A regular meeting of the Northampton County Council was held on the above date with the following present: John Cusick, President; Thomas H. Dietrich; Bruce Gilbert; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Barbara A. Thierry; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent was Margaret L. Ferraro, Vice President.

Prayer

Mr. Cusick 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 January 3, 2012 and January 5, 2012 meetings shall be approved.

Mr. Werner seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. David Kaesler, Stagecoach Road, Kutztown, PA - advised he had been employed with the County since 1993, as a Heating, Ventilating and Air Conditioning (HVAC) technician. He further advised he was currently working at Gracedale and a member of the Operations and Maintenance Safety Committee. He further advised there were asbestos hazards currently being evaluated throughout the County buildings and the most recent findings were in Gracedale’s south east and south west basement areas.
Mr. Kaesler stated these areas were soon to be contaminated due to the asbestos installation in the doors that were cut in half and disposed of over the past 20 years, with the most recent assignment in 2008. He further stated at times, the employees indicated it was like a “snow globe” in the garage area during the demolition so it was assumed with the air movement and the ventilation system in the store room running during these assignments that the asbestos traveled throughout the basement as the tests have indicated.

Mr. Kaesler advised these areas included, but were not limited to, the loading dock where the delivery of food and supplies continued; the store room that housed most of the supplies that were being distributed throughout the facility; the refrigerated coolers used by the dining service and the carpenter and maintenance shop.

Mr. Kaesler stated as of last Thursday, maintenance personnel were evacuated from the shop and the workers, in a joint effort, quickly set up in the open wing above and continued to serve the maintenance needs the best they could. He further stated the store room and dining personnel were assigned to work in these areas and not all areas were properly posted.

Mr. Kaesler advised the environmental contractors have indicated that each piece of equipment must be cleaned and decontaminated yet the County continued to bring in more supplies and food to these areas. He further advised the areas had to be examined to understand the magnitude of the scope of work and questioned why the County was continuing to operate from these areas when the contractors had said not to.

Mr. Kaesler stated it had been said that the asbestos was not airborne so it posed no health risk. He further stated the air quality results were nothing more than a snapshot in time and would yield a different outcome under more aggressive conditions which could come from winds rushing through the basement each time the garage doors were opened or even after the building shook from blasts from the quarry next door.

Mr. Kaesler advised as he could continue to enlighten the members of County Council of the many past and present concerns,
however, he invited everyone to investigate the facts and information available.

Mr. Kaesler stated he filled out three incident reports for exposure and had documentation that supported the HVAC shop, the maintenance shop and the crawl spaces that were entered and exited through these shops have all tested positive for asbestos and had been or would be abated, however, he had not been contacted about these reports.

Mr. Kaesler advised he was asking for medical surveillance, noting there were many other concerned employees who were looking for the same answers. He further advised he would be glad to meet and discuss these issues with members of County Council and the safety committee at their convenience.

Mr. Jonathan W. Siedt, 280 Texas Road, Easton, PA – stated he had been employed by the County for 22 years and had seen everything that Mr. Kaesler talked about. He further advised he had been asking for medical surveillance for at least three years with no conclusion. He noted he felt the employees at Gracedale deserved to have at least a discussion about it and the residents were elderly individuals who put their trust in the County to live in a healthy environment.

Mr. Siedt advised the last time he appeared, Mr. John Stoffa, County Executive, indicated there were two sides to every story and he would like to hear the other side of this story.

County Executive’s Report

Mr. Stoffa stated the Recorder of Deeds Parcel ID program collected $401,000 from January 3, 2011 through December 30, 2011.

Mr. Stoffa advised there was a program titled Early Retirement Reinsurance Program that allowed the County to seek reimbursement from the Federal government under the Affordable Care Act for Coverage of Early Retirees, age 55 and older, who were not eligible for Medicare. He further advised the County received $273,000 in 2010 and they have submitted a request for $353,000 for 2011.
Mr. Stoffa stated as of January 17, 2012, the Swaption went from $25.2 million to $25.5 million. He further stated this was the highest it had ever been and it was his recommendation to get rid of it as soon as possible.

Mr. Stoffa advised as of February 6, 2012, a policy was being instituted that anyone entering the Courthouse for a meeting after 4:30 p.m., would use the Employee Entrance.

Mr. Stoffa stated through the Guaranteed Energy Savings Agreement (GESA) project, they were able to fund $13 million of the $20 million Gracedale needed for repairs. He further stated there was also a $6 million GESA project for the Courthouse and the Prison.

Confirmation of Appointments

Mr. Cusick advised the Personnel Committee met on January 18, 2012, to review the County Executive’s appointments to authorities, boards and commissions.

