Easton, Pennsylvania       June 4, 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. (via telephone);
Scott Parsons; Hayden Phillips; Seth Vaughn; Robert F.
Werner; Linda M. Zembo, Clerk to Council, and Philip D.
Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. Kraft made the following motion:

Be It Moved By the Northampton County Council that the
minutes of the May 21, 2015 meeting shall be approved.

Mr. Phillips seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

As no one signed up for Courtesy of the Floor, Mrs. Ferraro
asked if there was anyone from the public who wished to offer
comments.

There were no respondents.

Controller’s Report

Mr. Stephen Barron, Controller, passed out a copy of the
payroll audit report that was done in December 2012 (see
Attachment #1). He stated these audits have been done since
2009 when his office saw some issues and deficiencies within the
payroll system such as "ghost" employees or conflicts of interests with regard to employees and vendors.

Mr. Barron advised Procedures 3 and 4 looked at longevity payments and salary increases and were tests they were going to perform for the audit requested by County Council. He further advised the audit would be a little different because there were 14-16 exemptions given at the last meeting for which they recently received justifications.

Mr. Barron stated he would be looking for any differences between those two lists with these tests and follow-ups, noting some of the documentation provided was very good, but he had additional questions for some of them.

Mr. Barron advised he had been in contact with Mr. Luis Campos, Director of Administration, to ensure he could receive the necessary information from the Department of Human Resources. He further advised he also spoke to Mr. Ryan Durkin, County Solicitor, about some issues he had in getting documentation that previously was easily provided to him.

With regard to the Prime Care audit, Mr. Barron stated they met with officials at the Jail and they were on target to finish it up before the end of the quarter.

In answer to Mr. Phillips’ question as to whether the packet received today regarding the salary increases would be reviewed at the Personnel Committee meeting, Mr. Kraft advised he understood the County Executive would present each individual raise with its justification and then a vote would be taken on whether to approve it.

In response to Mr. Phillips’ statement that it would occur before the audit report, Mr. Barron indicated a lot of that information could be incorporated into the report. He commented he was going to ask his auditor to look at the results of Procedure 4, which was the one that looked at pay scales being out of alignment, first to determine if there were any additional exceptions before the Personnel Committee met.

County Executive’s Report

Mr. Brown stated he asked Mr. James Hunter, Director of Fiscal Affairs, to be present tonight to discuss the auditors’ adjustment to the 2014 financials.
Mr. Hunter advised the financial statements for 2014 have been distributed and the Comprehensive Annual Financial Report was being reviewed by the external auditors and should be completed by June 30, 2015.

Mr. Hunter stated the 2015 first quarter reports should be out by the end of June and the second quarter reports out by the end of July, which would put them back on schedule. He further stated the delay in the 2014 financials was caused by the external auditors' quality assurance team finding the County was accruing its personnel absences incorrectly on the General Fund balance statement, which was due to a change in County procedures in 2003 based on Governmental Accounting Standards Board 34 so for the last 12 years it was incorrect. He noted they audited the County for the past seven years without uncovering it.

Mr. Hunter advised there was a $5.5 million adjustment that resulted in a positive adjustment to the General Fund’s total fund balance. He further advised it was still out on the entity statement as a long term obligation, but the positive news was that money had to be readjusted and then put back into the General Fund’s total fund balance.

Public Hearing on the Ordinance Providing Term Limits for the Members of County Council

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Vaughn and Phillips at the meeting held on May 21, 2015.

AN ORDINANCE PROVIDING TERM LIMITS FOR MEMBERS OF COUNTY COUNCIL

WHEREAS, the Home Rule Charter does not address the issue of term limits for the members of County Council; and

WHEREAS, the Northampton County Council desires to set terms limits of three (3) four year terms for County Council members.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that a member of County Council shall not serve more than three (3) four-year terms in succession. The limitation imposed by this ordinance shall not apply to terms previously served by current members of County Council, who shall, for
purposes of this ordinance only, be deemed to be serving their first term.

Public Hearing

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

There were no respondents.

