Easton, Pennsylvania

September 19, 2013

A regular meeting of the Northampton County Council was held on the above date with the following present: John Cusick, President; Margaret Ferraro, Vice-President; Thomas H. Dietrich; Bruce A. Gilbert; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Robert 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 September 5, 2013 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Ann Terres, 1580 Chaucer Road, Bethlehem PA - stated she was the Chair of the Gracedale Advisory Board and they were kept informed of the issues facing Gracedale. She further stated they would welcome the presence of any County Council member at their meetings, which was held the second Thursday of every month.

Ms. Terres advised, on behalf of the Gracedale Advisory Board, she wanted to thank Mr. Ross Marcus, Director of Human Services, for his service to the County and especially to Gracedale.
Mr. Robert Brown, 420 Wedgewood Drive, Palmer Township, PA - stated he was the primary author of the Save Braden Airpark Initiative’s vision statement and proposal and he wanted to thank everyone for their consideration of this issue.

Mr. Brown advised the secret to saving Braden Airpark was to get a good Fixed Based Operator to run it like Moyer Aviation did in the past. He further advised the numbers in the proposal might seem high, however, this was not just an investment in general aviation, but in the community as well.

Mr. Brown stated his organization was in support of the County Council’s resolution to get the ball rolling to open negotiations with the Lehigh-Northampton Airport Authority (LNAA) to reach an amicable solution. He further stated they would be willing to serve on an ad hoc committee to determine what could be done to save Braden Airpark.

In answer to Mr. Cusick’s question as to whether there would be another Fixed Based Operator willing to come in, Mr. Brown replied he believed there would be, but no one wanted to operate a business on a month to month lease.

Ms. Sherry Acevedo, 3 North Lehigh Avenue, Wind Gap, PA - advised she was the Conservation Coordinator for the Delaware and Lehigh National Heritage Corridor. She further advised her organization had been working in partnership with the County and multiple Lehigh Valley conservancies and organizations to preserve and connect its natural resources.

She further advised they just closed their latest round of funding requests wherein they received 26 applications totaling more than $250,000. She further advised this was money that came from Department of Conservation and Natural Resources (DCNR) that they leveraged with additional match money.

Confirmation of Appointments

Mr. Cusick stated the Personnel Committee met yesterday to review the County Executive’s appointments to the Children, Youth and Families Advisory Board; the Lehigh Valley Planning Commission; the Personnel Commission; the Prison Advisory Board and the Revenue Appeals Board.
Mr. Kraft introduced the following resolution:

R. 73-2013 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD

Appointment:  
Elizabeth K. Briggs  
1909 Major Street  
Bethlehem PA 18017

Term to Expire: 9/15/15

Re-appointments:  
Reverend David G. Goss  
208 East First Street  
Wind Gap PA 18091

Term to Expire: 9/1/15

Patricia A. Hunter  
200 North 11th Street, Apt. 2  
Easton PA 18042

Term to Expire: 10/31/15

LEHIGH VALLEY PLANNING COMMISSION

Re-appointments:  
Thomas J. Nolan  
Bethlehem Township Commissioner  
3910 Kipton Court  
Bethlehem PA 18020

Terms to Expire: 12/31/14

Pamela J. Pearson, CPIM  
Tatamy Borough Council Member  
105 Fern Court  
Easton PA 18045

PERSONNEL COMMISSION

Re-Appointments:  
Eugene R. Auman, SPHR  
518 East Main Street  
Bath PA 18014

Term to Expire: 12/31/15
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Gary L. Dologite, SPHR  
1465 Main Street  
Bethlehem PA 18018  

Kenneth J. Guerin  
353 Kevin Drive  
Bethlehem PA 18017  

Marna Hayden  
312 Shauna Way  
Nazareth PA 18064  

Lisa Youngkin Rex  
734 Paxinosa Avenue  
Easton PA 18042  

PRISON ADVISORY BOARD  

Appointment:  
David Lyon, MD  
One Third Terrace  
Easton PA 18042  

Term to Expire: 12/31/15  

Re-appointments:  
William Argeros  
3148 Shakespeare Road  
Bethlehem PA 18017  

Terms to Expire: 12/31/15  

Edward J. Boscola, P.E.  
385 Palmetto Drive  
Easton PA 18045  

Daniel Christenson  
114 Seminole Terrace  
Mount Bethel PA 18343  

REVENUE APPEALS BOARD  

Re-appointment:  
George J. Andralis  
3537 Chippendale Circle  
Bethlehem PA 18017  

Terms to Expire: 12/31/15
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Marcella Carter
234 Bella Vista Drive
Bethlehem PA 18017

Richard D. McAteer
433 Paxinosa Avenue
Easton PA 18042

Robert J. Miklas
647 Gladys Drive
Nazareth PA 18064

Leonard F. Zavacky
3655 Hickory Hill Road
Bethlehem PA 18015

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

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

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

County Executive’s Report

Mr. John Stoffa, County Executive, indicated he would defer his report to later in the meeting.

Public Hearing on the Ordinance Providing for an Amendment to the Articles of Incorporation of the General Purpose Authority (GPA)

Mr. Cusick advised the following ordinance was introduced by Mrs. Ferraro and Mr. Werner at the County Council meeting held September 5, 2013, and would extend the life of the authority to a maximum of 50 years. He further advised it was reviewed at the Economic Development Committee meeting held September 5, 2013.
AN ORDINANCE AUTHORIZING AN AMENDMENT OF THE ARTICLES OF INCORPORATION OF THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY AS PROPOSED AND RECOMMENDED BY THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY TO REVISE THE TERM OF THE CORPORATE EXISTANCE OF THE AUTHORITY IN ACCORDANCE WITH THE MUNICIPALITY AUTHORITIES ACT, AS AMENDED

WHEREAS, Northampton County (THE "County"), a county of the third class of the Commonwealth of Pennsylvania ("Commonwealth"), pursuant to the Municipality Authorities Act of 1945, Act of the General Assembly of the Commonwealth, approved May 2, 1945 (P.L. 382), as amended and supplemented and as now codified as the Municipality Authorities Act at 53 Pa. C.S.A., Chapter 56 (the " Authorities Act"), by Ordinance No. 323 duly enacted December 3, 1998, by County Council (the "Ordinance"), authorized the formation of the Northampton County General Purpose Authority (the "Authority") for the purpose of exercising any and all powers conferred by the Authorities Act; and

