Easton, Pennsylvania-April 16, 2015

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; Linda M. Zembo, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

Mrs. Ferraro led County Council in a moment of silence.

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 1, 2015 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation, with Mrs. Ferraro abstaining.

Proclamation Presentation - Mary Jane Long

Mrs. Ferraro stated Ms. Mary Jane Long was the President of the Area Agency on Aging Advisory Council and was recently recognized by the Pennsylvania Department of Aging and received the Secretary's Award. She further stated she was also the Chair of the Southeast Council, which allowed her to be on the Statewide Council and this was only the second time someone from Northampton County reached that level.
Mr. Vaughn read the proclamation and presented it to Ms. Long on behalf of the members of County Council.

Mr. Luis Campos, Director of Administration, read a Certificate of Appreciation and presented it to Ms. Long on behalf of the Administration.

**Courtesy of the Floor**

Mr. Justus James, American Federation of Federal, State, County and Municipal Employees (AFSCME) Local 1435 - advised the Administration recently asked if he would be agreeable to raising salaries of the County’s clerical staff and now he was asking County Council to support the reclassification of these positions as it was a positive move forward.

Mr. James stated they were asking for a resolution to allow the Administration and AFSCME Local 1435 the opportunity to continue to work together for the next three years toward the common goal of making Gracedale the most efficient care facility in the State. He further stated at the end of the referendum’s five years, Gracedale employees would have given back $15 million and it hired a lot of veterans who were able to provide special help to other veterans.

Mr. James advised there had been some talk about the establishment of a foundation for Gracedale so he wanted to let County Council know they were in support of it.

Mr. James stated there had been a ground swell going on throughout the State with regard to how different and unfair the formulas for reimbursements were for public and private nursing homes. He further stated he would like County Council to join AFSCME to launch a campaign to talk to every legislator across the State about this issue.

Mr. James advised if the formulas were changed, it would affect not only Gracedale, but other County nursing homes in the State. He further advised State Representatives Marcia Hahn and Robert Freeman, the County Executive and the leaders of AFSCME were in support of this endeavor.

Mrs. Ferraro stated the givebacks from the employees at Gracedale and the work the Administration has done with the assistance from Premier Healthcare Resources, Inc. (Premier) were two pieces of the puzzle that helped make Gracedale
successful, but the change in the reimbursements would be another huge piece of the puzzle.

Mrs. Ferraro read the following memorandum from Representative Hahn that was actually sent by Representative Thomas Killion:

"In the near future, I plan to introduce legislation to repeal statutory provisions that require county nursing homes to pay ten percent of the non-federal cost of services for Medicaid residents cared for in those facilities.

Currently, Pennsylvania counties have those amounts funded through the Certified Public Expenditure (CPE) process, but this funding mechanism is not guaranteed year-to-year. In the past, county nursing homes received extensive funding through the Intergovernmental Transfer (IGT) process, and were able to cover the amounts they are required to contribute. While the IGT was phased-out years ago, the ten percent county nursing home share is still required, even though there is no such requirement for private nursing facilities. As evidenced by the increased frequency by which county homes have been sold or privatized over the past four years, it has become a struggle for many to stay afloat, yet the responsibility imposed upon them to pay the county share puts an additional burden on county homes of approximately $20 million per year.

Removing this continued burden from the county nursing homes would allow more counties to retain their county homes. Removal of this requirement would also free up the CPE funds generated by county homes to be paid directly to counties struggling with low Medicaid rates and high Medicaid populations. Cost report data from December 2013 showed that all but one county home had a Medicaid occupancy rate greater than 65%, and 17 of the 23 county homes had Medicaid occupancy rates over 75%. County homes are also required to accept Medicaid patients on day one, making them a vitally important safety net for Pennsylvania's most vulnerable and needy individuals. As more and more county homes privatize, it will become difficult to find suitable long-term skilled care for these persons. Eliminating the county share requirement would help ensure county homes can continue to serve those most in need."

Mr. James read an e-mail from Representative Freeman:
"I regret that I am unable to attend this evening at Northampton County Council meeting due to other commitments, however, I do want to express my support for the legislation being introduced by Representative Tom Killion, which I have co-sponsored, that would repeal the statutory provisions that require the County nursing home to pay 10% of the non-Federal costs of services for Medicaid residents cared for in County nursing homes. The elimination of this County share requirement would help ensure the County homes can continue to serve those most in need and resulting savings in the Counties would greatly facilitate their ability to retain their County homes and publicly owned facilities. I urge the members of this County Council to endorse this much needed legislation."

Mr. James advised the County's seniors were Democrats, Republicans and Independents so this was a bi-partisan issue and he hoped everyone would get behind it for the seniors and veterans that have paid their taxes for many years and find themselves in nursing homes. He further advised just as the County seal indicated, it was time to give the seniors and veterans mercy and justice.

