Easton, Pennsylvania       September 5, 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; Barbara A. Thierry; Robert Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. Kraft made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 1, 2013 and August 15, 2013 meetings shall be approved.

Mrs. Thierry seconded the motion.

The minutes were approved by voice acclamation, with Mr. McClure approving the August 1, 2013 meeting minutes and abstaining on the August 15, 2013 meeting minutes.

Courtesy of the Floor

Mr. Ferdinand Brenner, 2004 Mary Street, Bethlehem, PA - stated this morning he learned that a Lehigh County resident was admitted to Gracedale, who he knew to be financially stable. He wondered why this person was not admitted to Cedar Brook and if Gracedale had done a thorough investigation of this person’s finances.
Mr. Cusick advised there was no residency restriction for the residents at Gracedale.

Mr. Frank Ferraina, 1 Brentwood Avenue, Easton, PA - stated he read an article in the Express Times that the County wanted to build a kennel. He further stated one third of his entire income for the year went for property taxes so anyone who wanted to build a kennel should pay for it themselves. He noted he tried to have his property taxes reduced, but he could not.

Mr. Ferraina advised it was his understanding that the County was going to the sell the Bechtel Building only to lease it back so he wondered why the County did not delay the sale.

Mr. Cusick stated the County was only going to lease it back for a brief period of time.

Mr. Vincent Foglia, Williams Township, PA - advised he was a Supervisor for Williams Township, but tonight he was representing himself. He further advised he appreciated what the County was intending to do to assist individual municipalities in dealing with the State dog law, however, he felt raising taxes a quarter of a mill was not the way to do it.

Mr. Foglia stated a study was conducted and one suggestion was to build a state-of-the-art no kill facility, but he felt that would encourage people to purchase dogs and cats during the holidays because they would know there was a place to take them if they changed their minds later. He further stated since the facility in Williams Township was no longer providing this service, he did not believe they should receive money from the County.

Mr. Foglia advised instead of having a dog warden riding around looking for a place to put these animals, a contract should be put in place in advance with the facilities that have offered to take them with a cost of approximately $250 per animal.

Mr. Foglia stated according to the study, in 2012, the County had to deal with 808 dogs so even at $1,000 per dog, it did not come up to $1.3 million. He further stated as people responsible for spending taxpayer money, they should not tax first and then find ways to spend the money.
Mr. Foglia advised the City of Easton came up with a cost effective way to handle this issue so he would suggest the County pay them to expand their temporary housing of these dogs and to support those facilities that were willing to take them.

Mr. Foglia cautioned County Council that the second part of the report was conducted by an organization that dealt in kennels and encouraged County Council to come up with a cost effective solution.

Diane (last name inaudible), Glendon Borough, PA - stated she had property in Williams Township where people have been dropping off cats for many years for which she had gotten into trouble for at times. She further stated help should be provided to those property owners who were willing to take in these cats.

County Executive Report

Mr. John Stoffa, County Executive, advised due to the length of the agenda, he would forgo his report.

Public Hearing on the Ordinance Providing for Amendments to the 2013 Northampton County Budget

Mr. Cusick advised the following ordinance was introduced by Messrs. Cusick and Parsons at the August 15, 2013 meeting and reviewed by the Finance Committee at its meeting on August 14, 2013:


IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that the 2013 Northampton County budget shall be amended as indicated hereafter:
<table>
<thead>
<tr>
<th>KEY</th>
<th>ORG</th>
<th>ACCOUNT</th>
<th>ACCOUNT TITLE</th>
<th>CURRENT BUDGET</th>
<th>INCREASE (DECREASE)</th>
<th>REVISED BUDGET</th>
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<td>41370</td>
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<td>5,148,287</td>
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<td>71043</td>
<td>CDBG 2013</td>
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<td></td>
<td>31209</td>
<td>77100</td>
<td>C C Program</td>
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<td>42,000</td>
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<td>72998</td>
<td>Future Loans</td>
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<td></td>
<td>31300</td>
<td>41360</td>
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<td>43300</td>
<td>41634</td>
<td>Shale Gas Impact Grant</td>
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<td></td>
<td>68999</td>
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<td>502,541</td>
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<td>44100</td>
<td>48900</td>
<td>Extraordinary Items</td>
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<td>75550</td>
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<td>Motor Vehicles</td>
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<td>44105</td>
<td>41722</td>
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<td>41614</td>
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<td>72986</td>
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**Court Services - Criminal Automation**

