Easton, Pennsylvania                     July 1, 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

Reverend David Schaeffer, St. Johns Evangelical Lutheran Church, Nazareth, Pennsylvania, led County Council in prayer.

Pledge of Allegiance

Mr. Benol led County Council in the pledge of allegiance.

Patriotic Songs

Ms. Alexis Connolly sang two patriotic songs in celebration of the 4th of July.

Presentation of Proclamation

Mr. Walter Ogozaly was presented a proclamation for his essay on patriotism, which he read, that won a State competition sponsored by the Daughters of the American Revolution. He was also honored for graduating in the top 5% of the Freedom High School Class of 2015 and being recognized by the College Board for being in the top 5,000 SAT scores in Pennsylvania. In addition, he plans to attend Tulane University in the fall and received the Paul Tulane Scholarship and received Tulane’s National Merit and a Private National Merit Scholarship.

Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the June 18, 2015 meeting shall be approved.
Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

**Courtesy of the Floor**

Mr. Bob Schmidt — advised he was a member of the Williams Township Land Preservation Board and understood there were some questions regarding the Glovas application. He further advised that Ms. Maria Bentzoni and Mr. Brian Cope were great people who were efficient in their jobs. He noted the Open Space Advisory Board would be meeting next Thursday and invited County Council to attend.

**Confirmation of Re-Appointment**

Mrs. Ferraro stated at the last Personnel Committee meeting, a question arose regarding this re-appointment and as that question was addressed, it was being presented tonight.

Mr. Kraft introduced the following resolution:

R. 62-2015 **RESOLVED**, by the Northampton County Council that the following individual shall be confirmed in her re-appointment as indicated hereafter:

**OPEN SPACE ADVISORY BOARD**

Re-appointment: Term to Expire: 3/18/17
Victoria Bastidas
1311 Santee Mill Road
Bethlehem PA 18017

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

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

The resolution was adopted by a vote of 9-0.
Controller's Report

Mrs. Ferraro advised Mr. Stephen Barron, Controller, was not able to attend tonight's meeting.

County Executive's Report

Mr. John A. Brown, County Executive, stated as part of the budget amendment the Administration was recommending $2.4 million be placed in the Financial Stabilization Fund created earlier this year. He further stated $7.6 million had already been put into this fund as a result of the 1 mill tax increase approved in the 2015 budget. He noted the addition of the $2.4 million would increase this fund balance to approximately $10 million and reduce the pressure to maintain the millage increase for the 2016 budget.

Mr. Brown advised the Administration also recommended $10 million be set aside as a reserve for the potential acquisition of the Human Services Building in August 2018 for $14.5 million.

Mr. Brown stated as part of the Administration's ongoing effort to ensure the needs of the County were being met and communicated the members of his cabinet have been very proactive in reaching out to key members of the legislature and the Governor's staff in Harrisburg.

Mr. Brown advised recently through the effort of Mr. Luis Campos, Director of Administration, Secretary of State Pedro Cortes visited the County Government Center and then toured the Election Office.

Mr. Brown stated on Monday, they met with the Pennsylvania Labor and Industry Secretary Kathy Manderino while attending a Workforce Investment Board roundtable discussion. He further stated this was related to all the efforts being done in the Lehigh Valley to develop its workforce and meet company needs. He noted it also played well with the grant the County received for developing an initiative in the Jail.

Mr. Brown advised yesterday they met briefly with the Pennsylvania Secretary of the Department of Transportation Leslie Richards. He further advised it was very important that they get in front of these key decision makers to present the County's needs.
Mr. Brown stated the County would be hosting a program, along with the Greater Lehigh Valley Chamber of Commerce, for Pennsylvania Secretary of Corrections John Wetzel next Friday, July 10, 2015, at 7:30 p.m. at Northampton Community College Southside Campus. He noted this would be followed by a visit by the Secretary to the County’s Jail for a tour.

Mr. Brown advised elections, workforce development, infrastructure, especially bridges and the prison, were critical areas to the successful operation of the County so they had to continue to build relationships to obtain assistance.

Mr. Brown stated since the Community Investment Partnership Program (CIPP) rolled out a few weeks ago through the Department of Community and Economic Development (DCED), the County had received tremendous interest in it so the application deadline was pushed back to the end of August. He further stated the DCED team was tasked with developing a comprehensive grant review protocol that would establish an objective and independent review process.