Mr. Harold Zellnar - stated he served in the Navy for four years and then joined the Army for 20 years, after which he worked for the Pennsylvania Department of Transportation for 30 years.

Mr. Werner advised the idea behind the programs at Gracedale was to think outside the box rather than just cutting jobs and increasing taxes. He further advised the reason for this legislation was to show the Federal and State legislators that County nursing homes have not been treated as well as the private ones.

Mr. Werner stated the ten percent under Act 132 of 1976 would equal approximately $20 million to the nursing homes. He further stated there were many individuals involved in trying to establishing a foundation for Gracedale.

Mr. Werner advised the support of the organization for working with 501c3 programs and foundations was set up so that funding could be used to support local nursing homes and especially to support Gracedale. He further advised Gracedale had never been about money, but about what it meant to the community and the welfare of senior citizens and veterans.
Equalization of Medicaid Rates for Nursing Home Facilities Resolution

Mrs. Ferraro introduced the following resolution:

R. 21-2015  WHEREAS, a study was done by the Pennsylvania Association of County Affiliated Homes, County Commissioners Association of Pennsylvania nursing facility affiliate, that determined if all nursing homes were privatized, there would be an increased cost to the State of approximately $29.4 million in terms of Medicaid Rates in just one year and an increase of approximately $7.6 million annually in increased Case Management Index costs; and

WHEREAS, County nursing homes are the only facilities required to take Medicaid patients and as nursing home rates remain stagnant, it will become more difficult for private facilities to serve Medicaid patients.

NOW, THEREFORE, BE IT RESOLVED that County Council and the Administration will reach out to all the State legislators to enact legislation to equalize the Medicaid Rates for both private and public nursing home facilities.

In answer to Mr. Benol's question as to whether there had to be an amendment to add AFSCME to the resolution, Mr. James stated they were supportive of this and did not need to be added to the resolution.

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

The vote: Ferraro, "yes"; Benol, "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.

Mr. Parsons advised he voted for this resolution, but two weeks ago, a letter was sent to all Northampton County legislators enclosing the study and asking for their support. He further advised Representative Joseph Emrick supported this measure and he intended to speak with Senator Mario Scavello.
Gracedale Resolution

Mrs. Ferraro introduced the following resolution:

WHEREAS, over the last five years, initiatives have been instituted to enrich the operation at Gracedale; and

WHEREAS, the management and employees of Gracedale have continually strived to reduce the economic burden of Gracedale while maintaining the quality of care the residents and citizens expect.

NOW, THEREFORE, BE IT RESOLVED that County Council, the Administration and American Federation of State, County and Municipal Employees Local 1435 will work together for the next several years to make Gracedale operate more efficiently and economically.

Mr. Phillips stated there was a referendum that Gracedale could not be sold until 2017 so this was sufficiently ambiguous to be meaningless. He further stated Mr. James indicated he would like it to be for the next three years, which would put it past 2017. He noted even though he would not vote for it that made more sense to him.

Mr. Parsons advised the referendum did not indicate that at the end of five years Gracedale had to be sold, just that a decision as to its future would be made. He further advised he agreed this was meaningless, but he would support it because it was another document indicating County Council's support of Gracedale.

Mr. Benol stated he agreed with Mr. Phillips, but he would also vote for this resolution on principle. He further stated he wanted to clarify that there were no discussions by anyone to sell Gracedale, but everyone was looking for the best solutions.

Mr. Benol advised he felt the workers at Gracedale had been phenomenal with everything they have done during the past several years to assist the County and making it easier for County Council to agree to do everything possible to make sure Gracedale stayed under County control.

Mr. Geissinger stated he understood where Mr. Phillips was coming from, but he felt this particular resolution simply recognized that County Council, the members of the unions and
this Administration were all dedicated to the continuation of caring for the 700 individuals that were at Gracedale. He further stated it was also recognition of the work that had been done by the employees and Premier, as well as the efforts of prior County Councils.

Mr. Vaughn advised he felt the resolution sent a good message, but his only concern was what was meant by several years.

Mr. Benol made a motion to change the resolution to read, "will continue to work together to make Gracedale operate more efficiently and economically".

Mr. Vaughn seconded the motion.

Mr. McClure stated if he would change the term several years to three years as it would provide a period of time to obtain data to determine whether or not there should be another referendum or a commitment to keep it County owned for a specific number of years.

Mrs. Ferraro advised she did not want County Council to be locked into a time frame in case some unforeseen circumstances arose.

Mr. Werner stated the modification did not add any teeth to the matter, but he believed the intention was good and they should stick with the intent.

Mr. Geissinger advised by removing the word several and adding the words continue to, it recognized past efforts of the employees, past Administrations and County Councils and did not bind County Council to a particular time frame.

