Easton, Pennsylvania

June 7, 2012

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; Bruce A. Gilbert; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Joshua Fulmer, present on behalf of Phil Lauer. Absent were Barbara A. Thierry and Philip D. Lauer, Solicitor to Council.

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. Kraft made the following motion:

Be It Moved By the Northampton County Council that the minutes of the May 17, 2012 meeting shall be approved.

Mr. Werner seconded the motion.

The minutes were approved by voice acclamation, with Mr. McClure abstaining.

Courtesy of the Floor

Mr. Fred LaPenna, Upper Mount Bethel Township, PA - advised he was present tonight because they were voting on a conservation easement for his property and he wanted to let them know he was available to answer any questions.

Mr. Rich Johnston, Bethlehem Township - stated on December 31, 2010, he was laid off from the County for economic reasons. He further stated on July 22, 2011, he became aware of open part-time positions and applied. He noted on September 13, 2011, Chief Deputy Chris Zieger informed him that he was number one on the list and could
start on the 19th.

Mr. Johnston advised on September 29, 2011, he filed an appeal of his layoff based on the manner in which the layoff was conducted and because he was not recalled before off the street candidates who applied. He further stated on February 23, 2012, he received notice that his appeal would be held on February 29, 2012.

Mr. Johnston stated on February 29, 2012, the appeal hearing was conducted and he was informed by the attorneys on the board that a decision would be issued in 30 days.

Mr. Johnston advised Mr. John Stoffa, County Executive, appointed people to the board, which County Council confirmed and allocated the funding. He further advised tomorrow would be the 100th day and the board had not informed him as to the status of his appeal despite numerous phone calls. He further advised he wanted to find out the status of his appeal and why it was not addressed within the 30 day time period.

Mr. Cusick indicated the Director of Human Resources was not present.

Mr. Johnston stated he was asking County Council as the body that allocated the funding.

Mr. Cusick advised he did not have enough information at this time to address the issue, however, he would take a look into the matter.

Mr. Johnston stated the Director of Human Resources informed him his position was not funded because County Council did not accept Mr. Stoffa’s budget so they did have knowledge of this and he was informing them that people off the street were hired, but he was not recalled even though he had nineteen years of training.

Mr. Johnston advised the fact that the board did not feel it was important to return his phone calls to tell him the status of his appeal was unacceptable.

Mr. Cusick reiterated that he did not know the specifics of what happened, but would look into it.
County Executive’s Report

Mr. Stoffa stated he wanted Sheriff Randall Miller to discuss some of the upgrades in security that have taken place.

Sheriff Miller advised County Council budgeted approximately $80,000 for an upgrade to their backup server system for all their cameras and for the actual dispatch center itself. He further advised now they had a system whereby all the cameras were recording and the alarms were on so when the cameras went down, they would know immediately.

Sheriff Miller stated once the parking deck cameras were installed, they would be able to send that signal to the 911 Center, as well as fully record and monitor them here. He further stated they also planned to install cameras at the corner of Union and Washington Streets and the Milidas Building.

In answer to Mr. Cusick’s question as to whether any vehicles had been purchased with the funds allocated in the budget, Sheriff Miller advised they purchased three cars, with the third vehicle coming in last week.

Mr. Stoffa indicated he would like to adjourn to Executive Session to discuss the Swaption issue at some time during the meeting.

In response to Mr. Cusick’s question as to whether that was an appropriate topic to adjourn to Executive Session, Mr. Karl Longenbach, Northampton County Solicitor, replied it would for two reasons. First, if certain aspects were to be discussed in a public forum, it would jeopardize the negotiating position of the County and secondly, it might be considered a basis of potential litigation.

In answer to Mr. McClure’s question as to whether ArtsQuest was challenging the assessment of their real property, Mr. Longenbach stated he believed it was an issue before the Revenue Appeals Board.

Mr. McClure advised if this was the case, he suggested Mr. Stoffa not put any hotel tax money toward ArtsQuest when he submitted his budget.
Public Hearing on the Ordinance Titled, AAN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21st CENTURY OPEN SPACE INITIATIVE GUIDELINES

Mr. Cusick stated this ordinance was introduced by Messrs. Parsons and Dietrich at the meeting held May 17, 2012:

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

WHEREAS, the Northampton County Council adopted ordinance #423-2004, the ordinance titled, AAN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY OPEN SPACE INITIATIVE, ACCEPTING THE REPORT OF THE NORTHAMPTON COUNTY COUNCIL OPEN SPACE COMMITTEE PREPARED WITH THE ASSISTANCE OF THE LEHIGH VALLEY PLANNING COMMISSION, CREATING THE NORTHAMPTON COUNTY OPEN SPACE ADVISORY BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE INITIATIVE, at the meeting held November 4, 2004. The ordinance was signed by the County Executive on November 5, 2004 and it became effective as such on December 5, 2004. The NORTHAMPTON COUNTY 21st CENTURY OPEN SPACE INITIATIVE GUIDELINES were subsequently amended via the enactment of ordinances #468-2007 and #533-2011; and

WHEREAS, the Northampton County Open Space Advisory Board, at its meeting held May 10, 2012, reviewed and approved changes to the MUNICIPAL PARK ACQUISITION AND DEVELOPMENT Section of the Northampton County 21st Century Open Space Initiative Guidelines.