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<td>46301</td>
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<td>63999</td>
<td>Pooled Administrative Supplies</td>
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**Courts - Magisterial District Judges**

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<th>2013</th>
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<tbody>
<tr>
<td>71700</td>
<td>Commonwealth</td>
<td>-</td>
<td>61,000</td>
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<td>63999</td>
<td>Pooled Administrative Supplies</td>
<td>138,800</td>
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<td>199,800</td>
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**Corrections Jail / Administrative Services**

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<td>71900</td>
<td>Salaries Union Full Time</td>
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<td>9,766,246</td>
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<td>Fringe Benefits</td>
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<td>36100</td>
<td>Salaries Union Full Time</td>
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<td>Fringe Benefits</td>
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**Human Services - Facility**

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<tr>
<td>50700</td>
<td>Sale of Real Estate</td>
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<td>3,500,000</td>
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<td>75150</td>
<td>Building Renovations</td>
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<td>75200</td>
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<td>75250</td>
<td>Equipment</td>
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<tr>
<td>75300</td>
<td>Furniture &amp; Fixtures</td>
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<td>695,852</td>
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<tr>
<td>75500</td>
<td>Machinery</td>
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<td>452,700</td>
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<tr>
<td>75700</td>
<td>Safety &amp; Security Equipment</td>
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**Public Works - Bridges**

<table>
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<tr>
<th>Code</th>
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<td>State Allocation</td>
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<td>68999</td>
<td>Pooled Program Operating Cost</td>
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<td>129,500</td>
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<td>75400</td>
<td>Bridge Projects</td>
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**Public Works - Act 13 Highway Bridge Improvements**

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<td>Pooled Operating Cost</td>
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<td>417,321</td>
<td>838,316</td>
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<tr>
<td>40700 45020</td>
<td>Donation</td>
<td>-</td>
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<td>33,000</td>
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<td>2,105,447</td>
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<td>74050</td>
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<tr>
<td>97105</td>
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<td></td>
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<tr>
<td>42021 48010</td>
<td>General Obligation Bond Issue</td>
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<tr>
<td>87500</td>
<td>PW Bridges</td>
<td>-</td>
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<td></td>
<td></td>
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<tr>
<td>42022 48010</td>
<td>General Obligation Bond Issue</td>
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<td>82200</td>
<td>CH Emergency Generator</td>
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<td>800,000</td>
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<td>85200</td>
<td>GD Boiler House</td>
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<td>300,000</td>
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<tr>
<td>85380</td>
<td>GD Emergency Generator</td>
<td>-</td>
<td>3,200,000</td>
<td>3,200,000</td>
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</tbody>
</table>

**Effective Date:** In accordance with Northampton County Home Rule Charter 705 (e) this ordinance shall become effective upon the date of enactment.

**Public Hearing**

Mr. Cusick asked if any member of the public had any questions or comments. There were no respondents.

Mr. Cusick asked if there were any questions or comments from the members of County Council. There were no respondents.

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

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

Introduction of the Ordinance Providing for an Amendment to the Articles of Incorporation of the General Purpose Authority

Mr. Cusick stated this ordinance provided for the extension of the life of the General Purpose Authority to a maximum of fifty (50) years. He further stated it was reviewed at the Economic Development Committee meeting, which was held prior to this meeting. He noted the public hearing, debate and possible vote on this ordinance will take place at the September 19, 2013 meeting.

Mrs. Ferraro and Mr. Werner introduced the following ordinance:

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 6 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.


Mr. Cusick advised two ordinances have been prepared for the sale and leaseback of the Bechtel Building. He further advised the public hearing, debate and possible vote on these ordinances will take place at the September 19, 2013 meeting.

**Sale of the Bechtel Building**

Mrs. Thierry and Mr. McClure introduced the following ordinance:

**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".
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. P6NE2D-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.

