May 7, 2015

A regular meeting of the Northampton County Council was held on the above date with the following present: Margaret L. Ferraro, President (via telephone); 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

Mr. Geissinger 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. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the April 21, 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, Mr. Geissinger asked if there was anyone from the public who wished to offer comments.

There were no respondents.
County Executive’s Report

Mr. John A. Brown, County Executive, stated he wanted to congratulate Mr. Daniel Keen, Director of Corrections, who received the Pennsylvania Prison Wardens Association Thomas A. Fulmer Presidents Award. He further stated this award was established to honor members of the Pennsylvania Prison Wardens Association who went above and beyond to support the Association through their character, service and commitment.

Mr. Brown advised Mr. Robert Mateff, Director of Emergency Management Services, left his employment at Northampton County and accepted a position at the Pennsylvania Emergency Management Agency. He wished him well and looked forward to expanding the County’s relationship with him at the State level. He further advised Mr. Todd Weaver, Deputy Director for Systems Management, was named Acting Director of Emergency Management Services until a permanent candidate was selected.

Mr. Brown stated the strategic plan that was created when he came into office and was systematically and methodically being executed would be the foundation for the 2016 budget. He further stated the general objectives were to operate County government in a cost effective way, ensure efficient delivery of its services both internally and externally, keep tax rates as low as possible without sacrificing core operations, grow the economy and strengthen communities.

Mr. Brown advised some of the challenges the County faced were the culture of status quo, expenses versus revenues, General Fund insufficiency, structural spending habits, inefficient business processes, a robust benefit structure, infrastructure maintenance, strong working relationships with employees and unions and establishing a culture that embraced change.

Mr. Brown stated they were reviewing departments for operational improvements, current purchasing and vendor contracts, organizational structure, use of technology, the benefits structure and all insurance programs for potential savings. He further stated the County’s expenses continue to climb while its revenues from taxes remained relatively flat.

Mr. Brown advised there were some long term issues that had to be addressed such as the payoff of the Swaption balance of approximately $7 million and the implication of the Affordable Care Act Cadillac tax, which could be $9.4 million in 2018. Mr.
Brown stated there was also the potential purchase of the Human Services Building, which at this time would be $14.5 million and recommended capital projects at Gracedale of $15 million. He further stated they also had to look at bridges, parking deck, coroner’s building and needs at the Jail.

Mr. Brown advised the tax increase last year was going to a committed fund so it did not support the County’s operation, but would aid in its long term stability. He further advised historically the County averaged using approximately $15.7 million from the General Fund to balance the annual budget.

Mr. Brown stated the County pension and other post-employment benefits continued to climb. He further stated health care, dental and prescription costs increased on average of approximately $1.5 million per year for the same membership. He noted in 2014, they took action to change the plan for 2015, but would not immediately know the complete impact of that change.

Mr. Brown advised they continued to maximize Gracedale’s operation the best they could, but employee costs continued to increase annually at approximately $1.5 million per year. He further advised last year, it had an operating loss of approximately $6.7 million and they were forecasting that to double in the next several years.

Mr. Brown stated with the implementation of the strategic plan, $17 million was returned to the General Fund. He further stated there was $9.4 million less revenue in 2015 than 2014, but their target again this year was to achieve revenue mutual results.

Mr. McClure advised he learned some individuals were not able to have life-saving medication prescriptions filled at the reduced cost under the current health care contract so he wondered if there was an appeal process available.

Mr. Brown stated the staff in the Department of Human Resources would be able to assist the employees in bringing their issues to the health care provider. He further stated he would notify the employees to let them know whom they could contact.
Discussion Regarding the Authority of Salary Increases for Certain Positions

Mr. Geissinger advised at the last meeting, a discussion was held with regard to the County Executive granting salary increases to certain individuals and he was requested to provide the authority that allowed him to do that.

Mr. Geissinger stated Mr. Gerald Seyfried, former County Council member and County Executive, was asked to speak tonight due to his knowledge of the history regarding this issue.

Mr. Seyfried advised if he had seen Mr. Lauer’s legal opinion before tonight, half of what he was going to say would have been unnecessary, however, he would reinforce it noting it was similar to previous ones that were acted upon.

Mr. Seyfried read his prepared statement regarding the issue of pay raises for exempt and non-exempt employees (see Attachment #1).