WHEREAS, the Ordinance authorized and directed the County Executive and the County Council to take certain actions in connection with the formation of the Authority, including the preparation and filing of Articles of Incorporation for the Authority pursuant to the Authorities Act setting forth among other things, a fifty (50)-year term for the corporate existence of the Authority (the "Term"); and

WHEREAS, the first Articles of Amendment were filed in the Office of the Secretary of the Commonwealth of Pennsylvania on August 31, 2000, and a Certificate of Amendment was issued on August 31, 2000, whereby Section 7 of the Articles of Incorporation were amended regarding the powers of the Authority; and

WHEREAS, the second Articles of Amendment were filed in the Office of the Secretary of the Commonwealth of Pennsylvania on April 22, 2002, and a Certificate of Amendment was issued on April 22, 2002, whereby Section 6 of the Articles of Incorporation were amended regarding the names, addresses, and terms of the Board of the Authority; and
WHEREAS, 53 PA C.S.A. § 5605(a)(1) of the Authorities Act provides that the Authority may amend its Articles of Incorporation to modify the Term to a date not exceeding fifty (50) years from the date of approval of the Articles of Amendment; and

WHEREAS, the Authority deems it to be in the best interests of the Authority and the County to amend the Authority's Articles of Incorporation pursuant to § 5605(a)(1) of the Authorities Act in order to revise the Term by extending the initial Term to fifty (50) years from the date of the filing of Articles of Amendment related to the subject matter hereof; and

WHEREAS, the Authority now proposes and hereby recommends to the County Council that Council approve an ordinance which will authorize the amendment to the Articles of Incorporation of the Authority in accordance with § 5605 of the Authorities Act and this Resolution; and

WHEREAS, the Authority proposes and hereby recommends to the Council that it enact an ordinance which will authorize the amendment of the Articles of Incorporation of the Authority in accordance with § 5605(a)(1) of the Authorities Act by amending and restating Section 8 of the Articles of Incorporation in its entirety as follows:

"The term of this Authority shall be extended from its initial term of fifty (50) years from the date of its Articles of Incorporation to fifty (50) years from the filing of these Articles of Amendment."; and

WHEREAS, the Council has determined that it is beneficial to the residents of the County of Northampton to amend the Articles of Incorporation of the Authority as proposed and recommended by the Authority.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Council of the County of Northampton, as follows:

1. STATEMENT OF INTENT

The County Council of the County of Northampton, Pennsylvania signifies its intention and desire to authorize the amendment of the Articles of Incorporation of the Northampton County General Purpose Authority, pursuant to § 5605 of the
Authorities Act, so that Section 8 of the Articles of Incorporation shall be amended and restated in its entirety as follows:

"The term of this Authority shall be extended from its initial term of fifty (50) years from the date of its Articles of Incorporation to fifty (50) years from the filing of these Articles of Amendment."

2. AUTHORIZATION

The County Executive and the Secretary of County Council are authorized and directed to take any and all actions necessary, on behalf of the County, to assist the Authority in amending its Articles of Incorporation in a form consistent with the Authorities Act.

3. PUBLICATION

The Authority is authorized and directed to cause notice of the adoption of this Ordinance and the Authority's intention to file an amendment to the Articles of Incorporation with the Secretary of the Commonwealth to be published as required by the Authorities Act.

4. EXECUTION OF AMENDED ARTICLES OF INCORPORATION

The Council hereby authorizes the appropriate officers of the Authority to execute Amended Articles of Incorporation for the Authority to do all other acts and things necessary or appropriate to effect the amendment of the Articles of Incorporation of the Authority, including payment of any fees necessary in connection therewith, and the filing of the Amended Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania.

5. REASON FOR ENACTMENT

The enactment of this Ordinance is deemed necessary for the benefit and preservation of public health, peace, comfort and general welfare of and will increase the prosperity of citizens of Northampton County.

6. REPEALER

All ordinances or parts of ordinances, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.
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Public Hearing

Mr. Cusick asked if there were any questions or comments from the public regarding this ordinance. There were no respondents.

Mr. Christopher Jones, Economic Development Analyst, Department of Community and Economic Development (DCED), stated the purpose for this activity would be to accommodate Lafayette College because the Authority was approached regarding the issuing of new bonds that could be extended out as long as 40-50 years. He further stated the current life span of the Authority was until 2050 and without this ordinance, they would not be able to entertain a 40 year bond.

As there were no questions or comments from the members of County Council, Mr. Cusick called for the vote.

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

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

Public Hearing on the Ordinance Pertaining to the Sale of the Bechtel Building

Mr. Cusick advised the following ordinance was introduced by Mrs. Thierry and Mr. McClure at the meeting held September 5, 2013:

AN ORDINANCE PROVIDING FOR THE SALE OF THAT CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE BECHTEL BUILDING LOCATED AT 520 EAST BROAD STREET, CITY OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA

WHEREAS, Northampton County Home Rule Charter Article 602 (a) (6) provides that the Northampton County Council shall enact an ordinance for any act which "(6) purchases, conveys, leases or authorizes the purchase conveyance or lease of any real property of the County".
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NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to sell to Justin K. McCarthy, Esquire, in consideration for the sum of one million five hundred seventy-five thousand ($1,575,000.00) dollars, that certain parcel of real property commonly known as the Bechtel Building, located at 520 East Broad Street, Bethlehem, PA 18018, Northampton County, Pennsylvania, consisting of 2.121 acres, more or less, and known as Northampton County Parcel Identifier No. P6N82D-11-1C. The terms and conditions of the sale shall be in accordance with the Agreement of Sale, a copy of which is attached hereto and made a part hereof as Attachment "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. There were no respondents.

As there were no questions or comments from the members of County Council, Mr. Cusick called for the vote.

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

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

Public Hearing on the Ordinance Pertaining to the Leaseback of the Bechtel Building

Mr. Cusick stated the following ordinance was introduced by Mrs. Thierry and Mr. McClure at the meeting held September 5, 2013:

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 520 EAST BROAD STREET, IN THE
WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a) (6) provides that the Northampton County Council shall enact an ordinance for any act which "purchases, conveys 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, to lease a certain portion of land and buildings and improvements located on property situated in the City of Bethlehem, Northampton County, Pennsylvania, having an address of 520 East Broad Street, Bethlehem, PA 18018, being tax parcel ID No. P6NE2D-11-1C and containing approximately 2.121 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 Attachment "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. There were no respondents.

As there were no questions or comments from the members of County Council, Mr. Cusick called for the vote.

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

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

Presentation of the Update on the Northampton County 21st Century Open Space Initiative

Mr. Cusick stated Mr. Bryan Cope, Open Space Coordinator, and Maria Bentzoni, Farmland Preservation Coordinator, requested the opportunity to present County Council with an update on the County’s Open Space Initiative.

