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; 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

Mrs. Thierry 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 February 7, 2013 meeting shall be approved.

Mrs. Thierry seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Jim Gregory, 1502 High Street, Bethlehem, PA - stated he worked in the County’s Mental Health Division at the Bechtel Building and was a Shop Steward for the Service Employees International Union. He further stated up until recently, he was not an advocate of the proposed Human Services Building, however, yesterday he, along with some of the other stewards, met with County Executive John Stoffa to discuss some of their concerns and because they wanted to see a commitment that went beyond building issues.
Mr. Gregory advised the people they served were not that concerned with where they met, but when staff was cut or not replaced, no one was being served well and from the meeting, they got the impression that was not the County’s intention. He further advised they were present to support the building because the union was supporting it and he personally was supporting it.

Mr. Stephen J. Barron, Jr., 2239 Lincoln Street, Bethlehem, PA (County Controller) – stated he believed the County would be paying a premium for the lease and that it could be done cheaper. He further stated it had been mentioned that his commitment to Veterans and the people serviced by this building was lacking. He noted those comments hurt him, but the sad thing was this Administration was using the people who would be served by this building as pawns to sell a lease that the taxpayers would be paying a premium for and that was deplorable.

Mr. Barron advised he was right about Gracedale not having to be sold to avoid a tax increase, he was right about the budget and history would prove him right that the County could do this cheaper.

Ms. Ann Terres, 1580 Chaucer Lane, Hanover Township, PA – stated that she served on the Aging Advisory Council and the Southeast Regional Advisory Council and previously on the Pennsylvania Council on Aging. She further stated she had worked for the Department of Public Welfare and as a care manager for a non-profit in Northampton County. She noted the aging population not only utilized the services of the Aging Division, but Mental Health, Veterans and even Children and Youth so she had to deal with people at the Wolf and Bechtel Buildings. She further noted to consolidate these offices would not only help the people that they served, but the contractors and it would make it much more efficient for the employees.

Ms. Kristin Kayal and Ms. Paula Kenderski, 45 North 2nd Street, Easton, PA – Ms. Kenderski advised they worked for the County’s Children, Youth and Families Division (CY&F) and were based in the Wolf Building. They then gave a power point presentation regarding the conditions at the Wolf Building (see Attachment #1).
Ms. Kenderski stated they had concerns for both the employees and the clients they serviced because there were many health and safety issues in the building. She further stated they have been experiencing particles falling onto their desks, asbestos, lead and even bats. She noted a lot of employees had headaches, asthma symptoms, itching and burning eyes and sneezing that they did not experience when they were away from work.

Ms. Kayal stated when they did their child abuse investigations, they currently used a room where the children became distracted due to the overhead paging system, holes in the walls, wires across the floor and internet outlets and phone jacks that were accessible to the children.

Ms. Kayal showed pictures of the room they used as a “perp” room and a room they used to meet with parents that were there to discuss family services. Ms. Kayal advised often there was not enough room to accommodate all the individuals that had to be present during these meetings and there was one small room for the entire division to do all of their meetings.

Ms. Kayal stated they were not equipped to video tape any child interviews, which is becoming more important so they did not have to be interviewed time and time again, and the rooms were not very child friendly. She further stated there was extreme limited parking so sometimes the clients had to pay to park on the street that sometimes led to a parking ticket because a meeting ran overtime. She noted it was also very difficult for people to get into the building due to blocked entrances.

Ms. Kayal advised in the larger visiting room, there was a blanket concealing a secretarial area that was able to hear everything that went on during the visit because it was not built to be a visiting room. She further advised there was lead paint on the windowsills that was chipped, underneath that was a heating vent that also had major dents in it and there was mold going across the walls. She then showed pictures of the mold on the ceilings of the visiting room, the vents that were falling down and the holes that were between where the vents met the lights, some of which were not working.
Ms. Kayal stated these were the rooms that children came to visit their parents after being in foster care, noting she worked there and she did not want to be in those rooms.

