Easton, Pennsylvania                January 24, 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; Bruce A. Gilbert; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent was Barbara A. Thierry.

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 January 7, 2013 and January 10, 2013 meetings shall be approved.

Mr. Parsons seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Reverend Mario Martinez, Forks Township, PA – stated he was representing the members of the Coalition of Alzheimer Families. He further stated about a year ago, Mr. Jack D’Alessandro posed a question relating to some possible misuse of funds and Mr. Cusick indicated when the investigation was concluded, County Council would deal with it.
Reverend Martinez advised Mr. Stephen Barron, Controller, explained there was a misuse of tax dollars by the County Executive in the County’s lawsuit against the taxpayers so they were waiting to discover whether or not any action was going to be taken. He further advised they would like to see some form of investigation conducted because there was no question now as to whether there was a misuse of tax dollars.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met yesterday to review the County Executive’s appointments/re-appointments to various authorities, boards and commissions.

Mr. Kraft introduced the following resolution:

R. 1-2013 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

GAMING REVENUE & ECONOMIC REDEVELOPMENT AUTHORITY

Appointment: Term to Expire: 12/31/16

Municipality Representative-
Lower Saucon Township
David Willard
1809 Meadow Ridge Court
Bethlehem PA 18015

HOSPITAL AUTHORITY

Re-appointment: Term to Expire: 12/31/17

J. Michael Dowd
25 Chestnut Ridge Circle
Easton PA 18042
INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment: John T. Dittbrenner, Jr.  
3504 Nicholson Road  
Bethlehem PA 18020  
Term to Expire: 3/17/18

MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment: Donna Thorman  
10 East Lawn Road  
Nazareth PA 18064  
Term to Expire: 1/24/16

NORTHAMPTON COUNTY HOUSING AUTHORITY

Re-appointment: Lori G. Sywensky  
750 Williams Avenue  
Walnutport PA 18088  
Term to Expire: 2/9/18

PERSONNEL APPEALS BOARD

Re-appointments: William H. Alexander  
2821 5th Street  
Bethlehem PA 18020  
Terms to Expire: 2/3/15

John Dally, Jr.  
202 Constitution Avenue  
Wind Gap PA 18091

David Sanders  
6 East Washington Avenue  
Bethlehem PA 18018

Ralph D. Stampone  
47 West Third Street  
Wind Gap PA 18091
Mr. Kraft advised the Personnel Committee voted unanimously to recommend these appointments/re-appointments to the whole of County Council.

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


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

County Executive’s Report

Mr. John Stoffa, County Executive, advised the Human Services Building Committee studied this issue for almost a year and he thanked Mr. Ken Mohr, Mohr Management Resources, for his assistance. He further advised there were some who wanted to build a new building, but such a venture would take three to five years and it would leave the clients and employees at risk in buildings that required a lot of work. He noted although it was projected the County would need to spend $4.3 million to upgrade the Wolf and Bechtel Buildings, he believed the actual figure would be between $5-8 million and they would continue to need periodic upgrades and repairs.

Mr. Stoffa stated for the first time in history, the County’s 18,000 clients would have a new building and would have access to all the agencies in one place. He further stated to acquire this building, the County was not borrowing money nor floating a bond.

Mr. Stoffa advised in February, the County was going to begin working on putting together a bond for bridges, additional repairs at Gracedale and possibly concrete repairs around the Courthouse.

Mr. Stoffa stated County Council had an opportunity to demonstrate to 18,000 County residents that they did care about them, that they were important and they deserved a new building. Therefore, he hoped County Council would seriously consider adopting the proposed lease ordinance.
Mr. Stoffa advised he would be willing to discuss the appraisals for the lease, as well as the Wolf and Bechtel Buildings, however, he would like it to be done in Executive Session as to not jeopardize the maximum amount the County could receive for the sale of these buildings if discussed in public.

Mr. McClure stated two lawsuits were filed with regard to the Gracedale issue, noting one was the County’s and the other was that of Mr. Bernie O’Hare and Mr. Ron Angle. He further stated at the time, he indicated he thought partial funding or assistance provided Mr. O’Hare and Mr. Angle was a misuse of County tax dollars and that money, which he felt was approximately $11,000, should be repaid.