Mr. Cope and Ms. Bentzoni then proceeded with their power point presentation (see Attachment #1).

Ms. Bentzoni advised they currently had 12,713 acres preserved on 130 farms. She further advised they did 3-5 farms in a given year and had 26 farms in a queue that they were working on.

Ms. Bentzoni stated they had three natural area projects that were being processed right now and received two applications today. She further stated there were 22 municipal park projects currently open, but they were in the process of closing several of them.

Ms. Bentzoni advised the Lehigh Valley Planning Commission (LVPC) anticipated a 36% growth in population by 2040 and a poll they conducted revealed people wanted to continue to see farmland preservation, protection of environmentally sensitive areas, regeneration of the urban centers and a strong economic base.
Ms. Bentzoni stated they were planning to implement a plan called Livable Landscapes, which was a strategic open space plan that would not only incorporate the current initiative, but expand on it. She further stated this plan would not just focus on the rural areas, but also the urban and suburban areas.

Ms. Bentzoni advised the plan would not only address acquisitions and easements, but what happened after those properties were acquired. She further advised it would address how to connect the urban and rural characters together while bringing in the economic draw these assets provided to the communities.

Ms. Bentzoni stated they planned to use all available resources to create a tool that was comprehensive and combined. She further stated they also planned to hold public meetings with the citizens of the County; stakeholders; participating agents, including land conservancies; other government agencies in and outside the County and non-profit organizations to determine how best to develop their goals.

Ms. Bentzoni advised by partnering with all these organizations they would be able to build a partnership system and a more comprehensive and cohesive plan from which they would be able to work with on a daily basis. She further advised out of that would come a set of goals and recommendations based on the data they collect.

Ms. Bentzoni stated they wanted to create a better ranking and rating system to make it more efficient for them to process and evaluate these properties. She further stated in the current plan there were gaps that did not address properties that fell between the different categories. She noted the current plan restricted them from being a matching source for other projects.

Ms. Bentzoni advised the plan would cover the protection and restoration of environmentally sensitive natural resources, greenways and blueways and urban spaces, the protection of water supply and air quality, farmland and rural open spaces, the development of green infrastructure and connect County-wide trail systems and conservation of heritage resources.
Ms. Bentzoni stated they were looking at a timeline to create the plan of approximately 12-15 months, which would start immediately after County Council approval and would be executed upon County Council’s approval of the final plan. She further stated they would be working with the LVPC and other related agencies to create the plan. She noted there would be no cost to the County because the funding would come from allotted funds from Act 13.

Ms. Bentzoni advised the only request they have was to allow the open space monies placed in the past remain in this year’s budget because this program would be utilizing those funds.

Mr. Gilbert stated he wanted to compliment them on revisiting their plan and looking toward the future because a lot of organizations failed to do so. He further stated their proposal was an excellent way to bring the communities together and increase revenues. He noted he would also like to compliment them on seeking partnerships with different organizations.

Mr. Cope advised the Act 13 money was the Marcellus Shale Legacy Fund and every County was getting a portion of it. He further advised this fund could be used for the planning, acquisition, development, rehabilitation and repair of a wide variety of things.

Mr. Cope stated the first money taken from the fund went to the Pennsylvania DCED, DCNR, the Public Utilities Commission and the Conservation District. He further stated if there was a host county/municipality, they received 60% of the remaining funds with the Counties receiving 40%. He noted 15% of that 40% had to go to County bridges and greenways, recreation and open space and was based on population.

Mr. Cope advised they planned to establish a committee with people that were knowledgeable and in the field to look at regional/County-wide impact projects. He further advised within the plan that wanted to do an economic impact study and update zoning, subdivision and land development ordinances, official maps and other planning documents to conform to new policies.
Mr. Cope stated the timeline to develop the plan for the implementation of the Act 13 - Marcellus Shale Legacy Fund Program was approximately six months upon County Council's approval with execution upon County Council's approval of the completed plan.

Mr. Cope advised the list of partners consisted of Federal, State and regional governmental agencies, colleges and health networks, as well as many others.

Consideration of the Lehigh River Dam Removal Resolution

Mr. Cusick stated the Lehigh River Dam Removal resolution was initially introduced by Mr. Werner at the County Council meeting held July 18, 2013, but was tabled after a brief discussion. He further stated the initial resolution was amended by adding the fifth paragraph and by making some minor changes to the last paragraph. He noted LVPC took a position that did not support the removal of the dams in question.

Mr. Parsons made a motion to remove this resolution from the table.

Mr. Kraft seconded the motion.

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

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

The motion passed by a vote of 8-0.

Mr. Werner re-introduced the following resolution:

R. 74-2013  WHEREAS, the Lehigh River Fish Passage Improvement Feasibility Study (Study) was presented at the Easton City Council meeting held on July 10, 2013; and

WHEREAS, the Study recommends the full removal of the Easton Dam at the confluence of the Lehigh and Delaware Rivers in Easton and the Chain Dam near Hugh Moore Park in order to
restore shad migration into the Lehigh River; and

WHEREAS, the dams are an important part of the history of the City of Easton since their initial construction in the 1800's. The removal of the dams: (1) could easily change the character of the City of Easton and neighboring communities, (2) would lower the river level, thereby exposing the foundation of a Palmer Township-owned railroad bridge that crosses the river and forcing underwater sewer mains to be relocated, (3) would require the renovation of canal and river banks, (4) would require pumps to be installed, at a cost reported to be between $1.2 million and $6 million, to maintain water levels in both the Lehigh and Delaware Canals, (5) could have a negative impact upon a Northampton County boat launch located off of Hope Road in Bethlehem Township (6) would have an unknown effect on 12" water line and a natural gas line upstream of the Glendon Hill Road Bridge, but would likely affect stormwater outfalls including both pipes and box culverts and (7) would be at an estimated cost of $18 million; and

WHEREAS, questions have been raised about the effectiveness of flood mitigation through the removal of the dams; and

WHEREAS, the Study is limited in scope in that it only evaluates fish passage at two of the four dams on the Lehigh River.

NOW, THEREFORE, BE IT RESOLVED that it is opinion of the Northampton County Council that it does hereby oppose the full removal of the Easton Dam at the confluence of the Lehigh and Delaware Rivers in Easton and the Chain Dam near Hugh Moore Park for the reasons herein set forth. It is further resolved that a copy of this resolution shall be forwarded to the Pennsylvania Fish and Boat Commission and to the Wildlands Conservancy.