Ms. Kayal advised the staff of CY&F felt a new building would allow for the video taping of interviews, have meeting rooms that incorporated client’s right to privacy because right now their “perp” room was in the middle of their lobby so people walking by could peek through the window and see who was being interviewed and to get to their infant room, they had to go through the mail room.

Ms. Kayal stated they constantly received complaints from the parents and attorneys regarding their visiting rooms and the rooms they used for interviews so a new building would provide a higher rate of satisfaction. She further stated a new building would create a child friendly environment, accessible parking, easy access to the building, all the Human Services divisions would be together which would provide easy access to all clients and increase the morale of the employees.

Ms. Kayal advised this building would also allow the employees easy access to major highways and roads so they could get to places quickly, as well as being accessible for the clients who had minimal resources for transportation.

Ms. Kenderski stated they did spend a lot of time in the field, however, when children were removed from a home, they had to have regular visitations which took place at the offices. She further stated last year they had 1,792 visits, which averaged 149 visits a month so there were children in the building all the time and that did not include the investigations and interviews that had to be done on a monthly basis.

Ms. Kenderski provided a petition that was signed by the employees at the Wolf Building in support of the new building (see Attachment #2).

Mrs. Ferraro advised she would like to thank them for the time and effort they put into this presentation and hoped they would be able to have some input in the design of the new building.

Mr. Fred Ramirez, Director of Veterans Affairs – stated he was in favor of the proposed Human Services Building. He further stated before he was the Director of Veterans Affairs,
he was a Deputy Sheriff and was frequently assigned to the Wolf Building so he was very familiar with the condition of it.

Mr. Ramirez advised the building required a great deal of work both to the basic systems as well as its general appearance. He further advised it was not a welcoming place and did not make a visitor feel at all comfortable.

Mr. Ramirez stated there were a lot of benefits available to Veterans, but actually getting them often turned out to be much more difficult because they had to go from office to office so by the time he saw them they were frustrated and angry. He further stated they averaged approximately five individuals a day seeking assistance, but he believed that people being serviced by the other divisions were also Veterans.

Mr. Ramirez advised Veterans have made many sacrifices and the least that could be done for them was to give them a decent building to come to when they were in need.

Mr. Kevin Dolan, Bushkill Township – stated he was the CY&F Administrator and he wanted to point out that the clients they served now crossover between drug and alcohol, mental health and even Veterans Affairs because there were a lot of grandparents that were involved with their grandchildren so it would be very effective for everyone if there was one building that could accommodate all these divisions. He further stated their client base had changed over the years, noting the amount of violence that his staff was seeing and the homes they were in was quite concerning.

Mr. Dolan advised over the last two years, they have had a number of violent situations at the Wolf Building that the Deputy Sheriffs had to handle. He further advised there were a number of individuals they dealt with that had the potential to cause harm to staff and that was a concern to him.

Mr. Dan Chiavaroli, Nazareth, PA – stated he was President and Executive Director of the Nazareth Ambulance Corps (Nazareth) and during an October meeting, County Council voted to give the Gracedale medical transport contract to Nazareth. He further stated usually bids were submitted, a committee reviewed them, made their recommendation and then County Council voted on it. However, in this case, Nazareth was given an extension of their current contract so the contract could be rebid because County Council did not accept the recommendation of the committee.
Mr. Chiavaroli advised since that time, some additional things had been added to the contract, noting when the contract was first discussed, it was mentioned that the 9-1-1 business would not be part of the contract, but would remain with Nazareth. He further advised included in this contract was a term called urgent care, which he would classify as a basic life support call that normally went through 9-1-1 and which service Nazareth provided in most cases. He noted they were allowing a 60-90 minute respond time for this service, which he thought was excessive because it took them approximately 15 minutes as they were located very close to Gracedale and their new building would be less than a half mile away.

Mr. Chiavaroli stated another thing included in the contract was an online scheduling program and upon researching this, he determined there were only two providers. He further stated one was probably bidding on this contract and the other one was quite expensive. He further noted they could find someone to formulate a program for them, but at this point in time, they did not have it.

Mr. Chiavaroli advised when he went to the pre-bid meeting, he asked if they had a program or knew of one that would work for them so they could get it and be online if they should win the bid, but they had no answer for them. He further advised they were told they could do something as simple as e-mail, which was what they currently used, or a Microsoft scheduling program.

