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 (via telephone); Barbara A. Thierry; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

Mr. Dietrich 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 March 1, 2012 meeting shall be approved.

Mr. Gilbert seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Jay Goldstein, Allentown, PA - stated he was a critic of the Lehigh Northampton Airport Authority (Authority) and had been investigating the Authority since 2005. He further stated he was in the process of giving a presentation to the Lehigh County Commissioners and was now bringing the first installment to the Northampton County Council.
Mr. Goldstein provided the following documents: “49 U.S.C. §47101: US Code-Section 47101: Policies (see Attachment #1); Lehigh-Northampton Airport Authority Statement of Operations - Queen City (2000-2010) (see Attachment #2) and Lehigh-Northampton Airport Authority Schedule of Queen City Operations (2000-2009) (see Attachment #3).

Mr. Goldstein advised the first document indicated airports should be as self-sustaining as possible under the circumstances existing at each particular airport. He further advised it indicated under the National Transportation Policy that the Queen City Airport should be making money, be self-sufficient, creating money for contingency reasons and sending money back to the Allentown, Bethlehem and Easton (ABE) Airport to promote commercial traffic.

Mr. Goldstein stated it also provided information from the case of Atlanta Journal and Constitution USA vs. The City of Atlanta Department of Aviation. He further stated this was a United States Court of Appeals, Eleventh Circuit case and the interesting thing about it was there was no reference to the United States Supreme Court or any other Circuit Courts. He noted it indicated that since the airport received Federal funding, it should be self-sufficient and self sustaining.

Mr. Goldstein advised the last page indicated the Queen City Municipal Airport received $11.263 million in Federal grants from 2001-2009.

Mr. Goldstein stated Attachment #2 indicated the Queen City Airport lost $180,231 between 2000-2009 and Attachment #3 indicated it lost $343,781 between the same time period, therefore, he wondered if there were two sets of books.

Steve Barron, Bethlehem, PA - advised he was the County Controller and wanted to talk about the contract being presented tonight for the switches for the County’s network system. He further advised the contract for ACS ran out in 2013 and a Request for Proposals was being put together for that service.

Mr. Barron stated Section 8 of their contract allowed ACS to buy computer equipment up to certain minimums and maximums. He further stated some County employees and elected officials
had mentioned to him that this kind of skirted around the Administrative Code. He noted he had no reservations about the job Mr. Al Jordan, ACS Director of Administrative Services, was doing, however, Mr. Jordan may not always be with the County, therefore, he felt someone from the County should be more involved in the process and not just at the end.

Mr. Barron advised he was going to audit the process with his staff, noting they determined it was one of the higher risk items when they did their risk assessment for this year. He further advised he was having his Solicitor review the contract and comparing it to the Administrative Code for purchasing. He noted he did not have a problem with the process as it was, but he just wanted to make sure there were additional checks and balances in place so if this process were to be continued in the future with a new entity, it did not lend itself to any questionable practices.

In answer to Mr. McClure’s question as to what a risk assessment was, Mr. Barron stated he sat down with his staff and they looked at a list of projects and then they ranked them based upon their risk to the County and the amount of money they felt they could recover for the taxpayers.

In response to Mr. McClure’s question as to what the scale was and where did this issue rank, Mr. Barron advised they were ranked on a scale of 1-5 and this was number two.

In answer to Mr. McClure’s question as to what he wanted to be done, Mr. Barron stated he just wanted County Council to know that there was a possibility that in the future he could come back and say there was a flaw in the process and he did not want the resolution to pass without them being aware of that.

Ron Angle, Upper Mount Bethel Township, PA - thanked those County Council members who voted to terminate the Swaption. He advised he noticed that they were proposing to buy a building in Forks Township for an Archives building and although he agreed this should have been done quite some time ago, he did not think this was the right facility.

Mr. Angle stated he felt the County was paying too much for the building and the renovations. He further stated it might be better to have someone from the private sector do the
renovations and then sell it to the County finished or to look at other opportunities in the area. He then suggested before County Council committed to this building, they should take a closer look at the proposal.

County Executive Report

Mr. Cusick advised that Mr. John Stoffa, County Executive, was not able to attend tonight’s meeting so he asked Mr. Thomas Harp, Director of Administration, if he had any comments.

Mr. Harp replied he did not, but he was available for any questions.

