A regular meeting of the Northampton County Council was held on the above date with the following present: 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 Joshua Fulmer, Acting Solicitor to Council. Absent were: John Cusick, President, and Philip D. Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

Mr. Werner led County Council in the pledge of allegiance.

Point of Order

Mr. McClure stated before any substantive action was taken, he asked if County Council could take a short recess to have the Clerk to Council prepare a resolution for the election of the President and Vice President to ensure that County Council was in compliance with the Home Rule Charter so that there was no possibility that any action taken could be attacked for a nullity because they failed to reorganize under the Home Rule Charter.

When Mr. Cusick asked if he was making a motion, Mr. McClure advised he was making a Point of Order.

Mr. Cusick stated he believed a motion to reconsider the nominations would be in order.

Mr. McClure made a motion for County Council to go into recess to have a resolution prepared for the election of officers.

Mrs. Ferraro seconded the motion.
Mr. Cusick called for the vote on the motion.


The motion failed by a vote of 4-5.

Approval of the Minutes

Mrs. Thierry made the following motion:

Be It Moved By the Northampton County Council that the minutes of the December 6, 2012 and December 13, 2012 meetings shall be approved.

Mr. Gilbert seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Ron Angle, Portland, PA – advised he understood that a telephone conference call was allowed, but he wondered why they were not holding nominations again because that option was not available for everyone who was not present. He further advised he was also baffled that Mr. Parsons did not cast a vote for either President or Vice President, noting usually the only reason for abstaining would be due to a conflict of interest.

Mr. Angle stated there was a lease being proposed this evening and he wondered where the money was in the 2013 budget to pay for it.

Mr. Cusick advised he anticipated hearing from the County Executive and his consultant regarding that issue at the Finance Committee meeting later this month or sometime between now and then.

Mr. Angle stated he would suggest before County Council approved the lease, they determine where the money was going to come from.
Mr. Angle advised the Legal and Judicial Committee did not meet all last year and he felt enough issues came up in 2012 that County Council may want to take a look at the Home Rule Charter for possible changes.

County Executive’s Report

Mr. Stoffa stated a majority of the information that had been sent to County Council regarding the proposed lease for the Human Services Building was also located on the County’s website.

Mr. Stoffa advised the County was cancelling services for the last three pay telephones in the Courthouse, noting it would save the County more than $3,200 per year.

Mr. Stoffa stated Sheriff Randall Miller informed him the County had broken daily records between Christmas and New Year’s for gun permits. He further stated 4,627 permits were issued in 2012, which was a 70% increase from last year and the investigation must be completed in 45 days after the application was made.

Mr. Stoffa advised he found it interesting that the County could only charge $20 for a five-year application, but it cost approximately $6 a year for a dog license, $20 a year for a hunting license and $22 a year for a fishing license.

In answer to Mr. Cusick’s question as to whether that was the State maximum, Mr. Stoffa replied it was.

In response to Mr. Cusick’s question as to the status of the Archives Building, Mr. Stoffa stated at the next meeting, he should have the dedication date for County Council.

Mr. Cusick advised the following ordinance was introduced by Messrs. Dietrich and Kraft at the meeting held December 13, 2012:


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

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the May 21, 2013 Primary Election, which referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

