Act 195, which he provided, once an arbitration award was handed down it did not go to a vote by County Council. He noted County Council was in violation of the law and this union was not going to sit back and take it any more.

Mr. Tosti stated they were going to file an Unfair Labor Practice and it was going to cost the taxpayers money to represent the County in a case it could not win. He further stated they were also going to file a Mandamus Action, which was faster than an Unfair Labor Practice charge. He noted the Mandamus Action was going to put each County Council member who voted against the award on the stand to explain why they wanted to violate the law and waste tax dollars in doing so. He added County Council had to rescind the vote and let the award be implemented.

Mr. Cusick advised this issue was brought up at a Council committee meeting yesterday and he had asked that it be placed on the agenda for the June 2, 2011 meeting.

Mr. Tosti stated he was not waiting until June 2, 2011 as these employees had been waiting since February so they were filing the Mandamus Action and he hoped the Court would hear it before June 2, 2011 and then it would cost the taxpayers money.

When Mr. McClure asked Mr. Lauer if it was his understanding that in view of recent Commonwealth Court decisions that in Home Rule Counties where the State law and the Home Rule Charter were in conflict, the State law trumped the Home Rule Charter, Mr. Lauer replied he felt when they were, in fact, in conflict that was the case in any aspect of municipal law.

In answer to Mr. McClure’s question as to whether he felt the Home Rule Charter was in conflict with Act 195, Mr. Lauer advised he did not know if it was because he had not really considered it. He further advised arbitration awards under Act 195 were, according to, not just the statute, but in cases that had interpreted this statute, binding unless it was determined that for reasons that the cases have indicated, and that he outlined previously, were not binding, but only advisory.
Mr. Lauer stated the only way that it could be determined that an arbitration award was advisory rather than binding was if it was determined it would take legislative action, namely the adoption of new taxes, to meet the terms of the arbitration award. He further stated as he also previously indicated, in order to do that, the reasons would have to be articulated and, the cases indicated, the reasons had to be something other than the fact that it would cost money.

Mr. Lauer advised the cases pointed out that every arbitration award ended up costing some money so the question was not whether it would cost money, but whether it would cost such an amount of money that special action would have to be taken by the County. He further advised in a recent case the fact that there were unexpended funds that would almost completely be consumed was not a reason to find the arbitration award advisory.

Mr. Lauer stated he could not say if the County was in violation of Act 195 because he did not know if what the County was doing was refusing to comply with the provisions of the award. He further stated he would interpret what the County had done, to date, was to obtain information as to what the costs would be and whether that cost would require legislative action.

Mr. Lauer advised he did not think the Home Rule Charter was necessarily in conflict with Act 195 because he felt it had to be interpreted in accordance with Act 195 and the cases that interpreted Act 195.

Reverend Mario Martinez, Forks Township, PA – stated he felt the members of County Council were bright individuals and they were going to be able to handle the upcoming task of fixing Gracedale. He further stated the people had that expectation of them when they elected them as officials and it was their ambition that they would work toward the goals and wishes of the people. He noted the people had spoken very loudly and had expressed exactly what it was that they wanted despite some of the fear tactics that were used to get them to vote in a different direction.

Reverend Martinez advised the people of Northampton County were very tired and they want to see progress and that began
with Gracedale. He further advised he believed every member of County Council was intelligent and if they were sincere in their desire to serve the people of Northampton County, they would take this opportunity to join them in repairing Gracedale. He noted they were not here to create problems, however, they would be watching what was going on not only with Gracedale, but with every issue that came up in the future.

Ms. Marylou Zimmer, Easton, PA - stated the people of the County have spoken and Gracedale was going to remain a County owned and operated nursing home. She further stated it was one of the largest facilities in Pennsylvania and its purpose was to provide quality nursing care in a public facility and to meet the total needs of the adult residents who could not remain in the community despite appropriate assistance from multiple agencies and lack the necessary resources for private nursing homes.

Ms. Zimmer pleaded with County Council to stop the bickering and work together to make Gracedale the home it should be for the elderly taxpayers who should never be forgotten. She further advised many of them were World War II Veterans who fought for our freedom so everyone should work together to battle for their rights to enjoy their lives as much as possible to the very end because it was the morally right thing to do.