Mr. McClure advised reasonable people could differ on whether or not the County was considering challenging the petition signatures themselves, which was the lawsuit Mr. O’Hare and Mr. Angle undertook. He further advised Mr. Barron determined, by Eckert Seamans’ admission, that $700 was spent supporting Mr. O’Hare’s and Mr. Angle’s litigation.

Mr. McClure stated in the spirit of putting this all behind us, he asked Mr. Stoffa if that money should be reimbursed so no one could contest that it was spent to support private litigation.

Mr. Stoffa advised if it would make him feel better, he would write a check for the money.

Executive Session

When Mr. Cusick asked if there was any interest in moving into Executive Session to discuss the appraisals, Mr. Angle questioned whether it was an appropriate reason.

When Mr. Cusick stated he believed discussions regarding real estate actions were appropriate reasons under the Sunshine Act, Mr. Lauer concurred.

Mr. Dietrich advised he did not believe the leasing of the Human Services Building should not be contingent on the values of the Wolf and Bechtel Buildings because it was needed.
Mr. McClure stated if the appraisals were to be discussed, it could only lead to policy and that should be done in public.

Mr. Lauer advised any decision that was made with respect to policy had to be done in public, but he understood the Executive Session was for disclosure of the appraisal results, which would be appropriate because it related to the ultimate sale of those properties and how that information may affect those sales.

Mr. McClure stated the appraisals were already communicated to County Council so there was no reason to discuss them in Executive Session.

Mr. Lauer advised he did not know what else was going to be presented and if there was nothing else, the Executive Session could be terminated.

Mr. Werner stated the Wolf and Bechtel Buildings were relevant to the lease of this property.

Mr. Gilbert made a motion to adjourn into Executive Session because he felt discussion regarding the appraisals in public could have an adverse effect on the sale of those buildings.

Mr. Cusick seconded the motion.

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


The motion failed by a vote of 4-4.

Public Hearing on the Ordinance Providing for the Human Services Building Lease

Mr. Cusick stated this ordinance was introduced by Messrs. Dietrich and Kraft at the meeting held January 10, 2013. He further stated the Finance Committee met yesterday and voted to recommend its adoption to County Council as a whole.
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.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

Mr. Neil Brown, Representative, Pennsylvania Social Services Union Local 668 – advised his union represented the Human Services employees that worked in the Wolf and Bechtel Buildings. He further advised no one knew better the deplorable condition of the Wolf Building than the people who worked there and for years, there were grievances filed regarding its condition, it was brought up in labor/management meetings and one time it was even discussed at a County Council meeting.

Mr. Brown stated that the new proposed building seemed like a good alternative and the sooner they could get out of the Wolf and Bechtel Buildings the better. He further stated their concern was that the current employees would remain County employees because the Human Services Department lost two big programs recently.

Mr. Ron Heckman, Bethlehem, PA – advised since this was an issue that would have an impact on the Human Services budget for years to come, he provided some background information on himself, which included employment in areas of Human Services including being Director of the Northampton County Department of Human Services (DHS), in an effort to explain why he was taking the position he was.

Mr. Heckman stated ever since he assumed the office of Director of DHS in the early 1990’s, he wanted to see a unified Human Services building and he still thought it was a good idea, however, he was opposed to the current proposal. He further stated the Federal government was dealing with a huge deficit, major cuts were anticipated and there was little doubt that Medicaid and other intergovernmental funding streams would be affected.

Mr. Heckman advised the State was facing its own budget issues and would be hard pressed to supplement any Federal cuts so it would fall to the Counties to find ways to stretch their
Human Services budgets and decide what they could or could not afford to do all the while doing those things that were mandated by law. He further advised even during the good years, if and when Human Services received an increase in the Cost of Living Adjustment, it barely kept pace with the rate of inflation.

Mr. Heckman stated “needs based budgeting” was needs based in name only because the County would send in its needs and the State would send what they wanted. He further stated the outlook for the foreseeable future was that Human Services would have to be a highly disciplined, while at the same time imaginative, organization when it came to its budgeting.

Mr. Heckman advised while there were funding streams for specific uses, Human Services funds were generally spent on services, staff and physical plant. He further advised he was not sure if this was still the case, but the County had always charged back rent amounts as part of the DHS budget and his concern was if there was a single purpose building, the entire cost over the life of the lease would be borne by the DHS diverting money needed for services to bricks and mortar.