“Shall the electorate of Northampton County approve changes in the Northampton County Home Rule Charter ARTICLE I - ELECTED OFFICIALS: Section 101 [Elected Officials], Section 102 [Terms of Office and Elections], ARTICLE XII - MISCELLANEOUS PROVISIONS: Section 1205 [Definitions], (1), (4), and ARTICLE XIII - TRANSITIONAL PROVISIONS: Section 1303 [Offices under the County Code] (a) and (a)(2), Section 1304 [Administrative Continuity] (b)(2) and (b)(3) and Section 1311 [Temporary Departments and Offices] (a)(6) and (d), so that the offices of Sheriff, Coroner, Recorder of Deeds, Register of Wills/Clerk Of Courts – Orphans’ Court Division, Clerk Of Courts – Civil Division, and Clerk Of Courts – Criminal
Division of the County of Northampton, Easton, Pennsylvania, shall be changed from appointed offices to elected offices, to be elected during the November 2013 General Election, with the officials so elected to take office in January, 2014 for four-year terms, except that the offices of Sheriff, Register of Wills/Clerk Of Courts - Orphans' Court Division, and Clerk Of Courts - Criminal Division shall be elected for initial terms of two [2] years, and subsequent terms of four [4] years each, commensurate with the powers, duties and obligations of each of those offices in a County of the third class in the Commonwealth of Pennsylvania?"

During their term of office, each of the above office-holders shall devote full time to their respective offices and shall not actively engage in any other business or occupation. The salary of aforesaid office-holders shall be established by the Northampton County Council in accordance with this Northampton County Home Rule Charter.

SECTION II – EFFECTIVE DATE

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

B. The changes to the Home Rule Charter, as set forth in this ordinance, shall become effective upon the certification of the results of the referendum vote, at the May 21, 2013 Primary Election, by the Election Commission of the County of Northampton.

Public Hearing

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

Mr. Angle stated he was not a fan of Home Rule government and compared it to having a Chief Executive Officer and a Board of Directors, which he felt may be fine for corporate America, but not for government. However, if the County was going to be a Home Rule government, then County Council had to let the County Executive run the County and that meant he got to hire
the people to perform the duties he needed done under his Administration to run the County.

Mr. Angle advised he believed there was more to this than it was for better government or to give the people more say because the people already had a say when they elected the County Executive. He further advised anyone could put their name on a ballot, but would they be the right person for the job.

In conclusion, Mr. Angle stated it was not County Council’s job to control the County, but to legislate and the County Executive’s job to run the County. He further stated doing this would serve no purpose for the taxpayers and citizens except complicate the County Executive’s ability to run the County.

As there were no further comments from the public, Mr. Cusick asked if there was any member of County Council who wished to comment.

Mrs. Ferraro advised Mr. Angle stated it most succinctly that the County had a Home Rule form of government and this would only serve to create all these little individual kingdoms and fiefdoms. She further advised currently the County Council received the resumes of these appointees to review and there were exemplary people serving in these positions. She noted this change could open it up to a popularity contest so she felt it was a bad idea.

Mr. Gilbert stated the County Executive and his Administration have done a good job and to tie the hands of the County Executive and to lessen his ability to do his job would not be fair to the taxpayers so he could not support taking this decision making away from the County Executive.

Mr. Werner advised he would prefer to question the County Executive than micro manage everything that was going on in the County and he felt there was open communication in discussing the issues. He further advised there was no way for them to learn all the job descriptions and qualifications for these offices, therefore, he could not support this ordinance.

Mr. McClure stated this ordinance was well intended and if there was a vote tonight, he would vote for it because as the co-sponsors had indicated, they felt it was best for the people
to decide on who represented them as was done in most of the other counties in Pennsylvania. He further stated he felt the voters of the County were aware of whom to vote for and he trusted them to make the right choices.

Mr. McClure advised he felt a review of the Home Rule Charter was long past due and this ordinance was looking to seriously change it in a short span of time without a lot of deliberation and public input so he made a motion to have this ordinance referred to the Legal and Judicial Committee for further review and to also review all the sections of the entire Home Rule Charter.

Mr. Cusick seconded the motion and thought should be given as to whether it should be a government study ballot question.

Mr. Kraft stated he agreed with Mr. McClure because technology had changed so much since the Home Rule Charter was initiated and should be covered in it.

Mr. Dietrich advised he was concerned that this was going to be one of those good ideas that should be discussed and moved upon, but wind up getting lost in committees. He further advised he agreed that technology had changed and the voters were more informed. He noted County Council was not changing anything, they were just asking the voters if they wanted to be more involved and based on the answer to that question, the changes would be invoked.

