Easton, Pennsylvania

September 15, 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. Gilbert led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Angle made the following motion:

Be It Moved By the Northampton County Council that the minutes of the September 1, 2011 meeting shall be approved.

Mr. McClure seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Reverend Mario Martinez, Forks Township, PA - stated he represented the Coalition of Alzheimer Families and they felt the direction the County was moving with Gracedale was a very positive one and would help it succeed. He further stated it was not their intention to offend anyone during the process and they hoped tonight’s decision would put the issue to rest at least for a while so consideration could be given to the other issues the County was facing.
Confirmation of Appointments

Mr. Cusick advised the Personnel Committee met earlier this evening to review the County Executive’s appointments to the Children, Youth and Families Advisory Board and to the Gaming Revenue and Economic Development Authority.

Mrs. McHale introduced the following resolution:

**RESOLVED,** by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

**CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD**

Appointment: Term to Expire: 8/31/13
Reverend David G. Goss
208 East First Street
Wind Gap PA 18091

**GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY**

Appointment: Term to Expire: 12/31/13
Timm A. Tenges
5306 Georgetown Road
Nazareth PA 18064

Mrs. McHale stated the appointments would be voted on separately.

As there were no questions or comments, Mrs. McHale called for the vote on Reverend Goss.


The appointment of Reverend Goss passed by a vote of 9-0.

Mrs. McHale advised it was the recommendation of the Personnel Committee to table the appointment of Mr. Tenges.
because his letter to the County Executive indicated he was a representative from the Nazareth Area Council of Government (NACOG), however, no correspondence was received from the NACOG recommending Mr. Tenges.

Mr. Angle stated he could confirm that Mr. Tenges was a member of the NACOG.

Mrs. McHale advised they were looking for a recommendation from the NACOG.

Mr. Stoffa stated a letter from the NACOG was received today and he left to obtain it.

Mrs. McHale advised a vote on the appointment of Mr. Tenges would be taken later in the meeting after the letter was presented.

Lehigh Valley Economic Development Corporation Update - Phil Mitman

Mr. Cusick stated Mr. Phil Mitman, President and Chief Executive Officer of the Lehigh Valley Economic Development Corporation (LVEDC) was present to provide an update on their activities.

Mr. Mitman introduced Mr. Pete Reinke, Vice President of Regional Development, and indicated he would address the questions presented to them by Mr. Cusick.

In response to Mr. Cusick’s question as to how their discussions were going with businesses currently operating in the County, Mr. Reinke advised there was a State program called Business Retention and Expansion Program (BREP) that was a victim of the State’s budget cuts. He further advised rather than letting that go away, they decided to continue that on their own so they were reaching out to the businesses in the communities.

Mr. Reinke stated as a follow up to that, they were now partnered with the Manufactures Resource Center (MRC) who provided them a list of approximately 80 manufacturers in the Lehigh Valley they could be reaching out to. He further stated
they planned to contact them to find out what their concerns were in an effort to keep them here and possibly expand.

Mr. Reinke advised there were currently four deals that had the potential to come to Northampton County. He further advised one was called Project Gravity, which was a 500,000 square foot distribution center that would bring 220 employees to the County. He noted they were looking at sites in South Bethlehem, but also outside of the Commonwealth.

Mr. Reinke stated another one was an alternative fuel company who was looking at a site in Plainfield Township. He further stated they had an agreement in place to buy some land and were working to obtain a loan from the United States Department of Agriculture. He noted it was an Israel company that would create approximately 50 jobs and had the potential to provide some high tax revenue and the ability to use some products from the County.

Mr. Reinke advised another company was a chemical producer in the bio-farm industry who was looking to purchase land in the Slate Belt that already had a facility on it. He further advised this company currently employed 55 individuals, but expansion on this site would allow them to bring in 250 jobs in approximately three years.

Mr. Reinke stated the last company was a manufacturer of electronic connectors that currently had 54 employees, but within approximately five years, could provide an estimated 155 jobs. He further stated it would be a suit to build facility so there was no current facility.

In answer to Mr. Cusick’s question as to how LVEDC contacts were with local officials, Mr. Reinke advised it was very hard to deal with all 38 municipalities because they all had different issues and concerns, however, their staff probably had one-to-one interaction with at least 80% of them and would continue to reach out to them.