Mr. Dietrich advised the LVPC letter only showed its position as to whether it would have a positive or negative effect on the Shad migration and the infrastructure. He further advised the last paragraph indicated that based on the Shad migration the removal of the dams was not worth it.
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Mr. Dietrich stated at the last meeting, it was(indicted) that the flow rate of the current rivers and streams would go from 10' per minute to 16' per minute if the dams were removed. He further stated the resolution mentioned flood mitigation, but never really addressed it so he could not take a position on this issue at this time and felt more information should be received before County Council took a position.

Mr. Gilbert advised this resolution was to prevent the removal of the dams so that would allow time for exploration of other options regarding the mitigation of flood waters. He further advised he was prepared to support it because he believed the removal of the dams was not the answer.

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

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

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

Consideration of the Resolution Authorizing the County Executive to Take Legal Action Blocking the Sale of Braden Airpark

Mr. Cusick stated at his request a resolution was drafted authorizing the County Executive to take legal action to block the sale of Braden Airpark by LNAA.

Mr. Cusick introduced the following resolution:

R. 75-2013 WHEREAS, the Lehigh-Northampton Airport Authority (LNAA) owns and operates Braden Airpark, a facility that is located in Forks Township, Northampton County, and serves general aviation demands in Forks Township and surrounding communities; and

WHEREAS, the LNAA has publically announced its intent to sell Braden Airpark; and

WHEREAS, the Solicitor to the Northampton County Council has opined in a legal memorandum, dated September 5, 2013 (an
The purposes of the Authority shall include acquiring, holding, constructing, improving, maintaining and operating, owning or leasing, either in capacity of lessor or lessee, lands and buildings to be devoted wholly or partially to public use for revenue-producing purposes in connection with the ownership and operation of the Lehigh Valley International Airport and/or Queen City Airport, and/or Braden Airpark, all facilities incident thereto, except that the facilities at Braden Airpark will be confined to the existing 72.3 acres owned by the Authority....

In short, the authority has a specific purpose, which includes the ownership and operation of, inter alia, Braden Airpark. While it is true that such an authority has the right to buy and sell assets, including real estate, it is also clearly the case that the authority must function in accordance with the purposes set forth in the Articles of Incorporation. It is difficult to see how these specific stated purposes can be accomplished in the event of a sale of the real estate, unless specific provisions are made for the continuation of the "ownership and operation of... Braden Airpark" after a sale.....

...Since Northampton County was one of the municipalities which created this authority, the County arguably has standing to initiate legal proceedings to prevent the sale of Braden Airpark, if the sale is concluded to be inconsistent with the purpose of the LNAA...."
NOW, THEREFORE, IT IS HEREBY RESOLVED that the Northampton County Council does hereby urge the County Executive to authorize the County Solicitor to initiate legal action, at such time it is deemed appropriate, on behalf of the County of Northampton, to prevent the closure and/or sale of Braden Airpark.

After receiving a response from Mr. Lauer that it was up to the Administration to initiate litigation, Mr. McClure advised he just wanted to make it clear that by approving this resolution, County Council was not authorizing litigation, just urging it.

Mr. Stoffa stated he talked to some LNAA members this afternoon and it was proposed that they would not sell the airpark until March 31, 2014, which would give the new County Executive and County Council members the ability to look at the situation. He further stated he did not want to sue the airport because they could not afford it nor could the County.

Mr. Parsons advised this resolution would let the next County Executive and County Council know that this County Council felt strongly that the airpark should not be sold.

In response to Mr. McClure’s question that he would not sue the airport during the balance of his term, Mr. Stoffa stated if they agreed to the proposal, he would not.

Mr. Cusick advised the resolution indicated that it was at the County Executive’s discretion to seek legal action so he felt there was still validity in County Council adopting it.

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

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

The resolution was adopted by a vote of 8-0.
Consideration of the Lafayette College General Purpose Authority Resolution

Mr. Cusick stated the Economic Development Committee met on September 5, 2013, to review the Lafayette College GPA Project resolution. He further stated it was requested County Council adopt a resolution pertaining to projects being considered by Lafayette College. He noted the GPA arranged for low cost financing for the various projects being considered by Lafayette College and one of the conditions of obtaining that financing was that County Council had to certify the projects were desirable for the health, safety and welfare of the citizens of the County. He further noted the County’s full faith, credit or taxing power was not pledged as a guarantee for the funds being borrowed by Lafayette College and that Lafayette College itself was the guarantor for the bonds being floated.

Mrs. Ferraro introduced the following resolution:

R. 76-2013

A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE COUNTY OF NORTHAMPTON FOR THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY TO UNDERTAKE A PROJECT FOR LAFAYETTE COLLEGE; APPROVING THE AUTHORITY’S ISSUANCE OF BONDS FOR THE PROJECT, AS REQUIRED UNDER SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS.

WHEREAS, Lafayette College (the "College") has requested Northampton County General Purpose Authority (the "Authority") to approve the initiation of a plan of financing which may include issuing, pursuant to the provisions of the Municipality Authorities Act, as amended, now codified at 53 Pa. C.S.A., Chapter 56 (the "Authorities Act"), of its College Revenue Bonds and College Refunding and Revenue Bonds in one or more issues and series, in an aggregate amount not to exceed $55,000,000 (the "Bonds") to provide funds for a project (the "Project") consisting of: (A) the refunding of some or all of certain outstanding debt of the College consisting of the (i) Northampton County Higher Education Authority, College Revenue Bonds, Series A of 1998 and Series B of 1998 which financed (a)
the construction and equipping of Keef Hall, an approximately 40,000 square foot residence hall and student dining facility located at 22 South College Drive; (b) the construction and equipping of Hugel/Olin Science Center, an approximately 40,000 square foot facility and the renovation of Olin Hall, an approximately 50,000 square foot building, both located at 701 Sullivan Road; (c) construction and equipping of the Intramural and Recreational Facility, an approximately 110,500 square foot sports and recreation complex surrounding Kirby Field House and the renovation of Kirby Field House, both located at 420 Hamilton Street and (d) improvements to the water and steam distribution system at the College; and (ii) Northampton County General Purpose Authority, Variable Rate College Revenue Bonds Series of 2006 (Lafayette College Project) which financed the renovation and improvement of Fisher Athletic Field, including the addition of a varsity field house, construction of new north stands, renovation of the south stands, new general and field lighting, removal of the track and placement at Metzgar Fields, a press box with VIP booth and restrooms at the south stands; (B) the financing of all or a portion of the: (i) construction, equipping and furnishing of a new three (3) story, approximately 19,000 square foot academic building located on the main campus of the College, to be known as the Oechsle Center for Global Education, located at 43 SouthCollege Drive, (ii) renovation, construction of, improvements, equipping and furnishing of one or more buildings located on the east and west side of North Third Street north of Snyder Street, and on Snyder Street, east of North Third Street, in Easton, Pennsylvania, known as the Williams Arts Campus, including, without limitation, the demolition of the existing building on the Northeast Corner of Third and Snyder Streets and the construction of a new above-grade, multi-level performing arts space to include screening rooms and a black box theater as well as parking and a garden sculpture, (iii) renovation and equipping of a co-generation facility located on the main campus of the College, (iv) renovating, improving and equipping of existing residential, academic, administrative and other buildings throughout the main campus of the College, and (v) other capital projects, including renovations and improvements to the grounds and to various College facilities and the purchase of certain equipment, throughout the main campus of the College; and (C) payment of costs of issuing the Bonds; and
WHEREAS, pursuant to the Authorities Act, the College and the Authority have requested the Council of Northampton County (the "County Council") to declare, by this resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the College; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing was held by the Authority on September 10, 2013 in connection with the issuance of the Bonds; and