Mr. Kraft introduced the following resolutions:

R. 4-2012  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY

Appointment:     Term to Expire: 12/31/12
David J. Heintzelman
326 Main Street
Hellertown PA 18055

GENERAL PURPOSE AUTHORITY

Re-appointments:     Terms to Expire: 12/31/16
J. Michel Dowd
NORTHAMPTON COUNTY HOUSING AUTHORITY

Appointment:                         Term to Expire: 2/9/17
David H. DeRemer
2165 Girard Avenue
Bethlehem PA 18015

LEHIGH VALLEY WORKFORCE INVESTMENT BOARD

Re-appointments:                    Terms to Expire: 12/31/14
Luis E. Campos
1108 Foxview Drive
Bethlehem PA 18017

Lisa Z. Nesbitt
4201 Bethman Road
Easton PA 18045

MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment:                         Term to Expire: 1/19/15
Colin McShane
3935 Spruce Court
Bethlehem PA 18020

PRISON ADVISORY BOARD

Appointments:                        Terms to Expire: 12/31/13
Edward J. Boscola, P.E.
385 Palmetto Drive
Re-appointments:
William Argeros
3148 Shakespeare Road
Bethlehem PA 18017

Anthony S. Lopsonzski
1664 Newport Avenue
Northampton PA 18067-1448

R. 5-2012 WHEREAS, the County Executive has requested that the term of the appointment of Mr. John Valkovec, Farm Director, for the Conservation District on Resolution Number 93-2011 be changed from December 31, 2015 to December 31, 2013, as he was completing the remaining term of Mr. Sidney Butler.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that Resolution Number 91-2011 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and those bolded have been added).

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

AIRPORT AUTHORITY

Re-appointment: Term to Expire: 12/31/16
Robert “Bert” Daday 1448 Colesville Road
Bethlehem PA 18015

CONSERVATION DISTRICT

Appointment: Terms to Expire: 12/31/15
(Farmer Director) 12/31/13
John Valkovec 585 English Road
Bath PA 18014
Re-appointment:
(Public Director)
Theodore J. Veresink
81 Jonathan Drive
Easton PA 18045

Margaret L. Ferraro
339 Schoeneck Avenue
Nazareth PA 18064

TERM TO EXPIRE: 12/31/12

ELECTION COMMISSION

Appointment: Term to Expire: 12/31/13
(Democratic Party)
Donnell Bowie
2185 15th Street
Bethlehem PA 18020

Re-appointments:
(Democratic Party)
George H. Treisner, Jr.
236 East Ettwein Street
Bethlehem PA 18018-4137

Nicole Schlenker
832 Center Street
Bethlehem PA 18018

(Republican Party)
Mary K. Diggs
926 Merrivale Road
Bethlehem PA 18017

Joan Rosenthal
3315 Harmor Lane
Bethlehem PA 18017

GAMING REVENUE & ECONOMIC
REDEVELOPMENT AUTHORITY

Appointment: Terms to Expire: 12/31/16
John J. Blair
3326 Green Acres Drive
Bethlehem PA 18015

Re-appointments:
John (Jay) J. Finnigan, Jr.
4208 Maria Lane
Bethlehem PA 18017-8456
As there were no further questions or comments, Mr. Cusick called for the vote on both resolutions.


The resolutions were adopted by a vote of 8-0.

Presentation of ArtsQuest – Jeff Parks

Mr. Jeff Parks, President and Chief Executive Officer for ArtsQuest, introduced Mr. Sam Torrence, Chairman of the Board of Trustees; Mr. Bob Oster, Auditor and Accountant; Ms. Kassie Hilgert, Senior Vice President of Marketing and Advancement and Ms. Julie Benjamin, Vice President for Community Partnership.

Mr. Parks stated in 2007, the State Legislators increased the hotel tax for the Lehigh Valley and allowed this revenue to go toward the building of Coca Cola Park. He further stated Northampton County had no policy for making arrangements with capital projects at that time so both ArtsQuest and PBS 39, who were in the process of preparing the SteelStacks project, came before County Council and requested a $1 million grant out of the Hotel Tax Capital Funds to be applied to this project.

Mr. Parks advised that major commitment by the County to SteelStacks was an important part of encouraging private investment. He further advised many of the things they believed
were going to happen within the next three or four years on that site were credited to SteelStacks being there.

Mr. Parks stated the commitment was a $1 million pledge paid out of a percentage of the hotel tax and over the four years, the County had paid out $320,000. He further stated they had borrowed the rest of the money and were paying interest on it so they were looking forward to the County fulfilling the rest of their commitment.

