Easton, Pennsylvania

August 6, 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 (via telephone); Robert F. Werner; Linda M. Zembo, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

Mr. Parsons led County Council in a moment of silence.

Pledge of Allegiance

Mr. Parsons 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 July 18, 2015 meeting shall be approved.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Maribeth Ward, 618 Dennis Street, Bethlehem, PA stated she was a member of the District Justice Technicians 17. She further stated two weeks ago, County Council instructed them to try and negotiate with the County Executive.

Ms. Ward advised when they tried to do that, Mr. Brown indicated he would not negotiate and that County Council could leave the resolution as originally adopted so they were requesting County Council to do that. She further advised they were told they received a raise, then they were told they did not receive a raise, but they did not understand why or how it happened.
Ms. Ward stated they were victims as they did nothing wrong and the cost of everything went up for them just like it did for all the other individuals who received a raise so they did not know why they were being singled out.

Mr. Randy Uhler, 481 Sportsman Club Road, Nazareth, PA - advised he was not in favor of selling Gracedale, noting he had three family members there, but improvements had to be made because he, along with others, were not satisfied with the way it was being operated.

Mr. Uhler stated the way Gracedale was being operated by Premier Healthcare Resources, Inc. (Premier) and Mr. Millard Freeman, Gracedale Administrator was wrong and it should go back under County control or another management company. He further stated Cedar Brook, the Lehigh County nursing home, had only two people to a room where Gracedale had four and they also appointed an advisory team to get citizen input.

Mr. Uhler advised the food service at Gracedale was not good, but they were kept whereas the contract for Genesis Healthcare, who was an outstanding company that provided rehabilitation physical therapy, was put out to bid.

Mr. Uhler stated he was strongly in favor of keeping Gracedale, but it had to be done right and have citizen input. He further stated the County website had a report that bragged about what Mr. Freeman had done for Gracedale, but he disagreed with most of it. He noted Mr. Freeman was providing a quick turnaround to get people into Gracedale, but it was putting pressure on the staff as well as the families.

Mr. Uhler advised there were a lot of good people who worked at Gracedale, but he did not think things were going to get better under this Administration.

Mr. Uhler stated he was glad that Braden Airpark was being saved, but he did not think the County could afford to give the Lehigh-Northampton Airport Authority (Airport Authority) a million dollars. He further stated he was on the Airport Authority board for five years and felt the County should not just throw money at a problem like that.

Mrs. Ferraro informed Mr. Uhler that Gracedale did have an advisory board so he might want to present some of his concerns to them.
Mr. Jack Delassandro - advised every three months Gracedale had a care plan meeting for individuals who had residents at Gracedale and he had no complaints about the way it was operating.

Presentation on the Pipeline

Mr. David Messersmith, Marcellus Education Team, Penn State Extension, stated they have been educating a lot of residents in Northampton County and surrounding areas regarding the PennEast pipeline project. He then gave a power point presentation (see Attachment #1). He added they were not advocating for or against the pipeline.

Mr. Messersmith advised there were currently approximately 13 pipeline projects consisting of 3,000 miles being proposed in and around Pennsylvania. He further advised there were different types of pipelines and the one he was talking about tonight was the Interstate Pipeline System that was regulated by the Federal Energy Regulatory Commission (FERC) and the United States Department of Transportation - Pipeline and Hazardous Material Safety Administration.

Mr. Messersmith stated this pipeline was a relatively large diameter pipeline with high pressures and volumes. He further stated 50’ wide permanent and 100’ wide temporary construction easements were involved with the pipeline.

Mr. Messersmith advised the project was being sponsored by different transmission and utility companies. He further advised this project consisted of 110 miles of greenfield pipe, seven interconnects, three laterals and one compressor.

Mr. Messersmith stated the project was announced in August 2014 and construction was anticipated to start in 2017. He further stated the only lateral Northampton County currently had to be concerned about was the one in Hellertown.

Mr. Messersmith then reviewed the FERC and pipeline construction process. He then showed two pictures, one that showed a pipeline in construction and then its completion.

Mr. Messersmith advised the related infrastructure for the pipeline would consist of valves, pig launchers and catchers, drying and metering facilities, compressor stations and cathodic protection equipment.
Mr. Messersmith provided some basic negotiation suggestions for landowners who may be approached for land, to avoid loss of it to eminent domain and for landowners that may be approached to enter into an easement agreement.

Mr. Messersmith advised local officials could request consultation meetings with the project sponsors, gather resources and foster education of residents, sign up for FERC's electronic notices, adopt an ordinance for managing new development near existing pipelines and foster training of first responders.

Mr. Werner stated in 2012, County Council adopted an ordinance that would impose a fee on each unconventional gas well spud in the County so he wondered when it could be enforced or could FERC overstep it.

Mr. Messersmith advised FERC could overstep local ordinances that were different than the Federal regulations. He further advised there were some State regulations that may apply and FERC may enforce those laws relating to this project.