Mr. Reinke stated he and Mr. John Kingsley, Vice President of Economic Development Finance, were planning, and hoped to have the County staff work with them, to do a road show of economic development capabilities. He further stated they
planned to do it in the four corners of the Lehigh Valley to explain their services and perhaps build some partnerships.

In response to Mr. Cusick’s question as to how LVEDC discussions with realtors and developers were, Mr. Reinke advised not only did they know and work on a daily basis with all of the major developers and brokers that service this community and the tri-state area, but they also knew and reached out to national developers.

Mr. Reinke stated he was just at a conference in Philadelphia where a lot of major real estate developers and corporate real estate users were present and several of them asked him if the new interchange was built. He further stated what really drove companies here was whether there were buildings and property available and the new interchange would not only bring attention to new properties and facilities, but existing ones as well.

Mr. Reinke advised as Northampton County was contemplating the Palmer Tax Increment Financing (TIF), Mr. Kingsley was working with the Lehigh County Commissioners, the Weisenberg Township and the Northwestern Lehigh School District for a TIF that involved a substandard bridge over Route 78.

Mr. Reinke stated the opportunities existed for Lehigh Valley, and particularly Northampton County, to really expand jobs on a consistent basis for the next several years.

In answer to Mr. Dowd’s question as to what issues had the municipalities brought to their attention, Mr. Reinke advised there were so many different ones, noting some of them just wanted to preserve farm lands and some wanted to pass new ordinances regarding development so it was really on a case by case basis.

In response to Mrs. McHale’s question as to whether the Weisenberg Township project was a brownfield, Mr. Reinke stated it was not, noting it was a large tract of land that had some topographical issues and had been on the market for ten years. He further stated it had never been developed because of the need for some infrastructure and if the TIF was done, it would allow the bridge to be widened and some utilities to be run to the site which would open it up for development.
Mr. Mitman advised that TIF would create approximately 1,000 jobs and the Chrin TIF would create approximately 3,500 jobs.

In answer to Mrs. McHale’s question as to whether the jobs being created were good paying jobs, Mr. Mitman stated it depended on who the organizations were.

In response to Mr. Angle’s question as to what was known about the bio-fuel company that might be coming to Plainfield Township, Mr. Reinke replied he did not want to discuss it in a public forum, but would be willing to discuss it with him privately.

Mr. Angle advised he had a lot of concerns about this project, noting he met last night with the Plainfield Township Supervisors, as well as sent a letter to the company asking them to come to a public meeting to explain their project.

In answer to Mr. Angle’s question as to how someone could get fuel from grass and wood chips, Mr. Reinke stated he did not know, but they were doing a lot of work with an increasing number of foreign companies, noting things were happening in other countries that were not happening here.

Mr. Reinke advised the mission of LVEDC was to bring jobs to this area and they tried to provide as much information as possible, but sometimes it reached a point where they could not share certain information until it was revealed at a public meeting before the permits were issued.

In response to Mr. Angle’s question as to what the other prospect was for the Slate Belt, Mr. Reinke stated it was a building that already existed and they were working with someone to come in and develop it while creating 250 jobs. He further stated the deal was not complete and if information were to leak out, it could be a deal breaker. He noted the only thing he would say was it was a company that produced chemicals for the bio-farm industry.

In answer to Mr. Cusick’s question as to whether LVEDC had any input with regard to a new university being brought to the area, Mr. Reinke advised they have not had any discussions with
the gentleman proposing it, however, he did have some conversations with East Allen Township and they appeared interested. He further advised they were asked to reach out to the Diocese of Philadelphia regarding the site and the availability of it. He noted in researching the matter, he discovered the exact same proposal had been presented to Chester County, New York, three years ago.

Mr. Mitman stated he had spoken to Mr. Jim Broughal, the attorney who was representing the family and although he could not go into their discussion, he indicated the family was extremely interested and very capable of doing it. He then provided documents regarding Mr. Michael Parlamis’ website and information on this project (see Attachment #1).

Mr. Mitman provided a list of 15 companies that came to the Lehigh Valley the first six months of the year creating a total of 1743 jobs (see Attachment #2), noting six of these companies were located in Northampton County. He advised the second page listed what the companies were going to be doing.