Mr. Parks then gave a power point presentation entitled, “SteelStacks - the First 8 Months” (see Attachment #1).

Mr. Parks advised it was expected the total economic impact would be approximately 198 jobs and $49 million through the construction phase, however, they have exceeded those numbers because the investment in this project led to a Tax Increment Financing (TIF) that was reinvested in a visitors center, parking lots, sidewalks and pronounce improvements that made this a truly attractive and desirable destination.

Mr. Parks stated the projected impact for jobs was expected to be 100, 56 direct and 44 indirect jobs, however, as of today, there were 78 direct and 64 indirect jobs.

Mr. Parks advised the total economic impact per year was projected to be $38 million. He further advised from April 15, 2011 through December 31, 2011, it was actually approximately $29 million.

Mr. Parks stated they anticipated this project to offer greater access to the arts for the Lehigh Valley in music, cinema, festivals and visual arts and went on to describe some of the events that have taken place so far. He further stated many nonprofit organizations and businesses have used their facilities for fund raisers, meetings and special events.

Mr. Parks advised approximately 500,000 visitors have attended all the events and the maps reflected the areas where tickets had been purchased for these events. He further advised Christkindlmarkt was the event that usually drew more attendees from outside the Lehigh Valley and this year, it drew a record crowd of 63,436.
Mr. Parks stated people were still discovering SteelStacks and with the opening of the Bethlehem Visitors Center in May of 2012, the PNC Plaza will become fully accessible for use for many events and festivals. He further stated they also provided many educational and outreach programs for families in visual and performing arts and cultural experiences.

Mr. Parks advised they were projecting an operating loss of $700,000, primarily due to rainy weather for most of August and September, lower than projected audience through October and higher than projected opening expenses. He further advised they plan to address this loss through the use of its line of credit as necessary, payment plans with major creditors, fund raising and net income from 2012 operations.

Mr. Oster stated in 2011, ArtsQuest signed agreements up to five years with various sponsors and donors totaling approximately $1.5 million, of which only $401,000 was received and applicable to 2011 program operations. He further stated because these pledges were made and sponsorship agreements signed in 2011, the entire $1.5 million would be recognized as revenues in 2011, in spite of the fact the actual events and programs would take place over that five year period.

Mr. Oster advised in addition, there were balances left of more than $5 million in previously signed agreements that would come into play in 2012 and beyond. He further advised the cash for all of these programs and activities would not be received, for the most part, until the year that the program took place. He noted these were restricted funds by the sponsors and donors for specific activities and programs.

Mr. Oster stated in 2011, as part of the SteelStacks construction project, ArtsQuest received approximately $6.3 million in Rural Community Assistance Partnership (RCAP) grants, which would be recognized as revenue in 2011, however, it will be received on a reimbursement basis.

Mr. Oster advised as a result for 2011, ArtsQuest would report substantial revenue in excess of expenses, however, from an annual operational standpoint, there would be a projected cash flow loss of approximately $700,000. He further advised there were a lot of start up costs in 2011 that would not be repeated in 2012. He noted they plan to provide almost all of
the same programs as they did last year in 2012, as well as some new ones.

In answer to Mr. Cusick’s question as to whether any study had been done regarding the impact this project had on hotel stays and what was their relationship with the hoteliers in the Lehigh Valley, Mr. Parks stated they had 18 hotels that sponsored ArtsQuest today, but they have not done any studies as far as impact.

In response to Mr. Cusick’s question as to what he attributed to the increase in patronage, Mr. Parks advised people were starting to discover it and have expressed a desire to come back for the various events.

In answer to Mr. Cusick’s question as to how they were able to offer events for free, Mr. Parks replied sponsorships and grants.

In response to Mr. Cusick’s question as to the impact of the traffic, Mr. Parks stated the roads were ready and the traffic was fine.

Mr. Gilbert advised he and his family were very involved in the arts and he had seen a steady increase in the number of people attending the various events and he was delighted to see the different options that were available. He further advised he felt they did an amazing job of transforming a once giant industrial area into something to be used for the arts.

Mr. Gilbert stated he felt it was wonderful that they were continuing to try to attract the younger generation because they were the life blood of any arts organization. He further stated he wanted to thank Mr. Parks and his staff for everything they have done to make the Lehigh Valley a very competitive place for people seeking entertainment.

Mr. Kraft advised he wanted to thank Mr. Parks, on behalf of the building trades, for using all local labor to build that site.

Mr. McClure stated ArtsQuest was born out of Musikfest and this year, Musikfest was basically ruined due to the weather and seriously interrupted the revenue stream to ArtsQuest.
Therefore, he wondered if Mr. Parks saw Musikfest evolving as it moved across the river and since ArtsQuest was basically funded with public money, was there a plan for the future to cope without or with less public money and to consider that future with having years like they had with Musikfest.