Mr. Chiavaroli stated during the last few months, one of his drivers, while on a run, noticed what he believed to be a presentation being made by another company. He further stated he was wondering if this contract was something to benefit the Administration or the residents at Gracedale because they were concerned about the residents being a County, as well as an American, company.

Mr. Cusick advised he believed what happened was County Council overstepped its boundaries when they awarded the contract to Nazareth because they actually rejected all bids so this gave the Administration the right to put out a new Request for Proposal. He further advised when the process was completed, the Administration would make their recommendation to County Council at which time a vote would be taken so he suggested they continue to go through the process.
Mr. Chiavaroli stated they were prepared with their new bid, but they were confused on what occurred.

In response to Mr. McClure’s question as to whether there were new provisions to this proposal, Mr. Chiavaroli advised the online scheduling was in the first bid proposal, but the terminology urgent care was not.

In answer to Mr. McClure’s question as to whom he believed the terminology urgent care benefitted, Mr. Chiavaroli stated by including urgent care into the contract, it appeared the company that won the contract would be providing what they defined as basic life support services. He further stated when a 9-1-1 call was made, County control determined which corps could respond the quickest, but with this stipulation Gracedale could make a call to the winner of the contract and not 9-1-1.

Mr. Dietrich advised the resolution County Council adopted sent a message to the Administration that they recommended Nazareth because based on the information received regarding the company they were proposing, they did not see a large benefit in switching companies. He further advised he had received many complaints regarding this request for proposal and had forwarded them to the appropriate individuals.

Ms. Maryann Schmoyer, Moore Township, PA – stated it was really a disgrace to see how the County took care of its buildings.

Mr. Mat Benol, Palmer Township, PA – asked if the County had a maintenance crew and if so, would they be responsible for taking care of the proposed new building because as a taxpayer and looking at how the Wolf and Bechtel Buildings deteriorated, it was discouraging.

Confirmation of Appointments

Mr. Cusick advised the Personnel Committee met yesterday to review these appointments and re-appointments.

Mr. Kraft introduced the following resolution:

R. 5-2013 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:
GENERAL PURPOSE AUTHORITY

Appointment: Helene M. Whitaker
Vice President for Administrative Affairs
Northampton Community College
3835 Green Pond Road
Bethlehem PA 18020-7599

Term to Expire: 12/31/17

GRACEDALE ADVISORY BOARD

Re-appointments: Deborah Jean DeNardo, J.D.
331 Diamond Street
(PO Box 222)
Pen Argyl PA 18072-0222

Terms to Expire: 3/15/15

Lorita Apple Musselman
3937 Rutland Road
Bethlehem PA 18020

Re-appointments: Margaret D’Alessandro
705 Front Street
Bangor PA 18013

Terms to Expire: 4/19/15

Susan L. Lawrence
744 Barrymore Lane
Bethlehem PA 18017

LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY

Appointment: Ex-officio Member
Kevin A. Lynn
645 Main Street
Bethlehem PA 18018

Terms to Expire: 3/2/18
Re-appointment:
Cordelia E. Miller
2567 Lynnhurst Drive
Bethlehem PA 18017

LEHIGH VALLEY PLANNING COMMISSION

Appointment: Elected Official
Pamela J. Pearson, CPIM
105 Fern Court
Easton PA 18045

Term to Expire: 12/31/13

LEHIGH VALLEY WORKFORCE INVESTMENT BOARD – YOUTH CATEGORY

Appointment: Anne Baum
Vice President, Lehigh Valley
Capital BlueCross
3621 Hickory Hill Road
Bethlehem PA 18015

Term to Expire: None

OPEN SPACE ADVISORY BOARD

Re-appointments: Judith Henckel
1752 Robin Hood Road
Mount Bethel PA 18343

Terms to Expire: 3/18/15

R. Michael Topping
734 Fire Lane
Bethlehem PA 18015

Helene M. Whitaker
Vice President for Administrative Affairs
Northampton Community College
3835 Green Pond Road
Bethlehem PA 18020-7599
As there were no questions or comments, Mr. Cusick called for the vote.


