Easton, Pennsylvania

July 16, 2015

A regular meeting of the Northampton County Council was held on the above date with the following present: Margaret L. Ferraro, President; Glenn A. Geissinger, Vice-President (via telephone); 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 Joshua Fulmer for Philip D. Lauer, Solicitor to Council.

Prayer

Pastor Laura Csellak, St. Andrew’s Lutheran Church, Palmer Township, led County Council in prayer.

Pledge of Allegiance

Mr. Werner 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 1, 2015 meeting shall be approved.

Mr. Kraft seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

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

There were no respondents.
Presentation by Ms. Becky Bradley - Lehigh Valley Planning Commission (LVPC)

Ms. Becky Bradley, Executive Director, stated this Fall they would be holding their 25th Lehigh Valley Government Academy that trained municipal planning commissioners and zoning hearing boards. She further stated this year they were offering a general course in community planning to provide an understanding of what the State laws were that governed local land use and if someone completed all three courses, they would receive a Master Planner Certificate.

Ms. Bradley advised LVPC looked at all comprehensive land use and subdivision land development plans, as well as provide a lot of municipal outreach data services to both the public and private sector. She further advised they had a 37 member board with Northampton County and Lehigh County each appointing half the members that consisted of citizens and local elected individuals.

Ms. Bradley stated the Lehigh Valley Transportation Study (LVTS) was another arm of their organization, which was a Federal requirement that was formed to come up with funding and infrastructure investment priorities for the region.

Ms. Bradley advised there was a steady population growth in the Lehigh Valley of approximately 1% per year since 1950 and if it continued at the current rate of growth by 2040, there would be approximately 873,000 people. She further advised from 1970 until 2010, the number of households increased from 151,000 to approximately 250,000 and they projected there would be approximately 500,000 jobs by 2040 if the current trend continued.

Ms. Bradley stated the region was below 50% of agricultural and undeveloped land, but there was an increase in park lands. She further stated after World War II, most development was in residential, but now it was switching to commercial.

Ms. Bradley advised they watched daily vehicle travel versus gross domestic product very closely because they were inextricably linked and it helped them invest in road networks and to manage congestion better. She further advised most people drove alone to work, 9% carpooled, 4% work from home, but that was decreasing, 2% walked or took public transit and 1% either rode a bike or motorcycle.
Ms. Bradley stated they released their first draft plan because they have seen such a growth in freight and freight-related businesses. She further stated approximately 40 million tons of freight was being moved today and if that kept growing, it was anticipated to be 80 million tons by 2040.

Ms. Bradley advised almost 90% of that freight today was moved by tractor trailers and the nation-wide average was 60%. She further advised 11% was moved by rail, which she felt would stay where it was due to the development of the Bethlehem Intermodal site to an inland port in South Bethlehem and 3% was moved by air travel, but that could increase as Federal Express developed out.

Ms. Bradley stated they were the only agency that saw every subdivision and land development reports and for 2014, each County had 192 total plans, but there was an overall total decrease of 16.9% in the total number of lots over 2013. She further stated proposed lots declined by approximately 31.7%, but approved lots increased by 25.9% and there was a 10.7% increase in subdivided acreage for approved plans.

Ms. Bradley advised this told them that people who were proposing development were serious about it and more likely to build than any other time since 1960. She further advised Palmer Township had the largest number of approved lots in 2014, followed by Allentown and then Easton, noting it was the first time in more than 30 years that Easton had a high amount of development. She added they also had the highest number of building permits and Palmer Township was in the top five.

Ms. Bradley stated this was the first time apartments took over the single family housing market since World War II, noting 58% of total development approved was for apartments. She further stated non-industrial uses accounted for approximately 10.7% that meant the majority of non-residential development was industrial.

Ms. Bradley advised 4 million square feet were proposed last year specifically related to warehouse and logistic facilities that were located in Palmer and Forks Townships, and it was moving up toward the Slate Belt along Route 33. She further advised there were more than 500 approved lots, noting in previous years that took place in the western side of Lehigh Valley, but now it was along the Route 22 corridor on either side in Northampton County.
Ms. Bradley stated the Long Range Transportation Plan was a $3.9 billion road, bridge and transit funding prioritization strategy for the region. She further stated they looked at asset management in terms of how those resources were allocated.