Mr. Heckman stated most consumers never came to the County offices and if they did, it was infrequent because they were handled by third party subcontractors and the future would indicate more, not less, outsourcing of services. He further stated the County has continually cut positions and programs over the years and the idea of any real increase in staffing remained remote. He noted he supported consolidating the DHS operation under one roof, but he believed it should be part of a well thought out comprehensive plan creating a free standing building to consolidate all non-court related County services. He further noted that a respectful amount of money went into staff mileage reimbursement because of Court proceedings and related meetings so he would favor an Easton location, however, regardless of the location, with all non-related Court services under one roof, the DHS could help defray the cost of, but not bear the sole responsibility.

Mr. Heckman advised various factors had to be taken into account including financial realities of today and those that were on the horizon. He further advised at one time, the State was a larger partner in education funding, but that has dipped a great deal over the years and local school districts had to pass the cost on to the homeowners in higher taxes and he feared a
similar trend may occur in Human Services. He noted at that point, the County would face difficult choices that would not be made any easier by existing State service mandates.

Mr. Heckman stated he had dedicated his presentation to a Human Services policy discussion, but he felt there were provisions in the lease agreement that would not be in the best interest of the County taxpayers over the term of the agreement. He further stated his main concern was the County would be hard pressed in the future to deal with a variety of issues such as the Prison, which was in desperate need of renovations or outright rebuilding, and the inevitable increase in Court related costs that would come with the growth of the County.

Mr. Heckman advised he had reviewed whatever information that was available online and did not know all the information County Council may have regarding the lease and overall project, but at the end of the day, the DHS was about people and not buildings.

Mr. Stephen Barron, County Controller – stated he provided information to County Council at the Finance Committee meeting held yesterday and was not going to rehash that other than to say he liked the location and the concept, but he was not comfortable with the amount of money. He further stated Mr. Heckman summed it up quite well with regard to the impact this was going to have DHS.

Mr. Barron advised Mr. James Gentile, North Star Construction Management, Inc., bought this property in 2004 for $1,050,000 and in that deed seven acres were conveyed so he wanted to know what was going to happen with those acres because the lease and what the County had the option to buy was for 5.2 acres.

Reverend Martinez – stated he did not have time to really explore this issue, but he urged County Council not to rush into anything and to study this matter a little more thoroughly.

Mr. Ron Angle, Upper Mount Bethel, PA – advised he agreed with Mr. Heckman as far as the funding deteriorating in the future, but he looked at it strictly as whether it was a good deal. He further advised it was a pretty good deal for the developer, but he was not sure it was a good deal for the County.
Mr. Angle stated being a prevailing wage project was going to add a considerable cost to the project. He further stated the Wolf Building had been bad for years and the Bechtel Building was not much better so he did not know why there was such a rush. He noted the County could do this project for less money than a developer if they would take a little more than 3% bond and finance a building for 29 years.

Mr. Angle advised the County was buying a shell and had to finish it off itself which it hoped to finance from the sale of the Wolf and Bechtel Buildings. He further advised he felt the appraisals provided were inflated to make this work because it was already broadcast that the Wolf Building was a dump and the Bechtel Building was not much better. He noted he believed before a decision that would favor the taxpayers could be made, a little more homework had to be done.

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

Mrs. Ferraro stated she felt as if she was being pushed by a salesman. She further stated she knew it had been studied for a year, but she was still not comfortable because too much was predicated on the sale of two old buildings.

Mrs. Ferraro advised if the employees could not remain at the Wolf Building, she would suggest moving them to Gracedale while the prospect of building a facility on the Gracedale property had been thoroughly reviewed.

Mr. Dietrich stated he and Mr. Kraft spent eleven months reviewing this issue and there were professionals that worked very hard with them to put things into prospective. However, he felt even after all the discussions with County Council, there were more questions than answers.

Mr. Parsons advised he wanted to commend the committee and all the individuals involved, but the problem he had from the beginning was the financing. He further advised he was concerned that a lot of it had to do with the sale of two buildings and he would rather own a building than lease it.

Mr. Parsons made a motion to table this ordinance.
Mrs. Ferraro seconded the motion.

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


The motion passed by a vote of 6-2.