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

County Executive’s Report

Mr. Stoffa stated due to the length of the agenda, he would not give a report, but would answer any questions.

In response to Mr. Cusick’s question as to the situation with the rotunda door, Mr. Steven DeSalva, Director of Public Works, advised they were waiting for parts to repair the door, but they were considering changing that door with a door from the other side of the rotunda that was not used as much.

Consideration of the Human Services Building Lease Ordinance

Mr. Cusick stated this ordinance was introduced by Messrs. Dietrich and Kraft at the meeting held January 10, 2013. He further stated the public hearing was held at the January 24, 2013, meeting after which it was tabled on a motion made by Mr. Parsons and seconded by Mrs. Ferraro and adopted by a 6-2 vote. He noted in order for this ordinance to be considered, a motion to remove it from the table would have to be introduced.

Mr. Parsons made a motion to remove the ordinance from the
Mr. Dietrich seconded the motion.

Mr. Cusick called for the vote on the motion.


Mr. McClure advised one of the things that County Council must acknowledge was the compelling nature of the presentation by the individuals who worked in the Wolf Building and there was no question that something had to be done. He further advised during most of the time this project had been in development, the approximately $2.8 million netted from the proposed sale of the Wolf and Bechtel Buildings to outfit this building was an important piece of it. Therefore, he would like to know if there was any progress made on the sale of these buildings especially with respect to attempting to meet the median of the appraisals that were received so it could be determined whether or not this project could be made a little less expensive.

Mr. Ken Mohr, Mohr Management Resources, stated initially there was no intent on trying to market the two buildings until after the lease was agreed to, but after County Council expressed concern as to whether the $2.8 million was reasonable and if, in fact, the Wolf Building was marketable, they were given authorization to begin discussions with some entities that approached them earlier. He further stated one of them backed off because their client had not really received financing yet, but they actually had an agreement with the other one and if the lease went through tonight, they would work to turn that agreement into an agreement of sale. He noted the $2.8 million could be adjusted to $3 million so the County would be getting approximately $200,000 more.

Mr. Mohr advised they did not aggressively move on the Bechtel Building because they felt it was much more marketable and there would be more competition for it.

In answer to Mr. Cusick’s question as to whether the Wolf Building being part of a Keystone Opportunity Zone was discussed, Mr. Mohr stated one of the terms was the County Administration and County Council would support this developer in trying to obtain readily available Community and Economic
Development program funding.

Mr. Cusick read the following ordinance into the record:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE PROPERTY HAVING AN ADDRESS OF 2801 EMERICK BOULEVARD SITUATED IN BETHLEHEM TOWNSHIP, 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, ATThe 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 or leases or authorizes that conveyance or lease of any real property of the County."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale, and Lease of Real Estate Section b. Sealed Appraisals, provides, “The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers.”

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County Executive of the County of Northampton, Easton, Pennsylvania, lease a certain portion of land and buildings and improvements located on property situated in Bethlehem Township, Northampton County, Pennsylvania, being Lot 17A of Lehigh Valley Industrial Park VI ("LVIP VI"), having an address of 2801 Emrick Boulevard, being tax parcel ID No. M8 9 14-17A and containing approximately 5.36 acres. 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.

Mrs. Ferraro advised she just hoped the proposed building was going to be built well and that the design took in a vision of what it could be used for in the future, especially satellite offices for other divisions. She further advised she hoped the building could be purchased in five years and put into the County’s hands.

Mr. Parsons stated because of the County’s inability to take care of its buildings, this County Council was put into a position where he felt this lease was needed so he was going to support the ordinance. He further stated putting money into maintenance was not considered a priority, but by not doing so, it put everyone in the position they were in tonight where there was really not much of a choice.

Mr. Werner advised he was a strong supporter of Human Services programs, but he could not support this project based on what was presented. He further advised the rush to build it at a proposed cost of more than $1 million per year based upon suppositions was not a good fiscal decision.