Ms. Lori Sywensky, Deputy Director of DCED, provided a document entitled, “Subgrant Review Process: Community Investment Partnership Program (CIPP) Community Improvement Grants” (see Attachment #1), which basically laid out the internal grant review procedure. She noted County Council was provided a copy of the program guidelines a few weeks ago.

Ms. Sywensky advised the first part referenced the money that was specifically allocated out in the competitive process for community development grant programs. She further advised the second part referred to the structure of how the applications would be reviewed, noting they were looking for an at-large member of County Council to be part of the review process as well as a DCED staff member.

Ms. Sywensky stated they planned to have a review group make recommendations and then send them out to all applicants whether they were being recommended for funding or not. She further stated they would provide a comment period, then it would go back through the committee process to elicit comments from County Council and then upon conclusion of that, have the reviewers consider those recommendations and lastly have those agreements executed by the County Executive.
In answer to Mr. Werner's question as to whether the interest was concentrated in a specific geographical area, Sywensky advised she could not say, but she had noticed there were some from the Saucon Valley area and also the Slate Belt.

In response to Mr. McClure's question as to whether there was any objection to bringing these grants to County Council for approval before being awarded, Ms. Sywensky replied she did not have an objection, noting she was in favor of engaging them during the decision making process so they understood the applications fully.

Mr. Phillips stated the Open Space Advisory Board brought their recommendations to County Council to approve the expenditure so he would like the same procedure applied to these grants.

Ms. Sywensky advised they planned on having a well-rounded committee so they thought by having entity partners from the Lehigh Valley Economic Development Corporation and the Lehigh Valley Planning Commission would add value to it.

In answer to Mr. McClure's question as to whether the Administration objected to having the grants being approved by County Council, Ms. Sywensky stated she could not answer to that, but she wanted the outcome of the selection process to be that the applicants were assured their applications were being considered fairly and comprehensively.

Mr. Werner advised under IV. Funding Awards, it reads "Staff will develop subgrant agreements for those entities recommended by the review team. These agreements will be executed by the County Executive". He then asked if these agreements would be introduced to County Council before the County Executive executed them.

Ms. Sywensky stated under the current structure, they would go to the County Executive, but they would go to outside reviewers and the process disclosed to the public and County Council prior to execution.

In response to Mr. Kraft's question as to why they were looking for an at-large member of County Council, Ms. Sywensky advised they did not want any accusations by members of one geographic area that they were not being treated fairly because the representative was of another geographic area.
Mr. Kraft stated when members of County Council are elected they represented the entire County and not just a certain geographical area so that should be removed as well as the County Executive executing agreements without County Council approval.

Public Hearing on the Ordinance Providing for Approval of Table Game Revenues

Mrs. Ferraro advised the following ordinance was introduced by Messrs. McClure and Kraft at the meeting held on June 16, 2015:

AN ORDINANCE PROVIDING FOR APPROVAL OF TABLE GAME REVENUES

WHEREAS, Home Rule Charter Article VI Legislation Section 602 Ordinances (a) (12) states "provides for redevelopment, rehabilitation, conservation, and renewal programs for the alleviation and prevention of slums, obsolescence, blight, or other conditions of deterioration, and the achievement of the most appropriate use of land"; and

WHEREAS, Home Rule Charter Article VI Legislation Section 602 Ordinances (a) (14) states "intends to have the force and effect of law or is required by law to be an ordinance"; and

WHEREAS, Northampton County Council deems any project or program receiving funding from the table game revenues requires the approval of County Council.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County Executive to submit any and all projects/programs that purport the distribution of table game revenues to County Council for its approval.

Public Hearing

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

There were no respondents.
Mrs. Ferraro then asked if there were any questions or comments from County Council.

Mr. McClure stated he was not opposed to the grant program being developed, but he drafted this ordinance because there are millions of dollars of table game revenues potentially available for this program and if County Council passed a budget without appropriating where this money was going in the first instance, they needed to have each of the programs, grants, loans, etc. come before them for debate and approval.

In answer to Mrs. Ferraro's question as to what role would the General Purpose Authority have in this program, Ms. Sywensky advised they would serve as the loan administrator.

In response to Mr. Benol's comment that once County Council approved the general budget, the County Executive did not have to come back to County Council for approval of expenditures, Mr. Parsons replied there were some circumstances when he did have to obtain approval.