Mrs. Ferraro called for the vote on the motion to amend the resolution.

The vote: Benol, "yes"; Vaughn, "yes"; Geissinger, "yes"; Kraft, "yes"; McClure, "no"; Parsons, "yes"; Phillips, "no"; Werner, "yes" and Ferraro, "yes".

The motion passed by a vote of 7-2.

Mrs. Ferraro called for a vote on the following amended resolution:
R. 22-2015  WHEREAS, over the last five years, initiatives have been instituted to enrich the operation at Gracedale; and

WHEREAS, the management and employees of Gracedale have continually strived to reduce the economic burden of Gracedale while maintaining the quality of care the residents and citizens expect.

NOW, THEREFORE, BE IT RESOLVED that County Council, the Administration and American Federation of State, County and Municipal Employees Local 1435 will continue to work together to make Gracedale operate more efficiently and economically.

Mr. McClure stated County Council, the Administration and AFSCME Local 1435 have been working together since the referendum. He further stated the Stoffa Administration lost their battle to sell Gracedale and took County Council’s idea to have a management company come in and run it.

Mr. McClure advised the Stoffa and Brown Administrations, the unions and the previous and current County Councils have been working for many years to improve Gracedale and make it a break even proposition so this was a reaffirmation of that.

In response to Mr. Vaughn’s question as to whether the wording “going to work together” was in the referendum itself, Mr. McClure replied he did not think.

Mr. Vaughn stated then he believed this resolution did have some merit because it reflected County Council’s willingness to work together.

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


The resolution was adopted by a vote of 8-1.

Mr. Christian Fonseca, 1860 Dayton Drive, Forks Township, PA - advised he was employed as a Special Service Helper at Gracedale and thought he may be able to provide a little insight as an employee in helping to make Gracedale run more efficiently.
and economically.

Mr. Fonseca stated currently on the day shift there was only one supervisor overseeing all employees and it was proving quite difficult since the Administration exchanged multiple day shift supervisors in turn for two Assistant Directors of Nursing so he suggested having more day shift supervisors.

Mr. Fonseca advised he worked the 3-11 shift where there were three supervisors and far less employees than on the day shift so he thought maybe something could be done there.

Mrs. Ferraro indicated that Mr. Millard Freeman, Gracedale's Nursing Home Administrator, was present and heard his comments.

Confirmation of Appointments

Mrs. Ferraro stated the Personnel Committee met yesterday to review the County Executive’s appointments/re-appointments to the Area Agency on Aging Advisory Council and the Gracedale Advisory Board.

Mr. Kraft introduced the following resolution:

Number 23-2015 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

AREA AGENCY ON AGING
ADVISORY COUNCIL

Appointments:  
Terms to Expire: 7/1/17  
Sandi Meuir  
1342 Adams Street  
Northampton PA 18067  

Dick Schmidt  
737 E. Goepp Street  
Apartment 212  
Bethlehem PA 18018
As there were no questions or comments, Mrs. Ferraro called for the vote.

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

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

County Executive’s Report

In view of the absence of Mr. John A. Brown, County Executive, Mrs. Ferraro asked if Mr. Campos had a report.

Mr. Campos replied he did not.

Recognition of Members of the Authorities, Boards and Commissions

Mr. Parsons advised there were approximately 190 individuals who volunteered to serve on the County’s authorities, boards and commissions that provided
recommendations that helped County Council make decisions so he would like to extend appreciation to all of them.

Public Hearing on the Ordinance Amending Ordinance No. 411-2003 Titled, "An Ordinance of the County Council of the County of Northampton, Pennsylvania, Requiring An Annual License/Permit Fee for Commercial Weighing, Measuring or Scanning Devices; Setting Forth Definitions; Establishing the Requirements for Obtaining a Permit; Setting Forth Penalties for Violation Thereof; and Establishing the Effective Date"

Mrs. Ferraro stated the following ordinance was introduced by Messrs. Parsons and Werner at the meeting held on April 1, 2015:

AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411-2003 TITLED, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE"

WHEREAS, Ordinance No. 411-2003, titled, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE" was duly enacted on November 6, 2009 and amended by Ordinance No. 512-2009, which was duly enacted on November 6, 2009.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the Northampton County Council that Ordinance No. 411-2003 shall be amended as indicated hereafter (sections marked with strikeout are being deleted and sections marked with bold underline are being added):

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT;
SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND
ESTABLISHING THE EFFECTIVE DATE

WHEREAS, the County of Northampton and the Commonwealth of Pennsylvania, Department of Agriculture have entered into a Memorandum of Understanding pursuant to the Consolidated Weights and Measures Act (3 Pa C.S.A.§4101 et seq.); and

WHEREAS, the Memorandum provides for the delegation of powers and duties from the Commonwealth to the County for various inspection responsibilities; and

WHEREAS, the County has determined that an annual license/permit fee for each commercial weighing, measuring or scanning device subject to the jurisdiction of the County Office of the Division of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby enacted and ordained by the County Council of the County of Northampton, Pennsylvania, as follows:

SECTION 1. Definitions

Division - Division of Weights and Measures, County of Northampton

Fuel dispenser - A device designed for the measurement and delivery of gasoline, diesel or kerosene fuel.