Consideration of the Amendment to Resolution #11-2012: Farmland Preservation Board Appointment and Confirmation of Appointments

Mr. Kraft introduced the following resolution:

R. 16-2012  WHEREAS, the Northampton County Council adopted resolution #11-2012 which confirmed the County Executive’s appointments to various authorities, boards and commissions.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that resolution #11-2012 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added.)

**Number 11-2012**

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

**FARMLAND PRESERVATION BOARD**

**Appointment:**
Todd Gulick
6504 Koehler Road
Bangor PA 18013

**Term to Expire:** 6/30/12 7/6/2013

**LEHIGH and NORTHAMPTON TRANSPORTATION AUTHORITY**
Mr. Kraft introduced the following resolution:

R. 17-2012 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

GRACEDALE ADVISORY BOARD

Appointments: Term to Expire: 3/15/13
Deborah Jean DeNardo
331 Diamond Street
Pen Argyl PA 18072-0222

Lorita Apple Musselman
3937 Rutland Road
Bethlehem PA 18020

Appointments: Term to Expire: 3/15/14
Ruth Ann Terres
1580 Chaucer Lane
Bethlehem PA 18017

Bonnie S. Coyle, M.D., M.S.
5984 Kesslersville Road
Nazareth PA 18064

Reverend David H. DeRemer
Mr. Kraft stated at the Personnel Committee meeting held yesterday, the members present voted to recommend the term of expiration date change and the appointments to the whole of County Council for approval.

Mrs. Ferraro advised she mentioned at the meeting yesterday that she would like to see someone from the Coalition of Alzheimer Families be appointed to the Gracedale Advisory Board.

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


The resolutions were adopted by a vote of 9-0.

Public Hearing on the Ordinance titled, “AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XV AUTHORITIES, BOARDS AND COMMISSIONS, AND PROVIDING FOR THE CREATION OF THE GRACEDALE ADVISORY BOARD”

Mr. Cusick stated this ordinance was introduced by Mr. Dietrich,
AN ORDINANCE AMENDING NORTHAMPTON COUNTY
ADMINISTRATIVE CODE ARTICLE XV AUTHORITIES,
BOARDS AND COMMISSIONS, AND PROVIDING FOR
THE CREATION OF THE GRACEDALE ADVISORY BOARD

WHEREAS, Northampton County Home Rule Charter Section 202 Powers
(7) provides that the County Council shall have the power “to
adopt, amend, and repeal the Administrative Code”;

WHEREAS, Northampton County Home Rule Charter Section 602.
Ordinances (a) Acts Required (1) provides that the County
Council shall “adopt an ordinance for any act which adopts or
amends the Administrative Code...”; and

WHEREAS, Northampton County Home Rule Charter Section 1001
Establishment (a) provides, "The County Council shall have the
power by ordinance to establish any authority, board, or
commission and to abolish any authority, board, or commission
not established by Subsection (b).”

WHEREAS, the Gracedale Advisory Board is being created in
paragraph no. 18, which is set forth below. Further, the
Gracedale Advisory Board shall be comprised of nine (9) members,
one of which shall be a member of the Northampton County
Council. In addition, in accordance with Northampton County Home
Rule Charter Section 1004. Administration (b) Rules of
Procedure., the Gracedale Advisory Board shall have the power to
establish its rules of procedure, including methods of
recruiting regular attendance at meetings. Such rules of
procedure shall not become effective unless the County Council,
by resolution, approves them.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the
Northampton County Council that Northampton County
Administrative Code, Article XV, AUTHORITIES, BOARDS AND
COMMISSIONS, shall be amended to read as indicated
hereafter(sections marked with bold underline have been added
and sections marked with strikeout have been deleted):

ARTICLE XV

AUTHORITIES, BOARDS AND COMMISSIONS
Section 15.01 Establishment
Section 15.02 Retirement Board

a. The following boards and commissions are established by the Charter:

(1) Personnel Appeals Board,

(2) Revenue Appeals Board,

(3) Election Commission; and

(4) Personnel Commission.

b. In accordance with Section 1304 of the Charter, the following authorities, boards, and commissions shall continue to exist unless specifically abolished by ordinance:

(1) Joint Planning Commission of Lehigh and Northampton Counties;

(2) Lehigh and Northampton Airport Authority;

(3) Lehigh and Northampton Transportation Authority;

(4) Northampton County Children’s Bureau Advisory Committee (designated as the Advisory Board to the Division of Children, and Youth and Families);

(5) Northampton County Conservation District;

(6) Northampton County Coordinating Committee of the Lehigh Valley Transportation Study;
(7) Northampton County Drug and Alcohol Commission