In answer to Mr. Geissinger's question as to whether they were concerned about this because it was a large amount of money, Mr. McClure stated he was also concerned about the discretionary nature of being able to spend the money without County Council having an opportunity to review the particular projects.

Mr. Kraft advised some of this money was used to buy a trolley for the City of Easton and County Council did not know where or how other money may have been spent. He further advised it was not known how profitable this endeavor was going to be and just like the majority of expenditures, County Council should be responsible for approving them.

In response to Mr. Benol's question as to whether in the legislation setting up this fund there was a provision as to whether the expenditures had to be approved by County Council, Mr. Lauer stated there was nothing in the enabling legislation, but the issue was once it was in the County's hands should there be a disposition of that money in a way that did not require the approval of County Council. He further stated he believed a fund of that size would require the approval of County Council for distribution in some form.
In answer to Mr. Benol’s question as to how this was regarded in the Administrative Code or Home Rule Charter, Mr. Lauer advised they did have requirements that certain sizes of expenditures required County Council approval.

Mr. Vaughn stated it appeared the intention of this ordinance was for it to be a check on a large amount of money.

Mr. Brown advised this money was not being utilized and their protocol for the program was to be as objective as possible so he had no concern with County Council having approval over the programs. He further advised they were trying to avoid complications as to how the money would be distributed so they felt it best to have a review committee. He noted the main objective was to get something in place so these dollars could be put back into circulation and County Council could decide how they wanted to approve the funding.

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


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

Public Hearing on the Ordinance Providing for Amendments to the 2015 Budget

Mrs. Ferraro stated the following ordinance was introduced by Messrs. Geissinger and Parsons at the meeting held on June 16, 2015:

AN ORDINANCE AMENDING THE 2015 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - AFFORDABLE HOUSING; DEPARTMENT OF ADMINISTRATION - CONSERVATION DISTRICT, HAZMAT ACT 165; DEPARTMENT OF HUMAN SERVICES - HOMELESS ASSISTANCE, DEVELOPMENT FUND, BLOCK GRANTS, CHILDREN, YOUTH AND FAMILIES, AREA AGENCY ON AGING, MENTAL HEALTH, DEVELOPMENTAL PROGRAMS, DRUG AND ALCOHOL; FINANCIAL STABILIZATION, DEPARTMENT OF PUBLIC WORKS - C I HUMAN SERVICES BUILDING; COUNTY WIDE - FRINGE BENEFIT
## 2015
### BUDGET AMENDMENT

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**Human Services - Area Agency On Aging**

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**Human Services - Mental Health**

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**Human Services - Drug & Alcohol**

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<td>Financial Stabilization</td>
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<td><strong>Public Works - C I Human Services Bldg.</strong></td>
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<td><strong>County Wide - Fringe Benefit</strong></td>
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<td>Retirement</td>
<td>3,298,200</td>
<td>(2,569,900)</td>
<td>10,728,300</td>
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Effective Date:

In accordance with Northampton County Home Rule Charter 705 (e) this ordinance shall become effective upon the date of enactment.

Public Hearing

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

There were no respondents.

Mrs. Ferraro asked if there were any questions or comments from the members of County Council.

Mr. Phillips commented he wanted to commend the Administration for putting money aside for the potential purchase of the Human Services Building.

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

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

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

Mrs. Ferraro advised at the request of Mr. Vaughn, an ordinance was prepared amending Ordinance No. 141-1988 to indicate that there would be no smoking allowed on County property. She further advised the public hearing, debate and possible vote will be held at the July 16, 2015 meeting.

Messrs. Vaughn and Benol introduced the following ordinance:

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.

Introduction of 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 stated at the request of Mr. Vaughn, an ordinance was prepared to put the question of changing County Council’s title to County Board of Commissioners on the ballot. She further stated the public hearing, debate and possible vote will be held at the July 16, 2015 meeting.

Messrs. Vaughn and Kraft introduced the following ordinance:

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.

Consideration of the Resolution Approving the FY 2015 Community Development Block Grant Annual Action Plan for the County of Northampton

Mrs. Ferraro advised at the request of the Department of Community and Economic Development, a resolution was prepared approving their 2015 Community Development Block Grant Annual Action Plan.