Person - A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

PLU device - Price look-up device - A device that can access a database price file or retail price retrieval system. The term includes bar code beam or contact scanners, Optical Character Recognition (OCR) scanners or readers, magnetic scanners or readers, alpha or numeric keyboards, or both, voice response systems and computer based retail price retrieval systems.

Scale - Any weighing device.

Scanning device - A general term for any of the several types of PLU technologies capable of communicating with a database price file or retail price retrieval system. The term includes hardware, software and supporting computer systems.
Weights and measures - Weights and measures of every kind, instruments and devices for weighing and measuring and any appliances and accessories associated with any or all such instruments or devices.

Vehicle tank meter - A meter mounted on vehicle tanks including those used for the measurement and delivery of domestic petroleum products.

Timing device - A device used to measure the time during which a particular paid-for service is dispensed. Examples of timing devices are laundry driers, car-washing times and recorders.

SECTION 2. Permit Required

(a) Every person desiring to conduct, or continue to conduct any business, as herein defined, within the County of Northampton shall file prior to the commencement of such conduct, with the Division application for a device license/permit.

(b) Every person that operates or maintains a weighing, measuring, or scanning or timing device for commercial purposes, including but not limited to fuel dispenser, vehicle tank meter, scale and/or PLU device, is required to obtain an annual license/permit for each device from the Division. Northampton County Division of Weights and Measures. New or currently installed devices must be reported to the Weights and Measures office to obtain the proper permit.

(c) In cases where business is conducted in more than one place, a separate license/permit shall be issued for each place of business.

(d) Whenever any licensee under this article shall change the address of the business for which such license/permit is issued, the licensee shall immediately notify the Division of such change of address and the new address or location where the business will be conducted.

(e) Whenever the ownership of any such business shall be changed, the new owner, upon taking possession thereof, shall notify the Division of such fact within ten (10) days after such becomes effective.
(f) No license/permit issued under the provisions of this article shall be transferred or assigned to any other person, firm or corporation.

(g) Any licensee who is in default of payment of the device fee due hereunder shall be refused a license until such fee is paid in full.

SECTION 3. Requirements

The Division shall issue an annual device license/permit upon the following:

(1) The applicant furnishes such information relative to the application for a device permit as the Division may require from time to time. completes the County of Northampton Application for Device License/Permit form.

(2) The applicant pays the following annual license/permit fee for each weighing, measuring, or scanning and timing device as set forth on the Application for Device License/Permit form:

- Fuel dispensers: $25.00 per grade
  (1 MPD = 6 grades)

- Vehicle Tank Meters: $60.00 per meter on domestic fuel truck

- LP-Gas Tank Meters Liquid Petroleum Gas (CNG): $50.00 per meter

- Scales: used in commercial trade and/or non-commercial use but required by user to be inspected
  $25.00 per device—Up to 1,000 lbs. (Scale License A)
  $100.00 per device—Over 1,000 lbs. (Scale License B)

  Up to 1000 lbs. capacity $25.00 per scale (Scale License A)
  Over 1000 lbs. capacity $100.00 per scale (Scale License B)
Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device

- $50.00 per system for 3 or less checkouts per location (UPC/PLU License A)
- $100.00 per system for 4 to 6 checkouts per location (UPC/PLU License B)
- $200.00 per system for 7 or more checkouts per location (UPC/PLU License C)

Grain Moisture Meters: $25.00 per meter

- Coin Counting Devices: $50.00 per device
- Timing and Fabric Devices: $5.00 per device

Fabric Devices: $5.00 per device

SECTION 4. Penalties

Any person violating any provision of the Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars ($100.00) per violation, to be paid to the use of the County, with the cost of prosecution, or to be imprisoned in the County Correction Facility for not more than thirty (30) days, or both.

SECTION 5. Constitutionality

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

SECTION 6. Rules and Requirements

The Division of Weights and Measures shall, from time to time, establish rules and regulations for the implementation of this Ordinance.
SECTION 7. Effective Date

This ordinance shall become effective January 1, 2010, thirty days after date of enactment.

Public Hearing

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

There were no respondents.

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

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

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

Salary Authorization

Mr. McClure advised at the last meeting, he asked Mr. Brown to provide an explanation in two weeks as to what authority, the Home Rule Charter (Charter), Administrative Code (Code) or a decision of law, was used to unilaterally establish the salary of Ms. Catherine Allen, Deputy Director of Administration so he wondered if anyone had an answer for him.