Leaseback of the Bechtel Building

Mrs. Thierry and Mr. McClure introduced the following ordinance:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE PROPERTY HAVING AN ADDRESS OF 520 EAST BROAD STREET, IN THE CITY OF BETHLEHEM, 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, "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.

Review of the Community Education Centers of America Recidivism Report

Mr. Arnold Matos, Director of Corrections, stated from 2004 until 2007, the average daily population in the prison increased by 42%. He further stated a Master Plan was conducted in 2008 that indicated by 2010, Northampton County was going to need 1,125 beds, by 2020, 1,488 beds and by 2030, 1,851 beds.

Mr. Matos advised Mr. Stoffa and members of County Council decided the County could not build its way out of this problem and began implementing treatment programs. He further advised in 2008, the prison peaked out at 4,267 commitments and in 2012, there were 3,833 commitments, which was a 10% decrease.

Mr. Matos stated the decrease was due to the cooperation between the Courts, the probation departments and the prison, as well as to the work being done by the Community Education Centers.
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Mr. Mike Contois, Data Systems Manager, Community Education Centers, provided a copy of his power point presentation entitled, “Community Education Centers Northampton County Prison Future Foundations Therapeutic Community Graduate Rates of Recidivism to Northampton County Prison and TCU Assessment Outcomes” (see Attachment #1). He also provided a copy of his Quarterly Report on the Future Foundation TC Program and the Sister to Sister TC Program from April 1, 2013 – June 30, 2013 (see Attachment #2).

Mr. Contois advised they defined recidivism as any individual that had been a graduate of the Male TC Program, had been released from custody and then returned to the prison system.

Mr. Contois stated as of July 31, 2013, 136 out of 378 graduates returned and out of that number, 37 returned with new charges, mostly for drug offenses; 39 returned with criminal parole violations and 60 returned with technical parole violations.

In response to Mr. Stoffa’s question as to what the County’s normal recidivism rate was, Mr. Contois advised for the general population who did not receive treatment, it was 68-69%.

Mr. Contois stated the majority of the recidivism occurred within 18 months, but noted the first graduation took place in 2009. He further stated of the overall recidivism rate of 35.9%, 26.1% were for parole violations and 9.8% for new charges.

In answer to Mr. Dietrich’s question as to why there was more recidivism among parole violators, Mr. Contois advised more people were discharged under parole situations.

Mr. Contois stated in an effort to determine the percentage of non-violent and violent offenses, he broke down all the crime categories they used for recidivism into these groups and determined 87.5% were for non-violent offenses and 12.5% were for violent offenses.

Mr. Contois advised the Sister to Sister Program, which was a new program, have not had any recidivism, but women programs generally did better.
In response to Mr. McClure's question as to whether this program had reduced the recidivism rate for the prison overall, Mr. Matos stated they did not have that data. He further stated they plan to implement a new program where they would be able to track everyone going forward across the entire prison.

In answer to Mr. McClure's question as to the cost of the program, Mr. Matos advised it cost $750,000 a year for three programs. He further advised it cost $87.25 a day to incarcerate someone in the prison, with an average stay of 79 days, for a total of $6,500. He noted if he could lower that by 1%, the County would save $250,000 and if he lowered it by 5%, the savings would be $1.3 million.

Mr. McClure stated it was important that there was evidence that the overall rate was being affected compared to the cost of the program.

Mr. Contois advised their assessment outcomes were based on clinical assessments that were designed, validated and supported by the Texas Christian University's Institute (TCU) of Behavioral Research. He further advised before anyone received treatment, they were pre-tested for psychological functioning, social functioning and criminal thinking to be able to customize their treatment plan and the graduates were post-tested to determine whether they should be classified as low, medium or high risk for re-offense. He noted more than 50% of those in the high risk groups showed improvement in all areas from their pre-test scores.

With regard to the Quarterly Reports, Mr. Contois stated these numbers may not coincide with the previous report because the end date was June 30, 2013. He further stated he was only going to review the male program because the Sister to Sister Program outcomes were fairly new and the format was the same.

Mr. Contois advised the first page was a summary of the report without the pie charts. He further advised the second page showed the admissions and their different demographic profiles. He noted unknown referred to those individuals who entered the program, but then refused it.