Mr. Geissinger introduced the following resolution:

R.63-2015

A RESOLUTION APPROVING THE FY 2015 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE COUNTY OF NORTHAMPTON

WHEREAS, the County of Northampton has prepared an Annual Action Plan for the County covering the period October 1, 2015 to September 30, 2016; and

WHEREAS, the purpose of the Annual Action Plan is to identify housing and community development needs and to develop specific goals and objectives to address those needs over a one-
year period and is a requirement of the U.S. Department of Housing and Urban Development which the County must meet in order to receive Federal housing and community development funds; and

WHEREAS, the County of Northampton has prepared an Annual Action Plan for Fiscal Year 2015 (FY 2015 AAP) which includes the funding application for the Community Development Block Grant (CDBG) Program, said application having been duly reviewed and considered, together with supporting documentation which took into account blight in the community, needs of low and moderate income families, environmental factors, fiscal considerations and the maintenance of local effort in community development activities; and

WHEREAS, the activities that comprise the FY 2015 AAP will be funded through the County's FY 2015 allocation of CDBG funds as well as by substantially amending past Annual Action Plans to utilize uncommitted funds to support activities in the FY 2015 AAP.

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

1. That the FY 2015 AAP for FY 2015 CDBG funds and the substantial amendment are hereby in all respects approved. The County Executive is hereby directed to file a copy of said application with the minutes of this meeting.

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with Federal financial assistance.

3. That the County Executive of the County of Northampton is authorized to execute and file the application for financial assistance for such amounts as the U.S. Department of Housing and Urban Development is willing to make available to carry out the CDBG Program.

4. That the County Executive of the County of Northampton is hereby authorized to provide such assurances and/or certifications as required by the U.S. Department of Housing and Urban Development and also any additional or revised data which may be requested during the review of said applications.
As there were no 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.

Consideration of Collective Bargaining Unit Arbitration Award Between the County of Northampton and the Northampton County Court Appointed Nonprofessionals, Court Related Nonprofessionals, Youth Care Center AFSCME District Council 88, Local 1265 and a Memorandum of Understanding Between Northampton County and the Residual Nonprofessional Resolution

Mrs. Ferraro stated at the request of the Department of Human Resources, a resolution was prepared approving the Arbitration Award for Northampton County Court Appointed Nonprofessionals, Court Related Nonprofessionals and Youth Care Center and a Memorandum of Understanding for the Residual Nonprofessionals.

Mr. Kraft introduced the following resolution:

R. 64-2015 WHEREAS, Northampton County Charter Section 202 (12) provides that, "the County Council shall have the power to approve any collective bargaining agreements with officers and employees".

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that the Collective Bargaining Unit Arbitration Award between the County of Northampton and the Northampton County Court Appointed Nonprofesional, Court Related Nonprofessional and Youth Care Center American Federation of State, County and Municipal Employees District Council 88, Local 1265 and a Memorandum of Understanding between the County of Northampton and the Residual Nonprofessional shall be approved this 1st day of July 2015.

Mr. Justus James, American Federation of State, County and Municipal Employees, advised with approval of these contracts and the one passed at the last meeting, all these employees received a 5% raise, but as great as that sounded, they were still behind the eight ball with the healthcare changes. He
then asked County Council to show their support and adopt these contracts.

In response to Mr. Phillips' question as to why they were approving an arbitration award and memorandum of understanding and not the contracts, Ms. Catherine Allen, Deputy Director of Administration, stated they still did not have all four contracts ready because the Department of Human Resources had to review them word by word and it was to go into effect as of today.

In answer to Mr. Benol's question as to how many contracts were left, Ms. Allen advised there were six.

As there were no further 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.

Consideration of the Resolution Accepting the Donation of Books on Behalf of the Northampton County Jail

Mrs. Ferraro stated at the request of Mr. Kraft, a resolution was prepared to accept a donation of books on behalf of the Northampton County Jail.

Mr. Kraft introduced the following resolution:

R. 65-2015 WHEREAS, Northampton County Home Rule Charter Section 202 (10) provides that the County Council shall have, among others, the following powers: "to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;" and

WHEREAS, the Northampton County Jail has received a donation of 400 books from the Northampton Community College.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby authorize the Director of Corrections to accept, on behalf of the County of Northampton, the donation of these books.
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.

