Easton, Pennsylvania

August 1, 2013

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

Be It Moved by the Northampton County Council that the minutes of the July 18, 2013 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Stephanie Freeby - Chaplain at Lehigh Valley Health Network - 531 North Circle, Bethlehem, PA 18018 - stated her concerns for the outbreak, treatment and spread of MRSA in the Northampton County Prison and also to the employees and public. Ms. Freeby introduced a product called On-Guard, which has not been approved by the FDA but is made of natural oils which are approved by the FDA. Ms. Freeby stated this product could be
used to help prevent the outbreak and spread of MRSA (see Exhibit #1).

Kathy Gohr, Chaplain at Lehigh Valley Health Network - 3103 Roxford Road, Allentown, PA 18103 - in reference to Stephanie Freeby’s comments regarding On-Guard and Mr. Werner’s question regarding allergic reactions to On-Guard, Ms. Gohr stated that she did not know of any allergic reactions to this product.

County Executive’s Report

Mr. Stoffa stated he did not mean to alarm Council members with his recent email regarding the expenditures at Gracedale. Mr. Stoffa stated revenue is still owed to Gracedale which may alter the outcome.

Mr. Stoffa advised that the engineering report regarding the County morgue has been received and he would like to present it at the next County Council meeting.

Mr. Stoffa stated that a while back the County had applied for a State Gaming Grant for stray, wild animals, particularly dogs and he is ready to share the report with County Council and the municipalities. Mr. Stoffa stated that since 2005 or 2006, animal shelters have adopted a No Kill Policy and that the shelters are full.

Mr. Stoffa advised that the Citizens Academy, which is under the direction of Tom Harp, Director of Administration, has set their second session for September 4, 2013. Mr. Stoffa stated registration is open and it is also listed on the Northampton County website.

Mr. Stoffa stated that he and Mr. Cusick will be attending the CCAP Annual Conference. Mr. Stoffa stated he and Mr. Cusick will be presenting a workshop on the Citizens Academy for attendees across the state. Mr. Stoffa stated this was recommended by CCAP.
Gracedale Report

At this time Mr. Cusick asked Mr. Millard Freeman, Gracedale Nursing Home Administrator, to discuss the second quarter budget at Gracedale. Mr. Cusick stated that it came as a surprise to hear about the second quarter budget numbers. Mr. Cusick stated at the Human Services Committee meeting, Council was presented with a spread sheet and he asked Mr. Freeman what happened to the second quarter budget since then. In answer to Mr. Cusick’s question, Mr. Freeman stated it is too early to predict if they are over budget for 2013. Mr. Freeman believes they are either on or under budget at this time. Mr. Freeman stated that they have spent 51% of their expenses in the first six months so they are 1% over on the expense side. Mr. Freeman stated that the spread sheet represented annualized figures of what they will save when they are fully implemented. Mr. Freeman stated the full benefit of the vision and dental savings will be seen in the second half of the year. Mr. Freeman stated the pharmacy contract takes effect July 1, 2013 and they will see a $500,000 per year savings. Mr. Freeman advised that over the next six months they should be on target with their expenses for the year and should be finishing the year within budget.

Mr. Freeman stated if you take the 2012 earned but not received revenue, they wanted to carry 1.2 million which would allow them to carry over $500,000 so it left a $700,000 balance that will come in during 2013. Mr. Freeman stated they have collected $225,000 of the $700,000. Mr. Freeman stated there is $475,000 that is not reflected in the statement but is expected to come in.

Mr. Freeman advised that the Medicaid rate increase takes effect July 1, 2013 which is another $53,000 which will come in, in the second half of the year.

Mr. Cusick stated he heard that Gracedale’s budget request for 2014 is 5.9 million. Mr. Freeman stated that is correct. Mr. Freeman stated the raises and Union contracts equal 1.9 million and that there have been significant changes in the fringe benefits that totals 2.4 million. Mr. Freeman stated there is also a $700,000 repayment for the Bond for the generators.
Mr. McClure advised that Gracedale is coming out of the hole and that the census is building back up. In response to Mr. McClure’s statement regarding workers compensation expense decreasing from $2 million to $.5 million, Mr. Freeman stated that in 2011 workers compensation was 2 million and in 2012 it went to under 1 million and in 2013 it should be $500,000 which is 1.5 million in savings.

