Easton, Pennsylvania                                      April 24, 2014

A regular meeting of the Northampton County Council was held on the above date with the following present: Margaret L. Ferraro, President; Glenn A. Geissinger, Vice-President; Mathew M. Benol; Kenneth M. Kraft; Lamont G. McClure, Jr.; Scott Parsons; Hayden Phillips (via telephone); Seth Vaughn; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Joshua Fulmer on behalf of Philip D. Lauer, Solicitor to Council.

Mrs. Ferraro stated she wanted to announce for the record that Mr. Phillips was out of town and would be participating via speaker telephone.

Prayer

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

Pledge of Allegiance

Mrs. Ferraro 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 April 3, 2014 meeting shall be approved.

Mr. Geissinger seconded the motion.

The minutes were approved by voice acclamation.
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Courtesy of the Floor

Ms. Cathy Nonnemacher, 185 Country Club Road, Easton, PA - advised Lower Nazareth Township was considering changing the zoning to allow construction of 640 apartments on the boundary line of Louise Moore Park, with trails going into the park that would give people 24 hour access to the park.

Ms. Nonnemacher stated Louise Moore Park was one of Northampton County’s greatest assets and was always beautifully kept. She further stated she had been trying to get someone to represent the park, but to no avail so she wondered if someone from the County could stop this and prevent the park from being ruined.

Ms. Nonnemacher advised she had spoken to Mr. Gordon Heller, who worked for the Parks Division of the County’s Public Works Department, and he told her since he was government there was not much he could do. She further advised someone had to take care of that park and the County was its caretaker.

Mrs. Ferraro thanked Ms. Nonnemacher for this information and indicated she would look into the matter.

County Executive’s Report

Mr. John A. Brown, County Executive, indicated he did not have a report for tonight.


Consideration of the Appraisal Waiver Resolution

Mrs. Ferraro stated the Finance Committee met yesterday to review the appraisal waiver resolution and the UGI easement ordinance. She further stated prior to conducting the public hearing on the UGI easement ordinance, it was first necessary to consider the County Executive’s request, through the County Solicitor, to waive the Administrative Code requirement for conducting two professional appraisals on the property being
Mr. Geissinger introduced the following resolution:

R. 32-2014  WHEREAS, Northampton County Administrative Code Section 13.15 b. provides that "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, the County Executive is requesting approval of a UGI easement ordinance on Northampton County-owned lands located in the Township of Upper Nazareth, County of Northampton, Pennsylvania;

WHEREAS, the County Executive, through the County Solicitor, has requested that County Council waive the Administrative Code Section 13.15 b. requirement for appraisals; and

WHEREAS, Administrative Code Sections 13.15 b. 2. allows for the waiver of the aforementioned appraisal requirement if, "The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise unnecessary."; and

WHEREAS, Administrative Code Sections 13.15 b. 4. allows for the waiver of the aforementioned appraisal requirement if, "Other compelling reasons exist to waive the appraisals..."; said reasons are set forth in the attached letter.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby concur with the County Executive’s request to waive the requirement for appraisals for the UGI easement ordinance on County-owned lands in Upper Nazareth Township due to the provisions of Northampton County Administrative Code Sections 13.15 b. 2. and 4.

As there were no questions or comments, Mrs. Ferraro called for the vote.

The vote: Geissinger, "yes"; Ferraro, "yes"; Kraft, "yes"; McClure, "yes"; Parsons, "yes"; Phillips, "yes"; Vaughn, "yes"; Werner, "yes" and Benol, "yes".
The resolution was adopted by a vote of 9-0.

Public Hearing on the Gracedale Easement Ordinance

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Vaughn and Geissinger at the meeting held April 3, 2014:

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF AN EASEMENT ON NORTHAMPTON COUNTY-OWNED REAL PROPERTY IN THE TOWNSHIP OF UPPER NAZARETH, COUNTY OF NORTHAMPTON, PENNSYLVANIA TO UGI UTILITIES, INC.