Mr. Parks advised there were no plans now or in the future to abandon the north side part of Musikfest and he believed it would continue to evolve. He further advised there was physically not enough space to move Musikfest to SteelStacks.

Mr. Parks stated the primary use of public funding was for capital, noting they had one more part to put together, which they were calling the Festival Center, and had already received the State’s commitment for $2 million. He further stated the largest piece of their $14 million budget from public funds was a $90,000 grant that came from the State Council on the Arts. He noted for operating expenses, they relied on box office admissions, food and beverage sales, as well as donations and sponsorships.

In answer to Mr. McClure’s question as to whether he had any intention of stepping away from his duties in the near future, Mr. Parks advised he would be retiring his position in January 2015, but planned to stay involved in some manner. He further advised the Board would be taking steps to find his replacement at the end of 2013 and beginning 2014.

Mr. Werner stated Mr. Parks had done an outstanding job, noting his organizational skills were amazing. He further stated he was very impressed with the volunteers, which were the backbone of many of the festivals and events that took place in all the communities.

McClure Company - Update on the GESA (Guaranteed Energy Savings Agreement) Projects

Mr. Cusick advised at the request of Mr. Stoffa, representatives of the McClure Company were present to update County Council on the GESA projects.

Mr. Shayne Homan, Project Manager, McClure Company, gave a power point presentation entitled, “Guaranteed Energy Savings Agreement Phase I & II Progress Update for the County of Northampton, Easton, PA” (see Attachment #2).
Mr. Homan stated in April 2010, a Request for Proposals for a State qualified Energy Services Company (ESCO) was sent out and in November 2010, McClure Company was selected. He further stated in February 2011, the County approved them to conduct an Investment Grade Audit for Phase I, which was for all the County buildings, except Gracedale, and a contract was executed in June 2011. He noted also in June 2011, the County approved them to conduct an Investment Grade Audit for Phase II, which was for Gracedale, and in October 2011, a contract was executed.

Mr. Homan advised a GESA enabled government units, such as the County, to enter into a contract with a qualified ESCO for a maximum term was 20 years. He further advised the ESCO must guarantee the savings for the term of the contract, cover the cost and any related debt services. He noted if there was a shortfall, the ESCO must reimburse the governmental unit for the difference.

Mr. Homan stated the premise was for the guaranteed savings to pay for the needed upgrades so there would be no impact on the fund balance and the capital improvements were paid for with no out-of-pocket expense.

Mr. Homan advised Phase I Development consisted of all County buildings, except Gracedale, and including 20 individual Energy Conservation Measures. He further advised some of the projects were replacement of the Prison boiler, which was 60 years old and operating under emergency repair, the replacement of the Historic Courthouse air handling unit, the Annex Courthouse chiller, the Historic Courthouse boiler and the Prison rooftop unit, at a cost of $3.6 million.

Mr. Homan stated the total installed cost for Phase I was $6.1 million with a first year savings of approximately $526,000 and a 15 year cumulative savings of approximately $9.9 million. He further stated they planned to complete these projects by June 2012.

Mr. Homan advised the Gracedale complex was long overdue for needed capital improvements relating to the central heating, cooling and electrical power systems noting the total utility expenditure for Gracedale was approximately $2.5 million.
Mr. Homan stated Phase II Development consisted of the Gracedale complex and 22 individual Energy Conservation Measures (ECM). He further stated the total installed cost was $12.9 million, with a first year savings of approximately $1.4 million and a 10 year cumulative savings of approximately $16 million. He noted they planned to complete these projects by October 2012.

Mr. Homan advised there have been problems with the existing sewer system and Mr. Stoffa, and his staff, have recently negotiated a tap-in fee with the development located behind Gracedale.

In response to Mr. Cusick’s question as to whom the agreement was with, Mr. Longenbach stated it was between the County, Tuskes Homes and the Nazareth Sewer Authority for $350,000.

In answer to Mr. Cusick’s question as to whether they were able to follow the path they anticipated, Mr. Homan replied it was basically the same path.

In response to Mr. McClure’s question as to what plans have been made with regard to the residents at Gracedale, Mr. Homan advised he believed the plan was to vacant an entire floor to give them the space they needed to complete the work that had to be done, which would take 6-8 weeks per floor.

In answer to Mr. Werner’s question as to whether they had a fixed price gas savings they were looking at, Mr. Homan stated he did not, but more than 50% of the $1.4 million could be attributed to the difference.