In answer to Mr. Werner's question as to who would be liable if there was an issue with one of the transmission lines, Mr. Messersmith answered PennEast.

In response to Mr. Geissinger's question as to whether the route of the pipeline had been finalized, Mr. Messersmith stated this would be the route.

Mr. Phillips advised when he spoke to representatives of PennEast about putting a pipeline in other areas he was told this was where the demand was, but if there were other demands along the pipeline route, they would consider them.

In answer to Mr. McClure's question as to whether he ever heard of FERC being denied permission to build a pipeline, Mr. Messersmith stated only when a company pulled its application.

In response to Mr. McClure's question as to whether he was familiar with the fee that New Jersey could impose on the gas that flowed through the line, Mr. Messersmith advised he was aware of it. He further advised he believed New Jersey charged the company a property tax for a right-of-way, but in Pennsylvania, the property tax was paid by the landowner.
In answer to Mr. McClure’s statement that in Pennsylvania, a tax could not be imposed on the pipeline, Mr. Messersmith stated not with current legislation.

In response to Mr. McClure’s question as to how often were there accidents related to pipelines, Mr. Messersmith advised Pennsylvania had 10,000 miles of natural gas transmission lines and over the past 20 years, they had an average of 2.6 incidents per year with three reported injuries and no fatalities, however, planners should carefully consider development around new pipelines.

Mr. McClure stated currently Pennsylvania did not have an extraction tax like other natural gas producing States did so he asked if Pennsylvania instituted one would it impact the building of these pipelines.

Mr. Messersmith advised he believed it could have an impact within the industry, but the tax would be imposed on the producers.

In answer to Mr. Benol’s question as to how often did the pipes have to be replaced, Mr. Messersmith stated they were built to operate for 50-80 years, noting there have been pipelines operating safely in Pennsylvania since the 1920s.

In response to Mr. Benol’s question as to where they would put a line if one had to be replaced, Mr. Messersmith advised sometimes they removed the old line and put in a new one and other times, they ran a parallel line.

Mr. Phillips stated Governor Tom Wolfe appointed Mr. Messersmith to the State Pipeline Infrastructure Taskforce so he had a real understanding of what was going on.

In answer to Mr. Werner’s question as to whether he could give a brief explanation regarding Marcellus Shale’s social and economic impact, Mr. Messersmith advised many of the Counties where drilling was occurring had absentee landowners so half the money was being paid to residents of the County and the other half was being paid to non-residents. He further advised previously a lot of the workers came from out of the area, but now they were finding more workers coming from within the area.
Controller’s Report

Mr. Stephen Barron, Controller, stated when they looked at medical claims, they identified only two duplicate payments that were very small dollar amounts so that process was improving.

Mr. Barron advised the audit on PrimeCare Medical should be available in September. He further advised one of the things they realized was the contract was based on a higher prison population so they benchmarked some other Counties to look at what type of contracts they had in place with PrimeCare Medical and other providers so when a new Request for Proposal was prepared in 2017 this knowledge could be leveraged to save the County money.

Mr. Barron stated no one internally applied for the vacant position in his office so they went outside. He further stated they planned to interview three candidates later this month and hopefully fill the position by September.

County Executive’s Report

Mr. John A. Brown, County Executive, advised the Department of Fiscal Affairs released the Second Quarterly Financial Report.

Mr. Brown stated they have started the 2016 budgeting process and received initial feedback from the departments for review by the Department of Fiscal Affairs.

With regard to the delay by the State in approving their budget, Mr. Brown advised they had prepared for that so at the current time, they did not see any short term immediate concerns, however, until they received better clarification, they did not know what the impact would be.

Mr. Brown stated they were moving forward with the Voice Over Internet Protocol, which was an upgrade to the County’s telephone system. He further stated the County needed to migrate to a new system as there were a number of issues with the existing system that could cause major outages.

Mr. Brown advised this system should reduce the County’s communication expenses by approximately $1.5 million and its versatility would allow the County to do things that it could not do, such as conference calling and sharing of documents that
would simplify collaboration. He further advised because of its tracing, it would allow them a much better insight as to how the County was using its communication system.

With regard to the comments made with regard to Gracedale, Mr. Brown stated there have been a number of changes and upgrades to Gracedale over the past two years. He further stated updates to the KRONOS and OnShift software gave them better insight into management of the workforce, as well as some nursing and maintenance personnel changes that significantly improved its operations.

Mr. Brown advised they have received positive feedback internally from other departments and employees that were dependent on those operations. He further advised they were currently looking to improve the housekeeping operation and have upgraded the pharmacy vendor that provided some time saving opportunities.

Mr. Brown stated the Department of Health found zero citations this year in the operation of Gracedale and was an independent view of the improvements that were made. He further stated Mr. Uhler did raise some issues that he did not disagree with and took very seriously. He noted they would continue to work to improve the experience of not only residents, but their families.

