Easton, Pennsylvania                      May 15, 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; Frank E. Flisser, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent was Robert F. Werner.

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 May 1, 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.
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Confirmation of Appointments

Mrs. Ferraro stated the Personnel Committee met yesterday to review the County Executive’s re-appointments/appointments to the Farmland Preservation Board and Gracedale Advisory Board.

Mr. Kraft introduced the following resolution:

R. 39-2014 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointment/re-appointments as indicated hereafter:

FARMLAND PRESERVATION BOARD

Re-appointments: Terms to Expire: 6/30/17
Robert Doerr
170 Old Well Road
Easton, PA 18042

Terry Kromer
206 Garr Road
Easton, PA 18040

GRACEDALE ADVISORY BOARD

Appointment: Term to Expire: 3/15/16
MaryAnn McEvoy
1351 Verona Drive
Pen Argyl, PA 18072

Mr. Parsons advised Mr. Doerr and Ms. Kromer were always in attendance at the Farmland Preservation Board meetings and did a great job so he would recommend approving them.

Mr. McClure stated he did not know what Ms. McEvoy’s views were regarding the continued County ownership of Gracedale, but he would support her appointment because he appreciated how difficult it was to find citizens who were willing to sit on the County’s boards.

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

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

County Executive’s Report

Mr. John A. Brown, County Executive, advised the County closed on the Wolf Building yesterday.

Public Hearing on the Ordinance titled, "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"

Mrs. Ferraro stated the following ordinance was introduced by Messrs. Kraft and McClure at the meeting held April 24, 2013. She further stated the public hearing must be held since public notice of it was given before the Pennsylvania Supreme Court decision was known.

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.
Public Hearing

Mrs. Ferraro asked if there were any questions or comments regarding this ordinance from the public.

There were no respondents.

Mrs. Ferraro asked if any member of County Council had any questions or comments.

Mr. McClure advised he was withdrawing his co-sponsorship of this ordinance.

Mr. Kraft stated he was withdrawing the ordinance because the Pennsylvania Supreme Court indicated that in order for the County to proceed it would need a government study commission.

Mr. McClure advised once the Pennsylvania Supreme Court provided their ruling, he felt he could no longer advocate for County Council to place the concept of letting the voters decide as to whether they should elect their Sheriff on the ballot. He further advised he did not believe at this juncture that there was a requisite public appetite for a full blown government study commission. However, due to the lawsuits that have recently been filed, he believed that one would be necessary in the future.


Mrs. Ferraro stated the Personnel Committee met yesterday to consider various personnel requests. She further stated the various sections of this resolution would be voted upon separately.

Mr. Kraft introduced the following resolution:

R. 40-2014 RESOLVED, by the Northampton County Council that, with regard to the reorganization in the Department of Fiscal Affairs and the Department of Human Services (as set forth in the attached documentation) the following personnel requests shall be approved, effective May 19, 2014:
a. The one (1) full time position of Accounting Manager, Department of Fiscal Affairs, pay grade CS-31, step 2-B, salary $66,504 shall be reclassified to pay grade CS-35, step 4-D, salary $87,307.

b. The one (1) full-time position of Nursing Home Fiscal Administrator, Gracedale - Department of Human Services, pay grade CS-35, step 6-F, salary $95,341 shall be reclassified to pay grade CS-33, step 8-H, salary $95,005.

c. The one (1) new position of DHS Fiscal Administrator, Human Services Administration Division, Department of Human Services, pay grade CS-34, salary range $73,064 to $103,955, shall be created.

d. The one (1) existing position of HS Operations and Planning Coordinator, Human Services Administration Division, Department of Human Services, pay grade CS-25, salary range $48,282 to $68,279, shall be eliminated.

Accounting Manager

In answer to Mr. Parson’s question as to whether the creation of this position was in accordance with the Administrative Code, Mrs. Ferraro advised a position was not being created, but a desk audit was done that called for a reclassification.

Mr. McClure stated at yesterday’s meeting the question arose as to how a desk audit could be conducted on a position that did not exist. He further stated he believed Mr. Parsons was referring to Section 4.01 - Organization and Duties of the Administrative Code which indicated, "a. The Department of Fiscal Affairs shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of the Department. b. The purpose of the Department of Fiscal Affairs is to develop the County's budgets and financial plans, to develop and maintain control over all aspects of the County's financial and fiscal affairs, and to provide central data processing services for all agencies of County Government.”

Mr. McClure advised Section 4.02 a. indicated the Director of the Department of Fiscal Affairs shall head the Division of Financial Planning and Control and the Director, in person or
through subordinates, shall do a number of things, including
direct the preparation and maintenance of the County's central
accounts payable and payroll systems.

Mr. McClure stated what troubled him was at yesterday's
meeting, Mr. Brown indicated he had not determined if he would
appoint a Director of Fiscal Affairs. Mr. McClure further
stated this reorganization seemed to be at odds with the
Administrative Code so it should be amended before any action
was taken.

Mr. McClure advised the issue of how long a cabinet level
position could be acting might be another matter for litigation
because at some point it evaded the power of County Council to
confirm that position.