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


The motion passed by a vote of 6-3.

Public Hearing on the Ordinance Re-Establishing the Farmland Preservation Board of the County of Northampton

Mr. Cusick stated the following ordinance was introduced by Messrs. Cusick and McClure at the meeting held December 13, 2012:
AN ORDINANCE RE-ESTABLISHING THE FARMLAND PRESERVATION BOARD OF THE COUNTY OF NORTHAMPTON

WHEREAS, the preservation of farmland is an integral component of the Northampton County Open Space Initiative and continues to present the County with opportunities for a tremendous investment in the future of Northampton County; and

WHEREAS, in 1989 the Northampton County Farmland Preservation Board (Board) was organized as a five (5) member Board, pursuant to the provisions of the Agricultural Area Security Law, 3 P.S. 001, et seq.; and

WHEREAS, the Home Rule Charter of the County of Northampton provides in Article X Authorities, Boards, and Commissions, Section 1001. Establishment (a) By Ordinance., that the “County Council shall have the power by ordinance to establish any authority, board, or commission....”

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

I. Reestablishment
   (a) The Northampton County Council hereby reestablishes the Farmland Preservation Board of the County of Northampton.

II. Functions
   (a) The Farmland Preservation Board of the County of Northampton shall administer the purchase of agricultural conservation easements pursuant to the provisions of the Agricultural Security Law of the Commonwealth of Pennsylvania, 3 P.S. 901, et seq.

   (b) Once established, any revisions to the farmland preservation program, shall be undertaken pursuant to the provisions of the Agricultural Security Law of the Commonwealth of Pennsylvania, 3 P.S. 901, et seq.

   (c) It is hereby declared that all actions taken, by the Farmland Preservation Board of the County of Northampton, prior to the effective date this ordinance, are hereby ratified and confirmed.
III. Membership
   (a) The Farmland Preservation Board of the County of Northampton shall be comprised of five (5) members who shall be appointed pursuant to the provisions of the Agricultural Security Law of the Commonwealth of Pennsylvania, 3 P.S. 901, et seq., as well as the Home Rule Charter of the County of Northampton.

IV. Effective Date
   (a) This ordinance shall become effective thirty (30) days after the date of enactment.

Public Hearing

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

Mr. Angle advised the Farmland Preservation Board (Board) was increased to seven members a few years ago because it was impossible to get a quorum and raising it to seven would provide a better chance of getting one so he wondered why they were going back to five.

Mr. Cusick stated this was a recommendation that came from Ms. Maria Bentzoni, Farmland Preservation Administrator, and the current Board.

Mr. Angle advised the problem was the Board had to be made of mostly farmers and it was hard for them to attend meetings at certain times during the year due to the work they had to do on their farms. He further advised increasing it to seven allowed other individuals to be a member and increased the chances of having a quorum. He added if they had a problem getting members then he was volunteering.

Mr. Angle stated if it goes back to five members then it would go back to the original rules that created the problem. He further stated if County Council did not know why it was being changed, they should table it until they found if five members would be better.

Mr. Cusick advised this was already sent to the State Board and received approval from them.
As there were no further questions or comments from the public, Mr. Cusick asked if any member of County Council wished to comment.

Mrs. Thierry stated she agreed with Mr. Angle about the Board always trying to obtain a quorum for meetings when there were five members.

Mr. Cusick advised he had heard that it was easier to get three people to show rather than four.

Mr. Stoffa stated the issue was getting a quorum noting a lot of farmers have turned down the opportunity to serve on the Board.

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


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

Introduction of the Ordinance Providing for the Human Services Building Lease

Messrs. Dietrich and Kraft introduced the following ordinance:

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, 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 "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.

Mr. Cusick advised the public hearing, debate and possible vote on this ordinance would be held at the January 24, 2013 County Council meeting.