Mr. Contois stated page three reflected the completions and discharges for the quarter. He further stated that completion discharges differed from completions because two people...
completed the program during the prior quarter, but had more time to serve and were not released. He noted there was an adjusted discharges for completion ratio figure because he did not want to include people that had too little time to serve, noting the program was designed as a six month model and some people come into the program with less than that time to serve.

Mr. Contois advised that figure counted against their completion rate, but he would prefer it did not because it impacted the completion rate in a negative way. He further advised it was a classification issue that they were working to resolve.

Mr. Contois stated page four reflected the recidivism for this quarter as opposed to the cumulative information provided in the power point presentation. He further stated the rest of the pages reflected the TCU outcomes for the group during this quarter. He noted it showed the cumulative numbers, the test results, the outcomes of all the completions and the high risks.

Presentation of the Animal Shelter Report

Ms. Lori Sywensky, Community Development Administrator, Department of Community and Economic Development, provided a copy of the "Analysis of Community Needs: Stray Animal Control in Northampton County, PA" (see Attachment #3).

Ms. Sywensky advised they have been meeting with representatives of the County’s Councils of Government (COG) and municipalities not involved in the COG where the issue of controlling stray animals arose. She further advised they obtained a grant through the Northampton County Gaming Revenue and Economic Redevelopment Authority to conduct a study.

Mr. David Woglom, Associate Director for Public Service, Lafayette College, Robert B. and Helen S. Meyner Center for the Study of State and Local Government, stated he was asked by the County to look at the problem of animal control and his report was contained in the first section of this report.

Mr. Woglom advised he not only spoke with representatives of the municipalities and police departments in the County, but also from outside the County’s borders. He further advised according to State of Pennsylvania laws, it was the
responsibility of any police officer or dog warden to pick up any stray dogs that they saw, however, there was no reference to feral cats even though they could cause a greater problem than dogs.

Mr. Woglom stated the Center for Animal Health and Welfare in Williams Township was accepting any stray dog picked up by any police department at no cost until 2011 when they began charging $100 per dog. He further stated in 2012, they changed their policy and decided not to accept any strays.

Mr. Woglom advised one of the options the County had was to look into the construction of a regional or County-wide animal shelter.

In response to Mr. McClure's question as to how many stray dogs where picked up in 2012 and whether there were any statistics as to how many of them had rabies or bitten someone, Mr. Woglom stated 808 dogs were picked up, but those statistics were not part of his study.

In answer to Mr. Parsons' question as to how many of those dogs were picked up by their owners, Mr. Woglom advised there were some, but he did not know how many.

In response to Mr. Werner's question as to whether organizations, such as Petco, would be willing to provide a grant for kill versus no-kill programs, Mr. Woglom stated the City of Easton received a grant for a trap-neuter-release program for feral cats, but he could not find anyone who knew of any grants that would provide funding for an animal shelter or the operation of one.

Mr. Werner advised the Petco Foundation had a grant entitled, "4 Rs Project Support" which provided funding for projects that support Reduce (spay/neuter); Rescue (adoptions); Rehabilitate (training); Rejoice (promotes and assists with the human/animal bond), as well as for trapping, dog parks and humane education. He further advised there were groups and organizations that held fundraisers to support these animals, therefore, he felt every effort should be made to find out what grants were out there.
Mr. Dietrich stated he was disappointed that the Borough of Hellertown was not listed in this report as they have done an excellent job of enlisting the aid of its residents to help with its stray animal situation.

Mr. Karel Minor, Chief Executive Officer, Humane Society Management Services, LLC, Berks County, advised they have seen all types of models, knew what those models could do and had a sense of what the costs were. He further advised he was not going to offer value judgments regarding the kill or no-kill issue.

Mr. Minor stated there were a lot of places in Pennsylvania who did not have any animal control services. He further stated there were other areas that started local shelters, which were charity based, that took on the responsibility for the animals for free, but then that got expensive so they charged a fee and then municipalities stopped using them.

In response to the request as to what Northampton County could do, Mr. Minor advised it could not have any facility and contract with other agencies, establish a facility strictly limited to strays where the sole purpose was to get the animals off the streets or establish a comprehensive facility that would handle adoptions and neutering, as well as other social services.

