Easton, Pennsylvania

September 1, 2011

A regular meeting of the Northampton County Council was held on the above date with the following present: John Cusick, President; Margaret L. Ferraro, Vice President; Ron Angle; Thomas H. Dietrich; J. Michael Dowd; Bruce A. Gilbert; Lamont G. McClure, Jr.; Ann McHale; 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

Mr. McClure 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 August 18, 2011 meeting shall be approved.

Mr. Dowd seconded the motion.

The minutes were approved by voice acclamation, with Mrs. McHale and Mr. Gilbert abstaining.

Courtesy of the Floor

Mr. Thomas McCormick, 1623 Merryweather Drive, Bethlehem, PA - stated he was a newly appointed member of the Open Space Advisory Board. He further stated he wanted to encourage County Council to act favorably in supporting and funding all aspects of the open space efforts during the budget process.
Ms. Maryann Schmoyer, 480 Rabbit Road, Moore Township, PA - advised her mother had been at Gracedale for six years and she had never once been disappointed with the care. However, since two units have been closed, it appeared there had been less help on the floors. She then asked if no one was laid off, why the floors were short staffed.

Mr. Ross Marcus, Director of Human Services, stated this was the first he was hearing about this situation and he would check on it tomorrow.

Mr. John H. Berry, 1162 Wheaton Drive, Bethlehem, PA - advised he was speaking on behalf of sportsmen clubs, as well as conservation organizations, who felt it was critical for the present and upcoming generations to have open space funding for parks, farmland preservation and environmental areas for their common health. He further advised they also felt now was the appropriate time to preserve open space.

In answer to Mr. Angle’s question as to whether hunting should be allowed on the land that was preserved, Mr. Berry stated that was a separate issue from the acquisition of the land. He further stated that should be left to the agencies empowered by the State to make that determination.

Proclamation Presentation

Mr. Angle presented a proclamation on behalf of County Council thanking Ms. Ruth Ann Terres for volunteering her services to the Gracedale Management Request for Proposal Review Committee.

County Executive’s Report

Mr. John Stoffa, County Executive, advised the Tax Parcel Certification Program in the Recorder of Deeds Office continued to bring in money. He further advised they have collected $256,310 from January 1, 2011 to August 31, 2011.

Mr. Stoffa stated the County had officially appealed the rejection of the Northampton County Municipal Waste Management Plan.
Mr. Stoffa advised last Sunday, he spent the afternoon at the County’s 911 Center and the Northampton County Emergency Management Command Center and he was very impressed with the teamwork, professionally and overall confidence of the staff. He further advised the staff, including the Assessment Office, were coordinating a collection of Public Assistance Damage Reports from municipalities for possible reimbursement from the Federal Emergency Management Agency.

Mr. Stoffa stated he noticed that County Council was considering a resolution joining the national moment of remembrance of the 10th anniversary of September 11th. He further stated one of the efforts the Administration was looking into was working with the City of Easton in doing some things. He noted they were also looking into determining whether they could ring the bell at the Wolf Building because he did not know the last time it was rung.

County Employee

Mr. Angle asked if the County would hire someone for a legal position who had an Internal Revenue Service (IRS) lien, no malpractice insurance and an admitted alcohol problem.

In response to Mr. Stoffa’s question as to what office, Mr. Angle replied the Public Defender’s Office. Mr. Stoffa advised he would not, but he did not do the hiring for that office. He further advised he would look into the matter.

Hurricane Irene

Mrs. McHale stated she noticed a brown spot on the ceiling of the County Council Chambers which was probably from a water leak so she asked if any other County facilities were affected.

Mr. Stoffa advised as far as he knew, the facilities came through it quite well.

9-11 Remembrance Ceremonies

Mrs. Ferraro stated that Nazareth was holding a ceremony on September 11, 2011 at the high school, noting that former Congressman Paul McHale would be the guest speaker.
Mr. Dowd advised the cities of Allentown and Easton were also holding ceremonies, as well as many of the churches.

Public Hearing on the Ordinance titled, "AN ORDINANCE REPEALING ORDINANCE NO. 475-2007, AN ORDINANCE TITLED, "AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ."