Mr. Ryan Durkin, Northampton County Solicitor, stated page seven of the Job Evaluation, Job Description, Compensation of the Employees Policies Manual (Manual) had a section entitled Exceptions that reads as follows: “Exceptions to this policy may be considered on a case-by-case basis. Such written exceptions must be submitted to the Director of Human Resources and approved by the County Executive and shall be considered a one-time, non-precedential, exception and not the establishment of a past practice. Exceptions made without written approval as described above shall be invalid.” that allowed for Ms. Allen’s increase.

In answer to Mr. McClure’s question as to what section of the Code or the Charter did that Manual refer to, Mr. Durkin advised he did not have that information with him.
In response to Mr. McClure’s question as to whether exceptions were defined in the Manual, Mr. Durkin replied they were not.

When Mr. McClure stated it was the position of the Administration that the County Executive had the power to deem it appropriate to unilaterally raise someone’s salary without coming to County Council, Mr. Durkin answered in conformance with the exceptions language.

In answer to Mr. McClure’s question as to whether that indicated he just had to write a memorandum, Mr. Durkin advised there had to be written approval filed with the Department of Human Resources.

Mr. Werner stated he was confused by Mr. Brown’s use of the terminology temporary and the way the raises were handled. He further stated under Section 13-19 Subsection D and Section 13-16 Subsection C of the Manual that indicated County Council should have been made aware of what was going on.

Mr. Werner advised according to the Human Resources documents, it was noted as Out-of-Class Pay, which was for the temporary assignment of additional duties that exceeded the responsibilities of the employee’s job title and there should be no expectation of entitlement to or guaranteed of permanent continuance for more than six months.

In response to Mr. Geissinger’s question as to whether it was appropriate to discuss a personnel file, Mr. Werner answered he was talking about the Manual.

Mr. Werner remarked the Administration was assigning people to out of class duties and there should be a written request to County Council so he asked Mr. Durkin to look into why none was submitted to County Council.

Mr. McClure stated Article II, Section 202 Subsection 11 of the Charter indicated one of the powers granted to County Council was to establish in accordance with this Charter the salaries and wages of all elected officials, officers and employees and to set the number of officers and employees of each agency. He then asked Mr. Durkin if he agreed the Charter trumped the Policy Manual.
Mr. Durkin advised he would not agree with him without having vetted the issue, which he was not able to do standing here as he did not have all the documents in front of him.

In answer to Mr. McClure’s question as to whether he would agree generally that the Charter would trump the Manual, Mr. Durkin stated he had never been in the habit of giving a legal opinion off the top of his head without actually having the documents in front of him.

In response to Mr. McClure’s question as to whether he agreed that the Charter was the governing document, Mr. Durkin replied he would.

Mr. Werner advised under Salary Increases, it states annual salary increases may be determined by the County Executive and approved by County Council, which may be effective unless otherwise specified. Salary increases may be in the form of across-the-board increase or step advancement increase or a combination of both.

When Mr. Werner asked if he believed someone moving more than one step would not be appropriate, Mr. Durkin stated it would fall under the exception category.

Mr. Benol advised under the Charter, Section 303 (3), it states the County Executive, in person or through subordinates, shall have the power: to direct and supervise the agencies and personnel under him in accordance with this Charter; to appoint, promote, transfer, demote, suspend, dismiss, or discipline the officers and employees under his direction and supervision in accordance with this Charter. Therefore, he believed this section gave the County Executive the authority even though he did not agree with it. He further advised this was another example of conflicting issue within the Charter.

Mr. Kraft stated Ms. Allen was being paid way above the top step of her pay grade for her position as Deputy Director of Administration, which job description indicated that position reported directly to the Director of Administration and exercised no supervision.

Mr. Kraft advised without a desk audit or any real legal authority, the County Executive changed the definition of what the position was and paid Ms. Allen above the pay scale without any approval from County Council.
When Mr. Kraft asked Mr. Durkin if he was saying the way things had been approved for all these years according to the Charter was not appropriate because of one paragraph in the Manual, Mr. Durkin stated that was not what he was saying just that it fell under exceptions.

Mr. Kraft advised Mr. Durkin had two weeks to come back before County Council with the case law that proved this action was correct. He further advised to qualify for that pay, Ms. Allen would had to have assumed 100% of the new duties while maintaining 50% of her position for six months maximum.

Mr. Kraft stated the reason given for this increase was due to her involvement with health care issues, but in her job description, it indicated she served as the County’s Risk Loss Coordinator, whose duties comprised approximately 50% of her available hours, and chaired the County-wide Safety Committee.