In answer to Mr. Kraft’s question as to whether a government study would have to be conducted to change the Home Rule Charter (Charter), Mr. Lauer stated in doing his research he found there was a Pennsylvania Supreme Court decision dealing with the City of Bethlehem that adopted term limits using an ordinance as opposed to changing their Charter that was enacted under a law similar to the County’s, which indicated it was alright to use an ordinance. He further stated even though an authority in Pennsylvania had decided it was lawful to use an ordinance, one could conclude that it would be safer to make a change to the Charter, which process could be started with an ordinance and then sent to the electorate.

Mr. McClure advised more recent cases especially for Counties with Home Rule form of government decided that if the Charter was going to be changed, a government study commission should be established. He further stated that could be debatable, but he felt this change should be taken to the people in the form of a referendum.

Mr. McClure advised when the Charter was adopted term limits were not conceived of so they were not made part of the final document. He further advised capping the term of the County legislators clearly changed the Charter and it should be put on the ballot for the people to decide.

Mr. Lauer stated when he was first asked the question his initial response was that a change would have to be made to the Charter and was surprised to find the Supreme Court decision to the contrary.

In response to Mr. Kraft’s remark that the City of Bethlehem was not a Home Rule city, Mr. Lauer advised there were those who said the entire structure of the City would have to be changed and given to the electorate, but the Supreme Court determined it could be done by ordinance.
In answer to Mr. Kraft’s comment that it was not an equal comparison, Mr. Lauer stated the City of Bethlehem was governed by a statute that was very similar to the statute that governed Home Rule. He further stated his opinion was it could be done, but agreed that all the cases that referred to fundamentally changing the Charter was something that should be given to the electorate so it was up to County Council.

Mr. Benol advised he would like the ordinance amended from “three (3) four-year terms in succession” to “three (3) four-year terms in total”.

Mrs. Ferraro stated she could support this on the State and Federal level, but on the local there were so few individuals who served more than two terms with many of them only serving one. She further stated for the amount of money received and time that had to be put into the position discouraged a lot of individuals from seeking office.

Mrs. Ferraro advised if they were trying to send an example to the State and Federal legislators, they were not going to listen because they had their large salaries, pensions and benefits to consider. She further advised that at this level, the voters have term limited members of County Council in the past.

Mr. Kraft agreed and commented if Mr. Vaughn wanted to term limit himself, he could do that.

Mr. Phillips stated when he ran for office he looked at what level could he get in where he could actually influence the greatest amount of good government. He further stated he was a limited government kind of person and wanted to make an example, but he also wanted to make it harder for people to use the position of incumbency to perpetuate their careers.

Mr. Phillips advised there was a real need for term limits and even though it was not a problem now, he felt it could become a problem. He further advised it was important to send a message to the State and Federal governments that the County believed in term limits.

Mr. Vaughn stated he agreed with Mr. Phillips and that was the reasoning behind this ordinance, noting it was not to affect anyone in particular. He further stated even though there was not a rampant problem of incumbency on County Council, this was an exercise in good government.
Mr. Benol made a motion to have the ordinance amended to read "three (3) four-year terms in succession" to "three (3) four-year terms in total".

Mr. Geissinger seconded the motion.

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

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

The motion failed by a vote of 4-5.

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

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

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

Voting Machines

In response to Mr. Werner's question as to whether the Administration could provide a figure as to how much was saved by the County moving the voting machines in house, Mr. Kraft advised it was too early to say.

Mr. Phillips stated Mr. Campos had indicated they should save half the amount it would pay to have someone from the outside move the machines.

Consideration of Contingency Account Transfer for the Purchase of Computer Equipment for the Staff of the County Council Office Resolution

Messrs. Geissinger and Kraft introduced the following resolution:

R. 50-2015 RESOLVED by the Northampton County Council that the sum of $3,000 shall be transferred from the 2015 Contingency Account No. 05000-76050 for the purchase of computer
equipment for the staff of the County Council Office.

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

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

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

Consideration of Rescheduled Meeting Resolution

Mrs. Ferraro advised at her request, a resolution was prepared to reschedule the meeting scheduled for June 18, 2015 to June 25, 2015 due to the fact that both the President and Vice President would not be able to attend and the potential for litigation regarding the pay raises was too important an issue not to have everyone present. She further advised they could call in, but it was not like being present especially when there were involved discussions.

Mrs. Ferraro introduced the following resolution:

WHEREAS, the 2015 June meetings of the Northampton County Council were previously scheduled for June 4, 2015 and June 18, 2015 (Resolution #117-2014).