Mr. Minor stated the cost for a limited services facility would be approximately $316,000 for less than 3,000 animals a year. He further stated a limited services facility would only provide food, water and legally necessary health care for the animals until the stray period was up and then if the animal was not adopted, it would be euthanatized.

Mr. Minor advised a more comprehensive facility would require more staff to provide the additional services, including veterinarian services, so that would raise the cost. He further advised he could not put a cost factor on this type of facility because it depended upon what services would be included.

Mr. Minor stated the County could also have its own animal control officer to enforce local dog regulations, noting the cost would be approximately $32,000 a year plus benefits and approximately $50,000 for an appropriately fitted vehicle.
Mr. Minor advised the cost for a limited service facility would be approximately $300,000 - $400,000 at the lowest end. He further advised the construction of a new basic facility could be $750,000 to $1 million depending on how it was outfitted. He noted for a comprehensive facility, the cost would be approximately $1.2 to $1.8 million.

Northampton County Sheriff Randall Miller stated neither his officers nor any other law enforcement officers had a problem with going out and retrieving a stray dog, but the issue was what to do with the dogs because they had nowhere to take them. He further stated the County should concentrate on establishing a place to take these dogs so law enforcement officers could spend their time protecting the citizens of the County, but it had to keep in mind that it also had to have some type of program so the animals did not stay in the facility forever.

City of Easton Police Chief Carl Scalzo advised about three years ago, they determined they had a problem when they saw the shelter prices rising. He further advised they believed by raising the prices, the municipalities would do something to stop bringing so many dogs to them, but the State mandated, without funding, that they had to handle the situation.

Chief Scalzo stated when the City talked about building a facility, they were told it did not matter how big the facility was as this was going to be a recurring problem because of the no-kill philosophy. He further stated a majority of the dogs were of a pit bull breed and were not likely to be adopted.

Chief Scalzo advised they did not really have a kennel, but just a holding facility so his officers would have a place to put the dogs so they could go back on the street. He further advised this was a County problem because every municipality was facing the same problems and needed help.

In response to Mr. McClure’s question as to what the Mayor and City Council’s position was on this issue, Chief Scalzo stated they talked about this several times a week and have given him as much resources as they could.

Mr. Werner suggested the County reach out to the State for some funding.
Mrs. Ferraro agreed stating that once again the State mandated something, but was not providing the funding for it. She further stated perhaps the County could get representatives from all of the municipalities together to come up with a solution. She noted she was not for euthanizing an animal, but she did not believe having an animal live in a cage for the rest of its life was a solution either.

Consideration of the Resolution Authorizing the Filing of a Request for Revision of the 2011 Emergency Solutions Grant with the Department of Community and Economic Development, Commonwealth of Pennsylvania

Mr. Cusick advised this resolution was reviewed at the Economic Development Committee meeting held earlier this evening.

Mrs. Ferraro introduced the following resolution:

R. 67-2013

A Resolution of the County of Northampton authorizing the filing of a request for revision of the 2011 Emergency Solutions Grant (ESG) with the Department of Community and Economic Development, Commonwealth of Pennsylvania.

WHEREAS, the Commonwealth of Pennsylvania through the Department of Community and Economic Development (PADCED) has awarded FFY 2011 ESG program funds to the Northampton County Department of Community and Economic Development (NCDCED) on behalf of several housing services providers, including Catholic Charities, Diocese of Allentown, in order to provide Homelessness Prevention and Rapid Re-housing assistance; and

WHEREAS, Catholic Charities, Diocese of Allentown has requested approval to modify its budget so as to allow funds currently budgeted to support personnel costs to instead be used to support Rental Assistance; and

WHEREAS, the PA DCED requires approval of the governing body as a condition of submitting this revision request to the PA DCED.
NOW, THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Northampton County Council that:

1. The NCDCE, on behalf of the County of Northampton, is authorized to request a revision to its ESG Program from the PA DCED in order to modify the budget as requested by Catholic Charities, Diocese of Allentown.

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

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

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

Consideration of the 2013 Hazard Mitigation Plan Resolution

Mr. Cusick stated at the request of Mr. Robert Mateff, Director of the Northampton County Emergency Management Services Division, this resolution was added to tonight’s agenda.