In answer to Mr. Benol’s question as to how this issue could be resolved, Mr. Seyfried stated he would suggest discussing it at a committee meeting of their choice or have several members meet with the Administration. He further stated a harder approach would be a lawsuit, but everyone looked silly when one branch of government sued another.

Mr. Seyfried advised they previously sat down with the County Solicitor and the County Council Solicitor at that time and went through the Personnel Policy and Procedures Manual (Manual) and cited things they felt usurped the powers of County Council. He further advised the County Solicitor concurred there were numerous violations and agreed to have them reviewed.

Mr. Seyfried stated the Administration not only looked at the Career Service Regulations (Regulations), but rewrote them and the Personnel Commission agreed to look at the Manual to decide if any of them should be regulations and not polices or procedures, but no one ever provided it to them. He further stated if any of the policies and procedures were found to be in violation of the Regulations, they should be rewritten.

Mr. Seyfried advised he understood the Administration indicated that due to something written in the Manual, they had a right to grant raises to employees as they saw fit, but he took exception to that. He further advised giving 20% increases
without coming to County Council or any justification was inexcusable and should not be accepted.

Mr. Seyfried stated according to the Home Rule Charter (Charter), County Council could correct this by not funding the positions, but they should not have to do that.

Mr. Benol advised he contacted Ms. Marna Hayden, who was the Chair of the Personnel Commission at the time, and she indicated the Personnel Commission had not met since they approved the 2011 Regulations, but she was supportive of what Mr. Seyfried said. He further advised she indicated they were willing to review the Regulations and Manual, but would only interject themselves if they were called upon.

Mr. McClure asked Mr. Benol what specific issue he was referring to because at the last meeting, County Council was quoted a provision in the Manual that indicated the County Executive had the authority to grant raises for exceptional circumstances.

Mr. Benol stated originally the issue started at the last meeting because there was some confusion as to what documents took precedence. He further stated this issue was not new, but history was repeating itself and that concerned him so he felt it was time to have the issue resolved once and for all.

In response to Mr. McClure's question as to whether the provision regarding the ability for the County Executive to grant exceptions was the one he was talking about bringing to the Personnel Commission, Mr. Benol advised he would recommend having them review the Manual and the Regulations that were adopted in 2011.

In answer to Mr. McClure's question as to whether the exception provision wherein the County Executive had the ability to give these raises without coming to County Council was the law of the County, Mr. Seyfried replied absolutely not.

Mr. Seyfried stated with the information their Solicitor gave them, County Council was in the position to do what was necessary to make the Regulations and Manual work. He further stated if they wanted his assistance, he would be willing to meet with them.
Mr. Seyfried compared the Charter, the Pennsylvania Constitution, the Administrative Code and the Regulations that were all fairly thin to the relatively large Manual. He remarked the Manual was written by a bureaucrat that had nothing better to do and, in his opinion, could be condensed and brought in line with the Regulations.

Mr. Parsons advised Mr. Seyfried’s knowledge and background was second to none and he strongly urged County Council follow up with his suggestions. He further advised he did not want to go to court over this, but he believed the majority of County Council did think the County Executive overstepped his boundaries.

Mr. Parsons stated if the Administration would have brought a request for the raises to County Council, most of them would have been granted. He further stated he would like to make a motion to set up a committee to see if the County Executive was willing to discuss this issue.

Mr. Geissinger advised he would like to know if there were any other questions for Mr. Seyfried and to hear from Mr. Lauer before any motion was considered.

In answer to Mr. Kraft’s question as to whether he knew of the cited provision being in the Manual, Mr. Seyfried stated he cited approximately 30 violations at the time and that could have been one of them. He then read from the ordinance adopted in 2008, "WHEREAS, Northampton County Council has determined that the Employee Policies Manual now contains provisions which regulate behavior of Northampton County employees without such regulations having received a recommendation of the Northampton County Personnel Commission or the subsequent approval, rejection or amendment by Northampton County Council as is required under Section 1.8.805 (a)(b)(c) (348 PA. Code 1.8-805(a)(b)(c)) of the Northampton County Home Rule Charter."

In response to Mr. Kraft’s comment that the Manual provision that was recently cited was not valid because it was not voted on, Mr. Seyfried advised it did not have to be voted on and the County Executive did have the right to change it.

Mr. Lauer stated this started when his predecessor took the position that there was a lot of confusion as to what was a policy or a regulation because if it was a regulation, County Council had control over it and if not, they did not. He further stated based on that recommendation, County Council
adopted an ordinance that essentially provided all policies, procedures and regulations were to be submitted to the Personnel Commission for their determination and recommendations.