Public Hearing on the Ordinance Titled, “AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF A 0.123 ACRE RIGHT-OF-WAY OWNED BY NORTHAMPTON COUNTY, LOCATED IN BETHLEHEM TOWNSHIP, TO THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO ENABLE THE DEPARTMENT OF TRANSPORTATION TO ENABLE A BRIDGE REPLACEMENT PROJECT ON S.R. 191”

Mr. Cusick advised the following ordinance was introduced by Mr. Gilbert and Mrs. Thierry at the January 5, 2012 County Council meeting:
AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF
A 0.123 ACRE RIGHT-OF-WAY OWNED BY
NORTHAMPTON COUNTY, LOCATED IN BETHLEHEM
TOWNSHIP, TO THE COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO
ENABLE THE DEPARTMENT OF TRANSPORTATION TO
ENABLE A BRIDGE REPLACEMENT PROJECT ON S.R.
191

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
the conveyance or lease of any real property of the County; and

WHEREAS, the Commonwealth of Pennsylvania by and through
the Department of Transportation (hereinafter referred to as
"PENNDOT") intends to replace the bridge, located on Route 191,
in Bethlehem Township; and

WHEREAS, PENNDOT has requested that the County of
Northampton grant a Deed of Right-of-Way over land owned by
Northampton County, identified as Northampton County Tax Parcel
Nos. L7 8 8A PKB and L7 8 9 PKB in order to replace a bridge; and

WHEREAS, PENNDOT has created a Plot Plan entitled "Right-
of-Way Claim Information", a true and correct copy of which is
attached hereto and made a part hereof as Exhibit "A"; and which
Plot Plan depicts the areas which PENNDOT must acquire in order
to replace said bridge; and

WHEREAS, the County Council of Northampton believes it is
in the public's best interest to grant such Deed of Right-of-
Way; and

WHEREAS, in accordance with the provisions of the
Northampton County Administrative Code, Article XIII Procurement
and Disposition of County Property, Section 13.15 Purchase, Sale
and Lease of Real Estate a. and b., PENNDOT has agreed to pay the
sum of $5,000.00 for said Right-of-Way.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the
Northampton County Council as follows:
1. County Council hereby Grants and Conveys to PENNDOT, in consideration for the sum of $5,000.00, a Deed of Right-of-Way over the lands of Northampton County, identified as Tax Parcel Nos. L7 8 8A PKB and L7 8 9 PKB, as more fully depicted in the Plot Plan attached hereto as Exhibit "A".

2. The Deed of Right-of-Way, referenced above, shall be in a form substantially similar to one attached hereto and made a part hereof as Exhibit "B".

Public Hearing

Mr. Cusick asked if there was anyone who wished to comment on this ordinance. There were no respondents.

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

In answer to Mr. Parsons’ questions as to where the bridge was located and when the work was going to begin, Mr. Steve DeSalva, Director of Public Works, stated it was located over the Monocacy Creek on Route 191 and he did not know PennDOT’s schedule.

In response to Mr. Dietrich’s question as to how the sum of $5,000 was arrived at, Mr. DeSalva advised PennDOT had a whole right-of-way unit that determined what they were going to pay, which was backed up by documentation.

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


The ordinance was adopted by a vote of 8-0.

Mr. Cusick stated the following ordinance was introduced by Messrs. McClure and Kraft at the County Council meeting held January 5, 2012:


WHEREAS, Ordinance No. 540-2011, the ordinance titled, “AN ORDINANCE ESTABLISHING THE POLICY OF THE NORTHAMPTON COUNTY COUNCIL FOR THE APPROVAL OF NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE NATURAL AREAS PROJECTS”, was enacted on November 29, 2011, and reads as follows:

“AN ORDINANCE ESTABLISHING THE POLICY OF THE NORTHAMPTON COUNTY COUNCIL FOR THE APPROVAL OF NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE NATURAL AREAS PROJECTS

WHEREAS, the Northampton County Council duly adopted Ordinance No. 423-2004, the ordinance titled, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY OPEN SPACE INITIATIVE, ACCEPTING THE REPORT OF THE NORTHAMPTON COUNTY COUNCIL OPEN SPACE COMMITTEE PREPARED WITH THE ASSISTANCE OF THE LEHIGH VALLEY PLANNING COMMISSION, CREATING THE NORTHAMPTON COUNTY OPEN SPACE ADVISORY BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE INITIATIVE.”; and

WHEREAS, the Northampton County Council duly adopted Ordinance No. 468-2007, the ordinance titled, “AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE GUIDELINES.”; and

WHEREAS, the Northampton County Council duly adopted Ordinance No. 533-2011, the ordinance titled, “AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE GUIDELINES.”; and

WHEREAS, an independently prepared, complete self-contained appraisal report can ensure the amount of public funds allocated toward the acquisition of a natural areas property was justified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the
Northampton County Council that notwithstanding any existing requirements or conditions set forth in the Northampton County 21st Century Open Space Guidelines, it shall be the stated policy of the County of Northampton:

(1) To require an independent appraisal for any Northampton County 21st Century Open Space Initiative Natural Areas projects.