In response to Mr. Dietrich’s question as to why only six of the 15 were in Northampton County, Mr. Mitman stated it was due to availability.

Mr. Reinke advised they take the clients to the sites available and then they make their decision on what would fit their needs.

In answer to Mr. Cusick’s question as to what LVEDC was able to do for small businesses in obtaining financing, Mr. Mitman stated most of the businesses and companies they dealt with had 20 plus employees. He further stated Mr. Kingsley and Mr. Alan Jennings of the Community Action Committee of the Lehigh Valley (CACLV) developed a lending network so projects that were not able to get financed through typical banking relationships could come to them and they would connect them with the lender that would most serve their needs.

In response to Mr. Cusick’s question as to how their relationship was with Discover Lehigh Valley since the two of them share the hotel tax, Mr. Mitman advised he felt it was going well, noting he spoke or met with Mr. Mike Stershic, President of Discover Lehigh Valley, almost every week. He
further advised they have given the $50,000 to the Chamber of Commerce, noting it was in their budget for next year and he was sure it was going to be in the budget for the following year.

Mr. Cusick stated the reason he brought it up was because one of the initiatives that was discussed at one of their meetings earlier this week was trying to recruit Southwest Airlines to service the Lehigh Valley International Airport. He then asked if they have been participating in that endeavor.

Mr. Mitman advised he had been actively engaged in it with Mr. Bert Daday who seemed to be leading that charge and had asked LVEDC to participate with financial incentives for Southwest Airlines to make a commitment.

Mr. Reinke stated Mr. Stershic reached out to the regional tourism and convention groups, as well as to the regional economic development groups, and they actually joined in doing an outreach to Southwest Airlines informing them it was not only important to this community but to the region as well.

Mr. McClure commented for a long time the question had been why the disparity between Lehigh and Northampton County in the number of companies that come to the area and the answer had always been that the client just did not want to come to Northampton County in as high a percentage as they chose to go to Lehigh County. He further advised that could be true, but it spurred the debate as to whether Northampton County could do a better job in house.

Mr. McClure advised it was former County Council member Wayne Grube’s belief that Northampton County came out on the short end of the stick with respect to LVEDC because it contributed less to the hotel tax. Therefore, he wondered if Northampton County contributed more hotel tax if the situation would be addressed differently.

Mr. Mitman stated they were working on that issue and plan to present the answer when they came back before County Council in October or November. However, he wanted to assure everyone that they in no way favored one County over another. He further stated it was always about the client and the site, but he agreed it was necessary to get to the bottom of why things turned out the way they did.
Mr. Dowd advised he understood the disparity of jobs was a concern, but the locations were very telling because some of them in Lehigh County were in areas where there were large aggregations of land and single ownership so they had a greater ability to meet the needs of the developers.

Mr. Mitman indicated to Mr. Dowd, as chair of the Economic Development Committee, he would like to meet and work with him regarding this issue.

Mr. Reinke stated at a future County Council meeting, they could bring in a developer to explain the process. He further stated when information regarding a potential client was entered into their data base, usually more options appeared for Lehigh County than Northampton County which was the reason for the disparity. He noted historically the development had happened in Lehigh County, but the new development coming forth was going to happen in Northampton County partially because it was more proactive and also because Lehigh County was running out of sites to be developed.

In answer to Mr. McClure’s question as to whether the formula for the hotel tax was appropriate or should something be done to increase it, Mr. Reinke advised the hotel tax was based on nights stayed at the various hotels which they were not involved in.

Mr. Mitman stated Northampton County hotels were contributing 18% more this year to the hotel tax, however, Lehigh County was approximately 9% so this was definitely another issue that was worth exploring. He further stated he and Mr. Reinke were visiting site consultants who are hired by companies to look for sites around the country to remind them of the opportunities in the Lehigh Valley. He noted they were also going to be facing some challenges with regard to New Jersey because Governor Chris Christie was becoming very proactive in keeping businesses there.

Mr. Mitman provided a Projects in Play list (see Attachment #3) which were projects in Northampton County that their loan division was working on right now. He advised he could not provide the names of the projects, but they were solid companies and should provide 1300 jobs.
Mr. Mitman stated the second page listed prospects, which were companies that had indicated they were very interested in the Lehigh Valley. He further stated 17 of these companies were looking at Northampton County and would provide 487 jobs.