Mr. Phillips advised he heard some things that were disturbing to him so he would like Mr. Lauer to review the matter.

Mr. Lauer remarked he would do that, but noted Section 14.04 of the Code indicated the rate of pay for officers and employees shall be at an amount provided in a pay schedule established by County Council, but he did not know if the terms of the Manual were something County Council already established.

Mr. Werner asked if someone was hired for the Director of Human Resources position, why was someone else still being paid, Mr. Durkin replied in his position as Solicitor he would be stepping out of his boundaries to give an answer that was under the purvey of the County Executive.

Mr. Werner then posed the question to Mr. Campos, who echoed the same sentiment as Mr. Durkin and felt this issue was too immense to have a discussion now.

Mr. Benol stated he was a little uncomfortable discussing this issue at this time, but at the last meeting, the County Executive indicated there was not just the one position, but two or three. He further stated he would like to get clarification because of all the conflicting rules so he would like to have this on the next agenda for discussion.
Mr. Lauer advised some issues have been raised that deserved answers, but everyone had to be careful not to discuss personnel matters relating to a specific individual.

Mr. McClure stated this was a public appointed position and these were public monies and public salaries so he felt the law required that this issue be discussed in public.

Mr. Parsons advised he asked the County Executive two weeks ago to provide information regarding this matter after he heard a few individuals received increases. He further advised his other question to the County Executive that night was if he believed in transparency because it had been two weeks and he still had not received an explanation.

Mr. Parsons stated this issue reflected what County Council had been dealing with because the Administration talked about transparency, but when they were asked questions, they do not provide any answers. He further stated he did not think County Council should have to go through a Right to Know request, but they would if that was what it was going to take to get answers.

Mr. Geissinger advised he believed his colleagues would agree that answers should be given as to what occurred and the provisions that provided the authority for it to happen so he would like Messrs. Lauer and Durkin to discuss this issue.

Mr. Kraft stated as Chairman of the Personnel Committee no one ever received a three step increase without it first being approved by County Council. He further stated if the duties were being changed, a desk audit had to be done, which had to be approved by County Council.

Mr. McClure advised he doubted very much when County Council adopted the Manual the intention was to give the County Executive carte blanche to move people outside of their positions by just sending a memorandum to the Human Resources.

Human Services Vacancies

Mr. McClure stated he wanted to know if Ms. Allison Frantz, Director of Human Services, had her report on the vacancies in Children, Youth and Families and the Area Agency on Aging.
Ms. Frantz provided a list of vacancies in the Department of Human Services with the exception of Gracedale (see Attachment #1). She advised the position of Fiscal Assistant was being kept open until July after a determination was made as to the feasibility of that position due to the new laws that recently passed.

Ms. Frantz stated the Children, Youth and Families Caseworker II position open since 2014 had a three month right of return so it could not be filled until March 15, 2015 and it was in the middle of the interviewing process.

In the Area Agency on Aging Division, Ms. Frantz advised the Clerical Supervisor II position in the Area Agency on Aging was before County Council tonight to be reclassified. She further advised the position of part-time Aging Care Manager II had been open the longest because specialized training was needed.

Ms. Frantz stated the position of Clerk Typist II was being posted, as well as the part-time Food Service Worker II. She further stated the part-time Senior Center Operator 1 position was unfunded for 2013, 2014 and 2015.

Ms. Frantz provided a list of the 34 vacant positions in the Department of Human Services, excluding Gracedale, by job classification (see Attachment #2).

Mr. McClure advised in two weeks, he would like to know when the process was started to post these 20 vacant positions.

Consideration of the Administrative Code Article XIII Contract Approval Resolution: Reliance Graphics

Mrs. Ferraro stated at the request of the County Executive, a resolution was prepared to approve the contract for Reliance Graphics for election ballot printing services.

Mr. Geissinger introduced the following resolution:

R. 24-2015  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 March 25, 2015, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract, in the amount of $263,000 with Reliance Graphics for election ballot printing services for a term of five years. The total expenditure will be $368,200 if the two (1) year renewals are exercised.

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 Reliance Graphics for election ballot printing services.

Mr. Geissinger advised the printing of the ballots was put out for bid and 14 vendors looked at it, but only one actually submitted a bid. He further advised this was the same vendor who had been doing the job since 2003.

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

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

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

Personnel Request - Department of Human Services - Area Agency on Aging Division; Department of Fiscal Affairs - Payroll Division; Clerical Staffing Proposal

Mrs. Ferraro stated the Personnel Committee met yesterday to review personnel requests from the Department of Human Services.

Department of Human Services - Area Agency on Aging Division

Mr. Kraft introduced the following resolution:
R. 25-2015  RESOLVED, by the Northampton County Council that the position of Clerical Supervisor II, pay grade HS-33, salary range $34,899 to $56,659, in the Department of Human Services, Area Agency on Aging Division, shall be reclassified to the position of Clerk Typist III, pay grade HS-30, salary range $30,582 to $49,712, effective the 16th day of April.