Ms. Bradley advised there was approximately 4100 miles of roads, noting approximately 1000 of that was either State, Federal or Turnpike owned and approximately 3000 was locally owned. She further advised Federal dollars made up 80% of the $3.9 billion with 20% being State money.

Ms. Bradley stated Federal money could only go toward the 1000 miles so there was a significant burden on the municipalities and the County to maintain bridges and locally owned roads. She further stated every day there were more than 13 million miles of road travel.

Ms. Bradley advised when allocating those resources, they looked at the high safety corridors and crash locations first. She further advised they took system preservation and maintenance very seriously. She noted there were 912 bridges that were more than 50 years old of which 169 of them were structurally deficient so they had to be replaced. Additionally, 199 of them were functionally obsolete, which meant they were either undersized or other conditions that required repair or replacement, 6 closed and 98 posted weight restriction bridges.

Ms. Bradley stated Routes 22 and 33 had a lot of structuralized sections so the cost of doing any maintenance, system preservation or replacement work was very high.

Ms. Bradley advised operations and management were key to the allocation of resources and Federal policy required them to address congested corridors first. She further advised the plan focused on multi-modal and to discover opportunities to coordinate freight with Lehigh Valley International Airport in an effort to relieve some of the tractor trailer traffic or provide a more multi-modal transportation between truck, air and rail.

Ms. Bradley stated the areas that not only had really good road systems and decent bridges, but good access to sewer and water were the cheapest to develop. She further stated while they were building businesses that were generating a lot of freight traffic, there was a lot that was just passing through that also impacted the roads.
Ms. Bradley advised Norfolk Southern owned the majority trunk line through the Lehigh Valley and when the Bethlehem Intermodal was built out as an inland port, there would be a lot more rail traffic. She further advised the inland port would be great for the economy of the Lehigh Valley, but there would also be more tractor trailers on Route 412.

Ms. Bradley stated they developed a series of goals and policies around highway and bridge improvements, transit and for the first time air freight and then bicycle and pedestrian. She further stated with regard to freight movement, they wanted to prioritize the transportation assets the Lehigh Valley had now and assess their conditions and performance to see if they could find trends and identify needs and issues.

Ms. Bradley advised they had a funding strategy to deal with these needs as far as Federal and State money that came into the region, but as far as growth and public/private partnerships, they had to work on that in order to maintain and grow the system as businesses come in.

Ms. Bradley stated as part of the development of the freight plan, they had Norfolk Southern, all the LVTS members and a lot of private and public individuals involved so to keep them involved they created a Freight Advisory Committee.

Ms. Bradley advised some of the criteria for the selection of projects for the Long Range Transportation Plan were it had to support the region, improve or maintain mobility, improve safety conditions, reduce congestion and preserve the Lehigh Valley’s assets. She further advised they wanted to look at partnerships with freight and freight-related businesses, come up with any options for shared contributions and improve the performance standards of the investments that were made.

Ms. Bradley stated total revenue for the Long Range Transportation Plan for the next 20 years was approximately $2.5 billion, but additional monies were received through multi-modal and transportation alternatives programs. She further stated they built in a 3% inflation index, which was important because when they go to build these projects in the future, they would not be underfunded for that investment and that was a total increase of half billion dollars.

Mr. Benol advised it concerned him that a lot of warehouses were being built that was going to bring in a lot of truck traffic and the County was having a tough time keeping up with
its infrastructure now. He further advised the companies that were coming in should have to give the municipalities some support to offset what was being done to their roads.

Ms. Bradley stated that was their concern too because they could not help the municipalities according to Federal policy and the transportation was slow coming in so the only alternative they may have was to raise taxes. She further stated Freight Advisory Committee was formed to discuss these issues and to see if they could tie the economics of development to the long term cost of that development so they would be able to build scenarios as development plans came in to determine the long term impact of that proposal.

In answer to Mr. McClure's question as to whether a study was done to determine how many jobs and pay rates could be anticipated, Ms. Bradley remarked that was going to be part of their economic study.