WHEREAS, such public hearing was held upon not less than 14 days' notice published in The Express Times in the form attached as Exhibit A hereto; and

WHEREAS, Section 147(f) of the Code requires that the applicable elected representatives of the governmental unit on behalf of which bonds are issued, and of each governmental unit having jurisdiction over the area in which any facility with respect to which financing is to be provided is located, approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, the County Council hereby requests that the County Executive of Northampton County (the "County Executive") approve the issuance of $25,000,000 in aggregate principal amount of the Bonds for purposes of Section 147(f) of the Code, by executing and delivering a certificate of approval in substantially the form attached hereto as Exhibit B and directs that his signature be attested to by the Clerk to the County Council.

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

SECTION 1. It is hereby determined and declared pursuant to the Authorities Act that it is desirable for the health, safety and welfare of the people in the area served by the College for the Authority to undertake the financing of the Project through the issuance of the Bonds in one or more series and issues, at fixed rates of interest, in an aggregate principal amount not to exceed $55,000,000.
SECTION 2. The issuance of $25,000,000 (based on issue price) in aggregate principal amount of the Bonds and the financing of the Project are hereby approved for the purpose of Section 147(f) of the Code, subject to the approval of the issuance of the Bonds by the County Executive and the delivery by said County Executive of a certificate of approval in substantially the form attached hereto as Exhibit B and presented to the County Council the day following the necessary hearing concerning the Project and the Bonds, with such changes as the County Executive shall deem appropriate, and the Clerk of the County Council is hereby directed to attest his signature, the execution of such certificate to be conclusive evidence of the approval by the County Executive of the issuance of the Bonds and the Project.

SECTION 3. The foregoing determination, declaration and approval are for the purposes of the applicable provisions of the Authorities Act and the Code as aforesaid, and do not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.

SECTION 4. The credit of the County of Northampton is not to be used for the security of the Bonds and the County of Northampton will have no liability for any payment of principal of, premium, if any, and interest on the Bonds.

SECTION 5. All actions of the County Council taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

SECTION 6. This Resolution shall take effect immediately. All prior ordinances or resolutions or portions thereof inconsistent herewith are hereby repealed.

Mr. Jones advised this would be for up to and including a $55 million bond issue, noting Lafayette College was intending to reissue some existing debt and they had some new projects. He further advised Mr. Mitchell Wein, Vice President of Finance and Administration, and Ms. Kari Fazio, Associate Vice President of Finance and Business Operations, from Lafayette College were present to answer any questions.
Mr. Wein stated they planned to issue a $50 million bond issue of which $25 million would be used to refund existing bearable rate bonds. He further stated $25 million would be issued for new money for a variety of capital projects.

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


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

Consideration of the Department of Community and Economic Development Grant Application Resolution

Mr. Cusick advised the Economic Development Committee reviewed this Local Share Account Program resolution at its meeting on September 5, 2013.

Mrs. Ferraro introduced the following resolution:

R. 77-2013

Resolution of the County of Northampton Authorizing the Filing of a Proposal for Funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania

WHEREAS, the Pennsylvania Race Horse Development and Gaming Act (Act 2004-71) as amended has established the Pennsylvania Gaming Local Share Account ("Local Share Account") under the Commonwealth Financing Authority (CFA) for the purpose of distributing 2% of gross terminal revenues of certain licensed gaming facilities in orderly and timely fashion to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

WHEREAS, the Commonwealth of Pennsylvania through the CFA provides Counties contiguous to Monroe County the opportunity to apply for eligible public interest projects, community improvement projects, economic development projects and
reasonable administrative fees; and

WHEREAS, the County of Northampton desires to submit an application to the CFA for a community improvement project to construct an external addition to the west end of the Slate Belt YMCA.

THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Northampton County Council that:

1. The proposed project to be funded by a grant from the Local Share Account program through the CFA is hereby eligible and approved.

2. The County Executive, on behalf of the County of Northampton, is authorized and directed to execute a Local Share Account application in the amount not to exceed $1,000,000 to the Pennsylvania Department of Community and Economic Development on behalf of the CFA.

3. The project includes the construction of walls and a roof necessary for an addition that will be located on the west end of the Slate Belt YMCA. This will enhance the current project and allow for future expansions, i.e. a pool and/or gymnasium.

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

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

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

Consideration of the Human Services Personnel Requests: a) Elimination of Positions; b) Creation of Positions; c) Revision of Position Titles

Mr. Cusick stated the Personnel Committee met yesterday to review these Human Services personnel requests.
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Elimination of Positions

Mr. Kraft introduced the following resolution:

R. 78-2013 RESOLVED, By the Northampton County Council that following vacant positions, currently existing in the Gracedale Division, Department of Human Services, shall be abolished this 19th day of September 2013:

1. The one full-time (1.00 FTE) position of Risk Manager, pay grade CS-28, salary range $51,491 to $76,595.

2. The one full-time (1.00 FTE) position of Corporate Compliance/Privacy Officer, pay grade CS-26, salary range $46,963 to $69,860.