Consideration of the Resolution Amending Resolution #27-2015

Mrs. Ferraro advised at the request of the County Solicitor's Office, a resolution was prepared to amend Resolution No. 27-2105.

Mr. Kraft introduced the following resolution:

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 228 **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".**

Mr. Ryan Durkin, County Solicitor, stated this resolution was intended merely to correct a scrivener's error as the first resolution did not include the language that was referenced in the third whereas clause, which indicated that employees at the top of CN-17 pay scale would not receive the pay raise. He further stated subsequently there was an arbitration award that provided employees at the top of the pay scale $1750 per year as a lump sum payment each year starting 2016 so the resolution was being amended to also include that correction.

Mr. Durkin advised this resolution would now reflect everything that was intended during the negotiations and it was just a corrective measure to avoid pay raises that were never intended to be given and amending the pay scale.

Mr. Christopher Spadoni stated he was the attorney representing some of the employees identified in Resolution No. 27-2015 as CN-17, which was adopted in April and it would be improper for County Council to adopt this resolution.

Mr. Spadoni advised the binding arbitration award that was effective as of today was prospective and not to be boot strapped onto the raises given in a resolution that was prepared by the Administration and adopted in April. He further advised they want to ferret out 22 employees without explanation.

Mr. Spadoni stated the employees mentioned in the resolution were to receive a 4.5% raise, but the Administration was now arguing they could not create a new step. He further stated they were not asking for a new step, they were asking for execution of the 4.5% raise that was in the resolution adopted by County Council effective April 27, 2015.
Mr. Spadoni advised the employees he represented were from the District Magistrates Offices were on the front line and it was the Administration’s goal to provide these union and non-union employees a 4.5% raise. He further advised now they want to back out 22 employees because they were at the top of the pay scale.

When Mrs. Ferraro commented he was only representing the District Magistrate employees, Mr. Spadoni replied that was correct. He stated he was a little surprised there was an amended resolution because he had been in constant contact with the Solicitor’s Office, but he had not seen it and only received a message this morning that it was being presented tonight.

Mr. Spadoni advised he thought this issue was resolved because the Administration was charged with executing enacted legislation from County Council that was supreme both in budgetary and legislative matters, but now they were not going to pay these employees without an explanation.

In response to Mrs. Ferraro’s question as to how many employees were at the top of their pay scale, Mr. Spadoni stated according to their documents, there were 52 employees, but he was only representing 18 of them.

Mr. Spadoni advised the resolution adopted in April was to give these employees a raise, which they have not gotten in a long period of time, and what they were saying now was improper because they were subjected to a binding arbitration that was prospective. He further advised they presented this resolution in April and because they were part of the arbitration, they knew what was being discussed.

In answer to Mrs. Ferraro’s question as to how this would affect the coming years, Mr. Spadoni stated it would affect them because they would get a 4.5% raise from the binding arbitration award on their base salary, which would include the raise from April 27, 2015.

Mr. Durkin advised the raise could not be given without increasing the pay scale and that was something that was never considered. He further advised he and Mr. Spadoni have had numerous conversations about this and when it was proposed, he informed him that it could not be done.
Mr. Durkin stated the remainder of the 52 employees was not contesting this and it would create a ripple effect for certain employees. He further stated he assumed they recognized the fact this was never intended to apply to them and that was why they have not threatened a lawsuit. He noted these employees were unique outliers and they were taking the position that they were entitled to something that was never intended and it was an opportunistic attempt to capitalize on a scrivener’s error.

Mr. Durkin advised they were here to correct this and if County Council corrected it, the issue for the 52 employees goes away, the case became mute and this dispute was forever ended. He further advised they have been in regular contact with Mr. Spadoni and he was notified they would be seeking to put forth this amendment.

Mr. Spadoni stated it was presumptuous to guess why the other employees were not here because it was not known if they were contacted and knew the situation.

In response to Mr. Kraft’s question as to whether it was correct these employees would be getting $1750 for three years, Ms. Allen advised in the award it gave them a 5% raise this year as a Cost of Living Allowance not a step increase and then for the next two years they would get $1750 lump sum checks.

Mr. Kraft stated by getting the $1750 check, they would be receiving 87 cents an hour and if you took the $307,000 divided by 210 employees, it came out to 72 cents an hour raise so he did not understand why Mr. Spadoni was here.