**Advisory Board;**

(8) Northampton County Hospital Authority;

(9) Northampton County Housing Authority;

(10) Northampton County Industrial Development Authority;

(11) **Northampton County** Mental Health, Early Intervention and Developmental Programs **Advisory Board;**

(12) Northampton County Overall Economic Development Committee;

(13) Northampton County Park Board;

(14) Northampton County Re-development Authority;

(15) Northampton County Solid Waste Authority;

(16) Northampton County Prison Advisory Board; and

(17) Northampton County Area Agency on Aging Advisory Board; and

(18) **Northampton County Nursing Home (Gracedale) Advisory Board.**

All other authorities, boards and commissions are hereby abolished except as otherwise provided by ordinance or this Code.
Section 15.02 Retirement Board

a. Establishment. There is hereby established the Northampton County Retirement Board.

b. Function. The Northampton County Retirement Board shall administer the retirement system of the County in accordance with applicable law.

c. Membership. The Retirement Board shall be comprised of seven (7) members. The members shall be the County Executive, one (1) member selected by the County Executive, three (3) members of County Council (one of whom shall be President of Council) and two (2) participating members in the retirement system one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County Employee’s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

Public Hearing

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

There were no respondents.
Mr. Cusick asked if any member of County Council had any questions or comments.

There were no respondents.

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


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

Consideration of the 2012 Contingency Transfer: Easter Egg Hunt

Mr. Cusick advised at the March 1, 2012 County Council meeting, County Council agreed to allocate $700.00 toward the County’s Easter Egg Hunt and this resolution approved the allocation of the funding.

Mr. Cusick introduced the following resolution:

R. 18-2012   RESOLVED, By the Northampton County Council that the sum of $700.00 shall be transferred from the 2012 Contingency account No. 05000-76050 for the 2012 Northampton County Easter Egg Hunt.

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


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

Introduction of the Ordinance Providing for Acquisition of an Archives Building

Mr. Cusick stated an ordinance was prepared which provided
for the purchase of an Archives building and was reviewed at the Finance Committee meeting held yesterday. He further stated the public hearing, debate and possible vote will be conducted at the April 4, 2012 County Council Meeting.

Messrs. Gilbert and Werner introduced the following ordinance:

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 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
Consideration of Administrative Code Article XIII Contract Approval Resolutions: Community Education Centers and ACS

Community Education Centers

Mr. Cusick stated Mr. Robert Myers, Director of Corrections, appeared before the Finance Committee yesterday to discuss this contract.

Mr. Cusick introduced the following resolution:

R. 19-2012   WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(l) 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”; and

WHEREAS, on March 2, 2012, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract totaling $750,000 with Community Education Centers for a one year extension of their contract.

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 Community Education Centers for a one year extension of their contract.

Mr. Meyers advised they turned part of the Prison into a Therapeutic Community, which was run by the Community Education Centers, and the goal was to stop recidivism. He further advised they were trying not to look at these individuals as
inmates returning to the community, but as citizens so they wanted to prepare them so they could stay in their communities. He noted they participated in the program while in Prison and there was a strong after care program for them to participate in when they were released. He further noted 300 individuals had gone through the program with more than a 90% completion success rate.

Mr. Meyers stated the recidivism rate at the main jail was approximately 69% and the Therapeutic Community had a rate of approximately 30% so they were making an impact on that goal. He further stated there was a big focus on re-entry in the prison system and the programs the Community Education Centers helped with that aspect by placing an individual in the community and supporting that individual.

Mr. Meyers advised they had a male program and were now hoping, with County Council’s approval, to establish a female program, as well as one at the facility in West Easton. He further advised he felt this was a very important project for the community in general and for Northampton County as a whole.

Mr. Cusick stated this was a one year extension for $750,000 and was included in the County’s budget for this year.

Mr. Meyers advised a lot of the $750,000 was part of the 2012 budget for the Prison. He further advised the Community Education Centers contract expired on July 1, 2012 and a one year extension would take it to July 1, 2013 so it would be built into their 2013 budget.

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


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

ACS

Mr. Cusick introduced the following resolution:

R. 20-2012 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”; and

WHEREAS, on March 7, 2012, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract totaling $780,887.34 with ACS for computer equipment for a portion of the County’s network structure revitalization.

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 for computer equipment for a portion of the County’s network structure revitalization.

Mr. Cusick stated this contract was discussed at yesterday’s Finance Committee meeting and the members present voted to recommend it to the whole of County Council for approval.