Mr. Mateff advised this was a bi-County effort between Lehigh and Northampton Counties emergency management agencies and the municipalities of the two Counties. He further advised this plan, once approved by the Federal Emergency Management Agency (FEMA), was the mechanism that allowed them to recover funds during a disaster.

Ms. Angel Gillette, Hazard Mitigation and Disaster Recovery Manager, stated FEMA already approved the plan, but it had to be adopted by County Council for it to go into effect. She further stated the plan had to be adopted every five years.

In answer to Mr. Cusick’s question as to whether there were any changes since the 2007 plan, Ms. Gillette advised that plan was an excellent plan, but it was done under a very short timeline so they were not able to profile all of the hazardous that impacted the Lehigh Valley region. She further advised the significant difference in this plan was to include and incorporate man-made hazards that impacted the region.
Ms. Gillette stated it also comprehensively updated the region's disaster activities, noting there was a lot of activity since 2007. She further advised the plan was available on the County's Emergency Management Services website and a hard copy would be available for review at the Courthouse, as well as the Emergency Management Services office.

Mr. Cusick introduced the following resolution:

R. 68-2013  

WHEREAS, the County of Northampton, Northampton County, Pennsylvania (the "County"), is most vulnerable to natural and man-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval a mitigation plan that outlines processes for identifying their respective hazards, risks, and vulnerabilities, and

WHEREAS, the County acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Lehigh Valley 2013 Hazard Mitigation Plan has been developed by the Northampton County Emergency Management Services and the Lehigh County Emergency Services in cooperation with other county departments, and officials and citizens of the Lehigh Valley, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Lehigh Valley 2013 Hazard Mitigation Plan, and

WHEREAS, the Lehigh Valley 2013 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and man-made hazards that face the County and its municipal governments,

NOW THEREFORE BE IT RESOLVED by the Northampton County Council as follows:
1. The Lehigh Valley 2013 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the County of Northampton, and

2. The respective officials and agencies identified in the implementation strategy of the Lehigh Valley 2013 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

Mrs. Ferraro left the meeting at this time.

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

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

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

Consideration of the Resolution Appointing the Acting Director of Human Services

Mr. Cusick advised the County Executive appointed Mr. John Mehler, Director of the Area Agency on Aging Division, as Acting Director of the Northampton County Department of Human Services and asked County Council to approve this appointment.

Mr. Kraft introduced the following resolution:

R. 69-2013   RESOLVED, By the Northampton County Council that John Mehler shall be confirmed in his appointment as Acting Director of the Northampton County Department of Human Services, effective September 16, 2013.

In response to Mr. McClure’s question as to whether this appointment had to be voted on according to the Home Rule Charter, Mr. Cusick stated if County Council did not take any action then it would be deemed approved.
In answer to Mr. McClure’s question as to whether the County Executive had the power to fill a vacancy in the cabinet with an Acting Director that was not subject to confirmation by County Council, Mr. Lauer advised he believed he did.

Mr. Stoffa stated he had previously appointed someone in an acting capacity that was approved by County Council.

Messrs. Cusick, Dietrich and Werner thanked Mr. Ross Marcus, Director of Human Services, for his service and were sorry to see him leave, but wished him well.

Mr. Parsons advised he had a conflict with the Home Rule Charter and the way it was worded with regard to someone leaving and taking a position with an organization that had contracts with the County. He further advised the citizens of the County need the services of the Community Action Committee of the Lehigh Valley (CACLV) and nothing Mr. Marcus or Mr. Stoffa had done was going to change it so he felt it was best to allow Mr. Marcus to leave for a position there and to keep supporting the services they provided.

Mr. McClure stated that Mr. Parsons was absolutely right when he said there really was not any remedy for the “conflict” and agreed that some of the services that CACLV provided could not be provided by anyone else. However, the record should reflect that this should not serve as any kind of precedent for the future.

Mr. Lauer advised an appointment of this type was not effective until County Council approved it or failed to approve it for a period of sixty days.

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


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

Mr. Cusick stated the County Executive submitted an Administrative Code Article XIII contract approval request for Land-Tech Enterprises, Inc., in the amount of $286,789, for parking area site improvements for the homestead/park office in Louise Moore Park.