Consideration of the Resolution Providing for an Amendment to Resolution No. 103-2012

Mr. Cusick stated DHS requested that County Council change the title of the position listed in Paragraph b of Resolution No. 103-2012 from Caseworker to Aging Care Manager II. He further stated this request was reviewed at the Personnel Committee meeting yesterday.

Mr. Kraft introduced the following resolution:

R. 2-2013 RESOLVED, By the Northampton County Council that resolution No. 103-2012 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

RESOLVED, By the Northampton County Council that one (1) full time position of Fiscal Technician, pay grade PS-33, salary range $34,242 to $55,016, shall be eliminated in the Department of Human Services, Area Agency on Aging Division, effective January 1, 2013.

BE IT FURTHER RESOLVED, by the Northampton County Council that the following positions shall be created in the Department of Human Services, Area Agency on Aging Division, effective January 1, 2013:

a. one (1) full time position of Clerk Typist III, pay grade PS-30, salary range $29,559 to $48,168

b. one (1) part-time (.40 FTE) position of Caseworker II Aging Care Manager II, pay grade PS-35, salary range $37,748 to $61,513.
Mr. Kraft advised this change was requested due to the way the position was reimbursed by the State and was unanimously approved by the Personnel Committee.

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


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

Human Services Building

Mr. Parsons stated he planned to remove the Human Services Building ordinance from the table by the second meeting of February so if County Council had any questions they wanted answers to, they should present them before then because he did not want this matter to drag on forever.

Mr. Dietrich advised that Mr. Ken Mohr, Mohr Management Resources, appeared at the Human Services Committee meeting, but there was very little time to get into an in depth discussion so he did not know if County Council would want him to come back and give another presentation.

Mr. Gilbert stated they had to be considerate of everyone’s time so any questions should be written down in order to be addressed.

Mr. Kraft advised at the Finance Committee meeting yesterday, this issue was discussed and it had been discussed on several other occasions, but as there still seemed to be some questions, he agreed they should be presented so an informed decision could be made.

Finance Committee Report

Mr. Cusick stated at the Finance Committee meeting, Mr. Doran Hamann, Acting Director of Fiscal Affairs, indicated the Fund Balance at the end of the year should be between $41-42 million.
Mr. Cusick advised two hours of the meeting were used to discuss the Human Services Building lease so it was disappointing that some County Council members were unable to attend or had additional questions that were unanswered. He further advised those that had questions should contact the parties involved to get them answered and to make a decision.

Mrs. Ferraro stated her questions centered around the permitting process for Upper Nazareth Township and why they would not be thrilled to have all those jobs brought into that area and also the time frame it would take for the County to build its own building.

Mr. Cusick advised it took a long time for the County to get even small projects completed in Upper Nazareth Township.

Mr. Gilbert stated one issue with building in Upper Nazareth Township was the amount of parking that would be available. He further stated since his time on County Council, he had heard numerous complaints from the employees regarding the conditions of the Wolf and Bechtel Buildings.

Mr. Gilbert advised there was no argument that the County deserved to have a building where they could house different departments under one roof with easy on and off access, but it came down to the numbers. He further advised he was completely in favor of this building because he felt the County had been deserving of it for years and at some point, the questions have to come to an end. He then urged everyone to do their due diligent with regard to any questions and be prepared to vote when the time came.

9-1-1 Liaison Report

Mr. Parsons stated he requested a call volume report for 2012 and he believed he would have it by the next meeting.

Solicitor’s Report

Mr. Lauer advised with regard to a change in a lease for a District Magistrate’s office, he felt the County was bound by the terms of the lease. He further advised there were options as to what would happen if the County decided not to continue
Mr. Lauer stated with respect to the District Attorney’s lease with Bethlehem Township, he agreed with the County Solicitor that the District Attorney could not bind the County to that lease. He further stated he met with the District Attorney and obtained a copy of the lease and the space involved was less than 1800 square feet and the rental was minimal. He noted the District Attorney, during his term, had never had the opportunity to rent property so it did not occur to him that he would have to have County Council’s approval. He further noted he believed the District Attorney would be presenting this lease to County Council for approval in the near future and County Council would have to decide whether it would waive the appraisal requirements.

Mr. Lauer advised he was also asked to review the issue of residency requirements for appointed officials and he would report back to County Council on that matter at a later date.

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