Mr. McClure stated that because of the ambulance transport lawsuit and the change to the Administrative Code, that it was his understanding that Nazareth Ambulance had agreed to charge us less and to add a Certified Nurse’s Assistant to the transports. Mr. Freeman stated that took effect July 1, 2013 and this would be approximately $30,000 per month savings.

Mr. Freeman stated having a Nazareth Ambulance Certified Nurse’s Assistant on the transports would save on overtime. Mr. Freeman stated there are approximately 14 transports per day, each transport took approximately two hours per trip and were considered overtime.

In response to Mr. McClure’s statement regarding the sale of the Gracedale beds or bed licenses, Mr. Freeman advised that $925,000 was budgeted. Mr. Freeman stated it is not in the 2014 budget because it took over eighteen months for the Department of Public Welfare to approve it in Erie County.

Mr. Freeman stated that the increased census continues to go up and there are 650 operational beds of which 647 are either occupied or promised to be occupied. Mr. Freeman stated the sixteenth and final unit is about to be opened.

In response to Mr. McClure’s question regarding the amount of beds Gracedale will have once the beds are sold, Mr. Freeman responded the new cap will be 688 beds.

Mr. Werner thanked Mr. Freeman for steering Gracedale in the right direction and doing a great job.
Consideration of the County Executive’s Veto of Bill 644 of 2013, the Ordinance titled, “AN ORDINANCE AMENDING THE NORHAMPTON COUNTY ADMINISTRATIVE CODE, ARTICLE XIII PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, SECTION 13.07 METHODS OF SOURCE SELECTION”

Mr. Cusick advised at the request of Lamont McClure a resolution was prepared which provides for the override of the County Executive’s veto of the ordinance titled “AN ORDINANCE AMENDING THE NORHAMPTON COUNTY ADMINISTRATIVE CODE, ARTICLE XIII PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, SECTION 13.07 METHODS OF SOURCE SELECTION”.

Mr. Cusick stated that a vote in favor of the resolution is a vote in favor of overriding the County Executive’s veto.

Mr. McClure introduced the following resolution:

R. 55-2013 WHEREAS, the Northampton County Council duly adopted the ordinance titled, “AN ORDINANCE AMENDING THE NORHAMPTON COUNTY ADMINISTRATIVE CODE, ARTICLE XIII PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, SECTION 13.07 METHODS OF SOURCE SELECTION,” at the meeting held July 18, 2013; and

WHEREAS, the duly adopted ordinance was presented to the County Executive on July 19, 2013; and

WHEREAS, on July 25, 2013, the County Executive vetoed the ordinance (a copy of the veto message is attached) and returned it to County Council on July 25, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the County Executive’s veto of the ordinance titled, “AN ORDINANCE AMENDING THE NORHAMPTON COUNTY ADMINISTRATIVE CODE, ARTICLE XIII PROCUREMENT AND DISPOSITION OF COUNTY PROPERTY, SECTION 13.07 METHODS OF SOURCE SELECTION,” shall be overridden this 1st day of August 2013.

Discussion

Mr. Parsons stated at the July 18, 2013 Council meeting he voted against this ordinance. He stated his reasons for voting “no” were not that he was against the ordinance but he believed
the ordinance was not strong enough and would not get us to where we needed to be. He stated that he will support this resolution to override the County Executive’s veto of the ordinance because it will be a move in the right direction.

Mr. Werner stated at the July 18, 2013 Council meeting he voted against this ordinance also. Mr. Werner stated he will also support this resolution to override the County Executive’s veto of the ordinance.

Mr. Cusick stated that he will also support this resolution to override the County Executive’s veto of the ordinance.

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


The resolution passed by a vote of 8-0.