Mr. Mitman advised the Secretary of the Pennsylvania Department of Community and Economic Development had indicted to them that about 40% of the inquiries they had received within the first six months were interested in the Lehigh Valley. Therefore, the regionalism that LVEDC, Discover Lehigh Valley, Lehigh Valley Chamber of Commerce and the Counties had been working on for the past 20 years was making an impact.

In response to Mrs. McHale’s question as to whether any of the companies ever defaulted on any of the loans, Mr. Mitman replied they had three defaults within the past two years for a total of $2.5 million, but not in Northampton County.

Mr. Angle stated he found it comical that after the same questions have been asked for numerous years, it was going to take another few months to get the answers. He further stated after three years, Mr. Mitman should have these answers.

Mr. Mitman advised that they planned to come back to County Council with definitive answers to the questions that have been asked.

Confirmation of Appointments (continued)

Mr. Stoffa provided County Council with an e-mail from Ms. Dorothy Niklos, Chairperson of the Nazareth Area Council of Governments, regarding Mr. Tenges’ appointment (see Attachment #4).

Mr. Cusick stated it appeared that Mr. Tenges was a qualified candidate, but he would like to see the next time one of the seats, outside of those designated for the City of Bethlehem and the contiguous municipalities, became available, consideration be given to someone from the Easton area.

Mr. Dowd advised that the NACOG would always have a seat on this authority. He further advised he did not have an issue
with the appointment of Mr. Tenges, but agreed that the next
time a seat became available, the Easton area should be looked
at.

Mr. Angle stated he believed when someone belonged to a
Council of Government, they represented a group of
municipalities.

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

The vote: McHale, “no”; Angle, “yes”; Dietrich, “yes”;
Cusick, “yes” and Ferraro, “yes”.

The appointment of Mr. Tenges passed by a vote of 8-1.

Based on the votes of the two appointments, the following
resolution was adopted:

R. 81-2011  RESOLVED, by the Northampton County Council
that the following individuals shall be confirmed in their
appointments as indicated hereafter:

CHILDREN, YOUTH AND FAMILIES
ADVISORY BOARD

Appointment:  Term to Expire: 8/31/13
Reverend David G. Goss
208 East First Street
Wind Gap PA 18091

GAMING REVENUE & ECONOMIC
REDEVELOPMENT AUTHORITY

Appointment:  Term to Expire: 12/31/13
Timm A. Tenges
5306 Georgetown Road
Nazareth PA 18064
County Executive Report

Mr. John Stoffa, County Executive, advised Premier Healthcare Resources would officially assume management of Gracedale on September 26, 2011. He further advised Mr. David Holland, a licensed nursing home administrator who lived in Easton, would be the Interim Administrator.

Mr. Stoffa stated as of September 9, 2011, the official census at Gracedale was down to 585, which was the lowest it had ever been, noting there were no male or female priorities on the list.

Mr. Stoffa advised Northampton County was sponsoring a Hazardous Household Waste drop off event from 8:30 a.m. until 2:30 p.m., on October 8, 2011, at the Northampton Area Community College.

Mr. Stoffa stated five proposals had been received for the third party health care provider, which they would be reviewing.

In answer to Mr. Angle’s question as to the status of the treatment facility, Mr. Stoffa advised it was in the budget. He further advised he had a meeting scheduled with the officials from West Easton, but had to cancel it so he planned to reschedule it.

In response to Mr. Angle’s question as to whether the only hold up was the $150 fee, Mr. Stoffa replied that was his opinion.

In answer to Mr. Angle’s question as to what the time frame would be if that could be resolved, Mr. Stoffa stated there was still a lot of work to be done so he could not say.

Mr. Angle advised he did not think the fee was legal because he did not know how a fee could be charged that was not related to something, therefore, he wondered if the project could move forward before resolving that issue.

Mr. Stoffa stated that issue was researched and it was determined the fee was legal.
Mr. Karl Longenbach, Northampton County Solicitor, advised the zoning ordinance was presumed constitutional, but an analysis had to be done with regard to the reason for the imposition of the fee, but it appeared to be legal.