Mr. Lauer stated while the resolution referred to a
reorganization, it simply talked about the creation of certain
positions and the elimination of another position so in that
regard, he did not see where the Administrative Code would
prevent consideration of this resolution.

Mr. McClure advised if there was going to be an Acting
Director of Fiscal Affairs or any department for an extended
period of time, that person should be submitted for confirmation
by County Council. He further advised the Administrative Code
was very specific in that the Department of Fiscal Affairs shall
be headed by a Director not an Account Manager.

Mr. Lauer advised Article IV (Department of Fiscal Affairs)
and Article V (Department of Court Services) each required a
Director, but he did not see anything that would prevent the
Director of each of the agencies from being the same person.

Mr. Phillips stated at yesterday's meeting, there was a
discussion as to whether a director should be named before
approving this reorganization and the County Executive indicated
he did not think that was necessary. He further stated he felt
this reorganizational change should take place and noted the
organizational chart indicated there would be a director.

In response to Mr. Kraft's question as to whether an audit
was conducted on the salary being considered because County
Council did not receive it, Mr. Brown advised a desk audit was
conducted.
Mr. McClure stated this was a 25-30% salary increase and he had still not received an answer to his question as to who was the last County employee to receive such an increase. He further stated this would not be such a big issue if County Council was not constantly being lectured about the financial mismanagement of the last 16 years, how the County did not have any money and heading toward a fiscal crisis, how the employees were being told that sacrifices had to be made and how programs and services were going to have to be cut.

Mr. McClure advised the County had many valuable, intelligent and highly skilled employees who did not get these kinds of raises overnight. He further advised this was an unprecedented raise and his concern was not that this person was qualified, but was politically connected.

Mrs. Ferraro stated that comment was uncalled for.

Mr. McClure advised what he thought was uncalled for was that Mrs. Ferraro making telephone calls to members of County Council regarding this issue in advance of the meeting when she should not have been involved in any conduct whatsoever to advance this issue.

Mr. Geissinger stated he respected Mr. McClure’s experience and legal expertise, but this reorganization was not creating a new position or interfering with the duties of the Director of Fiscal Affairs. He further stated the County had a system where it made sure that employees who performed certain duties were compensated appropriately.

Mr. Geissinger advised after an appropriate audit and after outside auditors have indicated there were material issues that had to be corrected, it was determined that this position required this salary and he felt if someone was brought in from the outside, this discussion would not be taking place.

Mr. Kraft stated Mr. McClure’s comment was with regard to the contacting of members by the President of County Council and not the merits of the position or where the person was coming from.

Mr. Geissinger advised he was not responding to that comment because he felt Mr. McClure had a right to make it as an individual and member of County Council. He further advised he
was talking about the merits of what was being voted on and that was whether or not this position should be restructured.

Mr. Kraft stated he was not questioning the qualifications of the individual being considered for this position, but he wondered if it was being fundamentally changed that it should be posted and testing done to establish the top three to be chosen from for it.

Mr. Lauer advised he could not answer that without studying where the position fell within the department and whether it was an exempt position. He further advised if it was a new Career Service position then he believed it could fall under those guidelines for filling it.

Mr. Kraft stated that was why he wanted to review the desk audit because it could put light on the issue.

Mr. Brown advised the Department of Human Resources followed all the appropriate protocols and the position, as it was being handled, was 100% appropriate.

Mr. Lauer stated in having re-examining the resolution, the County Executive was not creating a new position, but was changing the pay grade for that position due to the increase of its duties. He further stated there was no prohibition against the person currently occupying the position continuing to occupy it.

In answer to Mr. Vaughn’s question as to whether he was alleging there was some sort of misconduct with the promotion of this individual, Mr. McClure advised he did not understand what was meant by this question, but he knew that Mrs. Ferraro made telephone calls in forwarding this particular proposal and that was potentially problematic with respect to the Ethics Act because her daughter stood to get a 30% raise.

As there were no further questions or comments, Mrs. Ferraro called for the vote on the reclassification of the Accounting Manager position.

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This portion of the resolution was adopted by a vote of 5-2-1 abstention.

Nursing Home Fiscal Administrator

Mr. Geissinger stated he would vote in favor of this proposal because he believed the reorganization was necessary, but he questioned whether or not it was more offensive when duties were removed and the salary was not really changed than when a great deal of duties were added and the salary was increased.

As there were no further questions or comments regarding the reclassification of the Nursing Home Fiscal Administrator, Mrs. Ferraro called for the vote.

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

This portion of the resolution was adopted by a vote of 8-0.

DHS Fiscal Administrator

In response to Mr. Kraft's question as to whether this position was currently filled, Mr. Brown indicated it was not.

As there were no further questions or comments regarding the creation of the position of DHS Fiscal Administrator, Mrs. Ferraro called for the vote.

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

This portion of the resolution was adopted by a vote of 8-0.
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HS Operations and Planning Coordinator

As there were no questions or comments regarding the elimination of the position of HS Operations and Planning Coordinator, Mrs. Ferraro called for the vote.