Mr. Lauer advised the County Executive objected to that and filed a lawsuit, which pointed out that there were a lot of problems with that kind of litigation including the fact that if these policies and procedures were all inappropriate in some way it could affect contracts and other government regulations, as well as many other things so the parties all decided to put together an agreement. He further advised an Order of Court was issued that approved that agreement.

Mr. Lauer stated #4 of the Order of Court reads "In the event the County Executive issues any future personnel policy or procedure which Northampton County Council considers to have the status of a career service regulation, the County Executive shall submit the policy or procedure in question to the Personnel Commission for its review and recommendation as to whether or not the personnel policy or procedure in question constitutes a career service regulation requiring the formal approval of County Council by adoption of a Resolution pursuant to and in accordance with Article VIII, Section 805(c) of the Northampton County Home Rule Charter."

Mr. Lauer advised back in 2009, before the approval of the recent version of the Regulations, there was an agreement to a procedure to resolve it. He further advised County Council may want to pass a resolution indicating they considered a certain personnel policy or procedure to have the status of a Regulation and then the County Executive would be required to submit it to the Personnel Commission for their decision.

Mr. Lauer stated he and Mr. Ryan Durkin, County Solicitor, already had two conversations about this very topic and they did not entirely agree on some things, but he felt there was desire to meet further to try and bring about a resolution if that was something County Council wanted them to do.

In answer to Mr. Geissinger’s comment that he believed that was Mr. Parsons’ motion, Mr. Parsons advised he would also want members of County Council and the Administration involved.

Mr. Geissinger stated, and Mr. Parsons agreed, his motion was for County Council to allow the two Solicitors to work along with members of County Council, to be duly named, and members of the Executive branch to resolve these issues.
Mr. Benol seconded the motion.

In response to Mr. Phillips’ request to have pointed out the specific issue that was going to be addressed, Mr. Parsons advised it was to finish what was started years ago, as well as the current issue.

Mr. McClure stated he commended Mr. Parsons for his desire to bring a solution to a difficult problem, but the fact remained County Council was confronted with raises where there was no basis in law to grant and that money was being paid and would continue to be paid until the issue was resolved, noting they did not even know how many were granted.

Mr. Parsons advised he felt that should be dealt with separately.

Mr. Benol stated the reason this issue was being discussed was because one solicitor felt it was legal and the other did not and that was because the issue was never resolved. He further stated Mr. McClure was right, County Council did not know how many people received raises so he asked if an amendment should be made to the motion to include the number of people and their starting and current salaries.

Mr. Benol advised he would like both solicitors to present a temporary solution to the raises these individuals received at the next meeting.

Mr. McClure stated there was no question that these raises were illegal and no arguments could be made that they were.

Mr. Seyfried advised most of this occurred with prior Administrations, except for the salary issue being discussed, and they never followed through with what they were supposed to do. He further advised even if the Administration did not know the procedure, the individuals working in the Department of Human Resources knew.

Mr. Geissinger stated the motion was to allow the solicitors and not yet named members of County Council and the Administration to review these issues to bring some conformity between the Charter and the other documents into accord with the decision issued in 2009.

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

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

Mr. Parsons advised a month ago, he asked the County Executive for a list of all the individuals who received raises, but had not received it so it was unknown how many people were involved. He further advised Mr. Werner made a similar request at the beginning of the year and the only information received was from a news article in the paper.

Mr. Parsons made a motion that the pay raises granted to whomever and all be suspended until a final determination was made as to whether they should have been granted.

Mr. McClure seconded the motion.

In answer to Mr. Geissinger's question as to whether this action could be taken, Mr. Lauer stated County Council was in control of the pay plan and they could take whatever action they chose to take, but the issue was how they could do that without knowing the number and amount of salary increases were questionably given.

In response to Mr. Benol's question as to how long it would take to put the list together, Mr. Brown advised the Administration would not comment on this until County Council completed their discussion.

Mr. Benol stated he was going to support the motion, but he felt it could have included a time frame so he did not know where County Council should go from here.

When Mr. Geissinger commented he believed legally County Council could not do anything other than cap things where they were, Mr. McClure added anyone who received a raise based on the phantom provision that was quoted at the last meeting would be subject to the motion.