Mr. Werner stated the rehabilitation and repair of two long-time owned County assets not current, not substantiated and no written documentation on the specifics of what had been needed over the past years had taken the County to this point. He further stated if County Council opposed this lease, the services would still be provided and perhaps a precedent could be set where everyone took a step back and reviewed available real cost effectiveness alternatives that were maybe not discussed.

Mr. Werner advised in the past long term agreements that were sold to the County by consultants and sales people were signed and not necessarily with the best interest of the people of this County.

Mr. Gilbert stated he respected the comments of his fellow County Council members, but he believed members of County Councils in the past tried to do what was right. He further stated Human Services took up a great percentage of what the
County was charged to do and was the most important function it had. He noted he always tried to be fiscally responsible and in some instances, they had to look at all the areas involved and the people it affected.

Mr. Gilbert advised they have heard from those that were directly affected and in these types of negotiations, there were always proponents and opponents. He further advised there would be proponents who wanted to champion the cause to do right by the people and those they serve like Veterans or seniors, which were the fastest growing market and have to be diligent about having the means for them to obtain these services. He noted this building was in line with the size and class of the County because what was currently being provided was not.

Mr. Gilbert stated it was a bit tricky and the only thing that the opponents were able to discuss was the cost because no one could say it was not needed. He further stated the arguments from the staff and its clients as to why a better facility was needed was not questionable, but was the County going to thwart any progress to bettering its circumstances because there was a disagreement about the best way to structure a deal.

Mr. Gilbert advised he was a complete proponent of this project because he believed the employees, the taxpayers and the clients serviced deserved something better.

Mr. Dietrich stated a lot of work went into this proposal and it was discussed at various meetings, however, he felt tabling it for a month was a very wise decision because it gave the members of County Council the opportunity to become very engaged in the process.

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


The ordinance was adopted by a vote of 8-1.
Mr. Cusick advised the following ordinance was introduced by Mrs. Ferraro and Mr. Kraft at the meeting held February 7, 2013:

AN ORDINANCE AUTHORIZING EXEMPTIONS, DEDUCTIONS, ABATEMENTS AND CREDITS FOR REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY EXPANSION ZONE ("KOEZ"), IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF THE CITY OF EASTON, THE EASTON AREA SCHOOL DISTRICT, THE BOROUGH OF WILSON AND THE WILSON AREA SCHOOL DISTRICT, COUNTY OF NORTHAMPTON AND COMMONWEALTH OF PENNSYLVANIA UPON CERTAIN TERMS AND CONDITIONS

WHEREAS, the Northampton County Council, County of Northampton, Pennsylvania, recognizes the need to encourage investment in a defined geographical area of the City of Easton, the Easton Area School District, the Borough of Wilson, and the Wilson Area School District, County of Northampton and Commonwealth of Pennsylvania, bounded as follows ("Proposed KOEZ") as set forth in Exhibits “A”, “B”, “C” and “D”, copies of which are attached hereto and made a part hereof, that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and

WHEREAS, the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (Act of October 6, 1998, P.L. 705, No. 92), as amended, hereinafter referred to as the “Act,” authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a KOEZ
granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

WHEREAS, approval of benefits provided in the Act will result in improving the economic, physical and social conditions within the Proposed KOEZ by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the Proposed KOEZ by the time of its termination; and

WHEREAS, the Proposed KOEZ is not less than ten acres but not more than 350 acres in the aggregate; and

WHEREAS, the Proposed KOEZ is comprised of parcels which are (i) deteriorated, underutilized or unoccupied.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the County Council of the County of Northampton that effective as of the effective date of this ordinance, contingent only upon DCED’s approval of the application for the proposed new KOEZ, the following provisions shall apply:

1. Real Property Tax on the Proposed KOEZ is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to begin on January 1, 2014, and to terminate December 31, 2023 (a ten year period).

2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The County of Northampton also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed KOEZ attributable to business activity conducted with said zone and benefits to begin on January 1, 2014, and to terminate on December 31, 2023 (a ten year period).

3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This ordinance shall be effective upon execution, conditioned upon the approval of the application by DCED.

Public Hearing

Mr. Cusick asked if there was anyone from the public who wished to address County Council regarding this ordinance.