In response to Mr. Parson’s question as to how someone from the Slate Belt could get a seat on the LVTS, Ms. Bradley advised it was made up from the Federal policy established in 1961. She further advised Northampton County did have a seat on it and both Lehigh and Northampton Counties had majority vote so they should consider individuals from the Slate Belt for appointments to LVPC.

Mr. Werner stated the people bringing in these warehouses were going to create a lot of issues pertaining to congestion, air pollution and inconvenience so he felt a discussion should be held with them to determine if they would be willing to pay a fee or surcharge to the municipalities to help with these issues.

Ms. Bradley advised the municipality could do that as part of the land development process under the Pennsylvania Municipality Planning Code, but nothing was done at the regional level.

In answer to Mr. Kraft's question as to how much of the truck traffic was just passing through, Ms. Bradley stated the majority of tractor trailer freight on Interstate 78 was just passing through, but she did not have the figures for the whole Lehigh Valley.
In response to Mr. Kraft’s question as to whether there were plans for rail travel, Ms. Bradley advised the Lehigh Valley did not meet the Federal threshold number for passenger rail. She further advised it was something they planned to explore and for the first time they had the support of the State through the new Secretary of PennDOT Leslie Richards.

In answer to Mr. Benol’s question as to whether there were plans to widen Interstate 78, Ms. Bradley stated right now they had to concentrate their efforts on Route 22 due to its congestion.

Sheriff’s Office Update

Sheriff David Dalrymple advised he was very proud to work with his staff who were diversified as far as experience, youth and the skill sets that they bring to the job. He further advised he wanted to acknowledge his clerical staff for their work ethic and attitude because they were the backbone of the department.

Sheriff Dalrymple stated some of the functions of his department were Courts and building security, transports, permits, civil process and criminal warrants. He further stated they have reorganized the structure of the department in order to increase the efficiency of these functions.

Sheriff Dalrymple advised they have received a tremendous amount of cooperation and engagement from the Judiciary staff, the District Attorney’s Office, other County departments and the police departments. He further advised his staff had been involved in a number of training programs and would like to include the employees in some of that training as it pertained to emergency situations.

Sheriff Dalrymple stated they were also talking to employees in an effort to provide safe and secure workplaces for them and the public that visited County buildings. He further stated they were working with the Information Technology staff to come up with a new website to assist the public in obtaining information.

In response to Mr. McClure’s question as to whether he was still involved in his private investigation business, Sheriff Dalrymple advised he was just doing some necessary clean-up work.
Confirmation of Appointments

Mrs. Ferraro stated the Personnel Committee met yesterday to review appointments to the Lehigh Valley Workforce Investment Board, Inc., Workforce Development Board.

Mr. Kraft introduced the following resolution:

R. 66-2015 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

LEHIGH VALLEY WORKFORCE INVESTMENT BOARD, INC.,
WORKFORCE DEVELOPMENT BOARD

Appointments:

Business Category
John A. Allen
1618 Best Place
Bethlehem, PA 18017

Term to Expire: 6/30/18

Governmental and Economic
and Community Development
James C. Kostura
50 Woodmill Drive
Bangor, PA 18013

Term to Expire: 6/30/19

Optional Member
Pastor Phillip A. Davis
600 Country Club Road
Easton, PA 18045

Term to Expire: 6/30/17

Workforce - Labor Organization
Paul Anthony, Jr.
1967 Mark Twain Circle
Bethlehem, PA 18017

Term to Expire: 6/30/19

Workforce - Joint Labor-
Management Apprenticeship
James E. Reilly
1986 Sanders Drive
Bethlehem, PA 18015

Term to Expire: 6/30/19
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

Mr. Stephen Barron, Controller, advised they completed a good portion of the payroll audit that County Council requested and they have not found any other raises than those on the list provided by the County Executive. He further advised they did find issues with five employees, noting that three of those have been resolved.

Mr. Barron stated County Council had adopted a resolution asking his office to review the County’s comprehensive maintenance plan that was in the Administrative Code. He further stated they were informed by Mr. Stan Rugis, Director of the Department of Public Works and Mr. Joseph Coccia, Facility Manager — Department of Human Services Building that there was not a plan in place so there was not enough data for his office to do a productive review. He noted when there was a plan in place that would be a top priority for his office.