Mr. Jordan advised this project was to replace the existing switches within the County’s network, which were the devices that moved the data from one device to another. He further advised the existing switches were approximately eight years old or older and had reached the end of life as far as possibility for expansion and implementing new things.

In response to Mr. Cusick’s comment that this was approved as part of the 2012 Capital Projects and the bids came in under budget, Mr. Jordan stated that was correct. He further stated this was the first purchase of probably four, but even at the end of the four purchases, it would be under budget, noting the budget was $1.1 million.

In answer to Mr. Cusick’s question as to what his plans
were for the balance of the money, Mr. Jordan advised the switch was the hardware portion of the project and they were going to add some different types of fiber to connect the different buildings to handle such things as video and cameras in the parking lots and possibly the parks. He further advised they were also going to have to add additional cabling for the new treatment center and Archives building.

Mr. McClure stated the documents showed that ACS obtained pricing from three vendors so he wanted to know why this could not be done through the County’s procurement process.

Mr. Jordan advised it was going through that process and the process called for the purchaser to obtain three quotes. He further advised the concern Mr. Barron expressed, he expressed four years ago. He noted his contention was the greater service they provided was the purchasing of the equipment because that was where the County got its biggest return on its money. He further noted he felt the Procurement Office should get the competing quotes, not him because he did not want the County to rely on him.

Ms. Jill Mancini, Assistant County Solicitor, stated the process for obtaining hardware, software and maintenance was set forth in the contract and it provided for Mr. Jordan to go out and get the quotes. She further stated the reason for that was that he was most adept in preparing the documents asking for the various services or hardware goods and whom to send them to.

Ms. Mancini advised they got the best prices because they could get the prices that Xerox received and the County could never get. She further advised even though the vendor provided a great discount, it was worth it for them to work with ACS because overall the profit was much higher.

In response to Mr. McClure’s question as to why the Procurement Office was not involved in the process, Ms. Mancini stated it could be done that way, but it would be much less efficient and the price and quality would not be anywhere near what could be obtained through ACS.

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

The resolution was adopted by a vote of 8-1.

Consideration of the Resolution Providing for Selection of the Swap/Bond Counsel

Mr. Cusick advised the County Executive requested County Council approve hiring the firm Cozen O’Connor to serve as Swap Counsel and Bond Counsel for the County. He further advised this matter was reviewed at the Finance Committee meeting.

In answer to Mr. Cusick’s question as to whether there were any local firms that had the ability to provide this service, Ms. Mancini stated there was not due to the complexity of this type of transaction. She further stated there were significant tax implications in swap transactions, they were highly technical refinancing considerations and this firm had extensive experience in the execution, termination and restructuring of swap transactions.

In response to Mr. Cusick’s question as to whether there was a cap on what the County was going to pay, Ms. Mancini advised the cost for the swap was approximately $20,000 and that was based on their previous experience, however, there was no guarantee it would not change because there could be unforeseen circumstances. She further advised the cost of $30,000 to $35,000 for Bond Counsel was determined on an hourly rate and was a lot less than previously spent.

Mr. Gilbert stated this firm had done a lot of work in the Lehigh Valley so he felt comfortable with the selection.

Mr. McClure advised he believed there were local firms that could handle this issue and it seemed to him that consideration should really be given to one of them. He further advised it seemed like this whole process was moving along fairly quickly and was being left in the hands of the County Executive.

Mr. Werner stated he sat in on a number of meetings to
discuss this matter and other firms in the area were contacted, but no one wanted to handle it. He further stated as they learned more about swaps, they found people were running from them. He noted numerous individuals had informed them that the termination should be done by those that had a lot of experience in dealing with them so a lot of time was not spent on litigation.

In answer to Mr. McClure’s question as to what local firms were asked to participate and said they could not do it, Mr. Werner advised he did not know the names of them.

In response to Mr. McClure’s question as to who were the other firms that were considered from outside the area, Ms. Mancini stated they did look at local firms and there was a situation where a local firm had given the work to Cozen O’Connor because of very complicated tax issues involved. She further stated she could provide Mr. McClure with the names of the firms that were considered, but she could not recall who they were at this time.

Ms. Mancini advised Mr. McClure had indicated he was not comfortable with how the process was progressing and she appreciated his concern, but under the current circumstances in the economy there was an urgency due to the temporary escalation of the London Interbank Offered Rates (LIBOR) rates, noting the higher the LIBOR rate, the smaller the termination fee would be. She further advised the County had to be prepared to move forward very quickly and with everything in order.