In response to Mrs. McHale’s question as to who would be responsible for the fee, Mr. Longenbach stated the ordinance was silent as to who would be responsible for paying it, noting it simply provided that if someone entered the facility, there would be a fee.

Mr. McClure advised these were Court ordered sentences and he could not imagine a Court was going to issue a sentence that could be held up on payment of what essentially was an occupancy fee. He further advised even if it was lawful, he could not see how it would work especially in light of all the fees, fines and costs that were already owed and who would collect it.

Mr. Angle stated all government fees had to have some relevancy as to why they were being imposed. He further stated he could understand if West Easton indicated they needed the money for more police protection or things along that line, but they indicated they wanted the money because the borough had grown and there was no room for expansion so they want to make money off this project.

In answer to Mrs. McHale’s question as to whether the fee would be imposed on every inmate or would it be on the bed, Mr. Angle advised he might be able to accept it if there was a fee of $150 per year per bed and had suggested such. He further advised he did not understand why no one was sitting down with the officials of West Easton to work this out so the project could move forward.

In response to Mr. McClure’s question as to whether the fee he was proposing would be charged to the County, Mr. Angle stated, at this time, a determination had not been made.

In answer to Mr. McClure’s question as to whether County Council would have to vote separately on an ordinance to establish the center because there was already a line item for it in the budget, Mr. Longenbach replied they would because it would involve a lease.
Tatamy Tax Increment Financing (TIF) Proposal

Mr. Angle advised the one entity that was not involved with the Tatamy TIF, but had major concerns as to what the interchange would mean to them as they had approximately 75 acres that would join this property, was Upper Nazareth Township.

Mr. Angle made a motion that County Council ask the Chrin Company to host a public meeting in Upper Nazareth Township so the people there could voice their concerns about traffic problems at the school and in that township before County Council voted on it next month.

Mrs. Ferraro stated there would be some changes made when this interchange was put in that would have a major impact on the traffic patterns for Tatamy Road and Friedenstahl Avenue.

Mrs. McHale seconded the motion.

Mr. Dowd advised he had no qualm about asking them to have a public meeting because they already said they planned to work with the municipalities and school districts.

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


The motion passed by a vote of 9-0.

Independent Audit Request for Proposals (RFP)

Mr. Dowd stated the Independent Audit RFP’s have been received and the last time this occurred, the County had someone from the outside assist in their review.

Mr. Cusick advised that Mr. Flisser and he had this discussion and he believed the only thing they could determine
was whether or not the firms were qualified. He further advised he spoke to Mr. Stephen Barron, County Controller, as well as reviewed them himself, and he found all of them to be qualified, but he had no objection to having someone else take a look at them.

Mr. Cusick asked Mr. Flisser to contact Ms. Helene Whitaker at the Northampton Community College for her assistance.

**Bethlehem Township Property**

Mr. Angle stated the County was recently gifted some property in Bethlehem Township and it had come to his attention that was probably the largest piece of open space property left in the township.

Mrs. McHale advised she was familiar with the property and some of it was already preserved. She further advised the executor of the estate was working with the township to develop a park.

Mr. Angle stated that it also came to his attention that there was a developer who wanted the zoning changed so he could build a 400 unit complex right next to this open space so he wondered what the impact would be on the land the County owned.

When Mrs. McHale advised the property the County owned was separated from this area, Mr. Angle agreed, but he just wanted everyone to be aware of it.

**Agricultural Extension Update - Liesel Dreisbach-Williams**

Mr. Cusick stated Ms. Liesel Dreisbach-Williams, County Extension Director, requested the opportunity to provide an update to County Council on the changes being implemented by the Penn State Extension.

Ms. Dreisbach-Williams provided a document entitled, “Penn State Extension in the 21st Century: A New County Administrative Model” (see Attachment #5).
Ms. Dreisbach-Williams advised the County of Northampton and Penn State Extension had been partners for 94 years in bringing research based education from the State’s land grant to the University to the residents of the County.

Ms. Dreisbach-Williams stated Penn State Extension, like many other organizations, was facing a decrease in financial resources so they have been looking for ways to make their operation more efficient. She further stated they have been spending a lot of time identifying their key mission and refocusing what they could do to meet that mission.