Ms. Mary Ann Schmoyer, Moore Township, PA - advised on Tuesday, the people let County Council know what they wanted and their wishes should be respected with everyone working together to make Gracedale a bigger and better place. She further advised it had been said that most of the other Counties were selling their nursing homes, but why did Northampton County have to be like other Counties. She asked that everyone work together and show them that our County home could make it and provide for the people that paid taxes all their lives.

Mr. Justus James, AFSCME - stated he came to ask that everyone come together as partners to make Gracedale the place that it should have been all along. He further stated the union was willing to meet the County half way, noting he set aside 15 days next month for negotiations because if Gracedale failed, it was a failure for everyone.
County Executive’s Report

Mr. John Stoffa, County Executive, advised he sent County Council a schedule for the Request for Proposal process for the new management team for Gracedale.

Mr. Stoffa stated the paint being used for the Courthouse was in keeping with the 1861 and 1909 colors of this building.

Mr. Stoffa advised there had been some questions regarding the ballot and he spoke to Ms. Dee Rumsey, Chief Registrar of Elections, who informed him the ballot question was at the bottom due to the number of candidates that appeared on some local municipal screens. He further advised he planned to discuss the issue with the Election Commission to see if it could be handled better in the future.

Mr. Stoffa stated the Wayne A. Grube Memorial Park dedication had been postponed as the rain had pushed back some of the work. He further stated they planned to reschedule it for the Fall noting the project was coming in under budget and should be done by that time.

Introduction of the Ordinance Providing for Amendments to the Northampton County 21st Century Open Space Initiative Guidelines

Mr. Cusick advised the Open Space Committee met prior to this meeting to review the proposed changes to the Northampton County 21st Century Open Space Initiative Guidelines. He further advised the public hearing, debate and possible vote on this ordinance would take place at the June 2, 2011 meeting.

Mr. Cusick and Ms. Ferraro introduced the following ordinance:

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

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

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

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

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

Section I. Short Title

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

Section II. Repealer

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

Section III. Effective Date
This Ordinance shall become effective thirty (30) days after the date of enactment.

Consideration of the Resolution Authorizing Submission of a Request for Revision to the Fiscal Year 2009 Emergency Shelter Grant Contract

Mr. Cusick stated the Emergency Shelter Grant resolution was reviewed at the Human Services Committee meeting held prior to this meeting.

Mr. Dietrich advised this resolution was being introduced in order to provide funding for some water mitigation and mold remedies at Turning Point Lehigh Valley. He further advised there was an application process for Northampton County to receive grants for some of its homeless shelters, but the County had to be the applicant and then pass it through to the organizations.

Mr. Dietrich introduced the following resolution:

R. 48-2011

A Resolution Authorizing Submission of a Request for Revision to the Fiscal Year 2009 Emergency Shelter Grant Contract

WHEREAS the Pennsylvania Department of Community & Economic Development (PA DCED) granted the County of Northampton Emergency Shelter Grant (ESG) funding for Fiscal Year (FY) 2009, thereby requiring all proposed activities to be conducted in accordance with the terms of the CDBG contract with PA DCED by September 1, 2011; and

WHEREAS, $7,500 of this funding in this contract was designated for Turning Point of Lehigh Valley, Inc. to support Shelter Rehabilitation activities; and

WHEREAS, Turning Point of Lehigh Valley, Inc. has requested the approved activity be revised to allow funds to support mold
remediation costs within its shelter facility and the Northampton County Department of Community and Economic Development (DCED) recommends this revision be made; and

WHEREAS, the DCED will comply with all required regulations pertaining to the preparation and submission of the request for revision to the PA DCED.

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 of the PA DCED modifications to the County's 2009 ESG contract as it pertains to the projects described herein.

BE IT FURTHER RESOLVED that the Clerk to County Council is directed to execute a certification, and this resolution shall serve as certification, attesting to the adoption of this resolution. Further, a copy of this resolution shall be forwarded to the PA DCED.

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


The resolution was adopted by a vote of 9-0.

Consideration of the Administrative Code Article XIII Contract Approval Resolutions: (a) Service Electric Cable Television and Communications; (b) Tetra Tech, EM, Inc.; (c) CCAP and (d) McClure Company

Mr. Cusick stated the Finance Committee met yesterday to review all four of these contracts where it was recommended they be presented to County Council for approval.