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "conveys or leases or authorizes the conveyance or lease of any real property of the County."; and

WHEREAS, UGI Utilities, Inc. has requested an easement across County-owned land in the Township of Upper Nazareth, Northampton County, Pennsylvania.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to grant, in consideration of Twenty-Seven Thousand and Forty-Nine Dollars ($27,049.00), an easement, on Northampton County-owned lands located in the Township of Upper Nazareth, County of Northampton, Commonwealth of Pennsylvania (being part of the property described in a deed dated September 30, 1971 and recorded in the Northampton County Recorder of Deeds Office in and for Northampton County on October 20, 1971 in Deed Book Volume 412, Page 285, being part of the property further described Tax Identifier Number: J7 14 3 PKB 0432C), to UGI Utilities, Inc. according to the terms and conditions of the easement agreement (a copy of which is attached and labeled as Attachment "A").

Public Hearing

Mrs. Ferraro asked if there were any questions or comments from the public. There were no respondents.
Mrs. Ferraro asked if there were any questions or comments from the members of County Council.

As there were no questions or comments, Mrs. Ferraro called for the vote.

The vote: Geissinger, "yes"; Vaughn, "yes"; Kraft, "yes"; McClure, "yes"; Parsons, "yes"; Phillips, "yes"; Werner, "yes"; Benol, "yes" and Ferraro, "yes".

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

**Formation of the Ad Hoc Administrative Code Review Committee**

Mrs. Ferraro stated at yesterday’s meeting the formation of an ad hoc Administrative Code Review Committee was discussed. She further stated she was appointing Messrs. Geissinger, Parsons and Phillips, as well as herself, who would also serve as the Chairperson, as members of the committee. She noted all members of County Council were welcomed to attend and participate in future committee meetings.

Mrs. Ferraro advised the next County Council meeting was scheduled for next Thursday, May 1, 2014. She further advised due to the short turnaround time for next week’s meeting, she wanted to announce that she was adding Consideration of Administrative Code Article XIII Procurement and Disposition of County Property as an agenda item for discussion.

Mrs. Ferraro stated she asked Mr. Lauer to be prepared to address the previous concerns he voiced relative to Article XIII and to offer suggestions as to how the existing wording could be clarified. She further stated consideration of this matter at the next meeting would serve as the starting point for the committee’s work.

Mrs. Ferraro advised all members of County Council were encouraged to offer their comments. She further advised once the committee was finished reviewing Article XIII, it would move on to the remaining articles of the Administrative Code.
Introduction of the Ordinance Providing for Election of the Northampton County Sheriff

Mrs. Ferraro stated at the request of Mr. Kraft, an ordinance was prepared that provided for an amendment to the Home Rule Charter so as to elect, rather than appoint, the Northampton County Sheriff. She further stated the public hearing, debate and possible vote was scheduled for the May 15, 2014 meeting.

Messrs. Kraft and McClure introduced the following ordinance:

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE I - ELECTED OFFICIALS, ARTICLE XII - MISCELLANEOUS PROVISIONS AND ARTICLE XIII - TRANSITIONAL PROVISIONS, SO AS TO PROVIDE FOR THE FULL-TIME ELECTIVE STATUS OF THE SHERIFF OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA

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

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

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 4, 2014 General Election, which referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

"Shall the electorate of Northampton County approve changes in the Northampton County Home Rule Charter ARTICLE I - ELECTED OFFICIALS: Section 101 [Elected Officials], Section 102 [Terms of Office and Elections], ARTICLE XII - MISCELLANEOUS PROVISIONS: Section 1205 [Definitions], (1), (4), and ARTICLE XIII - TRANSITIONAL PROVISIONS: Section 1303 [Offices under
the County Code] (a) and (a)(2), Section 1304 [Administrative Continuity] (b)(2) and (b) (3) and Section 1311 [Temporary Departments and Offices] (a) (6) and (d), so that the office of Sheriff of the County of Northampton, Easton, Pennsylvania, shall be changed from an appointed office to an elected office, to be elected during the November 2015 General Election, with the official so elected to take office in January, 2016 for a four-year term commensurate with the powers, duties and obligations of this office in a County of the third class in the Commonwealth of Pennsylvania?"

During his/her term of office, the Sheriff shall devote full time to his/her office and shall not actively engage in any other business or occupation. The salary of the Sheriff shall be established by the Northampton County Council in accordance with the Northampton County Home Rule Charter.

SECTION II - EFFECTIVE DATE

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

B. The changes to the Home Rule Charter, as set forth in this ordinance, shall become effective upon the certification of the results of the referendum vote, at November 4, 2014 General Election, by the Election Commission of the County of Northampton.