Mr. Brown advised not renewing the Genesis contract was not Mr. Freeman's decision, but the decision of a selection committee that vetted all appropriate bids. He further advised the food service was one of the better services, noting he had eaten at Gracedale several times and the food was excellent.

Mr. Brown stated changing the policy of having four residents to a room was something to be considered, but due to the state of the facility it would probably be a capital project.

Mr. Brown advised he believed employee morale overall was improving and they were seeing that the Administration was investing in Gracedale and doing the right things. He further advised they were able to address a lot of issues even though the facility was operating at a loss. With regard to Cedar Brook, he noted they recently laid off 41 employees while no employees have been laid off at Gracedale.
Mr. Brown stated they continue to look for financial improvements at Gracedale and they have found ways to do that in the Payroll Department. He further stated on July 19, 2015, for the first time in approximately 25 years, no employees had to come in on Sunday to do the payroll.

In response to Mrs. Ferraro’s question as to whether the Director of Human Resources position was being posted, Mr. Brown advised it went out to newspapers today.

In answer to Mr. Parsons’ question as to whether the former Director was discharged or resigned, Mr. Brown stated they agreed that it was not working out and as it was a personnel issue, he did not want to discuss it any further.

Mr. Parsons advised it was just reported the lawyers in the Mancini case were going to receive $186,000 in legal fees and it was going to the Third Circuit Appeals Court so he wanted to know when this issue was going to end.

Mr. Brown stated the Administration, the County’s Solicitor Office and representatives from the County Commissioners Association of Pennsylvania - Pennsylvania Counties Risk Pool (CCAP - PCorP) all had input in the decision making and it was unanimously felt it was appropriate to appeal as there were a number of issues involved not just financial.

In response to Mr. Werner’s question as to whether the County would incur any outside legal fees other than those from PCorP, Mr. Brown replied not on this case.

In answer to Mr. Werner’s question as to whether an exit interview was done with the former Director, Mr. Brown indicated it was.

Mr. McClure advised this Administration was making a lot of improvements at Gracedale and he knew and appreciated that they were committed to keeping it County owned. He further advised the last time Gracedale contributed back to the General Fund it was managed by County employees so he wondered if he had considered returning it back to County control.

Mr. Brown stated they did extend Premier’s contract one year and during that time they would be held accountable for the things they said they were going to deliver. He further stated he met with the Premier’s senior management team at least once a month and they were informed they had to perform as promised.
He added they were open to anything that was in the best interest of the County and Gracedale.

With regard to the Mancini case, Mr. McClure advised he agreed with the Administration's decision to appeal as the United States Supreme Court held the position that attorneys in positions that were considered policy making positions were ones that could be hired and fired at the discretion of the County Executive. He further advised there was another line of cases that focused on due process, which was the count she prevailed on, so he would encourage Mr. Ryan Durkin, County Solicitor, to discuss that with the outside counsel.

Mr. McClure stated he believed the issue regarding the former Director was not a personnel issue because she was a cabinet member appointed by the County Executive and confirmed by County Council so it was a political job and the public deserved to know what the circumstances were that surrounded her leaving the County.

Mr. Brown advised it was ultimately his decision that it was in the best interest of the County that they part ways.

Mr. McClure stated he was not contesting his right to remove her, but as the people's representatives it was County Council's obligation in performing their duty of oversight to ferret out what precisely happened and to let the public know.

Mr. Brown advised the hiring of individuals whether by appointment or not was never a precise process and in this case, he felt a change had to be made moving forward.

Public Hearing on the Ordinance Amending Ordinance No. 141-1988, Also Known As The Northampton County Real Estate Rules and Regulations Ordinance

Mrs. Ferraro stated the following ordinance was introduced by Messrs. Vaughn and Benol at the meeting held on July 1, 2015 and tabled at the meeting held on July 16, 2015:

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 141-1988, ALSO KNOWN AS THE NORTHAMPTON COUNTY REAL ESTATE RULES AND REGULATIONS ORDINANCE
WHEREAS, Ordinance No. 141-1988, the ordinance titled, "AN ORDINANCE OF THE COUNTY OF NORTHAMPTON PROVIDING FOR RULES AND REGULATIONS GOVERNING THE USE OF THE NORTHAMPTON COUNTY PARK SYSTEM AND OTHER REAL ESTATE OWNED OR LEASED BY THE COUNTY OF NORTHAMPTON AND PROVIDING PENALTIES FOR VIOLATION OF SAME," was enacted by the Northampton County Council on September 19, 1988. The ordinance was subsequently amended via the enactment of ordinance No. 466-2007, the ordinance titled, "AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 141-1988, ALSO KNOWN AS THE NORTHAMPTON COUNTY REAL ESTATE RULES AND REGULATIONS ORDINANCE," on June 22, 2007 and by the enactment of Ordinance No. 560-2012 on November 16, 2012.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that SECTION 47. SMOKING of ordinance No. 141-1988, the ordinance titled, "AN ORDINANCE OF THE COUNTY OF NORTHAMPTON PROVIDING FOR RULES AND REGULATIONS GOVERNING THE USE OF THE NORTHAMPTON COUNTY PARK SYSTEM AND OTHER REAL ESTATE OWNED OR LEASED BY THE COUNTY OF NORTHAMPTON AND PROVIDING PENALTIES FOR VIOLATION OF SAME," shall be amended as indicated hereafter (sections marked with **bold underline** have been added and sections marked with *strikeout* have been deleted), however, all other sections shall remain the same:

SECTION 47. SMOKING

No person shall smoke in any area, building or portion of a building, structure or portion of a structure, on County property, where signs are in place advising that smoking is prohibited at such locations.

Mrs. Ferraro asked if there was anyone who wished to remove this ordinance from the table.

There were no respondents.

Public Hearing on the Ordinance Authorizing the Question of Amending the Home Rule Charter to Change the Title of the Governing Body of Northampton County from Northampton County Council to Northampton County Board of Commissioners to Be Placed on the Ballot

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Vaughn and Kraft at the meeting held on July 1, 2015 and tabled at the meeting held on July 16, 2015:
AN ORDINANCE OF THE COUNTY OF NORTHAMPTON AT EASTON, PENNSYLVANIA, AUTHORIZING THE NORTHAMPTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF NORTHAMPTON COUNTY FOR THE PURPOSE OF DETERMINING WHETHER TO AMEND THE NORTHAMPTON COUNTY HOME RULE CHARTER TO CHANGE THE TITLE OF THE GOVERNING BODY OF THE COUNTY FROM NORTHAMPTON COUNTY COUNCIL TO NORTHAMPTON COUNTY BOARD OF COMMISSIONERS; TO OBTAIN THE VOTERS' CONSENT; APPROVE THE CONTENT AND SUBSTANTIAL FORM OF THE NOTICE OF ELECTION; AUTHORIZE DUE ADVERTISEMENT OF SUCH NOTICE OF ELECTION; AUTHORIZE AND DIRECT THE CERTIFICATION TO THE NORTHAMPTON COUNTY BOARD OF ELECTIONS OF COPIES OF THIS ORDINANCE AND THE FORM OF THE BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS AND AUTHORIZE INCIDENTAL ACTIONS

WHEREAS, Home Rule Charter Article II Section 201. Title and Status indicates "The County Council shall be the governing body of the County which shall exercise the legislative power of the County, including the power to make laws and to exercise any residual powers of a County and any powers conferred on a County or County officials by the law of Pennsylvania, subject to the provisions of this Charter"; and

WHEREAS, the title of County Council was issued to differentiate between the former Commissioner form of governing to the Home Rule Charter form of governing; and

WHEREAS, it has been 37 years since the inception of the Home Rule Charter form of governing and confusion sets in when members of County Council encounter the public; and

WHEREAS, Northampton County Council as the governing body of the County of Northampton deems it advisable to submit a ballot question to the electors of Northampton County to determine whether the title of the governing body of the County from Northampton County Council to Northampton County Board of Commissioners and to obtain the voters' consent for making such change, approve the content and substantial form of the notice of election, authorize and direct the certification to the Northampton County Board of Elections of copies of this Ordinance and the form of the ballot question to be submitted to the electors and authorize incidental action; and
WHEREAS, the County of Northampton desires to approve the content and substantial form of a Notice of Election.

NOW, THEREFORE, BE IT, AND IT IS HEREBY RESOLVED, by the Northampton County Council as the Governing Body of the County of Northampton at Easton, Pennsylvania, as follows:

1. Northampton County Council as the Governing Body of Northampton County deems to amend the Northampton County Home Rule Charter to change the title of the governing body of the County from Northampton County Council to Northampton County Board of Commissioners.

2. A Public Election be and the same is hereby called for November 3, 2015 between the hours of 7:00 a.m. and 8:00 p.m., prevailing local time, which is the date of the General Election for other purposes, at the polling places for holding elections in the County of Northampton for the purpose of obtaining the consent of the electors of Northampton County to change the title of the governing body as stated above.

3. The content and form of the Election Notice to be advertised are hereby approved substantially in the form set forth below:

NOTICE OF ELECTION
COUNTY OF NORTHAMPTON, PENNSYLVANIA

NORTHAMPTON COUNTY HOME RULE CHARTER AMENDMENT
SECTION 201. TITLE AND STATUS

Notice is hereby given to the electors of the County of Northampton, Pennsylvania, that the County of Northampton will hold an Election on November 3, 2015, between the hours of 7:00 a.m. and 8:00 p.m., prevailing local time, at the places for holding elections in the County, and coinciding with the General Election, for the purpose of obtaining the consent of the electors of Northampton County to amend the Northampton County Home Rule Charter, Article II, Section 201. Title and Status.