Service Electric Cable Television and Communications

Mr. Gilbert introduced the following resolutions:
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 May 12, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $780,000. ($156,000 a year for the first five years) with Service Electric Cable TV & Communications. If all contract renewals are exercised, the total expected payout is expected to be $3,121,200.00.

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 Service Electric Cable TV & Communications for fiber connectivity service for the County Emergency Operations Center.

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


The resolution was adopted by a vote of 9-0.

Tetra Tech, EM, Inc.

Mr. Gilbert introduced the following resolution:

R. 50-2011 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”. Further Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for “...any contract where costs are to be funded with monies outside of the County’s General Fund,...”.

WHEREAS, on May 10, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $229,760.00, with Tetra Tech, EM, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to award a contract to Tetra Tech, EM, Inc. for consulting services to conduct a comprehensive update and expansion to the existing bi-County (Northampton and Lehigh)hazard mitigation plan.

Mr. Dietrich advised the necessity of this project was very important and affected everyone, especially in hindsight because after damage was done from flooding, a lot of times the Federal Emergency Management Agency restoration funds were dependent upon how proactive the County was to prevent those damages.

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


The resolution was adopted by a vote of 9-0.

CCAP
Mr. Gilbert introduced the following resolution:

R. 51-2011 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 May 12, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $1,034,144.00 with the County Commissioners Association of Pennsylvania (CCAP).

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 CCAP for property and liability insurance.

Mr. Gilbert stated Mr. Tom Harp, Deputy Director of Administration, gave a presentation yesterday which discussed risk management and showed how the County could do its best to decrease its costs and increase its coverage at the same time.

In response to Mrs. McHale’s question as to why it was not put out for bid, Mr. Flisser advised he believed in this particular instance the Administrative Code allowed for sole source procurement or a negotiated price, but in either case, it had to come before County Council for approval.

Mrs. McHale stated it was not a sole source because there were a lot of companies out there. She further stated an independent study was done a few years ago that indicated this was not the best program for the County because of the type of policy that was written and the huge deductibles that always saved money, noting they had increased the deductibles.
Mr. Gilbert advised a spreadsheet was provided that showed the numerical values associated with how many times there was an ability to use the insurance and had to pay out versus the incidences and when they calculated that, the savings were greater than the increase in the County’s risk and that was taken into consideration prior to the Administration bringing it to the table.

Mrs. McHale stated this was a great program for small municipalities and Counties, but not for Northampton County, however, it would cost a lot of money to get out of it.

Mr. Gilbert advised one of the things the CCAP organization provided was a specialization in County government coverage.

In answer to Mr. Angle’s question as to why it was not bid, Mr. Stoffa stated the County could never get this coverage for this price, noting there were not a lot of insurance companies who would cover the prison.

Mr. Angle advised he did not think it would be a bad idea to put it out for bid so then a comparison could be made even though it may be determined that CCAP was the better deal.

In response to Mr. Angle’s comment to table it and put out for bid, Mrs. McHale stated the expiration date was June 1, 2011.

Mr. Dowd advised his concern was for several years, County Council had to make quick decisions due to expiration dates. He further advised he agreed that unless it went out for bid, how could it be determined it was the best deal.

Mr. Gilbert stated the proponent for the CCAP policy would be past experience.

In answer to Mr. Dietrich’s question as to how many other Counties use this provider, Mr. Stoffa replied approximately two-thirds of them did.

Mrs. McHale advised they were not the same size as Northampton County and again, the study did indicate this was not the best program for the County.
Mr. Cusick stated Erie County was also a Class 3 County and they had this exact same program.

In response to Mr. Gilbert’s question as to what specifically about the program was improper, Mrs. McHale advised the fact the liability coverage was written on a claim made basis and not an occurrence basis. She further advised an occurrence basis meant the claim would be covered whenever it occurred whereas a claims made basis would be covered when the claim was made even though it may have occurred a year and a half ago. She noted if the policy in place had a retro date, meaning it would only go back so far, it may not pick up that claim unless there was tail coverage and tail coverage usually was anywhere from 110-150% of the annual premium.

Mr. Lauer stated the concern was when a claims made policy was cancelled for whatever reason, additional coverage had to be purchased for things that might come up later since they were not covered under that policy because it was no longer in effect. He further noted it was an issue, but he did not know what the economics of the resolution of it were.