Mr. Cusick stated the following ordinance was introduced by Mrs. Thierry and Mr. Angle at the meeting held August 18, 2011:

AN ORDINANCE REPEALING ORDINANCE NO. 475-2007, AN ORDINANCE TITLED, "AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ."

WHEREAS, Ordinance No. 475-2007 was enacted on December 7, 2007, to read as follows:

"AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ."

WHEREAS, Northampton County Council is empowered as the governing body of Northampton County to exercise the legislative power of the County to enact laws in the form of Ordinances under the powers
conferred upon it by the laws of the Commonwealth of Pennsylvania and Section 1.2-202 of the Northampton County Home Rule Charter (348 Pa. Code 1.2-202) and,

WHEREAS, Northampton County Council desires to exercise its powers to create and to establish a Joint Northampton-Lehigh County Department of Health under the Local Health Administration Law of the Commonwealth of Pennsylvania, 1951, Aug. 24, P.L. 1304, § 1, 16 P.S. 12001 - 12028, as amended and,

WHEREAS, in the creation and establishment of the Joint Northampton-Lehigh County Department of Health, the Local Health Administration Law requires Northampton County Council to act in concert with the governing body Commissioners of Lehigh County and to form a Joint Counties Health Commission and,

WHEREAS, once formed, the Joint Counties Health Commission is thereafter required to appoint a Board of Health under the Local Health Administration Law of the Commonwealth of Pennsylvania.

NOW THEREFORE, BE IT ENACTED UNDER NORTHAMPTON COUNTY HOME RULE CHARTER 1-602 (14) AND RESOLVED AS LAW THAT:

1. Provided the governing body Commissioners of Lehigh County has first or contemporaneously herewith enacted an Ordinance identical in purpose as this Ordinance, that Northampton County Council hereby creates and establishes a Joint Northampton-Lehigh County Department of Health.

2. Northampton County Council hereby directs the Northampton County Executive under 1.2-202 of the Northampton County Health Administration Code (348 Pa. Code 1.2-202) to prepare separate, special reports to Northampton County Council containing (1) a comprehensive plan to comply with the provisions of the Local Health Administration Law of the Commonwealth of Pennsylvania required to establish Joint Departments of Health under that law and (2) a special report which shall include the recommendations of the County Executive and the basis therefore for Northampton County Council to appoint Board of Health members to represent Northampton County on the Board.
of Health to be established by the Joint County Health Commission consisting of Northampton County Council and the Commissioners of Lehigh County.

3. Northampton County Council delegates its administrative powers and duties required of it under the Pennsylvania Sewage Facilities Act (1966, Jan. 24, P.L. (1965) 1535, § 1, eff. July 1, 1967, 35 P.S. 750.1, et seq.) to the direction and supervision of the County Executive who shall direct the appropriate departments and offices of Northampton County to administer the requirements upon the Joint County Departments of Health to administrate provisions of that Act for Northampton County municipalities. Such administration shall be in compliance with the laws of the Commonwealth of Pennsylvania and the Northampton County Home Rule Charter and shall include the subcontracting of the inspection function to the private sector.

4. It is expressly understood that additional legislative action will be required to be taken by Northampton County Council to establish the Joint Northampton-Lehigh County Department of Health.” and

WHEREAS, current economic conditions and budgetary constraints at the Federal, State and County levels, make the continued viability of the formation of a County Health Department precarious at best; and

WHEREAS, the formation of a County Health Department would, in all likelihood, place an undue financial burden on the taxpayers of Northampton County.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 475-2007, the ordinance titled, “AN ORDINANCE ENACTED UNDER SECTION 1.6-602 (14) OF THE NORTHAMPTON COUNTY HOME RULE CHARTER (348 PA. CODE 1.6-602 (14)) ADOPTING A RESOLUTION CREATING AND PROVIDING FOR THE ESTABLISHMENT OF A JOINT NORTHAMPTON-LEHIGH COUNTY DEPARTMENT OF HEALTH UNDER THE LOCAL HEALTH ADMINISTRATION LAW OF THE COMMONWEALTH OF PENNSYLVANIA, 1951, AUG. 24, P.L. 1304, § 1, 16 P.S. 12001, ET SEQ.,” is hereby repealed.
FURTHER, it is the consensus of the Northampton County Council to forthwith terminate the involvement of Northampton County in any further discussions regarding the formation of a Joint Northampton-Lehigh County (Lehigh Valley) Department of Health.

