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; Thomas H. Dietrich; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent were Bruce A. Gilbert and Barbara A. Thierry.

Prayer

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

Pledge of Allegiance

Mr. Cusick led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 15, 2012 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Virginia Hope, 1901 Cherry Avenue, Easton, PA - advised her husband used the County’s archives extensively and had experienced access problems at the current facility. She further advised the County needed a better storage facility where the records could be stored properly, there was room to
work and access records and was accessible to everyone, even the disabled. She noted her husband indicated to her that she must mention that the County had to have indexes at the archives facility.

Mr. Stephen Barron, 2239 Lincoln Street, Bethlehem, PA - stated he had a serious concern about the flow of information from the County Executive to County Council and the Controller’s Office. He further stated he heard from different people throughout the County that he should follow up on everything he received to make sure it was accurate and correct. He further stated he was informed that people had been told not to speak to him, give him information or listen to him.

Mr. Barron presented a document in which Mr. John Conklin, the former Director of Administration, indicated Mr. Cusick liked to talk (see Attachment #1).

Mr. Barron stated he found out that at the Mental Health/Early Intervention and Development Programs (MH/EI/DP) Administrative Staff meeting held on January 23, 2012, the elected officials of the County were a topic of conversation. He further stated the third bulletin point in their meeting minutes (see Attachment #2) clearly stated, “Calls from Steve Barron or elected officials - do not give too much information. It’s Election Year for County Executive. DP staff may get calls.”

Mr. Barron advised he was also told that he was the topic of the March meeting because he and Mr. Ross Marcus, Director of Human Services, had a difference of opinion about a reimbursement matter.

Mr. Barron stated County Council will be making a lot of important decisions because two years from now, human services was going to be looked at in a whole different way and they will be asked to spend more County tax dollars than ever before so they should be getting all the information when those decisions had to be made. Therefore, he would implore them, based on this information that he found, that when they received information, they asked the right questions, follow up on that information to make sure when they cast their votes, they were making an
Mr. Cusick advised it was no secret he did like to talk, but what concerned him were the comments relating to human services.

Mr. McClure stated this highlighted a fundamental weakness in the Home Rule Charter system because it gave all of the governing power to County Council, but the County Executive had the day to day power and if they were going to intentionally keep information from County Council, they could not properly perform their functions as the governing body.

Mr. Dietrich advised that it disturbed him to see the statement in the minutes of the meeting as this division was currently asking for County Council’s assistance in obtaining funding for them.

Ms. Amanda Lehman, 923 Siegfried Avenue, Northampton, PA - stated the information she would be referring to came from the Auditor General’s report on the Bethlehem Area School District regarding the case study that was done on the use of Qualified Interest Rate Management Agreements (QIRMA), also known as swaps.

Ms. Lehman advised it basically laid how this happened to our County and it was largely ignored in 2009. She further advised in 2000, the right for the use of swaps and other derivatives was facilitated by an amendment to the Commodity Futures Modernization Act (CFMA), which practically nullified all State laws prohibiting gambling to the extent that such laws would or could be used for these types of derivatives.

Ms. Lehman stated after heavy lobbying from the financial industry, Act 23 was introduced on April 11, 2003 in Pennsylvania, which gave authority for use of QIRMA in both school districts and local governments, such as Northampton County, and was signed into law by Governor Ed Rendell on September 24, 2003.

Ms. Lehman advised it took a little more than five months to specifically legalize the devastation the County now faced as it prepared to pay the creditors that set up the playing field
for these too good to pass up financial transactions. She further advised it appeared the Federal and State governments were not looking out for its citizens as in 2009, the Auditor General asked to repeal Act 23 and it was not yet done. So, she hoped the County would look out for her and her fellow citizens by reaching out on House Bill 307, which had just been introduced, that tried to address some parts of Act 23.

Ms. Lehman asked if there was something through the Home Rule Charter that could be done to prevent the participation in future QIRMA and if not, would County Council be willing to reach out and get this legislation moving.