Mr. Dietrich advised due to the nature of claims made, insurance companies were willing to provide coverage for a longer period to try and get your business and then as long as you stay with them and kept that policy, it would provide a savings and protection against a lot of liability. However, if the County were to try to change, the County would have to get a new vendor to come in and set a retroactive date, noting there very well may be no other vendors that would want to assume this policy because it was a very special policy due to the County’s operation of a work release program, a prison and a nursing home.

In answer to Mr. Gilbert’s question as to how this adversely affected the County, Mr. Dietrich and Mrs. McHale both replied it did not unless the County tried to get out of it.

When Mr. Gilbert asked why get out of it, Mr. Dietrich stated that was the issue because there was probably a very short list of vendors who could provide the necessary coverage, which went back to Mr. Angle’s point as to whether or not a list had ever been developed.

When Mr. Gilbert commented he was comfortable moving
forward with this now and then next time, put it out for bid, Mr. Angle asked even though it was in violation of the Administrative Code since it should have gone out for bid because of the amount and it not being unique.

Mr. McClure stated even though this was a very informative discussion, the fact remained this was being presented with a short deadline so it was too late for County Council to go in a different direction if it wanted to. He further stated it was the Administration’s fault for getting it to County Council so late in the process, but it was also County Council’s fault for allowing this to happen again.

Mr. Cusick advised he was very comfortable with the CCAP policy because he felt they have done a very good job. He further advised in some of the other Counties where they did go out to bid, he felt there was political influence that could be exerted as far as the process and he felt there was a lot less of it with CCAP.

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


The resolution was adopted by a vote of 5-4.

McClure Company

Mr. Gilbert stated this pertained to the cost analysis that was done and the savings the County would undergo by implementing their process.

Mr. Cusick advised as part of yesterday’s Finance Committee meeting, Mr. Angle raised some issues so an amendment was being offered. He further advised he would like to discuss and vote on that first and then vote on the resolution.

Mr. Angle stated the equipment the McClure Company was going to install was where they made their profit so he wanted an independent analysis done of the equipment as to its quality.
Secondly, there was no warranty or guarantee so he suggested a 15 year warranty or guarantee and thirdly, the McClure Company was a subsidiary of the PPL Corporation so he wanted a guarantee from them as well.

In response to Mrs. McHale’s question as to whether McClure Company was in agreement with these amendments, Mr. Cusick advised they indicated at yesterday’s meeting they were agreeable and also provided a letter stating the same.

Mr. Angle introduced the following resolution:

R. 52-2011 RESOLVED By the Northampton County Council that the following paragraph shall be added to the Administrative Code Article XIII McClure GESA resolution:

IT SHALL BE UNDERSTOOD that this resolution is contingent upon the County Executive and/or his designee obtaining: (1) an independent analysis and verification of the quality of the equipment being installed, (2) a 15 year warranty or guaranty on the given projects and (3) a guarantee from the PPL Corporation (the parent company of the McClure Corporation) that they guarantee and back the Northampton County projects.

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


The resolution was adopted by a vote of 9-0.

Mr. Gilbert introduced the following amended resolution:

R. 53-2011 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 May 12, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $6,142,951.00 with the McClure Company.

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 the McClure Company for a Guaranteed Energy Savings Program.

IT SHALL BE UNDERSTOOD that this resolution is contingent upon the County Executive and/or his designee obtaining: (1) an independent analysis and verification of the quality of the equipment being installed, (2) a 15 year warranty or guaranty on the given projects and (3) a guarantee from the PPL Corporation (the parent company of the McClure Corporation) that they guarantee and back the Northampton County projects.

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


The resolution was adopted by a vote of 9-0.

Consideration of the Human Services Funding Resolution

Mr. Cusick stated at the Human Services Committee meeting held earlier this evening, those present agreed to draft a resolution outlining the County’s concerns regarding the State budget as it pertained to the County’s Human Services Programs.

Mr. Dietrich advised this was a resolution identifying to all the Northampton County’s State representatives that as providers for the services they mandate it would like to make
sure that funding for those programs were in place because the proposed State budget had substantially cut or eliminate certain programs.