Ms. Allen advised that was the way the arbitrator set it up and they did offer these employees a lump sum payment of $1750 that they rejected in favor of the pay raise. She further advised Mr. Spadoni was here because they were contending if they received the Cost of Living Allowance it would compound year after year.

Mr. Vaughn stated the reasoning for instituting the raises was because the County had an excessive amount of vacancies that were not attracting prospective employees because the salaries were low.

Ms. Allen interjected that the starting salaries were low.
Mr. Vaughn advised if that was the original intention and the wording of the resolution reflected that, he did not know what Mr. Spadoni was arguing and asked if there were vacancies in their offices that they were struggling to fill.

Mr. Spadoni stated the resolution indicated recruiting and maintaining employees and his clients were on the front line and they thought because of legislative action that on April 27, 2015, they were going to get a raise of 4.5%, but that did not happen. He further stated they were trying very hard to resolve this issue without bringing it to the Courts.

Mr. Spadoni advised he thought the matter was resolved, but then there were some glitches on the Administration’s side. He further advised there was a conversation on Friday with the County Solicitor, but he never saw the resolution.

Mr. Parsons stated the binding arbitration had nothing to do with this resolution because everyone received what was awarded.

Ms. Allen advised the original intent was that the employees that were at the top of their pay scale or “red circled” would only receive the arbitration award and the employees at the lower end of the pay scale would get the 4.5% raise or be placed on a different level in the pay scale as well as the arbitration award.

In answer to Mr. McClure’s question as to what was the top of the pay scale, Ms. Allen stated it was $19.20 per hour.

Mr. McClure advised he understood what his colleagues were getting at, but County Council could change the scale and it was not unprecedented for them to do that. He further advised he did not think these employees should be stripped of a raise they thought they were going to receive because they were worthy of it.

Mr. Benol stated the original intent was to be able to fill the lower level clerical positions that was creating the struggles the County was facing, but what was not calculated into the hourly rate were the extra benefits.

Ms. Ferraro agreed it was the hiring of individuals for entry level positions that was causing issues for the County and that was how this came about.
Mr. McClure advised the reason the County was experiencing staffing shortage was because a lot of employees retired and most of those individuals were at the top of the pay scale.

Mr. Vaughn stated if this group of employees were granted a raise, nothing would prevent other individuals from hiring an attorney to obtain a raise.

Mr. McClure advised he was not concerned about that as there was no legal resolution to this issue.

Ms. Karen Dorward stated she was a 25 year employee and Ms. Lynda Sweeney indicated she was a 14 year employee. Ms. Dorward further stated in the resolution that was adopted in April it said 'clearly 52 Magisterial Technicians,' which included all the secretaries that worked for the 14 Magistrates in the County. She noted they were not told until a day or two later that it would not include those at the top of the pay scale.

Ms. Dorward advised Mr. Spadoni did not represent the 52 technicians because there were approximately 30 of them that did receive the raise. She further advised he was representing the old timers that have been with the judges for 20 plus years who have not gotten a raise and that was what they were asking for.

In response to Mr. Parsons' question that if the resolution would have been written the way it was being amended would they still be looking for the raise, Mr. Spadoni stated that was a hard question to answer.

Mr. Parsons advised the intent he understood when it was voted on was the raises were going to the employees at the bottom of the pay scale to make it more enticing for people to come here to work. He further advised it had to be a tough sale to get the unions and the Administration to agree to this and the intent was what he had to go on.

In answer to Mr. McClure's question as to whether anyone had figured out how much it would cost, Mr. Spadoni stated at the low end it would go from $14.11 per hour to $14.74 and then at the high end it would go from $19.20 to $20.64. He further stated all his clients wanted County Council to do was to enforce the resolution they adopted in April.

Mrs. Ferraro advised the resolution being presented tonight was to provide clarification for Resolution No. 27-2015.
Mr. Spadoni stated that could be a viable argument, but how could they take out 22 employees without contacting the 52 employees. He further stated County Council had to know what number they were looking to eliminate and what were their job classifications.

Mr. Vaughn advised he worked in the private sector and when someone was at the top of their pay scale they did not get any raises.

Mr. Benol stated he always worked in the private sector and you knew what the pay scale was and when you got to the top of it, there were no raises. He further stated this resolution was just fixing a simple error and that was how he was viewing it.