Mr. Cusick stated he would have Mr. Flisser obtain a copy of House Bill 307 and prepare a resolution for County Council’s consideration and after it passed, send it to the State representatives.

Mr. Werner advised he spoke to Representative Robert Freeman about House Bill 307 and he indicated that it had not been acted on yet, however, it would negate further swaptions for municipalities and school districts. He further advised even though the County was already involved in a swaption, he hoped some action could be taken after House Bill 307 was enacted.

County Executive Report

Mr. John Stoffa, County Executive, introduced Ms. Camille Bartlett as the new Deputy Director of Administration. He stated she had worked at Kutztown University for 23 years and her job duties included human resource management, aspects of risk management, safety inspections, negotiation of the university’s fleet vehicle contract, administrator for the university’s food contract and a wide range of projects.

Mr. Stoffa advised the latest figure for the Swaption was $22.9 million, noting they were doing their best to end it as soon as possible.
Mr. Stoffa stated he felt the County may have to start looking at a possible bond for the repair and replacement of a number of bridges.

Mr. Stoffa advised the County paid various individuals approximately $30,000 a year to lock and unlock the parks. He further advised instead of spending this money, which did not guarantee that vandalism would not occur, they were going to look at installing cameras that would feed to the 911 Center.

Mr. Stoffa stated on April 19, 2012, at 6:00 p.m., prior to the next County Council meeting, there would be a rededication of the Freedom Shrine Exhibit, which was being sponsored by the Exchange Club of Nazareth.

Mr. Stoffa advised since the former archives building was destroyed, the County had spent $1 million in rent that basically provided a roof over the records, but not much more. He further advised the records were stored in Allentown and 48 hours notice had to be given to review the records.

Mr. Stoffa stated they looked at approximately 30 different buildings and felt they had found an ideal structure in Forks Township, which had 24 parking spaces, was disabled accessible and had a purchase price of $750,000.

Mr. Stoffa advised as of March 31, 2012, the Records Improvement Fund had a balance of $860,000, which could be used for the purchase of the building, but an additional $1.4 million would be needed from the Fund Balance. He noted the plan was to annually payback $50,000 per year to the Fund Balance from the Records Improvement Fund to pay off this “loan”.

Mr. Stoffa urged County Council to approve this purchase so once again the County would have its own building and these records could receive the attention and care they deserved.

In answer to Mr. McClure’s question as to whether there was any policy that members of his Administration were not to speak to the Controller about substantive information, Mr. Stoffa replied he did not know where that came from.

In response to Mr. McClure’s question as to whether there was any policy that members of his Administration were not to speak to County Council members, Mr. Stoffa replied absolutely
Mr. McClure stated after the County Executive was provided the documents presented tonight, he would appreciate it if he would look into the matter and to make sure the members of his Administration understood that it was absolutely unacceptable for them to refuse to communicate with the members of County Council or the Controller.

In answer to Mr. Cusick’s question as to whether the issue of identity theft had been addressed, Mr. Stoffa advised they currently had eleven cases of identity theft, but could not determine how it happened. He further advised the District Attorney’s Office and the Easton Police have been notified and all the computers had been confiscated.

Mr. McClure stated since he had been on County Council, he had reviewed the Home Rule Charter and found several weaknesses in it. He further stated one of those weaknesses was having an appointed Sheriff instead of an elected one because he then had a responsibility to both the County Executive and the President Judge.

Mr. McClure advised an issue arose recently where some Deputy Sheriffs indicated they were being endangered by orders of the Court and refused to follow the orders. He acknowledged that could not be allowed, but the Deputy Sheriffs should have a place to go with their complaints because part of the supervision of their boss was done by the people they were complaining about. He further advised the outcome of this complaint was that nine judges specifically ordered that a particular Deputy Sheriff not be involved in any of his enumerated duties.

Mr. McClure stated one way to rectify this may be to have the question as to whether the people wanted to elect their Sheriff placed on the ballot.