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

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

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

Department of Fiscal Affairs - Payroll Division

Mr. Kraft introduced the following resolution:

R. 26-2015  RESOLVED, by the Northampton County Council that the position of Payroll Administrator in the Department of Fiscal Affairs, Payroll Division, be changed to Payroll Administrator II.

FURTHER, RESOLVED by the Northampton County Council that the position of Clerical Specialist, RU-16, salary range $28,798 to $40,976, in the Department of Fiscal Affairs, Payroll Division, shall be eliminated and the position of Payroll Administrator I, pay grade CS-18, salary range $34,980 to $49,793, shall be created, effective the 16th day of April.

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

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

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

Mrs. Ferraro advised the Personnel Committee met yesterday to review the Administration’s proposal regarding clerical staffing for pay grades 9 through 17.

Mr. Kraft introduced the following resolution:

R. 27-2015  WHEREAS, the County of Northampton has struggled recruiting and maintaining staff in many of the clerical positions throughout the County; and

WHEREAS, the Administration has proposed a change that will result in a more fair and equitable pay rate that crosses non-union and union classifications.

NOW, THEREFORE, BE IT RESOLVED Northampton County Council does hereby concur with the proposed changes by the Administration, as set forth in the attached document, for approximately 228 positions across 14 different clerical job titles at a cost of approximately $307,000, effective April 27, 2015.

Mr. James stated he wanted to credit Ms. Allen, the Administration and all the individuals involved in bringing this endeavor to fruition. He further stated this was long overdue so he was asking for County Council’s support.

Mr. Phillips advised yesterday he expressed his concern that the $307,000 was going to be a recurring obligation to the County that was not accounted for in the 2015 budget, but he was told by Ms. Allen that it was in the 2015 budget. He further advised he believed it was not accounted for because something of this magnitude would have been discussed during the budget process.

Mr. James Hunter, Director of Fiscal Affairs, stated the $307,000 was in the budget under salaries, but he would have to defer to the County Executive to speak on whether it was a special line item or consideration.

In answer to Mr. Phillips’ question as to whether this money would not have been available if the County was at full staff, Mr. Hunter replied that would be a fair assumption.
Mr. Geissinger advised his understanding was due to the work the Administration did prior to December 31, 2014, this increase was accounted for in the 2015 budget so even if all the positions were staffed, the budget would not be exceeded by $307,000.

When Mr. Phillips stated he wanted to know if this money was anticipated and included in the 2015 budget, Mr. Geissinger responded that was his understanding.

Mr. McClure advised his understanding was there was a fund balance assigned to the salary line item and the raises were coming from the Fund Balance.

Mr. Geissinger stated this money was in the amount that was budgeted for salaries.

Mr. McClure advised he was going to support this because it was a great idea, but the fact was it was not budgeted for because it was coming out of the Fund Balance.

Mr. Parsons agreed this money was not budgeted, but was available due to the vacancies and other things that have occurred so some departments may come back to County Council with budget amendments at the end of the year.

Mr. Phillips stated he was going to support this as well, but he did not believe this was part of the 2015 budget because if it was, County Council would have been made aware of it. He further stated they were using funds that were available because positions have not been filled, but if all the positions were filled, it would increase the 2016 budget.

Mr. Hunter advised he believed Mr. Phillips was correct in his assumption.

Mr. Benol stated he wanted to assure everyone present that this would be approved and that the discussion pertained more to a procedural issue. He further stated he would like to vote on this tonight, but put a discussion of this issue on the agenda for the next meeting so an answer could be received as to where this was in the budget.

Mr. Geissinger advised he wanted to commend Mr. James and Ms. Allen for working together because this was something that had to be done.
As there were no further questions or comments, Mrs. Ferraro called for the vote.

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

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

Discussion Regarding the Status of the Bridge Bundling Program

Mr. Werner stated he requested Mr. Tom Kohler, Public Works Department - Bridge Division, and representatives of Borton Lawson attend this meeting to address the bridge bundling program, but he did not see them present.

In answer to Mr. Werner’s question as to whether they were present, Ms. Allen replied they were not present and she made it clear to him that they would not be present.

Mr. Werner advised he gave a week’s notice for them to be present because County Council had been waiting for more than two years for information on this and no reason was given to him for their not being present.

Ms. Allen stated since Mr. Richard Young, former Director of Public Works left, they had to review the matter.

In response to Mr. Werner’s request for her to speak at the podium, Ms. Allen refused indicating she had no more comments.

Mr. Werner advised he contacted Borton Lawson and they informed him they were not contacted about this meeting so, therefore, someone did not do their homework. He further advised this program encompassed a number of things and would provide the County a lot of money.