3. The part-time position (3.50 FTE) of Nurse I, pay grade SW-26, salary range $49,780 to $64,827.

4. The part time position (3.0 FTE) of LPN (Licensed Practical Nurse), pay grade GU-09, salary range $35,373 to $45,026.

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

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

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

Creation of Positions

Mr. Kraft introduced the following resolution:

R. 79-2013 RESOLVED, By the Northampton County Council that following positions shall be created in the Gracedale Division, Department of Human Services, effective this 19th day of September 2013:

1. The one full-time (1.00 FTE) position of RNAC (Registered Nurse Assessment Coordinator), pay grade CS-27, salary
range $49,175 to $73,149.

2. The five full-time (5.00 FTE) positions of LPN (Licensed Practical Nurse), pay grade GU-09, salary range $35,373 to $45,026.

3. The 10 full-time (10.00 FTE) positions of Nursing Attendant I, pay grade GU-03, salary range $24,414 to $31,064.

4. The one full-time (1.00 FTE) position of Unit Clerk, pay grade GU-02, salary range $23,400 to $29,757.

5. The one full-time (1.00 FTE) position of Housekeeping Attendant I, pay grade GU-01, salary range $22,718 to $28,880.

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

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

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

Revision of Position Titles

Mr. Kraft introduced the following resolution:

R. 80-2013 RESOLVED, By the Northampton County Council that following position titles shall be revised in the Gracedale Division, Department of Human Services, effective this 19th day of September 2013:

1. The position title of Admissions Coordinator, pay grade CS-28, shall replace the position title of Social Services Director.

2. The position title of Clinical Liaison, pay grade CS-27, shall replace the position title of RN Case Manager.

3. The position title of Quality Assurance/Quality Improvement
Coordinator, pay grade CS-27, shall replace the position title of Quality Assurance Nurse.


5. The position title of Clinic Coordinator, pay grade CS-27, shall replace the position title of Clinical Coordinator.

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

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

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

Consideration of the Gracedale Outside Legal Counsel Resolution

Mr. Cusick advised the Human Services Committee reviewed this resolution at its meeting held earlier this evening.

Mr. Dietrich introduced the following resolution:

R. 81-2013 WHEREAS, the Northampton County Council adopted resolution No.14-2013 (a copy of which is attached hereto and labeled as Exhibit "A"), which authorized the hiring of the Kennedy, PC Law Offices, to assist Gracedale with collections of unpaid patient care accounts; and

WHEREAS, on September 11, 2013, the County Executive asked County Council to increase the maximum amount paid to the Kennedy, PC Law Offices from the initial $30,000 to an amount not to exceed $150,000 (refer to attached Exhibit "B").

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council authorizes the County Executive to award an increase to the contract with Kennedy, PC Law Offices for outside legal counsel to assist Gracedale with collections of unpaid patient care accounts, from the initial $30,000 to an amount not to
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exceed $150,000. It shall be understood that the County’s contract with Kennedy, PC Law Offices shall terminate on June 30, 2014, unless extended by a further resolution of County Council.

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


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

Consideration of the Conservation District Matters: a) Fee Schedule; b) Policies Revision

Mr. Cusick stated the Conservation District fee schedule and the policies revisions were reviewed at the Finance Committee meeting held yesterday.

Fee Schedule

Mrs. Ferraro introduced the following resolution:

R. 82-2013 WHEREAS, Northampton County Council Ordinance No. 17-1979 provides that the Northampton County Council shall set fees, charged by various County agencies by means of a resolution; and

WHEREAS, the Northampton County Conservation District Board of Directors, at its meeting held September 10, 2013, voted to increase the existing Erosion and Sediment Pollution Control Plan Review Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that effective January 1, 2014, Northampton County Conservation District Erosion and Sediment Pollution Control Plan Review Fee Schedule shall be as indicated hereafter:
NORTHAMPTON COUNTY CONSERVATION DISTRICT
EROSION AND SEDIMENT POLLUTION CONTROL PLAN REVIEW FEE SCHEDULE
Effective January 1, 2014

I. FEE SCHEDULE

A. The following fees will be charged by the Northampton County Conservation District for Erosion and Sediment Pollution Control Plan review. Applications cannot be accepted or processed for review without the appropriate fee, complete application form and the required number of plans.

1. Residential Development

<table>
<thead>
<tr>
<th>Number of Lots</th>
<th>General Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$200.00</td>
</tr>
<tr>
<td>2 – 4</td>
<td>1,200.00</td>
</tr>
<tr>
<td>5 – 10</td>
<td>2,370.00</td>
</tr>
<tr>
<td>11 – 25</td>
<td>3,700.00</td>
</tr>
<tr>
<td>26 – 40</td>
<td>4,800.00</td>
</tr>
<tr>
<td>41 – 55</td>
<td>6,000.00</td>
</tr>
<tr>
<td>56 – 70</td>
<td>7,300.00</td>
</tr>
<tr>
<td>71 and above</td>
<td>7,300.00 + $85.00/lot over 70 lots.</td>
</tr>
</tbody>
</table>

2. Industrial / Commercial (including apartments and townhouses)

<table>
<thead>
<tr>
<th>Number of Acres</th>
<th>General Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 0.99</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>1 – 4.99</td>
<td>2,370.00</td>
</tr>
<tr>
<td>5 – 9.99</td>
<td>3,700.00</td>
</tr>
<tr>
<td>10 – 14.99</td>
<td>4,800.00</td>
</tr>
<tr>
<td>15 – 19.99</td>
<td>6,000.00</td>
</tr>
<tr>
<td>20 – 25</td>
<td>7,300.00</td>
</tr>
<tr>
<td>Above 25</td>
<td>7,300.00 + $85.00/acre over 25 acres.</td>
</tr>
<tr>
<td></td>
<td>(Round off to closest whole acreage number, e.g. 23.3 = 23, 23.5 = 24)</td>
</tr>
</tbody>
</table>

3. Timber Harvesting//Farm Ponds/Chapter 105 Permit Activities

<table>
<thead>
<tr>
<th>Number of Acres</th>
<th>General Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 24.99</td>
<td>$270.00</td>
</tr>
<tr>
<td>25 – 49.99</td>
<td>440.00</td>
</tr>
<tr>
<td>50 – 250</td>
<td>580.00</td>
</tr>
<tr>
<td>Above 250</td>
<td>580.00 + $4.00/acre over 250 acres.</td>
</tr>
<tr>
<td></td>
<td>(Round off to closest whole acreage number)</td>
</tr>
</tbody>
</table>

B. The above fees for plan reviews will be charged separate from, and in addition to, the filing fees for the NPDES permits required for the discharge of storm water from construction activities and Erosion and Sediment Control Permits (ESCP) for timber harvest and road maintenance activities.