Mr. Dietrich introduced the following resolution:

**R. 54-2011**

WHEREAS, the Commonwealth of Pennsylvania is experiencing financial difficulties and faces the unpleasant task of reducing spending and/or increasing taxes and fees; and

WHEREAS, the Commonwealth of Pennsylvania and its 67 counties have a well established partnership for the provision of essential human services to Pennsylvania’s most fragile residents; and

WHEREAS, whenever the reimbursements from the Commonwealth of Pennsylvania do not keep up with the costs of the programs, it becomes an added burden to Northampton County and its taxpayers; and

WHEREAS, reductions in reimbursement to counties in the Commonwealth’s 2011-2012 fiscal year budget will put an added burden on Northampton County’s budget;

NOW, THEREFORE, BE IT RESOLVED that County Council does hereby call on the Northampton County’s delegation to the General Assembly of the Commonwealth of Pennsylvania: (1) to oppose any reductions in funding for human services programs because it simply transfers more of the cost of operating these programs from the State to the County and (2) to pay particular attention to the following four issues:

(a) Restoration of funding for the Human Services Development Fund;

(b) Updating the formula for distribution of funds to the Area Agencies on Aging; and

(c) Leaving Act 152 (Drug and Alcohol) funding with the Single County Authorities, rather than moving it to the Behavioral Health Managed Care Organizations; and
(d) Restoration of the proposed reduction to Medical Assistance reimbursements to County nursing homes.

When Mr. Dowd asked if item “d” pertained to giving County-owned nursing homes the same Medicaid reimbursements as non-County-owned nursing homes, Mr. Dietrich stated that was a separate issue. He further stated this was asking them not to eliminate the 2% cut that was being proposed in the budget.

Mr. Dowd advised he would like a resolution prepared that would call for the equalization of compensation for Medicaid reimbursement.

Mr. Angle suggested that the State officials be invited to attend either a committee meeting or regular County Council meeting to explain why they were giving preferential treatment to private nursing homes.

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


The resolution was adopted by a vote of 9-0.

Consideration of the Gracedale/2011 Bond Issue Resolution

Mr. Angle stated he had passed out a resolution that he would like to bring before County Council as there was a lot of concern from the public about Gracedale.

Mr. Angle introduced the following resolution:

R. 55-2011  WHEREAS, the County of Northampton owns and operates Gracedale, a long-term care nursing home that serves the medically and financially indigent residents of Northampton County and their relatives. The mission of Gracedale is to rehabilitate its residents to their highest practical level of medical, social and psychological well-being; and
WHEREAS, without qualification or exception, assuring the highest quality of patient care for all current or future Gracedale residents has been a priority of the County of Northampton.

WHEREAS, at the Primary Election held May 17, 2011, the voters of Northampton County approved the following ballot initiative question by a vote of 19,690 Yes to 7,406 No:

“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 approval of this initiative.”

NOW, THEREFORE, BE IT RESOLVED BY the Northampton County Council that: (1) maintaining the highest quality of care to all current and/or future Gracedale residents will continue to be a key County priority, (2) in an effort to fund needed capital projects at Gracedale, all remaining 2001 bond issue projects shall be declared impracticable and unfeasible and any and all remaining funding shall be allocated solely toward capital projects at Gracedale, (3) a new account shall be created for the operation of Gracedale and any surpluses generated by the operation of Gracedale and/or any monetary concessions realized through the negotiation of Collective Bargaining Unit Agreements, shall be placed into the Gracedale account and shall be used for improving patient care.

Mrs. McHale advised she would like to make a motion to amend the resolution to eliminate the second item until such time as the individuals involved in those projects had an opportunity to come before County Council to discuss the status of their projects.

Mr. McClure stated there was a process in declaring a project impractical and unfeasible that had to be followed to be in compliant with the law and avoid a lawsuit. He further stated the intent of the resolution was on the right track, but each project had to be reviewed individually so at this time he would second Mrs. McHale’s motion.

Mrs. Ferraro advised she also felt this was a good resolution, but it should have been done months ago. She further advised she was not comfortable with just shooting from
the hip and putting all the money into Gracedale when there were all these commitments that had been made. She noted she’d rather be paving the parking lot at Gracedale than paving a parking lot in Bethlehem, but the fact was the County had entered into an agreement and until the projects could be declared impractical and unfeasible under the proper process, she could not vote on the resolution without the elimination of the second item.