City of Easton Mayor Salvatore Panto – stated he was here to show support for the KOZ, noting he even helped to find a developer for the Wolf Building. He further stated one thing he wanted to mention was he would like the County to put a deed restriction on the arch because it was extremely important to the history of the County.

Mayor Panto advised Governor Wolf was the seventh Governor of Pennsylvania, and the only one from Northampton County, who founded public education. He further advised the children of the Easton School District donated items to build that arch and it would be a shame if it was ever destroyed.

In response to Mr. Stoffa’s question about the bell tower, Mayor Panto stated it was very important as well and they have people who were willing to help raise the money to repair the tower and the bell itself.

In answer to Mr. Kraft’s question as to whether it was on the historic registry, Mayor Panto replied the whole building was.

Ms. Alicia Karner, Economic Development Analyst, Department of Community and Economic Development, advised she received a question regarding the Intermodal tax abatement and the answer was it would only be pertinent if there was a residence there, which they assumed was not the case. She further advised with regard to the occupancy issue, it was occupied or developed so a Certificate of Occupancy was required.

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

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

Public Hearing on the Bethlehem Township DUI Center Lease Ordinance

Mr. Cusick stated the following ordinance was introduced by Messrs. McClure and Kraft at the meeting held February 7, 2013:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE A PORTION OF 2740 FIFTH STREET, LOCATED IN BETHLEHEM TOWNSHIP, PA

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, AThe 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 District Attorney of County of Northampton, Easton, Pennsylvania, to lease a portion of 2740 Fifth Street, located in Bethlehem, Township, Pennsylvania, for the initial rent of $1,000.00. 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 Attachment "A".
Public Hearing

Mr. Cusick asked if there was anyone from the public who wished to address County Council regarding this ordinance.

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.


Mr. Cusick advised the following ordinance was introduced by Messrs. Kraft and Gilbert at the meeting held February 7, 2013:


BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

SECTION I - RESIDENCY REQUIREMENT

A. An individual appointed to serve in the position of: (a) Sheriff, (b) Coroner, (c) Recorder of Deeds, (d) Register of Wills/Clerk of Courts - Orphans’ Court Division, (e) Clerk of Courts - Civil Division or (f) Clerk of Courts - Criminal Division of the County of Northampton, Easton, Pennsylvania, shall be a citizen of the United States and shall reside
continuously in the County of Northampton.

B. The terms and conditions of this ordinance shall be prospective in nature and shall not apply to individuals serving in the positions of: (a) Sheriff, (b) Coroner, (c) Recorder of Deeds, (d) Register of Wills/Clerk of Courts – Orphans’ Court Division, (e) Clerk of Courts – Civil Division or (f) Clerk of Courts – Criminal Division of the County of Northampton, Easton, Pennsylvania, on the effective date of this ordinance.

C. Individuals appointed to serve in the positions of: (a) Sheriff, (b) Coroner, (c) Recorder of Deeds, (d) Register of Wills/Clerk of Courts – Orphans’ Court Division, (e) Clerk of Courts – Civil Division or (f) Clerk of Courts – Criminal Division of the County of Northampton, Easton, Pennsylvania, on or after the effective date of this ordinance shall be subject to the residency requirement set forth in Section I. A.

SECTION II – EFFECTIVE DATE

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

Public Hearing

Mr. Cusick asked if there was anyone from the public who wished to address County Council regarding this ordinance.

Mr. Barron stated these offices did effectuate and make public policy decisions and he would not like to see these decisions made by someone not living in the County. He further stated he believed this was a reasonable request for the future and felt it should extend to members of the cabinet.

Mr. Bernie O’Hare advised the reason for this ordinance went back to last year when the Register of Wills position was filled by someone who did not live in this County. He further advised there was also a move to change the Home Rule Charter to have row officers be elected, however, that was referred to the Legal and Judicial Committee for review.
Mr. O’Hare stated this ordinance was ridiculous and discriminatory because it was applying a residency requirement to some employees that was not required of others. He further stated these individuals did not make policy, but only followed judicial decisions.