The question to be submitted to the electors of the County of Northampton at such General Election shall be in the following form:
"Shall the electorate of Northampton County approve an amendment to the Northampton County Home Rule Charter Article II County Council, Section 201. Title and Status, by changing the following provisions:

"The governing body of the county which is known as Northampton County Council shall be renamed Northampton County Board of Commissioners"

YES____________ NO____________

PLAIN ENGLISH VERSION:

The ballot question asks the voters of Northampton County to approve a change to the Northampton County Home Rule Charter to change the title of the governing body of the County from Northampton County Council to Northampton County Board of Commissioners.

A vote of "YES" on the ballot question would change the title of this public office.

4. The proper officials, officers and/or employees of the County of Northampton are hereby authorized and directed to give notice of said Election by publication and as otherwise required by law; and

5. The Northampton County Council Clerk is hereby authorized and directed to certify to the Northampton County Board of Elections at least 45 days prior to the date of such Election, a copy of this Ordinance and the form of the above question to be submitted to the electors.

6. The proper officials, officers, and/or employees of Northampton County are hereby authorized and empowered on behalf of the County of Northampton to execute any and all papers and to do or cause to be done any and all acts and things necessary and proper for the execution in carrying out of this Ordinance.

7. This Ordinance shall become effective 30 days after the date of final enactment.
Mrs. Ferraro asked if anyone wished to remove this ordinance from the table.

There were no respondents.

Consideration of the Resolution Amending Resolution #27-2015

Mrs. Ferraro stated the following resolution was introduced by Mr. Kraft at the meeting held July 1, 2015 and then tabled by Messrs. Parsons and Phillips. She further stated a motion was made on July 16, 2015 to remove it from the table by Mr. Phillips, but there was no second.

R. 69-2015 RESOLVED, By the Northampton County Council that resolution No. 27-2015 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 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.

WHEREAS, on April 16, 2015, in Resolution No. 27-2015, Northampton County Council approved pay raises as set forth in an attached document (the "Clerical Staffing Proposal"), for positions across 14 different clerical job titles, effective April 27, 2015. The Clerical Staffing Proposal omitted the provision, "CN-17 move 1 step, if at the top step no increase," which was intended to be included in that document and incorporated in the Resolution. It was never intended that clerical job titles at the top step of CN-17 would receive pay increases, step increases, or that the pay scale would be amended to provide either. Subsequent to approval of Resolution No. 27-2015, a binding arbitration award provided for only lump sum payments to individuals at the top step of the pay scale. County Council now seeks to correct the referenced omission in Resolution No. 27-2015 and to amend the Clerical Staffing Proposal document to reflect the directive of the binding arbitration award.
NOW, THEREFORE, BE IT RESOLVED Northampton County Council does hereby concur with the proposed corrected changes by the Administration, as set forth in the revised attached document, for approximately 220 210 positions across 14 different clerical job titles at a cost of approximately $307,000, effective April 27, 2015. This revision includes the corrected provision in the Clerical Staffing Proposal, “CN-17 move 1 step, if at the top step no increase or pay raise, Arbitration Award only”.

Mrs. Ferraro asked if there was anyone who wished to remove this resolution from the table.

Mr. Phillips made a motion to remove it from the table.

Mr. Benol seconded the motion.

Mrs. Ferraro called for the vote.

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

The motion passed by a vote of 6-3.

Mr. McClure advised he did not vote to remove this resolution from the table because he did not want it to pass because that would be an injustice to the employees who did not deserve to suffer that injustice.

Mr. Geissinger stated he was perplexed by this matter in the respect that it was his understanding that at the time the original resolution was adopted County Council voted to make adjustments to the pay based on the scales and items that were in place and agreed upon. He further stated he did not see anyone from the union present, no appeal being made to the union or discussion with the union and that concerned him and felt that was an injustice to the system.

Mr. McClure advised at the last meeting a discussion was held regarding the possibility of legislative solutions to the ultimate problem, however, they were not made. He further advised he understood some type of action had been filed in the Courts relative to this issue.
Mr. McClure stated another reason he did not vote to remove this resolution from the table was because he wanted to give County Council more time to come up with a legislative solution. He further stated now that there was litigation it should have been left on the table and an opinion received from Mr. Lauer before a change was made to take back the raises these employees were definitely entitled to.

Mrs. Ferraro advised she also hoped that legislative change could be made regarding a step increase or something for these salaries.

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

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

The resolution was adopted by a vote of 5-4.