(2) The appraisal shall be undertaken by the Northampton County Executive or his designee, and shall include the information and analysis set forth in the document titled, "APPRaisal REVIEW CHECKLIST - Northampton County Open Space and Natural Areas Program" (a copy of which is attached hereto and labeled as Attachment "A").

(3) The Northampton County Council shall not consider or vote on a Northampton County Open Space and Natural Areas project without first receiving the independent appraisal set forth in paragraph (2).

(4) It shall be understood that the cost of the County’s independent appraisal shall be paid out of the proceeds of the grant."

WHEREAS, the Northampton County Open Space Advisory Board has recommended an amendment to the Northampton County 21st Century Open Space Initiative Guidelines (Guidelines) which provides for a second appraisal that would be implemented in accordance with the Guidelines.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 540-2011, the ordinance titled, "AN ORDINANCE ESTABLISHING THE POLICY OF THE NORTHAMPTON COUNTY COUNCIL FOR THE APPROVAL OF NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE NATURAL AREAS PROJECTS," is hereby repealed, on the effective date of this ordinance.

Public Hearing

Mr. Cusick asked if anyone from the public wished to comment on this ordinance.

Ms. Ellen Lott, The Nature Conservancy, Long Pond, PA - advised she would like County Council to vote to repeal the
ordinance because as it was currently written, it was not workable with the current open space system. She further advised it would make a difficult process much more difficult and could actually paralyze the County’s open space program.

Ms. Lott stated most of the County’s open space projects had both State and County funding and for all projects that had State funding, a second appraisal was required and usually done after the grant was awarded. She further stated if the two appraisals were very different, then an agreed upon price was negotiated.

Ms. Lott stated the ordinance required a County appraisal so there would then be three appraisals, which could result in them negotiating one price with the State and another with the County, and that could lead to two different grant awards putting the land trust and the owner in an awkward position. Therefore, she hoped County Council would send this proposal back to the Open Space Advisory Board for further consideration.

Ms. Lott stated the ordinance called for the appraisal to be received before the County even considered the application, however, that would require them to put out a lot of money without any sign the project would be approved, which could become an issue.

Ms. Lott advised she did not disagree that the County should have a second appraisal, however, she felt the ordinance could have been better thought out to make it happen.

Mr. Bill Mineo, 70 Ballek Road, Williams Township, PA stated he was a member of the Northampton County Open Space Advisory Board. He further stated they would like an opportunity to meet with County Council and the Open Space Committee to further address this issue. He noted they did submit to the former County Council a listing of recommendations relative to a second appraisal that were never really addressed.

As there were no other individuals from the public to address this issue, Mr. Cusick asked if any member of County Council wished to do so.

Mr. Parsons advised he agreed 100% and as Chairman of the
Open Space Committee, he would like to see it occur in a committee forum.

Mr. McClure stated outside of the County’s core functions, he felt the preservation of open space, environmentally sensitive lands and farmlands was one of the most important things it did. With that being said, he felt the County was very fortunate to have these professional individuals involved in these issues so his purpose was to let these professionals write their own regulations in coordination with the Open Space Committee.

Mr. Dietrich advised farmland was a business so it could be determined how much that land was worth. He further advised it was difficult to determine the worth of environmentally sensitive lands because of the determining factors so it was felt a third appraisal was needed as another source of information in an effort to be good custodians of the taxpayers’ money. Therefore, if the ordinance was repealed, the County would go back to having less information.

Mr. Dietrich made a motion to table this ordinance.

Mr. Gilbert seconded the motion, noting he would like to see the appraisal be given at the time the project was presented for approval.

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


The motion failed by a vote of 3-5.

Mr. Dietrich stated he was all in favor of a meeting with the Nature Conversancy and the Northampton County Open Space Advisory Board in an effort to draft a replacement ordinance, however, by having the ordinance in place, it provided a level of protection for the taxpayers.

Mr. Cusick advised as there were no projects in the pipeline at this time, he felt there was ample time for County Council to get some recommendations from the Northampton County
Open Space Advisory Board.

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


The ordinance was adopted by a vote of 6-2.

Review of the Collective Bargaining Unit Agreement Between Pennsylvania Social Services Union, PSSU Local 668, SEIU and the County of Northampton

Mr. Cusick stated this Collective Bargaining Unit Agreement was reviewed at the Personnel Committee meeting held January 18, 2012.