Mr. McClure stated he did not want to belabor the issue, but no one could say that the LIBOR rates increase was temporary in nature because they could continue to go up and that would strengthen the breakage.

Ms. Mancini advised it had been predicted that interest rates would remain deflated until well into 2014.

Mr. McClure stated the market where people went to borrow and lend money had a significant role in where interest went so he did not know if the situation could be called temporary. He then asked when the counter party was going to be notified of the County’s decision to terminate the Swaption.
Ms. Mancini advised it had to be done before July 1, 2012, however, five days notice had to be given and once that notice was given, the County had to do it in five days.

Mr. McClure stated his only point was the County could be a little more reflective in the lawyers and agents that were being hired in order to do this process.

Ms. Mancini advised she believed they had already been reflective and done their due diligence. She further advised she did not think they could come up with someone who would be more capable of handling all the different facets of this transaction than this firm.

Mr. Gilbert stated the County had been so reflective that a year ago, a trigger amount was discussed to get out of this transaction, but because of the County’s inability to move forward, it was now looking at spending $11 million more. He further stated now was not the time to usurp the process and reflect a little more while the debt grew, but to take action.

Messrs. Werner and Gilbert introduced the following resolution:

R. 21-2012 WHEREAS, Northampton County Administrative Code Section 11.03 Outside Legal Counsel, provides in Section 11.03 a., “The Solicitor, with the approval of the County Executive and County Council, may retain outside legal counsel where necessary.” and in Section 11.03 b., “For the purposes of this section, outside legal counsel shall mean the use of any legal counsel, attorney, or firm of attorneys, other than the County Solicitor and Assistant County Solicitors, which may be used to defend and/or represent the County of Northampton, a County employee, or a County elected official in litigation; and/or assist the Solicitor’s Office with matters involving the County of Northampton.”; and

WHEREAS, Northampton County Administrative Code Section 16.04 Outside Legal Counsel, provides in Section 16.04 a., “The requirements set forth in Administrative Code Section 11.03, Outside Legal Counsel, shall apply to all departments, services, bureaus, offices, divisions, or other administrative unit under the direction and supervision of the County Executive.” and in
Section 16.04 b., “For the purposes of Section 11.03, the term approval of County Council shall mean either the adoption of a separate and specific resolution, or ordinance, regarding any retention of outside legal counsel.”; and

WHEREAS, the County Executive has requested authorization to hire the firm of Cozen O’Connor (Jonathan Lichtenstein and Suzanne Mayes) as Swaption Counsel with respect to the analysis and termination of the County’s 2004 Swaption and as Bond Counsel for the potential refunding issue for the County’s 2001 Bond Issue.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council concurs with the recommendation of the County Executive to hire the firm of Cozen O’Connor to serve as Swaption Counsel and Bond Counsel, as outlined in the attached documentation, a copy is labeled as Exhibit “A”.

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


The resolution was adopted by a vote of 8-1.

Photo Identification Bill

With regard to the photo identification bill that Governor Tom Corbett signed into law, Mr. McClure wondered how the residents of Gracedale were going to be able to vote if they no longer had a photo identification, but then indicated the law did permit individuals to vote with a photo identification issued by a Pennsylvania care facility, including long term care facilities, assisted living facilities and personal care homes.

Mr. Ross Marcus, Director of Human Services, advised he would have to check into the law and get back to him, however, since the majority of the residents were on Medicaid, they would have the Pennsylvania identification card that was required if an individual did not drive and received public benefits.
Mr. McClure stated he did not know if that would be allowable under the Statute. He further stated maybe a process could be instituted whereby the Sheriff could go out and take photographs of the residents for the purpose of a Gracedale identification card for those who wanted one.

Mr. Marcus advised there was already equipment at Gracedale that was used for employees.

In answer to Mr. Cusick’s question as to whether there would be a training session for the Election workers, Mr. Kraft stated they always had a training session for the poll workers, but they would now have to be trained on what type of identification would be acceptable.

Mr. McClure advised from information received from the Department of State, residents could go to a license center and get one free photo identification card so the County should make every attempt to let its residents know that.

Weights and Measures Division

Mr. Werner advised he traveled with representatives of the Weights and Measures Division. He further advised there were 7,441 scales and checks that had to be monitored by three individuals so they deserved accolades for the work they did while being one of the self-sustaining programs in the County.