Review of the County Executive’s Appointment to the Position of County Administrator (Director of Administration)

Mrs. Ferraro advised the Personnel Committee met yesterday to consider the County Executive’s appointment to the position of County Administrator (Director of Administration).

Mr. Kraft introduced the following resolution:

RESOLVED, By the Northampton County Council that Catherine E. Allen shall be confirmed in her appointment to the
position of County Administrator (Director of Administration), at the salary of $87,838, Step 1-A of the Career Exempt Pay Scale, Group VI, effective close of business May 2, 2014.

Mr. Kraft stated this issue was discussed at length and was moved forward without any recommendation from the Personnel Committee.

As there were no further questions or comments, Mrs. Ferraro called for the vote.


The resolution failed by a vote of 3-6.


Mrs. Ferraro advised the Finance Committee met yesterday to consider the following County Executive’s Administrative Code Article XIII contract approval requests.

Mr. Geissinger introduced the following resolutions:

Loftus Corporation, Inc.: Bridge Replacement

R. 33-2014 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 April 17, 2014, 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 $672,500.00, with Loftus Corporation, Inc. for the replacement of a bridge.

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 a contract with Loftus Corporation, Inc. for the replacement of a bridge to be funded through the 2013 Bond Issue.

Loftus Corporation, Inc.: Rehabilitation of Bridges

R. 34-2014 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 April 17, 2014, 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 $856,000.00, with Loftus Corporation, Inc. for the rehabilitation of two (2) bridges.

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 a contract with Loftus Corporation, Inc. for the rehabilitation of two (2) bridges to be funded through the 2013 Bond Issue.

Blooming Glen Contractors, Inc.: Rehabilitation of Bridges

R. 35-2014 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."
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WHEREAS, on April 17, 2014, 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 $1,033,609.27, with Blooming Glen Contractors, Inc. for the rehabilitation of nine (9) bridges.

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 a contract with Blooming Glen Contractors, Inc. for the rehabilitation of nine (9) bridges to be funded through the 2013 Bond Issue.

As there were no questions or comments, Mrs. Ferraro called for the vote.

The vote: Geissinger, "yes"; Phillips, "yes"; Vaughn, "yes"; Werner, "yes"; Benol, "yes"; Ferraro, "yes"; Kraft, "yes"; McClure, "yes" and Parsons, "yes".

The resolutions were adopted by a vote of 9-0.

Consideration of the Prison Inmate Inactive Administrative Fee Resolution

Mrs. Ferraro stated the Finance Committee and Courts and Corrections Committee reviewed the Prison Inmate Inactive Administrative Fee Resolution at their meetings yesterday.

Mr. Benol introduced the following resolution:

R. 36-2014 WHEREAS, Northampton County Ordinance #1979-17 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates deemed necessary; and

WHEREAS, Northampton County resolution Number 64-95 established the Prison Financial Responsibility Program, which was amended by resolution Number 31-01; and

WHEREAS, the Northampton County Controller performed an audit on the Department of Corrections - Inmate Personal Property Account, in which he recommended the implementation of
a $5.00 per month inmate inactive account administrative fee. The implementation of the fee was approved by the Jail Advisory Board and also by the Northampton County Department of Corrections.

NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Council that the following fee is hereby approved this 24th day of April 2014:

Inmate inactive account administrative fee $5.00 per month. It shall be understood that if a released inmate has a balance of less than $5.00 in their personal property account, an administrative fee of that same amount shall be applied, thereby closing said account.

As there were no questions or comments, Mrs. Ferraro called for the vote:

The vote: Benol, "yes"; Ferraro, "yes"; Geissinger, "yes"; Kraft, "yes"; McClure, "yes"; Parsons, "yes"; Phillips, "yes"; Vaughn, "yes" and Werner, "yes".

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

Consideration of the Resolution Amending the Listing of County Depositories

Mrs. Ferraro advised the Finance Committee reviewed the listing of County depositories at the meeting yesterday.

Mr. Geissinger introduced the following resolution:

R. 37-2014 WHEREAS, Northampton County Administrative Code Section 12.06 a. Depositories of Funds of the County provides that "the County Council, after the evaluation of written proposals, shall by resolution, select a depository or depositories for County monies."