Mr. O’Hare advised it would also stifle those employees who did not live in the County because there would be no incentive to excel because they knew they could only receive minor promotions.

Mr. O’Hare stated he could understand a residency requirement for Deputy Sheriffs, 9-1-1 Dispatchers or Emergency Management personnel because they had to respond to emergencies immediately.

Mr. Kraft advised he did not bring this ordinance forward due to the situation in the Register of Wills office, but because before the County went to Home Rule Charter form of government, every one of these positions were elected, which meant they had to live in the County.

Mr. Dietrich stated he did not understand why this ordinance was brought forth because the ordinance that was tabled pertained to row officers being elected and to allow the citizens whether or not they wanted to have a more active role in their County government.

Mr. Gilbert advised he and Mr. Kraft brought this issue forward with the best of intentions. However, at the last meeting, a comment was made by an individual in the Human Resources Division that this action would be placing limits on their ability to bring in the most qualified individuals to do the job so he was reversing his position and was not going to support it.

Mr. Parsons stated he liked the idea of having people living in the County working for the County so he asked if it would be possible to put a time limit on a person’s ability to move into the County if that person were to accept one of these positions.

Mrs. Ferraro advised she did not think these positions were of the pay grade that someone would be willing to move into the County so she had to question the practicality of the ordinance.
Mr. Kraft stated he did not believe there was ever an instance where there was a problem filling these positions with a County resident. He further stated he did not believe that out of all the people that lived in this County, a qualified person could not be found.

Mrs. Thierry advised she could not support this ordinance because she felt the County should not be restricted when someone was hired. She further advised years ago, people were elected to these positions, but who is to say that someone more qualified could have been hired.

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


The ordinance failed by a vote of 3-6.

Consideration of the Deputy Sheriff’s Association Interest Arbitration Award

Mr. Cusick stated this interest arbitration award was reviewed at the Personnel Committee meeting held yesterday.

Mr. Kraft introduced the following resolution:

R. 6-2013  WHEREAS, 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 Northampton County Deputy Sheriff’s Act 195 Interest Arbitration Award, between the County of Northampton and the Northampton County Deputy Sheriff’s Association, shall be approved this 21st day of February 2013.

As there were no questions or comments, Mr. Cusick called for the vote.
Consideration of the Resolution Supporting Pennsylvania Senate Bill 293 (Printer’s No. 306)

Mr. Cusick advised Pennsylvania Senate Bill 293 was recently introduced at the Pennsylvania General Assembly and it would ban Swaptions for local governmental units in the Commonwealth of Pennsylvania.

Mr. Cusick introduced the following resolution:

R. 7-2013 WHEREAS, the General Assembly of the Commonwealth of Pennsylvania is considering SB 293, Session of 2013, (Printer’s No. 306) which, provides in Section 8281. Qualified interest rate management agreements. (5) “No local government unit may negotiate or enter into a qualified interest rate management agreement after the effective date of this paragraph.”; and

WHEREAS, in November 2009, the Auditor General of the Commonwealth of Pennsylvania in a report titled, A SPECIAL INVESTIGATION OF THE BETHLEHEM AREA SCHOOL DISTRICT, LEHIGH AND NORTHAMPTON COUNTIES - A Case Study of the Use of Qualified Interest Rate Management Agreements (ASwaps®) By Local Government Units in Pennsylvania, With Recommendations;@ concluded, in part: A...that QIRMAs are highly risky and impenetrably complex transactions that, quite simply, amount to gambling with public money. Moreover they are susceptible of being marketed deceptively, and they principally benefit investment banks and the multitude of intermediaries who sell them to relatively unsophisticated public officials...@; and

WHEREAS, the County of Northampton entered into and approved a QIRMA on June 17, 2004, by adopting Northampton County Resolution No. 34-2004; and
WHEREAS, at the meeting held June 21, 2012, the Northampton County Council adopted Resolution No. 48-2012 which terminated the Northampton County QIRMA, at a cost of $27,275,000.00; and

NOW, THEREFORE, BE IT HEREBY RESOLVED By the Northampton County Council that it does wholeheartedly support the adoption of Pennsylvania SB 293, for the reasons herein set forth.