Mr. Gordon Heller, Parks and Recreation Division, Department of Public Works, advised this resolution was to assist with the preservation of the farm house that was part of the Louise Moore Pine bequest and provided a map pertaining to this improvement (see Attachment #4). He further advised the final installment of $300,000 of the $2 million bequest had been received by the County.

In response to Mr. Dietrich’s question as to whether parking was defined by the intended use of the building because it had not been decided as to what that would be, Mr. Andrew Bohl, Project Manager, Hanover Engineering Associates, Inc., stated was being done to the township’s requirements.

In answer to Mr. Parsons’ question as to whether this bid was within the range when the project was previously discussed, Mr. Bohl advised it did.

Mr. Cusick introduced the following resolution:

R. 70-2013  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 whose costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness.”

WHEREAS, on August 23, 2013, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $286,789.00, with Land-Tech Enterprises, Inc. for parking area site improvements for the homestead/park office in Louise Moore Park.
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 award a contract to Land-Tech Enterprises, Inc. for parking area site improvements for the homestead/park office in Louise Moore Park.

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

The vote: Werner, "yes"; Thierry, "yes"; Parsons, "yes"; McClure, "yes"; Kraft, "yes"; Gilbert, "yes"; Dietrich, "no" and Cusick, "no".

The resolution was adopted by a vote of 6-2.


Mr. Cusick stated the 2012 Independent Audit as undertaken by CliftonLarsonAllen contained the following management letter comment:

**Compliance with Act 106 (Act) (Public Official Bonding):**

"We noted during our audit of the County Code that the County failed to comply with the requirements for approval of form and content as the State Law stipulates. We recommend that the County reviews the compliance requirements further and ensures that those individuals responsible for adherence are informed of those requirements."

Mr. Cusick advised in response to that management letter comment, two resolutions were prepared. He further advised the first one dealt with the appointment of the Director of Administration as the risk manager in response to sub-section 1130 (b) of the Act and the second resolution dealt with the form and content of the bonding. He noted it was believed adoption of these two resolutions would bring the County into compliance with the Act.
Appointment of Risk Manager

Mr. Cusick introduced the following resolution:

R. 71-2013  WHEREAS, on November 23, 2011, Act 106 became immediately effective, authorizing counties to obtain individual bonds, blanket bonds or crime insurance covering county officers and employees, replacing prior requirements that certain individual officers of the County have separate bonds;

WHEREAS, pursuant to sub-section 1130(a) of the Act which requires County Council, as the governing body of the County of Northampton, to establish a procedure by which it “shall annually determine the form and required amount of required security that will be reasonably sufficient to protect against the risks of loss in compliance with this subchapter;”

WHEREAS, sub-section 1130(b) of the Act permits the County Council to appoint a risk manager to “compile and submit information relevant to the determination of an amount of required security under subsection (a);”

WHEREAS, section 1129 of the Act requires that “the form and contents of a bond and insurance obtained in compliance with this subchapter shall be approved by the governing body of the county, after review by the County Solicitor and consultation with the County risk manager...;”

THEREFORE IT IS HEREBY RESOLVED that the County shall hereby adopt the following procedure for compliance with the provisions of the Act:

1. County Council is designating the Director of the Department of Administration, or his/her designee to serve as “risk manager” for purposes of this Act.

2. The Director of Administration or his/her designee is hereby designated to compile and submit information to County Council prior to close of every calendar year as to the amount of security that the risk manager recommends that the County maintain during the succeeding year and otherwise to provide the information as set forth below to enable County Council to place into force the bond and insurance required by the Act for the succeeding year;
3. In the course of performing the duties assigned under 1. above, the Department of Administration and the Solicitor shall confer to determine the form and content of the bond and insurance would comply with the provisions of the Act;

4. At least two weeks prior to the close of every calendar year the Department of Administration shall present to County Council for its consideration and approval the form and amount of the required security, together with a recommendation as to the bond or policy satisfying the criteria set forth in the Act.

