Easton, Pennsylvania  May 1, 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; Seth Vaughn; Robert F. Werner; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

Mrs. Ferraro 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 24, 2014 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

As no one signed up for Courtesy of the Floor, Mrs. Ferraro asked if there was anyone from the public who wished to address County Council.

There were no respondents.
Mr. John A. Brown, County Executive, indicated he did not have a report for tonight.

Consideration of Administrative Code Article XIII, Procurement and Disposition of County Property

Mrs. Ferraro stated the purpose of this agenda item was to resolve and clarify the issues and concerns discussed at previous County Council meetings with regard to certain contract issues as they related to the Administrative Code Article XIII. She further stated the Council Solicitor was asked 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.

Mr. Lauer advised the initial concern seemed to be what was or was not a professional service. He further advised he spoke to Mr. Victor Scomillio, Northampton County Solicitor, and Mr. Flisser regarding this issue so he was proposing that he and Mr. Scomillio work together to draft new language defining what a professional service was and bring it back to County Council.

Mr. Lauer stated it was his understanding that a committee of five members was formed to review and make changes to the Administrative Code and that caused him some concern so he suggested it be a Committee of the Whole.

Mrs. Ferraro advised she felt that was a good idea.

Mr. Lauer advised that from past experience, it was known that to review all of Article XIII would take some time so he suggested to address the issue of professional services first because it had arisen twice already with respect to litigation. He further advised he would encourage anyone who had any thoughts of what should or should not be in this definition to contact him.

Mr. Phillips stated he googled the definition of professional services and found there were a number of them so he felt it was best for the lawyers to come up with a determination of what it should mean.
Mr. McClure advised sometimes a judge was needed to interpret and determine what a definition of something was because statutory language was prone not to cover every circumstance that arose and this was a classic example of that. He further advised a definition could never be drafted that would satisfy all circumstances for all time. He noted the definition may be broadened as it was plainly written in the Administrative Code, but even in doing that, it could not be expanded to cover every circumstance to avoid going to Court.

Mr. Lauer stated he agreed, but he felt this definition might benefit from a concentrated review of it.

Mr. Geissinger advised he also felt that this, as well as other areas of the Administrative Code, needed to be redefined.

In answer to Mr. Phillips' question as to what was to be accomplished with the review of the Administrative Code, Mrs. Ferraro stated it was to make sure the wording of all the sections corresponded with each other where necessary.

Mr. Lauer advised Article XIII dealt with procurement that was done by all the departments in the County so he felt it might be feasible to invite the individuals from the Procurement Office to participate in these discussions to provide input as far as what was appropriate or necessary according to them. He further advised this was going to be a long process because some of the Articles interacted with others.

Mr. McClure stated he felt the Administrative Code was fine except as it related to professional services so he did not think the whole thing had to be reviewed.

Mr. Vaughn advised it was mentioned to him that some of the wording relating to Human Services was outdated so it would be good to review everything.

Mr. Geissinger stated he believed the purpose was to establish a firm foundation that everyone could agree upon to avoid any litigation. He further stated as Chairman of the Finance Committee, he would not be opposed to reviewing the contract amounts to make sure they are realistic figures or should they be adjusted.
Retirement of Mr. Thomas Harp, Director of Administration

Mr. Kraft advised he wanted to thank Mr. Harp for his service, especially for the work he did with regard to the Human Services, Archives, Wolf and Bechtel Buildings, and wished him well in his retirement.

Mr. Geissinger stated both he and Mr. Benol attended the Citizens Academy that was guided under Mr. Harp’s efforts and he found it informative and an excellent overview of what the County was about and appreciated his dedication to it.

Mrs. Ferraro also thanked him for his service and wished him the best of luck in his retirement.

Mr. Harp stated it was a pleasure working with County Council over the years. He further stated he appreciated the opportunity to work for Northampton County and wished everyone the best of luck moving forward in doing the good things for the citizens of the County.

Information Services Governance Committee Liaison Report

Mr. Phillips advised he attended the Information Services Governance Committee meeting and he asked if they could, with the approval of Mr. Brown, put on the website a list of the projects that department was working on.