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the following shall constitute the current and updated listing of County Authorized Depositories (sections marked with bold underlining have been added, sections marked
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with strikeout have been deleted), effective this 24th day of April 2014:

1. Bank of America
2. Bank of New York Mellon
3. First Commonwealth Federal Credit Union
4. Fulton Financial Advisors
5. First Niagara Bank
6. **JP Morgan Chase Bank**
7-8. Lafayette Ambassador Bank
7-8. M & T Bank
8-9. Merchants Bank of Bangor
9-10. National Penn Bank
10-11. Pennsylvania Local Government Investment Trust (PLGIT)
11-12. PNC Bank
12-13. Sovereign **Santander** Bank
13-14. Susquehanna Patriot Bank
14-15. TD Bank
15-16. Wells Fargo Bank

**BE IT FURTHER RESOLVED** that any resolution, or any part thereof, conflicting with the provisions of this resolution, is hereby repealed insofar as the same affects this resolution or is inconsistent with this resolution.

Mr. Geissinger stated various organizations within the County used financial institutions for deposits and transaction of funds so it was the recommendation of the Administration that these particular institutions be approved for such use.

In answer to Mr. McClure's question as to why JP Morgan Chase Bank was added, Mrs. Ferraro advised due to the change of the manager of the Hugh Moore Trust.

As there were no further questions or comments, Mrs. Ferraro called for the vote.

The vote: Geissinger, "yes"; Ferraro, "yes"; Kraft, "yes"; McClure, "yes"; Parsons, "yes"; Phillips, "yes"; Vaughn, "yes"; Werner, "yes" and Benol, "yes".

The resolution was adopted by a vote of 9-0.
Consideration of the Preventive Maintenance Program Performance Audit Resolution

Mrs. Ferraro stated at the request of Mr. Phillips, a resolution was drafted which called upon the County Controller to undertake a performance of the County’s preventive maintenance program.

Mr. Phillips introduced the following resolution:

R. 38-2014  WHEREAS, Northampton County Charter Section 202 (8) provides that the County Council shall have among others, the following powers; (8) to require periodic and special reports from elected officials and their subordinates; and

WHEREAS, Northampton County Administrative Code Section 7.03 Division of Plant Operations and Maintenance provides the Chief of Operations and Maintenance shall: (1) plan, develop and administer a comprehensive preventive maintenance program for all County-owned equipment and building, including motor vehicles; and

WHEREAS, since there is no evidence that the County plans or administers a comprehensive preventive maintenance program the County Council has informed the County Executive that the County is in violation of the Northampton County Administrative Code and should work to remedy this violation.

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council that it hereby requests that the Northampton County Controller perform a performance audit of the Northampton County preventive maintenance program during the second quarter of 2015. The focus of the performance audit will focus on: (1) is there a written maintenance management plan that has the correct levels of approvals, (2) is there evidence that the maintenance management plan is being followed, (3) is there evidence that the maintenance management plan has the correct level of management over sight and instances of non-compliance are routinely escalated to the required level of County Administration and (4) there is a semi-annual report to the County Council on the operations of the preventive maintenance program.
Mr. Phillips advised the Controller indicated yesterday that he was in support of this resolution. He further advised he also talked to Mr. Brown and he indicated this was very complimentary to the program being established by Mr. Richard Young, Director of Public Works, and himself.

In response to Mrs. Ferraro’s question regarding the timeline, Mr. Phillips stated it was agreed that it would be completed by the second quarter of 2015. He further stated Mr. Brown was asked to have a maintenance management plan available in June for the Human Services Building.

As there were no questions or comments, Mrs. Ferraro called for the vote.


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

Environmental Protection Agency Redefining Waters of the United States

Mr. Phillips stated County Council received an e-mail from the National Association of Counties requesting each County to provide input regarding the redefinition of the Clean Water Act. He further stated currently the Clean Water Act covered only flowing water, but then new definition would include all water even temporary water such as puddles.

Mr. Phillips advised he would like the County Executive to look into this matter and provide a response.

Economic Development Committee Report

Mrs. Ferraro stated there would be no Economic Development Committee meeting on May 1, 2014 before the regular County Council meeting.
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Bridge Study

Mr. Phillips advised he talked to Mr. Young about the bridge study that was completed last year by Borton Lawson and he indicated he was very actively looking at the bridges and reviewing that report. Mr. Phillips further advised he would like to have this item put on the agenda for a meeting in June.

Adjournment

Mr. Kraft made a motion to adjourn.

Mr. McClure seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council