Mr. Stoffa advised he sat down with the Deputy Sheriffs involved and listened to their concerns. He further advised as the Home Rule Charter stood now, they were able to come to him and then he could sit down with the President Judge to work the issues out. He noted he would be opposed to having an elected Sheriff because he felt there was a chance the County would wind
up with someone totally unqualified.

With regard to the issue of Mr. Stoffa not allowing his Administration to discuss matters with elected officials, Mr. Parsons stated he never had a problem, but the matter should be reviewed.

Public Hearing on the Ordinance Providing for Acquisition of an Archives Building

Mr. Cusick advised this ordinance was introduced by Messrs. Gilbert and Werner at the County Council meeting held March 15, 2012.

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO PURCHASE 999 CONROY PLACE LOCATED IN FORKS TOWNSHIP, COUNTY OF NORTHAMPTON, 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 "purchases, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County."

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the
County Council Minutes

County of Northampton, Easton, Pennsylvania, to purchase approximately .99 acres of land and improvements thereon in Forks Township, Northampton County, Pennsylvania, Tax Parcel Identifier No. J9-9-5A, more commonly known as 999 Conroy Place, Easton, Pennsylvania. The purchase price for the property shall be Seven Hundred and Fifty Thousand ($750,000.00) Dollars. The terms and conditions of the purchase and sale agreement are set forth in the attached document, a copy of which is labeled as Exhibit “A.”

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

Ms. Rene Drago, Archivist, stated in 2004, the County’s archives building was destroyed for the prison expansion and all the records were moved to a facility in Allentown. She further stated for the past eight years, the County had been paying rent to the facility in the amount of approximately $1 million. She noted the records were not accessible to the public nor being maintained properly and she had to provide 48 hours notice to the facility if she wished to review the records.

In answer to Mr. Kraft’s question as to whether she was charged an access fee if she visited the facility, Ms. Drago replied she got charged an access fee and a fee for any and all communications she had with them.

In response to Mr. Kraft’s question as to whether there would be a fee to remove the County’s records, Mr. Archie Disidore, Director of Court Services, advised to extract all of the data and records would cost approximately $90,000.

Public Hearing

Mr. Cusick asked if any member of the public wished to address County Council on this ordinance.

Ms. Tricia Mezzacappa asked County Council to table this ordinance because the budget was uncertain due to the cuts in human services, the issues at Gracedale and the final
determination with regard to the Swaption. Therefore, she felt with so many unresolved issues this was not the time to consider purchasing a facility and would like to have it tabled until such time as these matters were resolved.

Mr. Andy Daub stated he was President of the Northampton County Historical and Genealogical Society and was in favor of moving ahead with the purchase of this building. He further stated the current facility was only going to deteriorate these records further and they had to be placed in a secured setting. He noted the rental money was never going to be recovered and having the records only four miles away was going to be very advantageous to the County. He further noted since the County probably had some very valuable documents, he hoped adequate security would be put into place.

Mr. Cusick asked if any member of County Council wished to address this ordinance.

Mr. McClure advised this was not the time nor the way to purchase this facility as it was not budgeted for and with the concerns about the County’s financial future, it would not be fiscally sound to purchase it.

Mr. McClure stated the Swaption issue had to be resolved, the County was trying to assist Gracedale to become a self-sustaining facility, there were the costs associated with the West Easton Treatment Center and the County Executive mentioned floating a bond for the County’s bridges.

Mr. Dietrich advised no one was arguing that the current archives system was flawed, but what had to be determined was if this was the best solution.

Mr. Parsons stated he also agreed the current situation was not ideal, but he wondered if there was another way that the purchase could be funded, perhaps by a mortgage.