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

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

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

**Form & Content**

Mr. Cusick introduced the following resolution:

_R. 72-2013_ Whereas, on November 23, 2011, Act 106 became immediately effective, authorizing counties to obtain individual bonds, blanket bonds or crime insurance covering county officers and employees, replacing prior requirements that certain individual officers of the County have separate bonds;

Whereas, pursuant to sub-section 1130(a) of the Act which requires County Council, as the governing body of the County of Northampton, to establish a procedure by which it “shall annually determine the form and required amount of required security that will be reasonably sufficient to protect against the risks of loss in compliance with this subchapter;”

Whereas, sub-section 1130(b) of the Act permits the County Council to appoint a risk manager to “compile and submit information relevant to the determination of an amount of required security under subsection (a);”
WHEREAS, section 1129 of the Act requires that "the form and contents of a bond and insurance obtained in compliance with this subchapter shall be approved by the governing body of the county, after review by the county solicitor and consultation with the county risk manager...;"

WHEREAS, Northampton County Council Resolution 71-2013, enacted on September 5, 2013 designated the Director of the Department of Administration or his/her designee to serve as "risk manager" for the purposes of Act 106;

WHEREAS, prior to the close of every calendar year the amount of security that the risk manager recommends that the County maintain during the succeeding year and otherwise to provide the information as set forth below to enable County Council to place into force the bond and insurance required by the Act for the succeeding year;

WHEREAS, following a review by the county’s Solicitor, the Director of Administration is recommending that County Council approve the following levels of security as provided under the county’s insurance policy through the County Commissioners’ Association of Pennsylvania (CCAP), and its Pennsylvania Counties Risk Pool (PCoRP) program, and additional security though bonds that are required by law.

THEREFORE IT IS HEREBY RESOLVED that the County shall hereby accept the following level of security to cover public officials including members of County Council and the County Executive:

1. Crime coverage through the county’s insurance policy with PCoRP, which covers all County officials and employees for fraud, embezzlement, theft, forgery and other criminal acts up to $1 million per occurrence.

2. A Wire Transfer Bond in the amount of $4 million, which provides additional security above the maximum of $1 million crime coverage under PCoRP for certain county employees authorized to initiate wire transfers.

3. A Treasurer’s Bond in the amount of $72,000 which is coverage required by the state based on revenue collection levels, and is still required since Act 106 does not apply to
County Treasurers acting as tax collectors as provided in Section 4 of the Local Tax Collection Law.

4. A Magisterial District Justice Bond in the amount of $25,000 per MDJ since Act 160 does not apply to those officials.

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

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

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

Monocacy Creek Dam

Mr. Parsons stated there was an article in the newspaper yesterday about a dam removal from the Monocacy Creek, which indicated the cost of $117,600 was being split by Federal and State sources. He further stated County Council gave $58,800 to that project, but was not given any credit for it.

Lehigh Valley Planning Commission Liaison Report

Mr. Cusick advised Mr. Werner's resolution regarding the removal of the Lehigh River dams was discussed at the Lehigh Valley Planning Commission meeting and they took the position of opposing their removal so he could contact them if he wanted to proceed.

Ag Extension Liaison Report

Mr. Dietrich stated he was amazed by the commitment of the individuals involved to ensure that the County's food supply was available, healthy and inexpensive.
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Council Solicitor’s Report

Mr. Lauer advised the hearing of the Northampton County Council vs. the County Executive issue was scheduled for 1:30 p.m., on September 16, 2013.

Mr. Lauer provided a copy of his opinion regarding the Barden Airpark (see Attachment #5), which was issued before he learned the County Executive received a proposal earlier today. He stated it was his opinion that because of the Municipal Authorities Act and specific provisions in the Articles of Incorporation regarding what the purpose of the Lehigh Northampton Airport Authority was, he did not know how if they were to sell and close down Braden Airpark they would be in compliance with their purpose and the only way to change that would be to amend the Articles of Incorporation, which would have to be approved by both Lehigh and Northampton Counties. He further stated he did not know what County Council’s remedies would be if they were to proceed, noting any litigation would have to be under taken by the County Executive and the Administration.

Adjournment

Mr. McClure made a motion to adjourn.

Mrs. Thierry seconded the motion.

The motion to adjourn passed unanimously by acclamation.

[Signature]

Frank E. Flisser
Clerk to Council