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

Section I. Short Title

This Ordinance shall be known as, and may be cited as, AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY 21st CENTURY OPEN SPACE INITIATIVE GUIDELINES.

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

Section III. Effective Date

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

Public Hearing

Mr. Cusick asked if anyone from the public had any questions or comments.

Mr. Bill Mineo, Citizens Advisory Board, advised they highly recommended the amendment be adopted. He further advised the amendment allowed for $1 million a year for five years for the approval by communities for recreational purposes, however, they did not want the County to ignore the commitment to the other components, particularly the environmentally sensitive land component. He noted they wanted it to be fully funded as recommended in the past so the program could be continued without it being detrimental to the whole system and to see the whole program move forward.

Mr. Parsons stated he had been approached by individuals in the Administration who worked with County parks because there was nothing in the program for them. He further stated he wanted to be sure that would be a budgetary item so they would not have to apply for grants.

Mr. McClure advised he planned to support this initiative, but he wondered if Ms. Maria Bentzoni, Farmland Preservation Administrator, could clarify that it was not the County’s intention to fund the maintenance of its own parks.

Ms. Bentzoni stated this was a grant reward program for natural features, farmland preservation and municipal parks. She further stated County parks fell under the County budget so it would be a budgetary item even though it was part of the open space program as a whole.

Mr. Cusick advised he wanted to thank Ms. Bentzoni for the time
and effort she put into revising these guidelines. He further advised he hoped going forward the County would be able to work with its municipalities to meet their open space needs.

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

The vote: Parsons, yes; Dietrich, yes; Ferraro, yes; Gilbert, yes; Kraft, yes; McClure, yes; Werner, yes and Cusick, yes.

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

Consideration of Northampton County 21st Century Open Space Initiative Environmentally Sensitive Projects: a. LaPenna Property and c. Kostenbader Property

LaPenna Property

Mr. Parsons introduced the following resolution:

R. 44-2012  WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the conservation easement acquisition by the Nature Conservancy of the LaPenna property, Upper Mount Bethel Township, County of Northampton, which is described more fully in Exhibit AA (a copy of which is attached hereto); and

WHEREAS, the Northampton County funding will be used to acquire properties as follows:

Property Owner(s): Fred & Lori LaPenna

Site Location: 676 LaPenna Drive, Bangor, PA 18013, Upper Mount Bethel Township, Northampton County
Parcel Identification: B10-2-8

Site Information: Approximately 49 acres, wooded acreage with Minsi Lake vernal pools

Appraised Value: $245,000.00

County Grant Request: $105,000.00

Other Grants: $100,000.00 Requested from Upper Mount Bethel Township

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the conservation easement acquisition by the Nature Conservancy of the Lapenna Property, Upper Mount Bethel Township, County of Northampton, located at 676 LaPenna Drive, Bangor, PA 18013, Upper Mount Bethel Township, Northampton County being approximately 49 acres, and also known as Northampton County Uniform Parcel Identifier Number B10-2-8.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $105,000.00 as consideration for the conservation easement acquisition by the Nature Conservancy of the LaPenna property.

Mr. McClure stated during the discussions at the Open Space Committee meeting regarding these properties, everyone could see the plan the individuals working on environmentally sensitive areas had and these properties were very important in helping them execute that plan. He further stated besides the County’s core functions, one of the most important things the County did was to preserve open and green space.

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

The vote: Parsons, yes; Kraft, yes; McClure, yes; Werner, yes; Cusick, yes; Dietrich, yes Ferraro, yes and Gilbert, yes.

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

MAB Property

Mr. Parsons introduced the following resolution:

R. 45-2012  WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the fee simple acquisition by Bushkill Township, of the MAB Family Partnership Property, Bushkill Township, County of Northampton, which is described more fully in Exhibit AA@ (a copy of which is attached hereto); and

WHEREAS, the Northampton County funding will be used to acquire properties as follows:

Property Owner(s): MAB Family Partnership

Site Location: Corner of Kromer Road & Jacobsburg Road, Wind Gap, PA 18091, Bushkill Township, Northampton County

Parcel Identification: F7-17-19C

Site Information: Approximately 90+/- acres: wooded acreage, open meadow, pond, vernal pools, tributaries to Sobers Run (EV), threatened species of plant and animal

Appraised Value: $1,200,000.00
County Grant Request: $300,000.00

Other Grants: $635,000.00 Requested from DCNR
              $335,000.00 Requested from Bushkill Township

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the fee simple acquisition, by Bushkill Township, of the MAB Family Partnership property, located at the Corner of Kromer Road & Jacobsburg Road, Wind Gap, PA 18091, Bushkill Township, Northampton County, being approximately 90+/- acres, and also known as Uniform Parcel Identifier Number F7-17-19C.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $300,000.00 as consideration for the fee simple acquisition by Bushkill Township of the MAB Family Partnership Property.