IT IS FURTHER RESOLVED By the Northampton County Council that it calls upon the General Assembly of the Commonwealth of Pennsylvania to enact, and the Governor to sign, Pennsylvania SB 293, Session of 2013, (Printer’s No. 306), or similar legislation, which would ban qualified interest rate management agreements (swaps transactions) in local government units.

Mr. Cusick stated this legislation was introduced by Senator Mike Folmer and co-sponsored by Senators Rob Teplitz, John Rafferty, Randy Vulakovich, Dominic Pileggi and John Eichelberger and he hoped that other legislators would sign on and push it through the legislative process sometime this year.

Mr. McClure advised it was amazing to him that it was just being introduced this year and that there were only a few co-sponsors. He further advised one thing that had been learned was that local governments, including Counties as large as Northampton County, had no business being involved in these transactions.

Mrs. Ferraro stated it was the legislatures that allowed these transactions to take place so now it was time to reverse their very bad decision.

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


Consideration of the County Depositories Listing Resolution

Mr. Cusick introduced the following resolution:
WHEREAS, Northampton County Administrative Code Section 12.06 a. Depositories of Funds of the County provides that the County Council, after the evaluation of written proposals, shall by resolution, select a depository or depositories for County monies.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the following shall constitute the current and updated listing of County Authorized Depositories (sections marked with **bold underlining** have been added, sections marked with strikeout have been deleted), effective this 21st day of February 2013:

1. Bank of America
2. Bank of New York **Mellon**
3. Citizens Bank of Rhode Island
4. FMB Trust
5.-3. First Commonwealth Federal Credit Union
6. First Star Savings Bank
7. Firsttrust Bank
8.-4. Fulton Financial Advisors
9.-5. First Niagara Bank
10. **Mellon** Bank
11. Keystone Nazareth Bank & Trust (KNBT)
12.-6. Lafayette Ambassador Bank
13.-7. **M & T Bank**
14. Marshall BankFirst
15. **Mellon** Bank
8. **Merchants Bank of Bangor**
16.-9. National Penn Bank
17.10. Pennsylvania Local Government Investment Trust (PLGIT)
18.-11. PNC Bank
19.12. Sovereign Bank
20.-13. Susquehanna Patriot Bank
21.-14. TD Bank
22. The Trust Company of the Lehigh Valley
23. **U S Bank**
24.-15. Wells Fargo Bank
25. **Comerica Bank**

BE IT FURTHER RESOLVED that any resolution, or any part thereof, conflicting with the provisions of this resolution, is hereby repealed insofar as the same affects this resolution or is inconsistent with this resolution.
Mr. Parsons advised at the Finance Committee, he questioned why Northampton County was still doing business with Bank of America and he learned that there were accounts there from five District Magistrates and the Children, Youth and Families Division.

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


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

Consideration of the 2013 Contingency Account Transfer – Easter Egg Hunt

Mr. Cusick stated at the last meeting, the Deputy Sheriff’s Association requested funding to conduct the annual Northampton County Easter Egg Hunt.

Mr. Cusick introduced the following resolution:

R. 9-2013 RESOLVED, By the Northampton County Council that the sum of $800.00 shall be transferred from the 2013 Contingency Account No. 05000-76050 for the 2013 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.
Human Services Committee Report

Mr. Dietrich advised at the Human Services Committee earlier this evening, the proposed Human Services Building was discussed again and he believed it was a very productive meeting.

Finance Committee Report

Mr. Cusick stated the Finance Committee met yesterday and Mr. Doran Hamann, Acting Director of Fiscal Affairs, indicated that Tyler Technologies was in the process of updating the County’s Assessment and Geographic Information Systems programs.

Mr. Cusick advised they also were informed that the Assessment Division was undertaking a review of tax exempt parcels and should have a report by the end of the year.

Council Clerk’s Report

Mr. Flisser stated the office recently received a Right to Know request that involved more than 11,000 pages of documents. He further stated he was working with the County Council Solicitor to determine what reasonable charge could be levied and the amount of time required to accomplish it.

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. Thierry seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council