When Ms. Allen stated there was a Capital Projects Committee meeting on April 21, 2015, Mr. Bernie O’Hare objected stating that under the Sunshine Act, the people had to be able to hear what was being said so she had to speak into the microphone.

Mrs. Ferraro advised that was absolutely correct and people had to speak into the microphone so it could be recorded.
Ms. Allen stated she had no comment.

Mr. Werner advised he would withdraw his request to discuss this so as to not waste County Council’s time.

Resignation of Mr. Robert Mateff

Mr. Parsons stated it came to County Council’s attention last night that Mr. Robert Mateff, Director of Emergency Management Services, was leaving. He further stated in his time on County Council, he developed a good rapport with Mr. Mateff and his expertise in the emergency services area was something the County was going to sorely miss.

Mr. Parsons advised he was glad he was pursuing a new opportunity and he would still be able to help the County. He further advised there were a lot of good individuals in that division so he had all the confidence the County would be in good hands.

Mr. Parsons stated he would like to thank him for his service and wished him well.

Refusal to Comment

Mr. Benol advised the Bridge Program had been a pet project of Mr. Werner’s for quite a while and he agreed it was a good program. He further advised Article II of the Charter stated County Council had the power to compel the attendance of witnesses and the production of documents and other evidence at investigative hearings, and for that purpose may issue subpoenas, signed by officers of the County Council and served as provided by law.

Mr. Benol stated he did not want to go down that road so he requested that the individuals Mr. Werner requested be in attendance because the County was missing out on the bridge program and with Mr. Young’s departure, it set the County back even further. He further stated if they were not present, he would ask that subpoenas be issued.
Salary Increases

Mr. McClure advised he was happy to support the raises tonight, but they were not contemplated in the budget. He further advised the reason they occurred was because it became obvious the people that formed the backbone of the County were getting killed with the commuter tax and the changes in their healthcare. He commended the Administration, but he could not allow anyone to pretend that money was in the budget because it was not.

Mr. McClure stated he would like to see his colleagues try to find money in the budget for those employees who would not be receiving this increase.

Voters Registration Rally

In answer to Mr. Benol's question as to how the voting registration rally at Gracedale went, Mr. James advised he did not have a number, but they were working on assembling a list. He then urged people to vote because if they did not vote, they did not have a voice.

Gracedale Volunteer Celebration

Mr. Werner stated Gracedale held its 37th event to honor approximately 230 of their volunteers on Sunday.

Human Services Committee Report

Mr. Vaughn advised the Human Services Committee meeting met earlier and Mr. Freeman provided an update on Gracedale. He further advised Mr. Freeman indicated NTT Data went live on April 1, 2015 in the business office and the Electronic Medical Records system on Tower 5 would be going live in 30 days.

Mr. Vaughn stated an incident occurred at Gracedale that prompted them to look into having a more secured system for people entering the building.

Mr. Vaughn advised Mr. John Mehler, Area Agency on Aging Administrator III, informed them that new State mandates were creating an administrative burden on the Meal on Wheels Program, but the clerical position that was approved tonight would help
ease it.

Mr. Vaughn stated Mr. Mehler also indicated he was looking to establish an Elder Abuse Task Force with the help of the Administration and the District Attorney.

Lehigh Valley Planning Commission Liaison Report

Mr. Phillips advised that he attended his first meeting as liaison to the Lehigh Valley Planning Commission. He further advised he and Mr. Parsons attended a meeting in Wind Gap where they presented a program on Sustainable Landscapes.

Lehigh Valley Airport Authority Liaison Report

Mr. Geissinger stated discussions were continuing at the Lehigh Valley Airport Authority to find ways to increase the profitability of the various airports. He further stated they were also having open discussions about how to improve, resurrect and revitalize Braden Airpark and he would be seeking County Council’s support at the appropriate time.

Lehigh Valley Military Affairs Council Luncheon

Mr. Geissinger advised he attended a luncheon held by the Lehigh Valley Military Affairs Council, which was attended by 60 individuals and of those, 45 of them represented various organizations dedicated to the assistance of active duty and retired members from all branches of the military.

Mr. Geissinger stated they had asked that the County help them in promoting with the Cities of Allentown and Bethlehem a Salute to the Troops dinner on May 22, 2015 and a Memorial Day Parade on May 25, 2015.

Conservation District Liaison Report

Mrs. Ferraro advised the Conservation District would be holding their Environthon on Thursday, but she would need to know by Tuesday if they planned to attend the luncheon.
County Council Solicitor's Report

Mr. Lauer stated he responded to some requests from several members of County Council.

Adjournment

Mr. Parsons made a motion to adjourn the meeting.

Mrs. Ferraro seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council