Public Hearing on the Ordinance Providing for the Lease for District Court 03-2-08, Located at 134 South Main Street, Nazareth, Pennsylvania

Mrs. Ferraro stated the following ordinance was introduced by Messrs. Kraft and Werner at the meeting held on July 16, 2015:

AN ORDINANCE PROVIDING FOR THE LEASE FOR DISTRICT COURT 03-2-08, LOCATED AT 134 SOUTH MAIN STREET, NAZARETH, PENNSYLVANIA

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

WHEREAS, the County of Northampton has requested a Lease Agreement with the Borough of Nazareth for the property located at 134 South Main Street, Nazareth, Pennsylvania, for the operation of a District Court of the Minor Judiciary of the Commonwealth of Pennsylvania and all related functions.
NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to the lease of said property, for the sum of Three Thousand Fifty-five Dollars and 59 Cents ($3,055.59) per month, from the Borough of Nazareth, in accordance with the Lease Agreement which is attached hereto and made a part hereof as Exhibit "A".

Public Hearing

Mrs. Ferraro advised the public hearing would not be held tonight as it was determined this was a renewal and not a new lease so it did not have to be approved by County Council.

Introduction of the Ordinance Providing for the Lease for Magisterial Court 03-2-03, Located at 3650 Nazareth Pike, Bethlehem, Pennsylvania

Messrs. Kraft and McClure introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE LEASE FOR MAGISTERIAL DISTRICT COURT 03-2-03, LOCATED AT 3650 NAZARETH PIKE, BETHLEHEM, PENNSYLVANIA

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

WHEREAS, the County of Northampton has requested a Lease Agreement with the Bethlehem Village Associates for the property located at 3650 Nazareth Pike, Bethlehem, Pennsylvania, for the operation of a District Court of the Minor Judiciary of the Commonwealth of Pennsylvania and all related functions.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that it does hereby agree to the lease of said property for the sum of Four Thousand Four Hundred Ten Dollars ($4,410.00) per month from the Bethlehem Village Associates in accordance with the Lease Agreement which is attached hereto and made a part hereof as Exhibit "A".
Mrs. Ferraro stated the public hearing, discussion and possible vote would be held at the meeting on August 20, 2015.

Consideration of the Resolution Authorizing the Receipt of 911 Subscriber and Consumer Fees for Local Use as Provided by 35 Pa.C.S. §5306.1 of Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes

Mrs. Ferraro advised she just returned from the CCAP conference where the main speaker regarding 911 was Mr. Robert Mateff, who was the former Director for Systems Management - E911 and now was Deputy Director of Federal Emergency Management Agency.

Messrs. Parsons and Phillips introduced the following resolution:

R. 70-2015

A RESOLUTION AUTHORIZING THE RECEIPT OF 911 SUBSCRIBER AND CONSUMER FEES FOR LOCAL USE AS PROVIDED BY 35 Pa.C.S. §5306.1 OF CHAPTER 53 (911 EMERGENCY COMMUNICATION SERVICES) OF TITLE 35 (HEALTH AND SAFETY) OF THE PENNSYLVANIA CONSOLIDATED STATUTES

WHEREAS, the Act of June 29, 2015 (P.L.36, No.12), amending Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, provides for the establishment, administration, and funding of 911 systems in the Commonwealth; and

WHEREAS, 35 Pa.C.S. §5306.1 establishes a fund in the State Treasury to be known as the 911 Fund, consisting of fees and consumer charges collected by providers of 911 communications services and sellers of prepaid wireless telecommunications service; and

WHEREAS, 35 Pa.C.S. §5306.1 at subsection (h) requires the governing body of each county, to be eligible to receive funds from the 911 Fund, to adopt a resolution authorizing acceptance of the funds; and
WHEREAS, Northampton County has determined that it wishes to receive funds from the 911 Fund established pursuant to 35 Pa.C.S. §5306.1 and hereby presents this resolution for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

Section 1. The County Council of Northampton County, finding that it is in the best interest of Northampton County, hereby enacts this resolution authorizing receipt of funds from the 911 Fund established pursuant to 35 Pa.C.S. §5306.1.

Section 2. The fees collected pursuant to this resolution shall be used by Northampton County for the provision of 911 services in the County, as described in Chapter 53 (911 Emergency Communications Services) of Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes.

Section 3. The County Council of Northampton County directs the Clerk to Council to notify the Pennsylvania Emergency Management Agency of the enactment of this resolution by Northampton County, as required by 35 Pa.C.S. §5306.1(h).

Mr. Phillips stated the State had the money, but a request had to be submitted to receive it. He further stated the Cities of Allentown and Bethlehem would be funded, but they would have to request their funds separately.

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

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

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

Consideration of the Resolution Authorizing the Controller to Perform a Dedicated Audit of the Open Space Initiatives

Mr. Phillips introduced the following resolution:
WHEREAS, Northampton County Home Rule Charter Section 202 (b) provides that the County Council shall have among others, the following power: to require periodic and special reports from elected officials and their subordinates; and

WHEREAS, Northampton County has expended millions of dollars in support of Open Space Initiatives and that support has not undergone a dedicated, comprehensive internal audit.