Mr. Kraft advised it was the unanimous decision of the committee members present at yesterday’s meeting to present this agreement to the whole of County Council for approval. He then introduced the following resolution:

R. 6-2012 \[WHHEREAS, Northampton County Charter Section 202 (12) provides that, “the County Council shall have the power to approve any collective bargaining agreements with officers and employees”.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that the Collective Bargaining Unit Agreement between the Pennsylvania Social Services Union, PSSU Local 668, SEIU and the County of Northampton, shall be approved this 19th day of January 2012.

Mr. Dietrich stated there had been discussions previously with regard to the employees paying for their benefits based on cost and not their salary, therefore, he was wondering when steps were going to be taken to accomplish this.

Mr. Kraft advised these employees were actually providing more money for their health care and the new employees were not
going to get the same benefits so he felt the County was taking steps in the right direction.

Mr. Gilbert stated there had to be something the County could do that would successfully transition the way things were currently being done because soon it would no longer be financially sustainable to cover medical and insurance costs.

Mr. McClure advised the County had not had a tax increase in five years and was running as tightly as it possibly could without taking the chance of risking services to the vulnerable population it served. He further advised the County had great employees and he felt this was a fair contract for the employees and the taxpayers.

Mr. Cusick stated he had brought up the issue of having the employees pay a percentage of the cost of health care and even though this contract did not do that, there were some give backs so he was going to approve it. He further stated he would like the Administration to give serious consideration to moving in that direction and his hope was that it would be included in a future agreement.

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


The resolution was adopted by a vote of 7-1.


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 these contracts were reviewed at the Finance Committee meeting and it was the recommendation of the committee members present to present these contacts to the whole of County Council for
Mr. Cusick asked if there were any objections to voting on these contracts together. There were no objections.

Mr. Cusick introduced the following resolutions:

ACS: Hardware and Software & Answer on Demand: Training, Software

R. 7-2012  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 January 4, 2012, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract not-to-exceed $376,000 with ACS and Answer on Demand for computer hardware, software and software training at Gracedale.

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 ACS and Answer on Demand for computer hardware, software and software training at Gracedale.

Safety National Casualty Corporation: Excess Workers Compensation

R. 8-2012  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 January 13, 2012, 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 $109,554.50 with Safety National Casualty Corporation for excess Workers Compensation coverage.

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 Safety National Casualty Corporation for excess Workers Compensation coverage.

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


The resolutions were adopted by a vote of 8-0.

Introduction of the Ordinance titled, “AN ORDINANCE ADDRESSING THE OPERATION OF GRACEDALE”

Mr. Cusick stated an ordinance was prepared which essentially puts resolution No. 55-2011 into ordinance form. He further advised this issue was reviewed at the Finance Committee meeting. He noted the public hearing, debate and possible vote would be held at the February 2, 2012 meeting.

Messrs. Werner and Dietrich introduced the following
ordinance:

AN ORDINANCE ADDRESSING THE OPERATION OF GRACEDALE

WHEREAS, the County of Northampton owns and operates Gracedale, a long-term care nursing home that serves the medically and financially indigent residents of Northampton County and their relatives. The mission of Gracedale is to rehabilitate its residents to their highest practical level of medical, social and psychological well-being; and

WHEREAS, at the Primary Election held May 17, 2011, the voters of Northampton County approved the following ballot initiative question by a vote of 19,690 Yes to 7,406 No: "The County nursing home, known as Gracedale, shall not be sold and/or leased by the County of Northampton for a period of five years from the date of the approval of this initiative."

WHEREAS, without qualification or exception, assuring the highest quality of patient care for all current or future Gracedale residents has been a priority of the County of Northampton.

WHEREAS, the 2012 Northampton County budget provides that one of the highest priorities at Gracedale is the maximization of revenues while minimizing operating expenses; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Northampton County Council that:

(1) maintaining the highest quality of care to all current and/or future Gracedale residents will continue to be a key County priority,

(2) an account shall be maintained for the operation of Gracedale. Further, any surplus revenues generated by the operation of Gracedale, including but not limited to those from increased efficiencies, improved census, increases in intergovernmental revenue, grants and/or monetary concessions realized through the negotiation of Collective Bargaining Unit Agreements, shall be retained in the Gracedale account. Any such funds shall be utilized solely for the purpose of operating
and capital expenditures necessary for the improvement of patient care at the Gracedale Nursing Home.