Mr. Cusick advised this was a core County function and right now it was not being done properly. As far as the timing, he indicated this had been an objective since the day Mr. Stoffa took office so he did not think delaying it further would be beneficial.
Mr. Cusick stated at the County Records Improvement meeting on April 2, 2012, it was indicated the Recorder of Deeds Office was now producing a surplus of approximately $100,000 a year that was currently going into the General Fund so he would like to see that designated for repayment of the loan.

Mr. McClure made a motion to table this ordinance.

Mr. Dietrich seconded the motion.

Mr. Cusick called for the vote on the motion to table the ordinance.


The motion failed by a vote of 2-5.

Mr. Werner advised so many things have been put off for so long, he did not know how long it would take to rectify the errors of the past. He further advised an opportunity had presented itself for the County to purchase a building and it was time the County took some action instead of pushing things into the future.

Mr. Doran Hamann, Acting Director of Fiscal Affairs, stated the $100,000 from the Recorder of Deeds Office was already going into the General Fund so that could not be used to offset the money being borrowed. However, he believed the County could be looking at close to $75,000-$100,000 a year being generated in the Records Improvement Fund that could be used to reimburse the initial $1.4 million. He noted if this money was used, the time period for reimbursement would go down from 28 years to maybe 10-12 years.

Mr. Hamann advised other things to consider were the ongoing costs to operate the facility, the replacement of some equipment and if the County went digital, there would be additional costs for that equipment. However, the County Council and the Administration could commit the Records Improvement Fund to offset some of those expenses.

In answer to Mr. McClure’s question as to where the money
was going to come from for retrofitting the building, Mr. Hamann stated in the next budget amendment, he was going to propose it come from the General Fund.

In response to Mr. Kraft’s question as to whether there had been any bids for the retrofitting, Mr. Disidore replied there was a bid that came in at $356,000.

Mr. Stoffa advised they were looking to see if they could do the retrofitting as a Guaranteed Energy Savings Act project, noting the shelving was going to cost approximately $600,000.

Mr. Cusick stated this was not ordinary shelving, but was very specific that held documents in a way that was dictated by law and he believed they were going to be purchased through State contracts.

In answer to Mr. Parsons’ question as to whether a mortgage would be another way to finance it, Mr. Stoffa advised there could be, but it would cost a lot more than taking it out of the Fund Balance because there would be interest payments.

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


The ordinance was adopted by a vote of 5-2.

Introduction of the Ordinance Titled, “AN ORDINANCE OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, PROVIDING FOR AN UNCONVENTIONAL GAS WELL FEE ON EACH UNCONVENTIONAL GAS WELL SPUD IN NORTHAMPTON COUNTY”

Mr. Cusick stated at his request this ordinance was prepared. He further stated the public hearing, debate and possible vote will be held at the April 19, 2012 County Council meeting.

Messrs. Werner and Parsons introduced the following ordinance:
AN ORDINANCE OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, PROVIDING FOR AN UNCONVENTIONAL GAS WELL FEE ON EACH UNCONVENTIONAL GAS WELL SPUD IN NORTHAMPTON COUNTY

IT IS HEREBY ORDAINED AND ENACTED By the Northampton County Council as follows:

Section 1. The County of Northampton hereby imposes an unconventional gas well fee on each unconventional gas well spud in this County, as authorized in Title 58.

Section 2. Definitions. The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fee." The unconventional gas well fee imposed under Section 2302 of Title 58.

"Spud." The actual start of drilling of an unconventional gas well.

"Title 58." Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes as amended by Act of February 14, 2012 (P.L.87, No.13).

"Unconventional gas well." A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

Section 3. The unconventional gas well fee shall be applicable, and shall be administered, as provided for in Title 58.

Section 4. This ordinance shall take effect thirty (30) days after date of enactment, and shall remain in effect until repealed or amended.

Section 5. A copy of this ordinance shall be transmitted to the Public Utility Commission as required by Title 58.
Consideration of the Appraisal Waiver Resolution

Mr. Cusick advised the County Executive requested the waiver of the appraisal requirements for the leasing of a portion of 902 Lincoln Avenue, Northampton, Pennsylvania.