County Council Committees Structure

Mr. Cusick stated in conversation with some of the members of County Council, it was indicated the committees’ structure should stay the same, however, if someone wished to make a change, to please notify him.
Mr. Cusick advised the liaison position for the Farmland Preservation Board was open and Mr. Parsons had been nominated to fill it.

Open Space Advisory Board Report

Mr. Parsons stated he attended the Open Space Advisory Board meeting this afternoon and it was announced that in March they would be voting on Open Space funding and also the municipal parks projects.

In answer to Mr. Cusick’s question as to when the first round of the Municipal Parks grant applications were due, Mr. Parsons replied in March.

Gracedale Liaison Report

Mr. Werner provided a document entitled, “Gracedale Nursing Home 2013 Focus Areas” (see Attachment #1). He stated Gracedale was on track to do well and probably start making money this year. He noted the Gracedale Advisory Board and the County Council have moved forward to insure its success and a much needed business plan had been put into place.

Lehigh and Northampton Transportation Authority (LANta) Liaison Report

Mr. Werner advised the LANta Board met and they have entered into an agreement with the Greater Lehigh Valley Chamber of Commerce to do some marketing. He further advised they ordered ten hybrid buses that were fuel efficient and working on being greener.

In response to Mr. Cusick’s question as to what was going on with the Third Street station, Mr. Werner stated the building was in the design phase.
County Accomplishments

Mr. Werner advised the Swaption was terminated, the 2001 Bond Issue was closed out, a 2012 Bond Issue was adopted, the debt service was intelligently refinanced saving the County’s bond rating, the Guaranteed Energy Savings Act projects were approved, Gracedale and Premier Healthcare Resources (Premier) were now on track, the West Easton Treatment Center was in place, the Archives Building was back in the County saving it $100,000 a year, open space and environmentally projects have been approved, the 9-1-1 Triennial Plan was adopted and the Courthouse Window Project was under control.

Gracedale

In answer to Mr. Cusick’s question as to what process did they intend to utilize to determine what would occur with regard to the 37 bed reduction, Mr. Marcus stated they received proposals from three firms to provide an analysis of sale versus returning the licenses to the State.

In response to Mr. Cusick’s question as to whether any discussions had been held with the Department of Public Welfare (DPW) or Mr. Michael Wilt, Executive Director of the Pennsylvania Association of County Affiliated Homes, as to what the County’s options were, Mr. Marcus advised he found out the County was limited to a distance of 50 miles by road to sell them. He further advised the DPW was not offering any subsidies like they did years ago.

Mr. Marcus stated if the County was going to sell them, it made sense to sell them to either Bucks or Montgomery County because it would not be competing with them, but he believed that would all be part of the analysis.

In answer to Mr. Cusick’s question as to whether Bucks County was interested, Mr. Marcus advised he did not believe any County facility would be interested because of the precarious nature of funding. He further advised if the County decided to go that route, marketing strategies would have to be put into place.
In response to Mr. McClure’s question as to what the census was today, Mr. Marcus stated it was between 610 and 615.

In answer to Mr. McClure’s question as to what was being done to maintain the census, Mr. Marcus advised they have greatly improved the admission process and placed someone in the field developing relationships with the hospitals and other nursing homes.

In response to Mr. McClure’s question as to whether he felt the two year contract for Premier was enough, Mr. Marcus stated the contract was for two years with several renewals options. He further stated with the renewal options, it was enough and the reason they did not go for a straight five year contract was because they wanted to make sure they stayed attentive to the County’s goals.

In answer to Mr. McClure’s question as to whether he would advocate for renewal of their contract, Mr. Marcus advised if they continued the work they were doing for the rest of the year, he would.

In response to Mr. McClure’s question as to whether he felt there would be a time when outside consulting to manage Gracedale would not be necessary, Mr. Marcus stated not in the current funding climate because they came with so much expertise.