Human Services Committee Report

Mr. Dietrich stated a Human Services Committee meeting was held earlier this evening and the major topic was the Gracedale Nursing Home Operational Assessment.

Mr. Dietrich advised there was an incentive underway by the County Commissioners Association of Pennsylvania to meet with some of the State representatives regarding how some of the human services programs were being funded. He further advised Mr. Marcus was trying to set up meetings, between April 9, 2012 and April 13, 2012, for some members of County Council to meet with some of the State representatives to discuss how the funding that was in place was impacting the County. He noted he would appreciate anyone who would be able to attend a meeting to
In answer to Mr. McClure’s question as to whether the State mandated services were paid for by the State, Mr. Dietrich stated not all of them, noting there were unfunded mandates in all areas of the Human Services Department.

In response to Mr. McClure’s question as to whether they anticipated providing more funding than they historically did, Mr. Dietrich advised there were several areas that the County was hoping the State would find new revenue for, but it looked like the only funding issues the State was looking at was how to cut anything that was currently funded rather than trying to reestablish funds they already cut.

In answer to Mr. McClure’s question as to whether the County budgeted for things in the 2012 budget counting on intergovernmental transfers that may not occur, Mr. Dietrich stated just to meet the needs of the residents at Gracedale, a lot of the funding information for the 2012 budget was based on last year’s information. He further stated in going forward in 2012, it was determined a lot of the reimbursement rates had declined and some of the qualifications were changed in such a way that people would not be able to qualify for certain programs. He noted the County already established some funding from the County level, however, to maintain those State mandated services, there would probably be a budget amendment midyear.

Mr. Dietrich advised at the meeting, it was stated that the Medical Assistance Transportation Program was going to be able to continue until the end of May, which would allow the County some time to lobby for the funds to continue this and other programs in the future.

Mr. Cusick stated one of the troubling things they heard at this meeting was the situation at the Allentown State Hospital and what that could potentially cost the County.

Mr. Dietrich advised at the end of 2010, the County had a number of residents at the Allentown State Hospital and it was decided instead of institutionalizing these residents, it was best to get them in a group home. He further advised some of the residents were moved out, however, there were six Northampton County residents still living there.
Mr. Dietrich stated the County was originally told they had to get these residents out by the end of 2011, however, after talking with some State representatives, the deadline was extended for six months. He further stated they recently learned that although they had the extension for six months, beginning in April, the State was asking the County to pay the utilities for the facility, which amounted to approximately $63,000 for one month.

Mr. Dietrich advised this was just another example of where a service was to be funded by the State was now being turned over to the County.

In response to Mrs. Ferraro’s question as to whether the County was making arrangements to inform each of the State legislatures personally of this atrocity, Mr. Dietrich stated the goal originally was to have the residents out of that facility. He further stated there was a location found in Bethlehem Township, but there was an appeal of the zoning. He noted by the end of 2011, there was strong opposition by one or two residents in the area so it was decided it might be in the best interest of everyone to find another location.

In answer to Mrs. Ferraro’s comment that she was talking specifically about the $63,000 bill, Mr. Dietrich advised that was not anticipated.

Finance Committee Report

Mr. Cusick stated a Finance Committee meeting was held yesterday and all the items that were reviewed were discussed at this meeting.

Open Space Advisory Board Liaison Meeting

Mr. Cusick advised he and Mr. Parsons attended a meeting of the Open Space Advisory Board where they gave a nice presentation. He further advised they asked if they could give the same presentation to County Council and he indicated they could probably do something later in the year.
Lehigh Valley Planning Commission (LVPC) Liaison Report

Mr. Cusick stated he had been asked about the funding mechanism regarding the Neighborhood Improvement Zone in Allentown so he asked Mr. Mike Kaiser, Executive Director of LVPC, as to whether or not they had addressed that issue and he indicated they had not been aware of the funding mechanism during the process. He further stated he knew this was going to be an issue of discussions especially among the County’s school districts and municipalities.

County Council Clerk Report

Mr. Flisser advised the next meeting of County Council was Wednesday, April 4, 2012, and not Thursday, April 5, 2012 due to the Easter holiday.

Solicitor’s Report

Mr. Lauer stated he was asked to determine if it was permissible for Mr. Parsons to participate in the meeting via telephone and it was.

Mr. Lauer advised he looked at the contract for the purchase of the Archives Building and there were some minor questions which he was discussing with the Solicitor’s Office.

Adjournment

Mrs. Ferraro made a motion to adjourn.

Mr. Kraft seconded the motion.

The motion passed by acclamation.