Mr. Cusick introduced the following resolution:

R. 22-2012  WHEREAS, Northampton County Administrative Code Section 13.15 b. provides that, “The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers.”; and

WHEREAS, the County of Northampton has leased and currently leases, a portion of 902 Lincoln Avenue, Northampton, Pennsylvania, as an Area Agency on Aging Senior Center; and

WHEREAS, the County Executive is requesting approval of a lease for this property; and

WHEREAS, the County Executive has requested that County Council waive the Administrative Code Section 13.15 b. requirement for appraisals; and

WHEREAS, Administrative Code Section 13.15 b. 2. allows for the waiver of the aforementioned appraisal requirement if certain conditions are met.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby concur with the County Executive’s request to waive the requirement for appraisals for 902 Lincoln Avenue, Northampton, Pennsylvania, due to the provisions of Northampton County Administrative Code Section 13.15 b.2., which reads, “The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise deemed unnecessary.”

Mr. McClure stated he did not have a problem with this
request, but the Administrative Code called for these appraisals as a way to protect the taxpayers and he was concerned that the Administration was requesting more of these waivers.

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


The resolution was adopted by a vote of 7-0.

Introduction of the Ordinance Authorizing the County of Northampton to Lease a Portion of 902 Lincoln Avenue, Northampton, Pennsylvania

Mr. Cusick advised the County Executive requested County Council approve a lease for a portion of 902 Lincoln Avenue, Northampton, Pennsylvania. He further advised the public hearing, debate and possible vote will be held at the April 19, 2012 meeting.

Mr. Dietrich and Mrs. Ferraro introduced the following ordinance:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE A PORTION OF 902 LINCOLN AVENUE, NORTHAMPTON, 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."

**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 a portion of 902 Lincoln Avenue, located in the Borough of Northampton, Pennsylvania, for $988.00 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.

---

**Economic Development Committee Report**

Mrs. Ferraro stated an Economic Development Committee meeting was held earlier in the evening where there was a briefing on the Lehigh Valley Priority Projects, which was a joint venture between Lehigh and Northampton Counties to help get State funding.

Mrs. Ferraro advised they also received an overview of Keystone Opportunity Zones, noting the State was changing some of its funding. She further advised they also received an update from the Lehigh Valley Economic Development Corporation (LVEDC).

Mrs. Ferraro stated there was also a presentation on the impact of the Marcellus Shale legislation and the money that would be coming to Northampton County.

---

**Gracedale Liaison Report**

Mr. Werner advised he attended the Gracedale Wellness Fair on March 28, 2012 and there was a great turnout. He further advised Gracedale passed the Department of Health inspection in all categories. He noted a luncheon was held today that honored 34 individuals with 24 years of service.
Prison Liaison Report

Mr. Kraft stated the Prison was getting prices for food services and would be presenting County Council with their recommendations.

Mental Health/Early Intervention and Development Programs Advisory Board Liaison Report

Mr. Dietrich advised the residents currently at the Allentown State Hospital will be moving into another residence at the end of May. He further advised the County was being charged for the utility bills, but members of the Administration were able to lower them to half the costs.

Lehigh Valley Planning Commission (LVPC) Liaison Report

Mr. Cusick stated LVPC was working with the LVEDC to implement an Affordable Housing Grant from the Department of Housing and Urban Development. He further stated 2011 recorded the lowest recorded subdivision activity in the two Counties since 1985.

County Commissioners Association of Pennsylvania (CCAP)

Mr. Cusick advised he attended the CCAP conference last weekend, noting the State budget and the human services cuts were the biggest items of discussion.

Solicitor’s Report

Mr. Lauer stated at the request of Mr. Flisser, he took a look at the Marcellus Shale issue and he found there were Counties currently with no Marcellus Shale gas generation prospects. He further stated he would be submitting a more detailed report to County Council.
Adjournment

Mr. McClure made a motion to adjourn.

Mr. Kraft seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council