In answer to Mr. Cusick’s question as to the status of the kitchen floor, Mr. Marcus advised he was not sure because they were supposed to have a capital projects meeting on Monday, but it was cancelled due to the annual Department of Health inspection.

In response to Mr. Cusick’s question as to whether a decision had been made regarding the transportation service, Mr. Marcus stated they were finalizing the Request for Proposals that would be going out soon. He further stated they were incorporating some of the add-ons they learned about during the first round of proposals to allow for a more even comparison and hopefully, they could get a better price.
Aging Waiver Program

In answer to Mr. Cusick’s question as to whether the employee bumping process had been completed, Mr. Marcus advised that has been completed and the Aging Waver Program was concluded. He further advised it was a testimony to the caseworkers and the supervisors in both the Area Agency on Aging and the Mental Health/Early Intervention and Developmental Programs divisions that there were only two individuals left at the end of the year that still had to be placed.

Slate Belt Business Forum

Mrs. Ferraro reminded everyone to mark their calendars for the Slate Belt Business Forum to be held at 4:30 p.m., on January 22, 2013.

Council Solicitor’s Report

Mr. Lauer stated he was asked to look at what occurred in the City of Scranton with respect to its commuter tax that was struck down by the Lackawanna County Court. He further advised since the City of Scranton was declared a distressed municipality, they had particular procedures that had to be followed to do all kinds of things. He noted with respect to the commuter tax, they were required to petition the County Court and in the case in question, the County Court ruled they had to show that they had done enough other things to justify a commuter tax. He further noted the request was defeated.

Mr. Lauer advised along with drafting the ordinance that was being referred to Mr. McClure’s committee, he was asked to look at other ways County Council could have input with regard to appointments that were hired by the County Executive. He further advised he had begun the process, but since it was a very large project and the committee was going to look at the entire issue, perhaps any further efforts should be put on hold.

Mr. Lauer stated early Monday afternoon, he was asked to look at the participation in meetings via telephone, which he did and his finding was it would be appropriate as long as the participant could hear and be heard. However, he wanted to point out there was a technological issue as only one person was
Mr. Lauer advised he received a letter from a law firm expressing an interest in pursuing Swaption litigation, which he forwarded to the County Solicitor’s Office.

In response to Mr. Cusick’s question as to whether he had an opportunity to review that letter, Mr. Daniel Spangler, County Solicitor, stated he had not had time to study the letter and to determine if they were experts or not.

Mr. Lauer advised in fairness to Mr. Spengler, the letter that came to him did not contain any significant proposal, but rather indicated they were assembling some people to work on it if the County was interested and when they had it together, they would contact the County.

In answer to Mr. Werner’s question as to whether someone had asked them to assemble a team, Mr. Lauer replied he did not know that, but he had received a telephone call asking if there was an interest to which he replied he did not know and then he received the letter.

Mr. McClure stated he had looked into the matter and the County would have to hire someone who did complex litigation.

With regard to the one telephone line, Mrs. Ferraro advised she hoped that issue was being referred to the Information Services Department.

Mr. Dietrich stated although it was pointed out that there was only one telephone available, there was nothing to stop a County Council member from using their own personal communication device.

Mr. Kraft advised he watched the entire meeting on his computer and if someone had called him, he would have been able to participate, as well as probably other members. He further advised the County had to look into how to use the technology available.

Mr. Gilbert stated when they did conference calls at his work, the employees were given a telephone number to call and then they had to enter a pin number to be able to participate in the meeting.
Mr. McClure advised in order to protect the integrity of the meeting, there had to be one method of communication that all members could participate.

Mr. Gilbert stated the integrity would only be compromised if someone were to give their pin number to someone else.

Mr. Cusick asked Mr. Flisser to meet with Mr. Albert Jordan, Xerox Director of Information Services, and Mr. Thomas Harp, Director of Administration, to see if there were any technological advancements that could be implemented.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Cusick seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council