In response to Mr. Cusick=s question as to whether the issue of the subdivision plan was resolved, Ms. Bentzoni advised it would be as it was one of the conditions in the agreement of sale.

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

The vote: Parsons, yes; Werner, yes; Cusick, yes; Dietrich, yes; Ferraro, yes; Gilbert, yes; Kraft, yes and McClure, Ayes.

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

Mr. Parsons introduced the following resolution:

R. 46-2012 WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended the conservation easement acquisition by the Wildlands Conservancy of the Kostenbader property, Moore Township, County of Northampton, which is described more fully in Exhibit AA@ (a copy of which is attached hereto); and

WHEREAS, the Northampton County funding will be used to acquire properties as follows:

Property Owner(s): John & Veronica Kostenbader
Site Location: 1107 Bushkill Drive, Wind Gap, PA 18091, Moore Township, Northampton County
Parcel Identification: G6-4-5
Site Information: Approximately 28 acres: wooded acreage, with tributaries to Bushkill Creek (CWF)
Appraised Value: $140,000.00
Total Easement Amount: $98,000.00
County Grant Request: $49,000.00
Other Grants: $49,000.00 Requested from Moore Township

NOW, THEREFORE, BE IT RESOLVED by the Northampton County
Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the conservation easement acquisition by the Wildlands Conservancy of the Kostenbader property, Moore Township, County of Northampton, located at 1107 Bushkill Drive, Wind Gap, PA 18091, Moore Township, Northampton County being approximately 28 acres, and also known as Northampton County Uniform Parcel Identifier Number G6-4-5.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $49,000.00 as consideration for the conservation easement acquisition by the Wildlands Conservancy of the Kostenbader property.

Mr. Cusick stated he believed both of these two projects were the result of active groups of township supervisors and open space advisory boards at the local level so he wanted to thank them.

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


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

Executive Session

Mr. Cusick advised the County Executive requested that County Council move into Executive Session.

Mrs. Ferraro made a motion to move into Executive Session.

Mr. McClure objected to moving into Executive Session as he did
not believe this subject was appropriate for an Executive Session.
He commented he felt this was one of the most important policy issues to effect County government and he believed any information should be received in public.

Mr. Dietrich stated both times when County Council voted to allot money to pay off the Swaption, he voted against it so he did not support going into Executive Session as he felt it was just another option of proceeding in a direction he was not comfortable with.

Mr. Gilbert agreed this was a very important matter, but the County could be put in jeopardy if there were to be an open discussion in terms of its ability to negotiate to the pricing structure that was agreed upon by County Council.

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


The motion passed by a vote of 5-3.

Mr. Cusick called the meeting back to order.

Mr. Fulmer advised at approximately 7:10 p.m., County Council entered into Executive Session and it concluded at 7:25 p.m.

Human Services Committee Report

Mr. Dietrich advised a Human Services Committee meeting was held earlier this evening and discussions were held with regard to the status of the Gracedale assessment and State funding. He further advised Mr. Fred Ramirez, Director of Veterans Affairs, was now certified as a veteran service provider.
Gracedale Advisory Board Liaison Report

Mr. Werner stated the Gracedale Advisory Board held their meeting recently and he felt it consisted of a wide range of individuals who were interested in helping Gracedale succeed. He further stated Gracedale had created a new position and hired an individual that would go out to different facilities to let them know what Gracedale had to offer.

Mr. Werner advised Mr. Millard Freeman was going to be the new Administrator at Gracedale.

Lehigh-Northampton Transportation Authority (LANTA) Liaison Report

Mr. Werner stated LANTA had a balanced budget and they were ordering ten biofuel buses. He further stated in a few weeks, they would be meeting again to discuss the budgets of the new facilities they were building.

In response to Mr. Cusick’s question as to the status of the Easton Intermodal facility, Mr. Werner advised he did not have any information at this time, but will find out and report back.

Finance Committee Report

Mr. Cusick stated at this month’s Finance Committee meeting, a discussion would be held regarding the single audit.

Prison Liaison Report

Mr. Kraft advised six inmates received their high school diplomas at a ceremony held at the Prison recently, noting he felt this was an important program the Prison offered.

Northampton County Gaming Revenue and Economic Redevelopment Authority (NCGERA) Liaison Report
Mr. Kraft stated the NCGERA received thirteen requests for the restricted funds for a total of $1,344,857, which were all approved. He further advised the next round of grants to be awarded non-restrictive funds.

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

Mr. Dietrich stated the Mental Health/Early Intervention and Development Programs Advisory Board met and discussions were held regarding the State finances and gaming revenues. He further stated they were looking for additional members so if anyone was interested to contact Mr. Ross Marcus, Director of Human Services.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Dietrich seconded the motion.

The motion passed by acclamation.

Frank E. Flisser
Clerk to Council