Mr. Phillips advised the County was not in compliance with the Administrative Code which he felt was a serious violation.
In answer to Mr. Vaughn’s question as to the update on the Primecare Medical audit, Mr. Barron stated most of the work was completed, but they had to meet with representatives of Primecare Medical to go over some items.

Mr. Kraft advised Primecare Medical was competitively bid so he did not understand why an audit was being conducted and felt it was a waste of time.

Mr. Barron stated they were looking at the cost, their performance over the entire length of the contract and the salaries that people were being paid. He further stated they were looking to benchmark and see what other prisons did to determine what information should be included in the Request for Proposal when it went out for bid again.

Mr. Barron advised he understood Mr. Kraft’s concern, but there was a very small market of providers for this kind of service so if the County could come up with a way to ensure the system that was in place was not being abused.

Mr. Vaughn stated it was one of the largest contracts and it would behoove County Council to have benchmarks and comparisons so when the contract had to be bid again, they would have a better understanding of it.

Mr. Phillips advised he voted for this audit because it was one of the largest contracts.

Mr. Benol stated he voted for this audit because allegations had come to his attention that treatment that was supposed to be done at the Jail was being farmed out to other medical facilities that resulted in extra expenses for the County.

County Executive’s Report

As Mr. John A. Brown, County Executive, was not present, there was no report.
Public Hearing on the Ordinance Amending Ordinance No. 141-1988, Also Known As The Northampton County Real Estate Rules and Regulations Ordinance

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Vaughn and Benol at the meeting held on July 1, 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.
Public Hearing

Mrs. Ferraro asked if there was anyone from the public who wished to comment on this ordinance.

There were no respondents.

Mr. Parsons stated it was time for the Home Rule Charter to be reviewed in its entirety instead of amending sections here and there.

In response to Mr. Phillips’ question as to whether this would pertain to individuals smoking in designated areas, Mr. Vaughn indicated it would.

In answer to Mr. Phillips’ question as to whether this would pertain to individuals smoking in a pavilion in a County park, Mr. Vaughn advised this ordinance pertained to all County property, but he planned to offer an amendment due to some concerns people had raised.

Mr. Werner stated he did not think this ordinance was enforceable the way it was currently written.

Mr. Vaughn advised he was planning to amend it to exclude County parks due to enforcement issues and some concerns at Gracedale.

Mr. Benol made a motion to table this ordinance until the amendments were in place.

Mr. Werner seconded the motion.

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


The motion was adopted by a vote of 8-1.
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 stated the following ordinance was introduced by Messrs. Vaughn and Kraft at the meeting held on July 1, 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.

Public Hearing

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

There were no respondents.

Mr. McClure advised there were people who did not want to see the name change, but he felt words matter and when Mr. Kraft tried to call individuals to help constituents he ran into resistance because they did not know what a Northampton County Council member was so it decreased his effectiveness in representing his district. He further advised he did not feel this was a sufficiently grave question to be put on the ballot for the voters to decide as a stand-alone issue, but it was time to establish a government study commission to discuss this important issue and President Judge Stephen Baratta’s offer to take over some of the row office that serve the Courts, as well as other areas of the Home Rule Charter.

Mr. Werner stated Mr. Kraft had talked about this for a number of years, but as there was no embarrassment to be calling a Council member, he wondered what the justification and need was to alter the Home Rule Charter. He further stated the Board of County Commissioner Archives indicated even though the number of council members and commissioners varied they performed essentially the same functions and in some areas council members had more power.

Mr. Werner advised they were elected County Council members under the Home Rule Charter and were called legislators. He further advised their role was to make decisions based on the best interest of the County as leaders and public representatives. He further advised he believed the true difference was not the title, but their role and responsibilities and he did not think it would increase the
effectiveness of that so he would not support this ordinance.

Mrs. Ferraro stated twenty years ago, people did not understand what a County Council member was, but now that more Counties were going to County Councils and Home Rule Charters, it did not seem to be an issue.

Mr. McClure made a motion to table this ordinance.

Mr. Phillips seconded the motion.

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

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

The motion passed by a vote of 7-2.