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

This portion of the resolution was adopted by a vote of 8-0.

Based on the votes for each portion, the resolution was adopted in its entirety.

Gracedale Per Diem Proposal

Mr. Kraft advised this resolution was discussed at length during yesterday’s Personnel Committee meeting and there was a Memorandum of Understanding from the Union. He then introduced the following resolution:

R. 41-2014 RESOLVED, By the Northampton County Council that the following part-time per diem positions shall be created in the Gracedale Division, Department of Human Services, effective this 15th day of May 2014:

a. The ten (10) FTE (5 head count each) positions of LPN Per Diem, pay grade GU-10, $24.00/hour.

b. The twenty (20) FTE (5 head count each positions of Nursing Attendant I Per Diem, pay grade GU-11, $16.00/hour.

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

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

The resolution was adopted by a vote of 8-0.
Mr. Kraft introduced the following resolution:

R. 42-2014  RESOLVED, by the Northampton County Council that the two (2) vacant full-time positions of HVAC/R Technician I, pay grade RU-22, salary range $37,962 to $54,015 shall be eliminated in the Operations and Maintenance Division, Department of Public Works, effective this 15th day of May 2014.

IT IS FURTHER RESOLVED by the Northampton County Council that the one (1) new full-time position of HVAC/R Technician II, pay grade RU-24, salary range $41,621 to $59,220 shall be created in the Operations and Maintenance Division, Department of Public Works, effective this 15th day of May 2014.

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

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

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


Mrs. Ferraro stated the Finance Committee met on May 14, 2014, to consider these contract approval requests.

CCAP - Property and Liability Insurance

Mr. Geissinger advised at yesterday’s meeting, a discussion was held with regard to this resolution and it was determined the County would be getting equal or improved coverage for a reduction in premium. He then introduced the following resolution:

R. 43-2014  WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c. (1) requires
approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and

WHEREAS, on May 8, 2014, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a one year contract, totaling $926,104.00, with the County Commissioner's Association of Pennsylvania for property and liability insurance.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive to award a contract to the County Commissioner's Association of Pennsylvania for property and liability insurance.

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" and Benol, "yes".

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

CCAP - Software Licenses

Mr. Geissinger introduced the following resolution:

R. 44-2014 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the
contract must be considered when determining if Council approval is necessary"; and

WHEREAS, on May 9, 2014, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract, with a total payout of $254,159.40, with the County Commissioner’s Association of Pennsylvania for 388 software licenses.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive to award a contract to the County Commissioner’s Association of Pennsylvania for 388 software licenses.

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


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

Open Space Committee Meeting

Mr. Parsons stated he was planning to hold an Open Space Committee meeting in June to discuss the projects that were brought before the Open Space Advisory Board.

Human Services Committee Report

Mr. Vaughn advised the Human Services Committee met earlier tonight where it was announced Gracedale received an additional rating star for the improvements that were made by Public Works. He further advised the hot water issue had been resolved and improved.

Mr. Vaughn stated the census was currently at its required amount and a new Kronos software system was being implemented. He further stated Mr. Milliard Freeman, Nursing Home Administrator, indicated Gracedale was heading in the right direction financially.
Mr. Vaughn advised an update was provided on the Children, Youth and Families Division, noting the issues occurring within the County were eye opening, but were being handled excellently by the staff.

Mr. Vaughn stated the Director of Human Services conducted an Administrative Code review with her division heads and they determined a lot of items in the Administrative Code were in line with their duties.

In answer to Mr. McClure’s question as to when the additional star was awarded to Gracedale, Mr. Freeman advised there was a five star rating system for nursing homes in the United States, which consisted of three components: regulatory compliance, staffing and quality measures applied for care. He further advised Gracedale had always received three stars, but about a year ago, it dropped to two stars.

Mr. Freeman stated Gracedale recently received two stars for regulatory compliance and three stars for staffing. He further stated Gracedale usually received three stars for quality of care, but received four stars. He noted this did not change the overall rating because regulatory compliance was the largest component, but it was a positive occurrence.

Information Services Governance Committee Liaison Report

Mr. Phillips advised he recently attended the Information Services Governance Committee where they discussed some upcoming projects. He further advised they came up with a really good way to prioritize their projects and he hoped to have them provide a report to County Council in the near future.

Recycling and Solid Waste Liaison Report

Mr. Benol stated the County would be holding a Household Hazardous Waste event on May 31, 2014, from 8:30 a.m. until 2:00 p.m., at the Northampton Community College.
Solicitor's Report

Mr. Lauer advised the lawsuit by the former Sheriff was a subject of a hearing before Judge Craig Dally where a request for a preliminary injunction was presented. He further advised Judge Dally gave the plaintiff until earlier this week to file a brief. He further noted County Council’s brief would be filed tomorrow, as will the County’s, and then Judge Dally will make his decision and then the matter would probably go to trial.

Adjournment

Mr. McClure made a motion to adjourn.

Mr. Geissinger seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Frank E. Flisser
Clerk to Council