Swaption

Mr. Cusick stated he gave an article to the Solicitor’s Office regarding the Swaption. The newspaper article stated that the City of Philadelphia has begun the litigation process related to liable rates and Swaptions. Mr. Cusick stated he has asked the Solicitor’s Office to look into whether or not Northampton County has any standing.

Braden Airport

In answer to Mr. Cusick’s question regarding if there were any updates on Braden Airport, Mr. Pulmer stated Mr. Lauer has started looking into it but there is no file in Court as of yet.

Mr. Stephen Barron, Controller, stated due to the fact that there is a State Police helicopter fueling station at the Braden Airport he has contacted the Auditor General. Mr. Barron stated this may affect State assets.
Consideration of the 2013 Community Development Block, Grant:

a. Resolution Authorizing the Submission of the FY 2013 CDBG Annual Action Plan

Mrs. Ferraro introduced the following resolution:

R. 56-2013 A RESOLUTION APPROVING THE FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE COUNTY OF NORTHAMPTON

WHEREAS, the County of Northampton has prepared an Annual Action Plan for the County covering the period October 1, 2013 to September 30, 2014; and

WHEREAS, the purpose of the Annual Action Plan is to identify housing and community development needs and to develop specific goals and objectives to address those needs over a one-year period, and is a requirement of the U.S. Department of Housing and Urban Development which the County must meet in order to receive Federal housing and community development funds; and

WHEREAS, the County of Northampton has prepared an Annual Action Plan for Fiscal Year 2013 (FY 2013 AAP), which includes the funding application for the Community Development Block Grant (CDBG) Program, said application having been duly reviewed and considered, together with supporting documentation which took into account blight in the community, needs of low and moderate income families, environmental factors, fiscal considerations and the maintenance of local effort in community development activities; and

WHEREAS, the activities that comprise the FY 2013 AAP will be funded through the County's FY 2013 allocation of CDBG funds as well as by substantially amending past Annual Action Plans to utilize uncommitted funds to support activities in the FY 2013 AAP.

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

1. That the FY 2013 AAP Community Development Block Grant funds and the substantial amendment are hereby in all
respects approved. The County Executive is hereby directed to file a copy of said application with the minutes of this meeting.

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with Federal financial assistance.

3. That the County Executive of the County of Northampton is authorized to execute and file the application for financial assistance for such amounts as the U.S. Department of Housing and Urban Development is willing to make available to carry out the CDBG Program.

4. That the County Executive of the County of Northampton is hereby authorized to provide such assurances and/or certifications as required by the U.S. Department of Housing and Urban Development, and also any additional or revised data which may be requested during the review of said applications.

Mr. Cusick asked if there was any discussion regarding this resolution.

Mrs. Ferraro stated the Economic Development Committee reviewed the enclosed resolution at the Economic Development Committee meeting which was held prior to this meeting.

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

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

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

b. Resolution Adopting a Revised Citizen Participation Plan

Mrs. Ferraro introduced the following resolution:
R.57-2013  A RESOLUTION AUTHORIZING THE ADOPTION OF A REVISED CITIZEN PARTICIPATION PLAN FOR USE IN THE COUNTY’S COMMUNITY DEVELOPMENT PROGRAMS

WHEREAS, the County of Northampton receives through the U.S. Department of Housing & Urban Development (HUD), either directly or through the Commonwealth of Pennsylvania, which includes but is not limited to the Community Development Block Grant (CDBG) Program, the Emergency Solutions Grant (ESG) Program and the HOME Investment Partnership Program; and

WHEREAS, it is a requirement of HUD that recipients of these funding programs solicit and incorporate Citizen Participation through the solicitation of public input into the planning and implementation of program plans, including the development of the County’s Five Year Consolidated Plans, Annual Action Plans, program amendments, relocation activities and annual reports; and

WHEREAS, official authorization of the Plan must occur.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that this revised Citizen Participation Plan is hereby adopted as the Citizen Participation Plan for the County of Northampton.

Mr. Cusick asked if there was any discussion regarding this resolution.