Ms. Dreisbach-Williams advised one of the things they did not want to change and that was having an extension office in every county in the Commonwealth. She further advised there was only going to be one administrator for several counties but they were going to keep a county employee in each office to handle walk-in clients. Additionally, some of the educational programs were going to be made available on line.

In conclusion, Ms. Dreisbach-Williams stated she just wanted to let County Council know how they were changing to meet the future.


Mr. Cusick advised from time to time, County Council was asked to approve certain contracts due to the provisions of Administrative Code Article XIII. He further advised some of these contracts were not reviewed at yesterday’s Joint Finance and Economic Development Committees meeting because of the length of the meeting due to the topics that were discussed.

Micro Fire Apparatus

Mr. Dietrich introduced the following resolution:

R. 82-2011 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 August 31, 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 $64,054.00 with Micro Fire Apparatus for the manufacture of three (3) foam trailers.

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 Micro Fire Apparatus for the manufacture of three (3) foam trailers designed for emergency response use as a highly mobile transport of fire fighting foam.

Mr. Dietrich stated this was something that had been discussed for a long time and it was nice to see the County facilitate this necessary resource.

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


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

Guaranteed Energy Savings Agreement - McClure Company

Mr. Cusick advised this contract was reviewed at yesterday’s meeting and it was recommended that it be presented to County Council for approval.

Mr. Dietrich introduced the following resolution:
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 September 9, 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 $13,000,000 to $19,000,000 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 for the Gracedale Campus, and the possible refinancing of Phase I.

Mr. Angle made a motion to add the same paragraph to this resolution that was added to the resolution approving the previous Guaranteed Energy Savings Agreement contract for the Prison:

Mr. Dowd seconded the motion.

Mr. Shayne Homan, Project Engineer, McClure Company, stated he had no objections to adding this paragraph to the resolution.

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


The motion was passed by a vote of 9-0.
Mr. Cusick asked if there were any questions or comments on the following amended resolution:

R. 83-2011  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 September 9, 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 $13,000,000 to $19,000,000 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 for the Gracedale Campus, and the possible refinancing of Phase I.

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.

Mr. Cusick advised Mr. Dowd’s comment regarding the County’s track record on getting capital projects completed swayed him to support this resolution.

Mr. McClure stated he wanted to credit the Administration for demonstrating good government in this area and to him, it was a sign of good faith that the County had turned the corner on Gracedale and they were going to do everything they could to improve that facility and keep it County owned.
Mr. Dietrich agreed with Mr. McClure and by the County Executive bringing this forward, the necessary projects could be done at Gracedale without having to put forth tax dollars. He advised he felt this was a very creative solution to problems that have been plaguing the County for a long time.

In response to Mr. Angle’s question as to whether they were arranging the financing, Mr. Homan stated they were recommending a financing package, but the County could go out and look for other financing. He further stated they were recommending a tax exempt lease purchase agreement which was the most common and usually the most economical, but the County could float a bond, pay cash for it or do a combination of two or three of them.

In answer to Mr. Angle’s question as to who they were going to recommend, Mr. Homan advised for the refinancing package, it was going to be the same lender as Phase I, which was Capital One Public Funding, but the County could find another lender for just Phase II of the project.

Mr. Angle suggested that Mr. Stoffa meet with Mr. Gary Pulcini, VALCO Capital Ltd., who had advised the County previously on financial matters, to see if he had any suggestions regarding the financing.

In response to Mr. Cusick’s question as to whether he had an opportunity to discuss how the project was going to work with the new management team at Gracedale, Mr. Homan replied they had initial conversations with them and discussed keeping the census down while the work was being done.

In answer to Mr. McClure’s question as to how long did they anticipate the project to take, Mr. Homan stated they anticipated the entire project to take approximately one year.

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


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

Hanover Engineering Associates

Mr. Cusick advised this contract was not reviewed at yesterday’s meeting. He then introduced the following
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 September 9, 2011, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract with Hanover Engineering Associates, in an amount to be based upon actual services provided.

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 Hanover Engineering Associates for professional architectural, engineering and planning services on an as needed basis.

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


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

Grace Industries, Inc.