Mr. Dowd stated this was a resolution and not an ordinance and the projects had to be declared impractical and unfeasible by an ordinance so this was just a declaration of intent. He further stated over the years, he had become frustrated with the municipalities that have not utilized their funds and this resolution would put everyone on notice that the projects were going to be reviewed and may be declared impractical and unfeasible.

Mr. Angle advised people spoke on Tuesday and now they were looking for answers and this resolution was providing them with County Council’s intention.

Mr. McClure remarked that Mr. Dowd indicated this was a resolution and not an ordinance, but a resolution was still a serious action made by County Council.

Mr. Cusick stated he had tried several times to have a final determination made with regard to these projects to no avail because there were things the County had to do to function as a government rather than fund projects to benefit developers or certain municipality’s personal agendas. He further stated to still have money to put a parking lot in South Bethlehem when the Gracedale parking lot was in the shape that it was, was just a shame.

Mr. Cusick advised he understood there were legal ramifications and he agreed that there had to be hearings on the projects, but he would absolutely vote to declare any and all of them impractical and unfeasible which he had done since he was elected.

As there were no further questions or comments, Mr. Cusick called for the vote on the motion to amend the resolution.
County Council Minutes

May 19, 2011


The motion failed by a vote of 3-6.

Mr. Dietrich stated an enterprise fund should be established so there would be somewhere to put the money before it rolled back into the General Fund.

Mr. Angle advised this resolution was to give the people an idea of what County Council planned to do, noting it would probably be tweaked as time went on.

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


The resolution was adopted by a vote of 8-1.

Resolutions to be Drafted for a Future Meeting

Mr. Dowd stated he would like Mr. Flisser to draft two resolutions. He further stated one that would call on County Council to have a meeting with the Northampton County delegation to increase the Medicaid reimbursement for County-owned nursing homes and the second to ask the Administration to provide County Council with a list of contracts 90 days before they expire so there was time for County Council to make an informed decision.

Mr. Cusick suggested changing the Administrative Code to require notification as part of the process.

Economic Development Committee Report
Mr. Dowd advised at the next Economic Development Committee meeting to be held on June 2, 2011, Mr. David Haines, the Chairman of the Lehigh-Northampton Airport Authority, would provide an update on the airport.

Human Services Committee Report

Mr. Dietrich stated at the Human Services Committee meeting earlier in the evening, they discussed the State budget.

Open Space Committee Report

Mr. Cusick advised the Open Space Committee met earlier in the evening to consider some changes to the Northampton County 21st Century Open Space Initiative Guidelines. He further advised three projects were reviewed, however, there was only adequate funding for two of them to move forward so the third one would be considered in next year’s budget.

Council Clerk Report - Consideration of the July Meeting Schedule

Mr. Flisser stated yesterday Mr. Cusick and himself were discussing the July meeting schedule, noting it was changed in December from the first and second Thursdays to the second and fourth Thursdays. He further stated it was determined that would create a problem because in June, there were five Thursdays so subsequently there would be almost a month between meetings. Therefore, a resolution was being introduced that would change it back to the first and third Thursdays.

Mr. McClure made a suggestion that in the future no changes be made to the meeting schedule and let it remain the first and third Thursdays of the month.

Mr. Cusick introduced the following resolution:

R. 56-2011 WHEREAS, the 2011 July meetings of the Northampton County Council were previously scheduled for July 14, 2011 and July 28, 2011 (resolution #129-2010).
NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the July 14, 2011 and July 28, 2011 meetings are canceled and rescheduled for July 7, 2011 and July 21, 2011. The meetings will begin at 6:30 p.m., prevailing time, and will be held in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.

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


The resolution was adopted by a vote of 6-3.

Solicitor’s Report

Mr. Lauer advised his intention was to develop something simple, but thorough, regarding the Court-Appointed Professional Contract.

Mr. Angle stated he believed that contract should not have been brought before County Council to begin with and Mr. McClure agreed.

Mr. Lauer advised the Home Rule Charter was confusing on that issue because it referred to approving Collective Bargaining Agreements.

Mr. McClure stated no Court would find that the dollar amount would require legislative action.

Mr. Lauer advised Section 805 of Act 195 said it shall be final and binding upon both parties with the proviso that the decisions of the arbitrators would require legislative enactment to be effective shall be considered advisory only so someone had to decide whether it did or not.

Adjournment
Mrs. McHale made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council