Consideration of the Resolution Amending Resolution #27-2015

Mrs. Ferraro advised the following resolution was introduced by Mr. Kraft at the meeting held July 1, 2015 and then tabled by Messrs. Parsons and Phillips:

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. Phillips made a motion to remove this resolution from the table, however, as there was no second it remained tabled.

Mr. Parsons stated he believed County Council was looking for the Administration and the employees involved to work out a settlement so he would like to give them two weeks for them to do that and if not, then County Council should act on it.

Mrs. Ferraro advised she was under the impression that the employees were offered a lump sum, but she was receiving conflicting messages. She further advised County Council had the power to change some of the classifications so it was something they had to consider.

Mr. McClure stated County Council could pass a resolution calling on the Administration to make good on the promise that was made or they could change the pay scale.

Mrs. Ferraro advised it bothered her that their union representative was not present and they had to hire an attorney so she would like to know the union's perspective because if this was negotiated with the union, County Council should not be involved in that matter.
In response to Mr. Vaughn's question as to why this was presented to be removed from the table, Mr. Phillips stated this resolution was originally presented because it provided an amendment to the resolution due to a scrivener's error that caused the omission of CN-17 to move one step unless they were at the top of their pay scale. He further stated it was tabled in order for everyone to get a better understanding of the situation, which he felt he had and was ready to vote on it.

In answer to Mr. Vaughn's question as to what this resolution would do for County Council, Mr. Fulmer advised it would correct the perceived mistake from the prior resolution.

In response to Mr. Vaughn's statement that it would admit a mistake was made in the original resolution and these employees were not entitled to a raise, Mr. Fulmer stated that was correct.

Mrs. Ferraro advised this raise was to assist the County in hiring individuals and was not a negotiated item, but was accepted by the Administration and the union. She further advised the employees at the top of pay scale were under the impression that everyone was going to get the raise, but the Administration indicated its intention was not to give the employees that "red circled" a raise.

Introduction of the Ordinance Authorizing the Lease of Office Space by the County of Northampton

Mrs. Ferraro stated Messrs. Kraft and Werner introduced the following ordinance. She further stated the public hearing, discussion and possible vote would be held at the August 6, 2015 meeting.

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".

Consideration of Article XIII Contract Approval Resolutions: a) Advantage Care Rehabilitation, Inc.; Gillan and Hartmann, Inc.

Mrs. Ferraro advised the Finance Committee met yesterday to review these Administrative Code Article XIII requests.

Advantage Care Rehabilitation, Inc.

Mrs. Ferraro introduced the following resolution:

R. 67-2015 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and

WHEREAS, on July 10, 2015, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract, in the estimated amount of $2,900,000 with Advantage Care Rehabilitation, Inc., for physical, occupational and speech therapy services for Gracedale Nursing Home for a term of 5 years.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation to approve a contract with Advantage Care Rehabilitation, Inc. for
physical, occupational and speech therapy services for Gracedale Nursing Home.

Mr. Werner stated this contract would not cost the County any money as the funding would come from Medicaid and Medicare programs.

Mr. Vaughn advised this vendor was going to provide post-discharge care that would help reduce the bounce back levels which would help Gracedale's bottom line and reimbursement rates. He further advised they were going to provide a specialist that would focus on Gracedale's Case Mix Index that would also help get a higher reimbursement rate.

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

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

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

Gillan and Hartmann, Inc.

Mrs. Ferraro introduced the following resolution:

R. 68-2015  WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and

WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness."
WHEREAS, on July 10, 2015, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution for additional expenditure for increased scope of work, totaling $278,100.00, with Gillan and Hartmann, Inc. for architectural and engineering services for the design, specification and construction administration for the Emergency Generator Project.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive to award a contract to Gillan and Hartmann, Inc. for additional expenditure for architectural and engineering services for the design, specification and construction administration for the Emergency Generator Project.

In answer to Mr. Kraft’s question as to whether they were going to be the construction manager, Mr. Rugis stated by State law they were not allowed to be the construction manager, but they would be assisting.

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

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

The resolution was adopted by a vote of 6-3.

Adjournment

Mr. McClure made a motion to adjourn the meeting.

Mr. Kraft seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council