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the June 18, 2015 meeting is cancelled and rescheduled for June 25, 2015. The meeting will begin at 6:30 p.m., prevailing time, and will be held in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania.

In answer to Mr. Kraft's question as to what was the pressing business that was taking both the President and Vice President from this meeting, Mrs. Ferraro stated they were both elected members of the Republican State Committee and she was in the Leadership of the Republican State Committee and had duties to perform in Philadelphia that evening.

When Mr. Kraft commented she was proposing moving the people's business back a week at a cost of approximately $300 for advertising and notification to attend a political meeting, Mrs. Ferraro advised she did not want to make this a political
issue and County Council could decide to do it or not.

Mr. Kraft remarked if anyone voted for this, they should just resign because there would be seven members present and the people’s business could be conducted without them.

Mrs. Ferraro stated the only reason she brought this up was because the issue of the pay raises was going to be on the agenda and the possibility of litigation could come as a result of it.

Mr. McClure stated he was astonished that Mrs. Ferraro would seek to delay the important business of the public for partisan political reasons.

In response to Mr. Geissinger's question as to whether this resolution was even necessary because it was up to the President to set the meetings, Mr. Lauer advised he did not have an answer.

Mr. McClure stated the meetings were set by a resolution so they had to be amended by a resolution.

Mr. Parsons advised he thought it would set a bad precedence.

In answer to Mr. Benol's question as to whom would run the meeting if this resolution was adopted, Mr. McClure stated there could be an election for a President Pro Temp.

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


The resolution failed by a vote of 1-6-2 abstentions.

Consideration of Resolution Amending Resolution No. 29-2015

Mrs. Ferraro advised due to the June 18, 2015 meeting not being rescheduled, this resolution was removed from the agenda.
Capital Projects and Operations Committee

In response to Mr. Vaughn's question as to whether the Capital Projects and Operations Committee had discussed the infrastructure needs of the Jail, Mr. Phillips stated they have been discussed, but not substantially.

Mr. Vaughn advised he heard there were some substantial issues and he did not think it was a good idea to keep kicking them down the road. He further advised he believed there were some studies done, but nothing ever came of them.

Gypsy Moths

Mr. Parsons stated he received a lot of complaints regarding gypsy moths and the damage they were doing to the Northern Tier. He further stated he contacted Mr. Gordon Heller, Parks - Department of Public Works and Mr. Stan Rugis, Director of the Department of Public Works.

Mr. Parsons advised he believed there was a meeting with the Forestry Department in June and asked Mr. Brown if he could have someone attend that meeting.

Capital Projects and Operations Committee Report

Mr. Phillips stated the Capital Projects and Operations Committee would be meeting on June 16, 2015, at 6:30 p.m., in the Tower One Conference Room at Gracedale to discuss the generator issue and to walk the area where they were going to be placed.

In answer to Mr. Phillips question as to when the performance audit for the Human Services Building was going to be done, Mr. Barron advised it was next week. He further advised they were meeting with Mr. Rugis to discuss some of the challenges with Facility Dude, but it was moving forward.

Mr. Benol stated he reached out to Mr. Heller to get the Louise Moore Park project back on the radar and he offered to provide a walk through for him and any other interested County Council member.
Mr. Phillips advised at the Capital Projects and Operations Committee meeting when Mr. Heller went through the whole project, it was decided it was going to be put on hold until a meeting could be held with the Administration.

Mr. Parsons stated a plan was engineered and went out for Request for Proposal at a cost of $77,000 that was then changed.

Jail Advisory Board Liaison Report

Mr. Kraft advised they were starting to fill Correction Officer positions, noting a class recently graduated from the Academy. He further advised they shortened the length of the Academy so they could fill positions quicker.

Mr. Kraft stated the Jail held a graduation ceremony for five individuals who received Easton High School diplomas.

Farmland Preservation Liaison Report

Mr. Parsons advised the Farmland Preservation Liaison met on Monday evening and there were approximately six farms that should complete the whole process by the end of August and presented to County Council. He further advised they were near the end of the program for 2015 and interviews have been made for interested farmers for 2016.

Adjournment

Mr. Geissinger made a motion to adjourn the meeting.

Mrs. Ferraro seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council