Mrs. Ferraro advised the Economic Development Committee reviewed the enclosed resolution at the Economic Development Committee meeting which was held prior to this meeting.

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

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

The resolution was adopted by a vote of 8-0.
Consideration of the Borough of Roseto West Side Dam Storm Sewer Project Resolution

Mr. Cusick stated the Economic Development Committee reviewed the enclosed resolution at the Economic Development Committee meeting which was held prior to this meeting.

Mrs. Ferraro introduced the following resolution:

R. 58-2013 RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE COMMONWEALTH FINANCING AUTHORITY (CFA), DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, COMMONWEALTH OF PENNSYLVANIA ON BEHALF OF THE BOROUGH OF ROSETO FOR THE WEST SIDE DAM STORM SEWER PROJECT

WHEREAS, the Act 13 of 2012 (Marcellus Shale Impact Fee Law) establishes the Marcellus Legacy Fund and allocates funds to the Commonwealth Financing Authority (CFA) for the purpose of funding statewide initiatives to assist with flood mitigation projects; and

WHEREAS, the Northampton County Department of Community and Economic Development desires to submit an application, on behalf of the Borough of Roseto, to the CFA for a Flood Mitigation Project; and

WHEREAS, this Flood Mitigation Project in the amount not to exceed $400,000 shall consist of removal and replacement of the existing storm sewer which receives discharge from the West Side Dam Storm Water Detention Facility.

THEREFORE BE IT RESOLVED by the Northampton County Council that:

1. The Executive Director of the Northampton County Department of Community and Economic Development, on behalf of the Borough of Roseto, is authorized and directed to execute a Flood Mitigation Program application in the amount not to exceed $400,000 to the CFA.
2. The proposed project is to be funded eighty-five percent (85%) by a grant from the Flood Mitigation Program through the CFA is hereby eligible and approved.

3. The fifteen percent (15%) remaining funds is to be funded through a grant awarded through the Northampton County Community Development Block Grant Program is hereby eligible and approved.

4. The project includes the removal and replacement of the existing storm sewer which receives discharge from the West Side Dam storm water detention facility. The removal and replacement of such shall include the removal and replacement of approximately 285 lineal feet of existing pipe arch, headwall and inlet, pavement restoration, curb and sidewalk replacement and removal and replacement of existing fence and landscaping.

BE IT FURTHER RESOLVED that the Northampton County Department of Community and Economic Development shall disperse all grant funds received by the CFA under the Flood Mitigation Program grant to the Borough of Roseto pursuant to the terms of the sub-grant Agreement.

Mr. Cusick asked if there was any discussion regarding this resolution.

In answer to Mr. Werner’s question if there were any other municipalities involved, Ms. Karen Collis, Economic Development Analyst stated right now it is just the Borough of Roseto. Ms. Collis stated the deadline for this application cycle was July 31, 2013. Ms. Collis stated there are other municipalities which have been identified by Emergency Management that we will be working with for the next round.

In answer to Mr. Cusick’s question as to whether the municipalities have to be identified by Emergency Management, Ms. Collis stated they can apply on their own. Ms. Collis stated the County does not have to apply on their behalf. Ms. Collis advised Emergency Management had to submit a Hazardous Mitigation Plan and that is how these municipalities were identified.
In answer to Mr. Cusick’s question regarding what happens if there is an area identified on the Hazardous Mitigation Plan, Ms. Collis advised they will be contacted and asked if they want to apply for grants.

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


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

Conservation District Liaison Report

Mrs. Ferraro wanted to remind everyone to make their reservation for the tour and clambake.

Gracedale Liaison Report

Mr. Werner stated that everything is going in the right direction.

Solicitor’s Report

Mr. Fulmer advised that Mr. Lauer stated the ambulance hearing will most likely be rescheduled to September.

Adjournment

Mrs. Thierry made a motion to adjourn.

Mr. McClure seconded the motion.

The motion to adjourn passed unanimously by acclamation.
County Council Minutes

-13-  

August 1, 2013

Frank E. Flisser
Clerk to Council

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