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council that it hereby requests that the Northampton County Controller perform a dedicated internal audit of the Open Space Initiatives for CY2013, CY2014 and CY2015 to date. The audit will include, but at the discretion of the Controller, not necessarily be limited to:

(1) Appraisal Process - determine who selects the appraiser, who in the County Administration receives and evaluates the appraisal and does the appraiser take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining property.

(2) Funding Undevelopable Land - determine if the County has funded the purchase of conservation easements or otherwise been involved in transactions to remove undevelopable land from the non-existent threat of potential development.

(3) Consent of Millage Freeze - determine if all the appropriate taxing districts within the district have provided the appropriate approvals.

(4) Compliance with Applicable Laws - determine if the Open Space Initiative complies with appropriate County, State and Federal laws.

Mr. McClure advised he believed an audit of all the open space programs would find them to be the best and most well-run programs in the County. He further advised these programs were well vetted and the money was being spent wisely and of great benefit to the County.

Mr. McClure stated the only issue he had was with the paragraph pertaining to funding undevelopable land was that he did not know how that could be subject to an audit. He further stated an audit showed where the money was coming from, how it was being processed, the decision making process, the laws that preserved land and how the money was spent. He noted he felt
the way the resolution was written was hostile to the preservation of farmland, environmentally sensitive lands and municipal parks so he would not be voting for it.

Mr. Geissinger advised he felt Mr. Phillips was trying to get an understanding as to whether the taxpayers who voted to preserve open space and farmland were getting their money's worth and County Council, as stewards of those funds, were utilizing it in accordance with their will.

Mr. Phillips stated he was trying to establish that the funds were being utilized as designated by law and that land was not being preserved that had no potential to be developed.

Mr. Geissinger advised he believed Mr. McClure was indicating that it may not be within the abilities of the Controller to determine certain items that were put forth in this resolution.

Mr. McClure stated he believed it was the responsibility of the County Executive and County Council to determine if something was developable or not. He further stated since the Controller was present he should be asked what he felt could be accomplished.

Mrs. Ferraro advised it could be difficult to determine what was developable or not because houses were being built in the most unbelievable places.

Mr. Geissinger asked if Mr. Phillips was agreeable to changing the resolution to indicate the Controller should conduct an audit relating the processes and if money was being spent appropriately.

Mr. Phillips stated he was concerned whether the millage freeze was supported and approved by all the subordinate municipalities.

Mr. McClure advised he was not troubled by that part of it and in fact, he would actually like to know.

Mr. Benol stated it was County Council’s responsibility to decide if a land was undevelopable so he would like to make a motion to strike that paragraph.

Mr. Geissinger seconded the motion.
As Mr. Phillips agreed with the motion, there was no vote.

Mr. Kraft advised he had a concern with the paragraph pertaining to the appraisal process and the section that states “any increase in the value of the subdivided acreage because of the placement of the easement on the remaining property” because it was reviewing what County Council approved over the past three years and he did not think the Controller could do that without getting appraisals of the property.

Mr. McClure stated before a vote was taken, the Controller should be asked what he thought about these particular items.

Mr. Barron advised he did have the same concern Mr. Kraft had unless County Council was going to increase his budget to hire the appraisers necessary to do the work to see if there was an increase. He further advised a certified appraiser in the State of Pennsylvania had to look at the property and then compare it to comparable pieces of property that had similar type easements with similar acreages.

Mr. Barron stated he also had the same concerns that Messrs. McClure and Benol addressed with regard to determining if a property was undevelopable.

In response to Mr. McClure’s question as to what could be done, Mr. Barron advised he could look at all the approvals and the processes, noting the files he saw in the year end work were very well documented. He further advised he could look at how some of the municipalities leveraged their Earned Income Tax for County money.

With regard to what should or should not be preserved, Mr. Barron stated he could only look back to make sure everything was there that was necessary, but it could be a duplication because when the closing was held title insurance was issued on the easements and it was the attorney’s responsibility to ensure they were in compliance with State law.

Mr. Barron advised when the external auditors looked at farmland preservation and open space, they made sure all the paperwork was in order because it was an expenditure of County money. He further advised municipalities, in their audit, would have to show they had the documentation to purchase that easement.
Mr. Barron stated he did not have an issue doing the audit, but those two items could be problematic.

In answer to Mr. McClure’s question as to whether something of value would come out of hiring an appraiser, Mr. Barron advised he did not know if it would because every appraiser’s opinion was different and he did not know if a land deal could be undone.

In response to Mr. McClure’s question as to whether it would reveal any misdealings, Mr. Barron stated he was a certified fraud examiner so if he found any he would bring it to County Council’s attention to determine how to proceed.

Mr. Phillips advised he believed the items he was asking with regard to appraisals were things that could be easily determined and he did not want to have an appraisal done.