Mr. Cusick introduced the following resolution:

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 September 9, 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 $92,515.00 with Grace Industries for pavement reconstruction at various Northampton County bridges.

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 Grace Industries for pavement reconstruction at various Northampton County bridges.

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


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

Introduction of the Office Lease Ordinance - District Court 03-02-05 (Elwell)

Mr. Cusick stated the County Executive asked County Council to approve a lease for office space for District Court 03-02-05. He further stated the public hearing, debate and possible vote would be held at the October 6, 2011 County Council meeting.

Messrs. Dowd and Angle introduced the following ordinance:
AN ORDINANCE OF THE NORTHAMPTON COUNTY
COUNCIL AUTHORIZING THE COUNTY OF
NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE
400 NORTHAMPTON STREET, LOCATED IN THE CITY
OF EASTON, NORTHAMPTON COUNTY PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article
XIII, Section 13.15 Purchase, Sale and Lease of Real Estate
Section c. (1) Purchase/Sale/Lease of Real Estate, provides,
"The County Executive, or his designee, may negotiate a contract
for the purchase, sale or lease (with the County as lessor or
lessee) of real estate. Any such purchase/sale/lease shall be
approved by County Council, and no such contract shall bind the
County nor shall any conveyance be lawful, until County Council
approves of the terms of the purchase/sale/lease."; and

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

WHEREAS, the Northampton County Executive has asked the
Northampton County Council to approve a lease agreement with 400
Northampton LP.. of 130 Main Street, Flemington, New Jersey, for
office space for Northampton County District Court 03-02-05.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by
Northampton County Council that it does hereby authorize the
County of Northampton, Easton, Pennsylvania, to lease
approximately 3,500 square feet of office space, identified as
400 Northampton Street, First Floor, in the City of Easton,
Northampton County, Pennsylvania for the initial rent of
$4,150.00 per month. The terms and conditions of the lease
shall be in accordance with the lease agreement and related
documentation, copies of which are attached hereto and made a
part hereof as Exhibit "A".

Effective Date: This ordinance shall become effective
thirty days after the date of enactment.

Executive Session

Mr. Angle made a motion to adjourn into Executive Session.
Mrs. Thierry seconded the motion.

Mr. Lauer advised County Council adjourned into Executive Session at 8:20 p.m. and reconvened at 8:28 p.m. to discuss a potential real estate matter.

**Human Services Committee Report**

Mr. Dietrich stated a Human Services Committee meeting was held earlier in the evening at which time, Mr. Ross Marcus, Director of Human Services, provided an update regarding Premier’s integration at Gracedale. He further stated the County Executive already mentioned their start date and it was indicated that their operation assessment report would follow shortly thereafter.

**Finance Committee Report**

Mr. Cusick advised that he and Mr. Flisser have been in discussion regarding the budget hearing schedule and the first one was scheduled for 4:00 p.m., on October 11, 2011. He further advised he planned to have four separate meetings to review departmental budgets and based on information received earlier in the evening, he planned to have the Department of Human Services appear last to allow Premier some time to get settled.

**Conservation District Liaison Report**

Mrs. Ferraro stated on October 6, 2011, the Conservation District was celebrating its 50th Anniversary to which County Council members had received an invitation and she hoped they would be able to attend.

**Lehigh Northampton Airport Authority Liaison**

Mr. Dowd advised he felt Mr. John Conklin, Director of Administration, did an excellent job of leading the Authority
through a rather extensive process of searching for new leadership.

9-1-1 Liaison Report

Mr. Dietrich stated that Federal Emergency Management Agency (FEMA) had now extended some of its Emergency Relief and Disaster Recovery Funding to homeowners.

Farmland Preservation Liaison Report

Mr. Cusick advised it appeared they were going to be able to preserve the Keller farm, noting Mr. Angle had spearheaded that initiative. He further advised the townships were on board again, with Lower and Upper Mount Bethel Townships joining in, so he hoped they could repeat what they did last year and draw down on the State match.

Mr. Angle stated he and Mr. Stoffa had spent a lot of time in getting the Board to allow townships to put in money for farmland preservation and now Northampton County was being recognized around the State as a pilot for doing so.

Mr. Angle advised another issue being discussed was setting a cap on the dollar amount for farmland preservation.

Adjournment

Mr. Dowd made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council