Mr. Spadoni advised he worked for the County as an Assistant District Attorney and the Chief Public Defender and was always at the top of the scale, but it always went up. He further advised they could have the argument they were at the top of the scale forever or was it appropriate for this body to utilize a resolution that was adopted and award the raises for 228 employees.

Mr. Spadoni stated when the Administration could not come to an agreement they came back with this amendment and he wanted to know how they ferreted the employees out, who they were and what was their pay scale.

Mr. Geissinger advised County Council was given a resolution by the Administration to allow for the hiring and maintaining of good people. He further advised they attempted to accomplish that and the Administration was now clarifying that resolution.

Mr. Jack Delassandro commented Mr. Geissinger indicated this raise was to keep good people so the people at the top of the pay scale must be good people because they were still working for the County.

Mr. Parsons stated this resolution was just to amend Resolution No. 27-2015, but he was not comfortable doing that so he made a motion to table this resolution.

Mr. Phillips seconded the motion.
As there were no further questions or comments, Mrs. Ferraro called for the vote on the motion.

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

The motion passed by a vote of 5-4.

Mr. McClure advised there was precedence for County Council to permit the raise for those at the top of their pay scale and he felt it was a right and just thing to do especially when there were employees making in excess of $100,000 a year and some working out of their class making a salary beyond that class.

Mrs. Ferraro stated she needed to how many people it would affect, what the cost was and what the ramifications would be if this raise was granted. She suggested this be discussed further at the Personnel Committee meeting.

In response to Mr. Kraft's question as to whether they were just talking about the 18 employees Mr. Spadoni was representing, Mr. McClure advised it would pertain to everyone who was at the top of their pay scale who did not get the raise.

When Mr. Benol stated he felt this would open the flood gates because everyone was going to say they were overworked and underpaid, Mrs. Ferraro reiterated it would only pertain to those at the top of their pay scale.

Mr. Benol advised he felt the original intent of the resolution was being perverted and it all went back to the taxpayers because the money had to come from somewhere. He further advised the County Executive would have to take that into consideration when he balanced the budget and County Council when they have to approve it. He noted this was a genuine gesture to take care of a problem that the County Executive, Union and County Council all agreed on and it appeared people were looking at this as a way to make more money.

When Mr. Kraft indicated the raise for these 18 employees would be $31,000, Mrs. Ferraro stated she did not know if it just pertained to these employees and that a detailed report should be given at the Personnel Committee meeting so it could be understood and resolved.
Mr. Kraft advised it only pertained to the specific employees mentioned in the resolution that County Council passed and it was only going to cost $31,000 for the employees being represented by Mr. Spadoni.

Mr. Benol stated that was how government got in trouble because people only thought about the short term and not the long term because there could be more employees that would be looking for a raise.

Mr. McClure advised these were employees who were at the top of their pay scale and were only earning $19.20 an hour. He further advised he did not hear any outrage about individuals receiving $100,000 for working out of their class and were still earning that even though they were no longer working out of class for which the County would be incurring a tremendous legacy of costs.

Mr. McClure stated when you talk about government running out of control, $31,000 was not running out of control. He further stated these individuals were the more experienced clerical staff that helped run the County’s Minor Judiciary who thought they got a raise that they richly deserved and were entitled to and it was unfair to characterize their pleas as runaway government that was out of control.

Mr. Benol advised he was not trying to slight their position, but he was trying to look at this issue as objectively as he could. He further advised the issue Mr. McClure brought up should have been resolved in 2011, but the line had to be drawn somewhere. He added it was not just the hourly salary being considered, but the benefits that would be expended over the years had to be considered as well.

**Capital Projects and Operations Committee Report**

Mr. Phillips stated the Capital Projects and Operations Committee would be meeting on July 9, 2015, at 6:00 p.m. in the Tower One Conference Room at Gracedale.

**Courts and Corrections Committee Report**

Mr. Benol advised the Courts and Corrections Committee would be meeting after the Personnel and Finance Committees meeting on July 15, 2015.
Solicitor's Report

Mr. Lauer stated at the last meeting, he was directed to meet with Mr. Durkin, the County Executive and members of County Council to resolve some issues. He further stated at that meeting he and Mr. Durkin were directed to draft a document that would reflect what was discussed, which they were in the process of doing and would be presented to County Council at the first meeting in August.

Adjournment

Mr. McClure made a motion to adjourn the meeting.

Mr. Benol seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council