II. WAIVER OF FEES
A. Fees will be waived only for an application filed under the name of a governmental agency of the United States, Commonwealth of Pennsylvania or the County of Northampton. This exemption does not apply to municipalities, school districts or special purpose authorities or any private, nonprofit organization or supersede Title 25, Chapter 102, Erosion and Sediment Control Regulations. For erosion and sediment control plan reviews, municipalities, school districts and authorities shall pay 50% of the applicable commercial fee. Only Commonwealth agencies are exempt from the NPDES fee.

III. PROJECT AREA DELINEATION

A. The entire parcel, including off-site improvement area, shall represent the basis used for the fee schedule. Open space area shall be included in the total project area.

IV. APPLICABILITY OF FEE SCHEDULE

A. The fee schedule shall apply to those plans that are submitted to the Conservation District requesting determination of Erosion and Sediment Pollution Control adequacy. Each resubmission of a different project on the same tract of land will be charged according to the fee schedule.

B. Plan revisions requesting determination of adequacy resubmitted within thirty (30) days after the District determined original plan to be adequate or within thirty (30) days after NPDES permit issuance, shall be subject to a $100.00 processing fee. To be eligible for this provision, a cover letter must be included with the resubmitted plan that outlines and details the extent of the revision.

C. Plans resubmitted that do not meet the requirements of Section B and where major revisions do not occur, shall be subject to 25% of the original fee.

D. Deficient plans – If after the second review the plan is deemed deficient, the third submission is subject to a charge of 25% of the original fee. Each subsequent submission will continue to be charged 25% of the original fee.

E. Letters of adequacy issued by the District for projects not requiring a NPDES permit are valid for four (4) years from the date of issuance. Projects that require an NPDES permit are valid for the term of the NPDES Permit. Failure to begin earthmoving within these timeframes will invalidate the review and require a resubmission, which is subject to an additional fee, not to exceed the review fee schedule in effect at the time of resubmittal.

F. Plans not associated with a NPDES Permit that are revised and resubmitted more than two (2) years from the date of the last deficiency letter will require a new application and fee, which will be charged according to the fee schedule in effect at the time of the latest submission.

G. Plan review fees are not refundable for withdrawn projects.

H. Any fee check returned for nonsufficient funds will be assessed a $25 charge in addition to a new payment. No review of the NPDES Permit Application or Erosion and Sedimentation Pollution Control Plan will occur until the new payment is received and cleared by the Conservation District. The Conservation District will consider the application received on the date all payments have been received and cleared.

I. An increase in project acreage during the plan review process may result in an increase of the applicable review fees.

V. ADMINISTRATIVE PROCEDURES
A. The applicant shall submit a check or money order payable to the Northampton County Conservation District, one complete set of Erosion and Sedimentation Pollution Control Plans and one copy of the Application for Adequacy Review of Erosion and Sediment Pollution Control Plan and NPDES Permit Processing, including NPDES permit renewals and modifications.

B. The Northampton County Conservation District will accept the E&S review application when all the necessary information and fees are supplied.
   - For NPDES and ESC permitted sites, the maximum review time will be based on PADEP, Standard Operating Procedures (SOPs).
   - For non-permitted sites, the maximum review time will be thirty (30) working days.

C. Pennsylvania Department of Environmental Protection NPDES Permits and ESC Permits will be administered under the Waterways and Wetlands Program administrative guidelines.
   - For projects that require a NPDES Permit, Erosion and Sediment Pollution Control (E&SPC) Plans will not be reviewed until a NPDES Permit application has been found to be administratively complete. E&SPC Plans review fee payments should not be submitted until the NPDES Permit application has been found to be administratively complete; E&SPC Plans will not be reviewed until the fee is received.

D. Any submission received after 3:00 PM will be stamped as received on the next business day.

VI. PUBLICATIONS AVAILABLE FOR FEE

A. Northampton County Soil Survey (USDA, 1974) $20.00
Mr. Bruce Pysher, Conservation District, advised their fee schedule was last revised in 2009 and they felt it was time to raise it approximately 30% because the economy was improving and their costs have increased.

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

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

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

Policies Revision

Mrs. Ferraro introduced the following resolution:

R. 83-2013 WHEREAS, at the meeting held August 13, 2013, the Northampton County Conservation District Board of Directors enacted a revised policy titled, "Erosion and Sediment Pollution Control Plan Expedited Review Policy"; and

WHEREAS, the Northampton County Conservation District Board of Directors has requested that County Council review and approve the Revised Erosion and Sediment Pollution Control Plan Expedited Review Policy.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the Revised Erosion and Sediment Pollution Control Plan Expedited Review Policy, (a copy of which is attached hereto and labeled as "Exhibit "A") is approved this 19th day of September 2013, said policy to be made effective at the discretion of the Northampton County Conservation District.

Mr. Pysher stated the major policy revision allowed the County to charge someone extra if they wanted to expedite the review of their plan, noting the other changes were just administrative.

As there were no further questions or comments, Mr. Cusick called for the vote.
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The vote: Ferraro, "yes"; Gilbert, "yes"; Kraft, "yes"; McClure, "yes"; Parsons, "yes"; Werner, "yes"; Cusick, "yes" and Dietrich, "yes".

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

Consideration of the Administrative Code Article XII Contract Approval Resolution - Borton Lawson

Mr. Cusick advised the Finance Committee met yesterday to review the Borton Lawson contract amendment requests that addressed professional engineering services for bridges in the County’s Bridge Maintenance and Improvement Program.

Mr. Cusick introduced the following resolution:

R. 84-2013 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness."

WHEREAS, on September 11, 2013, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing contract amendments, in the amount of $1,017,598.00, with Borton Lawson Engineering for professional engineering services for the Bridge Maintenance and Improvement Program including Bridge Replacements/Removals and Bridge Maintenance/Rehabilitation to be completed in years 2014 through 2016 including Design and Construction Administration and Inspection Services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to approve contract Amendments 17 through 23 for professional engineering services for the Bridge Maintenance and Improvement Program to be funded through the 2013 Bond Issue.

As there were no questions or comments, Mr. Cusick called for the vote.
The vote: Cusick, "yes"; Dietrich, "yes"; Werner, "yes"; Parsons, "yes"; McClure, "yes"; Kraft, "yes"; Gilbert, "yes" and Ferraro, "yes".

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

Senate Bill 903

Mr. Werner stated Senate Bill 903 was currently going through the Senate. He further stated this bill would outlaw any new Swaptions for municipalities and authorities. He noted he was fortunate enough to be able to add the County’s feelings regarding that issue.