EFFECTIVE DATE: This ordinance shall become effective thirty (30) days after the date of enactment.

Public Hearing

Ms. Ilene Prokup, 1145 Greenleaf Court, Allentown, PA - advised she was the Chairperson of the Lehigh Valley Board of Health and she was here tonight to ask County Council to allow them to finish the work they started and present their proposal. She further advised the proposal would be finalized and voted on in several weeks.

In answer to Mr. Angle’s comment that he thought they had provided a final report, Ms. Prokup stated they had presented a proposal a year ago, which was voted down. She further stated it was their understanding that they were to go back and to develop a viable proposal. She noted they had spent the last year reviewing that proposal and revising the parts they felt should be revised.

Mr. Dietrich advised he believed that the Board of Health was given a directive to look into a greater partnership with the hospitals so there were unanswered questions that were established last time and if they had the answers, they should be given the opportunity to present them.

In response to Mr. Angle’s question as to whether they had made any headway with the hospitals, Ms. Prokup replied they would like to address that when they were able to present their entire proposal.

As there were no further public comments, Mr. Cusick asked if there was any member of County Council who had a question or comment.

Mr. Dowd stated they have been working for several years and when they presented their previous proposal, they were asked
to come back with answers to questions that were posed and provide a revised proposal. Therefore, he felt they should be given the opportunity to present that proposal before County Council made their decision.

In answer to Mr. Angle’s question as to whether there was a time frame for them to present this revised proposal, Mr. Dowd advised he believed it would be in the next few months.

Mr. Dietrich agreed that withdrawing from the bi-County health department without allowing the Board of Health to answer the questions previously put forth would be inappropriate.

Mrs. McHale made a motion to table this ordinance.

Mr. Dowd seconded the motion.

Mr. Angle stated he would support the motion if it was for 60 days.

After receiving Ms. Prokup’s confirmation that 60 days would be appropriate, Mrs. McHale amended her motion to include the 60 days.

Mr. Dowd agreed.

As there were no further questions or comments, Mr. Cusick called for the vote to table this ordinance for 60 days.


The motion passed by a vote of 7-2.

Consideration of the Resolution Designating the Northampton County Retirement Board as Administrator of the OPEB (Other Post Employment Benefits) Trust

Mr. Cusick advised this resolution was on the agenda for the August 18, 2011 meeting, however, consideration was tabled until this meetings so he asked for a motion to remove it from the table.
Mr. Dowd advised this resolution allowed the Pension Board of Northampton County to act as the administrator for the OPEB Trust. He then introduced the following resolution:

R. 78-2011

A RESOLUTION DESIGNATING THE NORTHAMPTON COUNTY RETIREMENT BOARD AS ADMINISTRATOR OF THE OPEB (OTHER POST EMPLOYMENT BENEFITS) TRUST

WHEREAS, the County of Northampton provides post employment health care benefits to employees hired before June 30, 2010; and

WHEREAS, the OPEB Trust was created to monitor the financial obligations associated with post employment benefits; and

WHEREAS, on June 3, 2011, the Northampton County Retirement Board passed a motion requesting that County Council adopt a resolution identifying and designating the Northampton County Retirement Board as administrator of the OPEB Trust.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton that the Northampton County Retirement Board shall serve as the administrator of the OPEB Trust.
Mr. Dietrich stated the last time this was discussed, County Council was trying to determine what their options were and a concern was raised that the recommendation for managing this trust came from the same board that was reviewing who would manage it. He then asked Mr. Stoffa if no other body was looking into managing this.