Introduction of the Ordinance Providing for the West Easton Treatment Center Lease

Mr. Cusick advised an ordinance was prepared which authorized the West Easton Treatment Center lease. He further advised this issue was also reviewed at the Finance committee meeting. He noted the public hearing, debate and possible vote would be held at the February 2, 2012 meeting.

Mr. McClure and Mrs. Thierry introduced the following ordinance:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE PROPERTY LOCATED AT THE CORNER OF MAIN AND EAST STREET IN THE BOROUGH OF WEST EASTON, COUNTY OF NORTHAMPTON, COMMONWEALTH OF 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, lease a certain portion of land and buildings and improvements located on
property situated at the corner of Main Street and East Street in the Borough of West Easton, County of Northampton, Commonwealth of Pennsylvania, being approximately 24,500 square feet, and more specifically referred to as tax Parcel I.D. Nos. L9SW3D-21-1, L9SW3C-3-2, and L9SW3C-3-3, for the base annual rent of $447,125.00. 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.

Consideration of the Resolution Regarding the Appointment of a United States District Judge

Mr. Cusick stated a resolution was prepared calling on the United States President and Congress to fill the next vacancy for the position of Judge of the United States District Court for the Eastern District of Pennsylvania by the selection of a qualified citizen from Northampton County, Pennsylvania. He further stated this resolution was nearly identical to the one recently adopted by the Northampton County Bar Association.

Mr. Cusick introduced the following resolution:

R. 9-2012

A RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL, COUNTY OF NORTHAMPTON EASTON, PENNSYLVANIA, CALLING FOR AN APPOINTMENT OF A UNITED STATES DISTRICT JUDGE TO SERVE IN THE UNUSED FEDERAL COURT IN EASTON, PENNSYLVANIA

WHEREAS, for many years, at least one, and on occasions more than one, member of the Bench from the United States District Court for the Eastern District of Pennsylvania was a citizen and resident from Northampton County; and

WHEREAS, at present all counties in the Eastern District of Pennsylvania, with the exception of Northampton County, have at least one citizen who is a member of the Bench of the United
WHEREAS, in recent years, at least three citizens from Northampton County have rendered distinguished service as Federal judges: the Honorable William H. Kirkpatrick, deceased, former Chief Judge of the United States District Court for the Eastern District of Pennsylvania; the Honorable J. Cullen Ganey, deceased, former Chief Judge of the United States District Court for the Eastern District of Pennsylvania and later a member of the United States Court of Appeals for the Third Circuit; and the Honorable Franklin S. VanAntwerpen, formerly a Judge of the United States District Court for the Eastern District of Pennsylvania and currently a Senior Judge of the United States Court of Appeals for the Third Circuit; and

WHEREAS, the Easton, Pennsylvania, Federal Courtroom facility in Northampton County has been empty and unused by a United States District Judge since May 20, 2004, when the United States District Judge Franklin S. VanAntwerpen of Easton was elevated to the Third Circuit Court of Appeals; and

WHEREAS, there are no citizens of Northampton County currently serving as members of the Bench of the United States District Court for the Eastern District of Pennsylvania; and

WHEREAS, the Northampton County Council believes that there are multiple qualified Common Pleas Judges, Appellate Judges and qualified Attorneys from Northampton County who would render distinguished service as members of the federal Bench; and

WHEREAS, the Federal Bench has historically reflected geographic diversity, with Judges drawn from all nine counties that comprise the Eastern District;

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council calls upon Barack Hussein Obama, President of the United States of America, the Honorable Robert P. Casey, Jr. and the Honorable Pat Toomey, United States Senators from Pennsylvania, to fill the next vacancy for the position of Judge of the United States District Court for the Eastern District of Pennsylvania by the selection of a qualified citizen from Northampton County, Pennsylvania.
BE IT FURTHER RESOLVED that copies of this resolution be sent to the aforementioned elected officials.

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


The resolution was adopted by a vote of 8-0.

Human Services Committee Report

Mr. Dietrich stated a Human Services Committee meeting was held earlier and Mr. Ross Marcus, Director of Human Services, talked about the issues that were projected to affect his department because of the budget changes that were forthcoming from the State.

Mr. Dietrich advised Gracedale’s census was increasing and there should be a detailed operating assessment ready by the next Human Services Committee meeting.

Finance Committee Report

Mr. Cusick stated there was an extensive discussion regarding the Swaption at the Finance Committee meeting. He further stated Mr. McClure was in the process of getting a second opinion as to how the County should proceed which should be available by the next Finance Committee meeting.

Mr. Cusick advised another discussion was with regard to the level of the Fund Balance and a motion was passed that they believed the $16 million for the Unrestricted Fund Balance would be adequate.
Adjournment

Mr. McClure made a motion to adjourn.

Mrs. Thierry seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council