Mr. Barron stated he would be able to do all of the things that were listed in the amended resolution.

Mr. Parsons advised the County did not hire the appraisers, the organization or municipality that wanted to begin the process of preservation hired the appraisers and there was never just one appraisal. He further advised he had no problem with an audit being conducted, but the County was usually a third party in these transactions.

With regard to environmentally sensitive land and undevelopable land, Mr. Parsons stated a lot of that had to be preserved because the County had to protect its clean water.

With regard to Compliance with Applicable Laws, Mr. Barron advised he would look at the County’s Comprehensive Open Space Plan to make sure the land that had been preserved followed that plan.

Mrs. Ferraro called for the vote on the following amended resolution:

R. 71-2015  WHEREAS, Northampton County Home Rule Charter Section 202 (8) provides that the County Council shall have among others, the following power: to require periodic and special reports from elected officials and their subordinates; and
WHEREAS, Northampton County has expended millions of dollars in support of Open Space Initiatives and that support has not undergone a dedicated, comprehensive internal audit.

NOW, THEREFORE BE IT RESOLVED, By the Northampton County Council that it hereby requests that the Northampton County Controller perform a dedicated internal audit of the Open Space Initiatives for CY2013, CY2014 and CY2015 to date. The audit will include, but at the discretion of the Controller, not necessarily be limited to:

(1) Appraisal Process - determine who selects the appraiser, who in the County Administration receives and evaluates the appraisal and does the appraiser take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining property.

(2) Consent of Millage Freeze - determine if all the appropriate taxing districts within the district have provided the appropriate approvals.

(3) Compliance with Applicable Laws - determine if the Open Space Initiative complies with appropriate County, State and Federal laws.

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

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

Consideration of the Resolution Amending Resolution #113-2014

Mr. Parsons stated this resolution pertained to the easement acquisition by the Nature Conservancy of the Moyer property in Upper Mount Bethel Township. He then introduced the following resolution:

R. 72-2015 RESOLVED, By the Northampton County Council that resolution No. 113-2014 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):
WHEREAS, the Northampton County Open Space Advisory Board has unanimously recommended the fee simple acquisition by the Nature Conservancy of the Moyer Property, Upper Mount Bethel Township; and

WHEREAS, the Northampton County funding will be used to acquire properties as follows:

Property Owner(s): Estate of Ray W. Moyer, Jr. and

Site Location: Institute Road,
Upper Mount Bethel Township 18343

Parcel Identification: B 10 5 14 0131

Site Information: Approximately 5.51 acres: wooded acreage within the Minis Lake Vernal Pools Preserve

County Grant Request: $14,609 (44%) $11,853.00 (43%)

Other Grants: $18,800 (56%) $16,053.00 (57%)
Upper Mount Bethel Township

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, to take any and all steps necessary to complete the fee simple acquisition by the Nature Conservancy of the Moyer property, being approximately 5.51 acres, located at Institute Road, Upper Mount Bethel Township.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $14,600.00 $11,853.00 as consideration for the fee simple acquisition by the Nature Conservancy of the Moyer property.

Mr. Phillips stated he voted against this the first time and was going to vote against the amendment because this was land he felt was not developable and since it was surrounded by other preserved property there was no road access, which diminished its value.

Mr. Parsons advised every piece of property had road access.

As there were no further questions or comments, Mrs. Ferraro called for the vote.
The vote: Parsons, "yes"; Geissinger, "yes"; Kraft, "yes"; McClure, "yes"; Phillips, "no"; Vaughn, "yes"; Werner, "yes"; Benol, "yes" and Ferraro, "yes".

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

**Ten Commandment Plaque**

Mr. Benol stated he would like to report the theft of the Ten Commandment plaque that was on the wall behind his seat.

**Agricultural Extension Liaison Report**

Mr. Parsons advised the Agricultural Extension held a public meeting on Tuesday night regarding the Gypsy Moth situation that was attended by approximately 125 people. He further advised the Penn State Agricultural Extension would be running a program wherein individuals would have to apply by the end of August to have their property looked at for the potential of having it sprayed.

**Lehigh-Northampton Airport Authority Liaison Report**

Mr. Geissinger stated the discussions going on at the Airport Authority regarding Braden Airpark reflected their recognition of the importance of it. He further stated both the Lehigh and Northampton Counties bodies of governments consisted of individuals who looked at the airport as a growing concern, but saw the importance of all three properties as well as the other assets owned by the Airport Authority.

Mr. Geissinger advised the recommendations brought forth with regard to Braden Airpark were solid business decisions to revitalize it and to increase its value. He further advised he supported all the efforts the Airport Authority was making to bring Braden Airpark back, to increase and improve its operation and to make it a viable and profitable operation.
Adjournment

Mr. McClure made a motion to adjourn the meeting.

Mr. Werner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council