Mr. Stoffa stated no one was really managing this trust except the County and they were trying to maximize the amount, noting it was approximately $13 million so it was turning into a sizeable amount. He further stated if County Council wanted someone else to do it, they were going to have two different meetings.

Mr. Dowd advised they had looked at other firms and it came to the current firm and one other and Mr. Vic Mazziotti, former Director of Fiscal Affairs, indicated either firm would be satisfactory. He further advised at this point, it was felt that the County should not develop another board when this group was able to handle it.

Mrs. McHale stated she had a concern because most of the Retirement Board consisted of individuals chosen by the County Executive who may be more willing to side with the County Executive.

Mr. Dowd advised his take would be who would be more willing to have it be more successful than those individuals who would benefit from it.

Mrs. McHale stated she was not sure whether the members of the Retirement Board had the expertise to handle this issue and perhaps a decision should not be made until there was that expertise.

Mr. Stoffa advised that in the meantime nothing was being done with the fund that could build it up.

Mr. McClure stated he understood Mrs. McHale’s concerns and although he agreed the expertise may be lacking, but in a lot of areas, the County had to rely on attorneys and consultants to get things done. Therefore, he did not see why he could not support this.
Mr. Angle advised he was a great believer in checks and balances and this was an area that called for checks and balances. He further advised he did not think anyone was dishonest, but a lot of decisions were made by the managers and just rubber stamped by the Pension Board.

Mr. Karl Longenbach, Solicitor for Northampton County, stated the trust instrument which the funds in the OPEB account were being presently invested require the designation of an administrator. He further stated the questions then became was there any reason not to appoint the Retirement Board and would there be a conflict of interest because they were administrating two separate funds. He noted he did not think there was, noting they could choose to have two separate financial advisors if they desired.

Mr. Longenbach advised as far as checks and balances, there was a retiree, County Council members and a County Executive who would have the most interest of the fund in mind for the ultimate beneficiaries.

Mr. Angle stated the problem with that was there was no competition. He further stated Berks County had a better return than Northampton County because they had a different organization managing it.

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


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

Treatment Facility

In answer to Mr. Angle’s question as to whether there were any updates on the treatment facility, Mr. Stoffa replied there were none.
Consideration of the resolution titled, "A RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL, COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH"

Mr. Cusick advised earlier in August, County Council received a letter from United States Senator Frank Lautenberg who indicated that the United States Senate unanimously adopted a resolution establishing a national moment of remembrance to commemorate the 10th Anniversary of the terrorist attacks of September 2011. He further advised Senator Lautenberg requested all Counties join in the commemoration of the 10th anniversary and a resolution for Northampton County to join in commemorating this event was being presented.

Mr. Dietrich introduced the following resolution:

Number 79-2011

A RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL, COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH

WHEREAS, the Northampton County Council, the governing body of the County of Northampton, Easton, Pennsylvania, expresses their support of the United States Senate regarding coming together as a nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m., Eastern Daylight Time, on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and
WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and
WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11, 2001, will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council, the governing body of the County of Northampton, Easton, Pennsylvania:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation, and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks, and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives, and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence
agencies, the United States diplomatic service, Homeland Security and law enforcement personnel and their families, who have given so much, including their lives and well being, to support the cause of freedom and defend the security of the United States, and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the Northampton County Council, the governing body of the County of Northampton, Easton, Pennsylvania, calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans’ organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the Northampton County Council, the governing body of the County of Northampton, Easton, Pennsylvania, encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m., Eastern Daylight Time by, to the maximum extent practicable, ceasing all work or other activity and marking the moment in an appropriate manner, including by ringing bells, blowing whistles or sounding sirens.

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 Gift Acceptance Resolution
Mr. Cusick stated from time to time County Council was asked to provide for the acceptance of gifts on behalf of the County. He further stated this resolution would accept monetary donations received by the Mental Health/Early Intervention/Developmental Programs Division.