Mr. Phillips stated he toured the Computer Room and even though there was still approximately two more weeks of work on it, it was impressive.

Northampton County Gaming Revenue and Economic Redevelopment Authority

Mr. McClure advised he was a little aggrieved that a grant for a fire engine for Bethlehem Township was voted down by the Northampton County Gaming Revenue and Economic Redevelopment Authority, but that was consistent with the law. He further advised he heard something that concerned him, which was Lehigh County, through one of the Northampton County’s agencies, sought a grant from these funds for their Regional Crime Center even though it was not approved.
Mr. Kraft stated he was at that meeting and he didn’t see anything regarding the Regional Crime Center. He further stated the first round of grants was for the five contiguous municipalities and the second round was for the non-contiguous municipalities. He noted Northampton County received grants from Monroe County so that may have been an item being considered under that grant. He further noted Lehigh County already received half of the revenues from the Sands Casino.

Mr. McClure advised it was his understanding that Lehigh County was seeking a grant, but maybe it did not come up yet. He further advised the reason he brought this up was because an analysis former Sheriff Randall Miller did showed 85% of the benefit from that crime center would go to Allentown so he did not think Northampton County should be funding it with its gaming revenue.

Mr. McClure stated the analysis also indicated Northampton County would have to contribute approximately $500,000 a year out of the General Fund toward this crime center. He further stated he did not feel this was something the County should support until the District Attorney and/or its Chiefs of Police determined it was something to be involved in.

Election of Sheriff on the Ballot

Mr. McClure advised he and Mr. Kraft have been advocating for the election of a Sheriff to be put on the ballot, however, someone in the Lehigh County’s Solicitor’s Office sent a decision that came from the Supreme Court of Pennsylvania on March 26, 2014.

Mr. McClure stated the decision read as follows: "Upon an application of well-settled principles of statutory construction, we find that in light of the plain language of the Home Rule Law and the considerations Pilchesky raises, the amendment proposed by the Commissioners constitutes a change in the form of government that may be accomplished only by following the procedure outlined in Subchapter B of the Home Rule Law which requires the election of a government study commission. See 53 Pa. C.S. § 2911-2930. Accordingly, the decision of the Commonwealth Court is Reversed."

Mr. McClure advised this meant that something like the
election of a Sheriff or change in a form of government would need a government study commission first.

Mr. Lauer stated he did not have a chance to fully review this ruling, but what was sought here was not the changing of how a Sheriff was selected, but rather they were talking about eliminating some row offices completely and making them appointed. He further stated he wanted to look at the statute a little more carefully to make sure a government study commission was required.

Mr. McClure advised he agreed, but he felt it indicated they could not get an elected Sheriff on the ballot without a government study commission because it would change the form of government. He further advised where this may have a more profound implication was with the County’s Home Rule Charter.

Mr. McClure stated the Home Rule Charter had been amended numerous times, but he did not know if the amendments pertained to a change in the form of government. He further stated he did not believe this decision was retroactive and would pertain to any amendments done that pertained to a change in government, but it was something to consider going forward.

Mr. McClure advised previously there had been suggestions to have the Civil and Criminal Divisions, as well as some other divisions, transferred from the Executive side to the Judiciary side and if that were to be done, according to this decision, there would have to be a government study commission.

In response to Mr. Phillips’ question as to how the government study commission would work, Mr. Flisser stated a referendum was put on the ballot as to whether a government study commission should be established. He further stated if it was approved, an odd number of members were elected.

In answer to Mr. Phillips’ question as to whether the commission would make the final determination, Mr. McClure advised they would make recommendations and then it went back to the ballot so it was a long process.

In response to Mr. Kraft’s question as to whether anyone could be elected to the commission, Mr. McClure stated it could be anyone and they did not have to have any background in County matters.
Mr. McClure advised the public hearing had to be held on the referendum ordinance for an elected Sheriff, but he did not think it could legally be done without a government study commission.

Adjournment

Mr. Kraft made a motion to adjourn.

Mr. Geissinger seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council