Human Services Committee Report

Mr. Dietrich advised at the Human Services Committee meeting today, an update was provided regarding Gracedale’s bed sale and indicated they were anticipating presenting a resolution before the end of the year to allow the County Executive to move forward.

Mr. Dietrich stated Gracedale was opening its final wing that was previously closed and were going to be proactively seeking to fill those beds.

Mr. Dietrich advised there was a discussion regarding an increase for the outside legal counsel and an update was provided regarding the Human Services Building.

Finance Committee Report

Mr. Cusick stated the Finance Committee met yesterday and all the items that were discussed were presented tonight.

Gracedale Advisory Board Liaison Report

Mr. Werner advised through the legal assistance during the past year more than $300,000 in collections had been brought in. He further advised positions have been filled to help with
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guardianship, which resulted in processing being done quicker. He noted the money being brought in from the Kennedy Law Office had not yet been included in the budget projections. He further noted he was not aware that when the star ratings were calculated, they took in the most minor of things.

9-1-1 Liaison Report

Mr. Dietrich stated he was asked to fill in for Mr. Parsons at a meeting between the Northampton County Fire Chiefs Association and the 9-1-1- management. He further stated some issues were raised, but there was a good dialect between the agencies.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Kraft seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council

(J:\2013\nccmin\091913)
Northampton County
21st Century Open Space Initiative

- 12,773 acres of farmland on 136 farms protected
- 5,959 acres of open space protected
- 18 municipal park acquisition, development, rehabilitation (Phase I)
- 17 municipal park applications this year alone (Phase II)

Lehigh Valley cities ready to boom
Planning Commission saw increase in major population growth in Allentown, Bethlehem and Easton.
Future Demographics

MAP 1
2015 - 2040 FORECASTED POPULATION CHANGE
- 36% increase in population from 2010-2040
- 30% increase from 1980-2010

Public Interest & Support

- What do you think are the most important planning issues needing to be addressed within the next 10 years?
  - Preserving Farmland
  - Preserving environmentally sensitive features
  - Urban revitalization
  - Ecological Development
  - Meeting transportation needs

Livable Landscapes - Strategic Open Space Plan

- Strategic goals and recommendations
- Public input / Stakeholders
- Creating better partnerships
- Review & update of existing guidelines
What's the benefit of planning for open space?

- Improve the quality of life for its residents (Urban, Suburban & Rural)
- Strengthen the physical, social, economic, and ecological connections
- Enhance the network of connected open spaces
- Sustainable design, technologies and products
- Integrate natural resources, land use, economic development and transportation

Process

- Consolidate past planning documents
- Prioritize existing goals and recommendations
- Conduct public meetings
- Create strategic action plan for future projects
- End result: Creation of Livable Landscapes – Strategic Open Space Plan

Justification for the need of a Strategic Open Space Plan

- Guidelines in need of structured update
- Enhanced ranking system
- Parcels not currently categorized under existing guidelines
- Open Space Initiative is over 10 years old
What the Plan will cover:

- Protection and restoration of environmentally sensitive natural resources
- Protection of water supply and air quality
- Protection and restoration of greenways and bikeways
- Protection of farms and rural open spaces
- Protection and restoration of urban spaces
- Development of green infrastructure
- Development of connected countywide trails system
- Conservation of heritage resources

Protection of environmentally sensitive natural resources:

- Delaware & Lehigh Rivers (East & West)
- Kittatinny Ridge (North)
- PA Highlands (South)
- Natural Areas Inventory

Protection of water & air quality:

- Water infiltration
- Riparian buffers
- Sustainable storm-water designs
- Contiguous forest blocks
Protection & Restoration of Greenways & Blueways

- Recreation
- Conservation
- Cultural

For every 1.0% increase in forest cover, treatment and chemical costs at water treatment plants decreased by approximately 20%.

Protection of Rural Open Spaces

- Protecting Viewsheds
- Expanding Current Partnerships
- Forging New Partnerships

Protection of Farmland

- Buy Fresh, Buy Local
- Expanding Partnerships
Conservation of Heritage Resources:

- Tourism
- Historic Significance
- Education

Implementation of Livable Landscapes - Strategic Open Space Plan:

- Timeline: Development 12-15 months
- Start Date: Upon Council Approval - October 2013
- Execution: Upon Adoption of Approved Plan by County Council

Future of Livable Landscapes - Strategic Open Space Plan:

- Partnership: LVPC & other related agencies
- Cost to the County: ZERO!
- Funding: Cost would come from Act 13 Legacy Fund
- Request: OSI Funding remain in place to support new plan.
Act 13 - Marcellus Shale Legacy Fund
Definition of Uses for Funding

- Under section 2315(a)(3) of Act 13, revenues from the Marcellus Legacy Fund for open space may be used for the planning, acquisition, development, rehabilitation and repair of:
  - greenways,
  - recreational trails,
  - open space,
  - natural areas,
  - community conservation and beautification projects,
  - land damaged or prone to drainage by storms or flooding,
  - community and heritage parks, and
  - water resource management.

Act 13 - Marcellus Shale Legacy Fund Funding Breakdown

- Impact fees generated from the Marcellus Shale drilling.
- Three different categories
  - Annual distributions – does not apply
  - Host Counties/Municipalities (60%) – does not apply
  - Legacy Funding (40%) – only a portion applies
    - Greenways, Recreation & Open Space (15%)
    - Provided to counties based on population
- Northampton County funding to date:
  - 2011 - $201,598
  - 2012 - $249,942

Act 13 - Planning for the Future

- Staff will make yearly recommendations to the Advisory Board and approval from County Council.
- Regional/County-wide impact projects.
- Additional assistance to improve the quality of life in Northampton County.
Closure of Trail Gaps

- Increase in tourism & alternative transportation modes
- Increase availability of recreational needs and healthy living

More Americans depend on trail routes than there are fast food restaurants in the US.

Closing the Gaps

MAP 2
Lehigh Valley Trail Gaps - Key Map
Lehigh and Northampton Counties

Economic Impact Study

- Study the impacts of recreation, open space, farmland, etc. on the local economy
- Direct and indirect impact to the economy

Total recreation dollars in economic impact $337,076,406
Direct economic impact $84,174,994
Green Infrastructure

- Enhancement of green infrastructure techniques
- Increased partnerships

Past Planning Initiatives

- Implement recommendations from past plans
- Program to be eligible until Open Space Plan is completed

Implementation of Act 15 - Marcellus Shale Legacy Fund Program

- Timeline: Development approximately 5 months
- Start Date: Upon Council Approval - October 2013
- Execution: Upon Adoption of Approved Plan by County Council