Mr. Dietrich introduced the following resolution:

R. 80-2011 WHEREAS, Northampton County Home Rule Charter Section 202 (10) provides that the County Council shall have, among others, the following powers: “to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;” and

WHEREAS, the Mental Health/Early Intervention/Developmental Programs Division has received several donations (as set forth in the attached document labeled Exhibit “A”) totaling, $370.00 in memoriam of Linda Danish, a sister to one of Northampton County’s Mental Health consumers.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby authorize the County Executive to accept on behalf of the County of Northampton, the sum of $370.00 and to deposit the funding in the Mental Health Budget for consumer services.

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


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

Courtesy of the Floor Request

In response to Mr. Stoffa’s request to allow Sister Virginia Longcope to address County Council, Mr. Cusick agreed. Sister Longcope apologized for being late and stated she was the Executive Director of Stephen’s Place. She further
stated she wanted to thank County Council for sending the $5,000 they requested in the beginning of January.

Sister Longcope advised when the men came to Stephen’s Place, they come right from prison and usually had nothing. She then provided a document which reflected what occurred during their First Phase Program (see Attachment #1) and this was what the County’s money was used for.

Mr. McClure, who was a sponsor of the resolution providing this funding, stated he thanked Sister Longcope for coming and explaining how these funds were used. He further stated he felt this was a worthwhile program and would try to get more funding for them next year.

Mr. Dowd advised he also wanted to thank Sister Longcope for coming and explaining what they have done with the funds the County provided.

Lehigh and Northampton Transportation Authority (LANTA) Liaison Report

Mrs. McHale stated that LANTA had implemented all of their new changes. She further stated there was a book available with the new routes for individuals who did not have a computer.

Finance Committee Report

In answer to Mr. Angle’s question as to whether he had anything to report with regard to next year’s budget, Mr. Cusick advised he was awaiting its presentation on October 3, 2011 to see what the County Executive was planning.

Mr. Cusick stated he planned to have the County Executive appear at a Finance Committee meeting to discuss his budget.

Mr. Cusick advised he thought County Council would have received the requested report regarding the remaining funds of the 2001 Bond Issue by this time, however, the County Executive had indicated that they have not completed their work so the figure would not be available this month. He further advised he was disappointed because he would have liked to have known that
Mr. Angle stated he was hoping to get more of an answer than Mr. Cusick was just waiting for the presentation of the budget, but that he would have kept up on it so he would have an idea of where the County was going to be next year. He further stated next year, the County would have to raise taxes by 18%, or more, in order to keep Gracedale going or stop being financially sound and take money out of the budgetary reserve.

Mr. Angle advised he wanted to thank Mrs. McHale and Mrs. Ferraro for not voting for the Swaption. He further advised he was not at that meeting, but he suggested putting $1.6 million into an interest-bearing account so that if there was a problem with the Swaption, there was money to cover it. He noted this Swaption was wrong from the beginning and was handled wrong ever since.

Mr. Angle stated he brought this up because of the budget because if the County had not been fiscally responsible for the past five years, the money would not be available for the payment of the Swaption. He further stated he wanted everyone to realize this before they voted to use the budgetary reserve to hold off a tax increase. He added even if the budgetary reserve was used, he felt there would still have to be a 10% tax increase.

In response to Mr. McClure’s question as to whether the County had any legal options with regard to the Swaption, Mr. Longenbach advised there were two financial advisors at the time, CDR Products, Inc. and another local company. He further advised CDR Products, Inc. was now under criminal indictment by the United States. He noted there were approximately 50 Federal lawsuits against, not only CDR Products, Inc., but just about every bank and financial advisors.

Mr. Longenbach stated he contacted the Pennsylvania Attorney General’s Office, as well as one of the attorneys on the Executive Counsel for the class action suit and he was waiting for their replies. He further stated he believed the County could become a participant in the lawsuits.
In answer to Mr. McClure’s question as to whether the County could forestall making the Swaption payment if it joined the suit, Mr. Longenbach advised that was a difficult question to answer, but he did not believe so.

Solicitor’s Report

Mr. Lauer stated with regard to the transfer of the Criminal Division to the Courts, there was an inquiry passed to him by the Courts which he planned to discuss with Mr. Longenbach.

Adjournment

Mrs. McHale made a motion to adjourn.

Mr. McClure seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council