Mr. Lauer advised if County Council were to do it the way Mr. McClure suggested then the burden would be on the Department of Human Resources or the Administration to determine which recipients would be affected.
Mr. Werner stated County Council had been asking for this information for months and he felt the comment the Administration would get back to them was not an adequate answer because County Council had the right to have that information.

Mr. Phillips agreed with Mr. Werner and found Mr. Brown's comment very upsetting because it appeared the Administration had this data, but was not going to release it until County Council determined how it was going to move forward. Additionally, he felt that was not very transparent and County Council should proceed on the information it had.

Mr. Phillips advised he would like to amend the motion to name the people that County Council knew received the raises.

Mr. Kraft seconded the amendment to the motion even if County Council had to go into Executive Session to name them.

Mr. McClure stated these were public salaries and were not a secret so they did not have to go to Executive Session.

In answer to Mr. Benol's question as to what were the legal ramifications if these individuals were named, Mr. Lauer advised he did not have a ready-made opinion on how transparent County Council could be, noting anyone could sue for any reason. He further advised if it was a concern, he would suggest going into Executive Session, but all this information was already made public.

Mr. Parsons stated he wanted to know if they would have to do a Right to Know request on all pay because the County Executive was not providing this information. He further stated he was trying to work with the County Executive, but he already indicated he was not going to furnish the information.

Mr. Durkin advised removing pay from individuals potentially opened the County to liability under a number of statutes so before County Council passed this motion, they should look into whether it was legal. He further advised he and Mr. Lauer were looking into a number of issues and could add this one.

When Mr. Parsons stated County Council was not looking to take all their pay away, just the increases, Mr. Geissinger responded the employees could have legal rights to the increases.
Mr. Kraft advised his concern was how the money would be paid back if they were found to be illegal and if they were found to be legal, they would get the money retroactively. He further advised County Council had the right to not fund a position so it could be eliminated tonight. He added he did not know why they were having this discussion because something was done wrong and it had to be rectified now not several months down the road.

Mr. Durkin stated Mr. Lauer was correct when he said anyone could sue for any reason and if this was done, it would open the County to lawsuits.

Mr. McClure advised Mr. Durkin’s advice thus far was not just suspect, but wrong because two weeks ago, he cited a provision that was not law in Northampton County.

When Mr. Durkin replied that was his opinion, Mr. McClure stated it was a statement of fact that he did not do his research.

Mr. Geissinger stated Mr. Lauer was hired by County Council to provide his legal opinion and Mr. Durkin was hired by the County Executive and the electorate put County Council in office to make the right decision.

Mr. Werner advised this situation was not created by County Council, but by an action that was taken unilaterally by the County Executive.

Mr. Geissinger stated he did not know if County Council should take action to suspend something when they did not know what the ramifications would be.

Mrs. Ferraro advised the increases that were publicized should be held back and in two weeks if a list of the others was not provided, County Council should consider using its subpoena power.

In answer to Mr. Parsons’ question as to whether County Council had the right to suspend the increases, Mr. Lauer stated he did not see anything wrong with County Council suspending the increases they believed were inappropriately granted pending further discussions between the various parties.

In response to Mr. Parsons’ question as to whether the motion should include Mr. Phillip’s request to name the
individuals, Mr. Geissinger advised he would like to err on the side of caution and hold off naming the individuals until the issue of legality could be determined.

Mr. McClure suggested the previous motions be withdrawn and a motion be made indicating it was County Council's intention to suspend the raises so everyone could go on record as to whether they want to do that or not and then in two weeks come back with a resolution or ordinance putting forth actions County Council would be taken that were appropriate and within its power. In addition, if the County Executive did not provide the requested list of who received the increases, County Council could start discussing their subpoena powers.

Mr. Parsons stated he felt that would allow these individuals, who may not be entitled to these increases, to receive them for two more weeks and they have been waiting since the first of the year for the list.

In answer to Mr. Benol's question as to whether he believed County Council would be able to have the list in two weeks, Mr. Lauer answered he could not say because he did not have that information.

When Mr. Geissinger asked if there was a second to Mr. Phillips' amendment to name the individuals, Mr. Werner indicated he would second it.

As there were no further questions or comments, Mr. Geissinger called for the vote on the amendment to the motion.

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

The motion passed by a vote of 6-3.

In response to Mr. Vaughn's question as to whether the motion was to suspend the increases of the named individuals and how it was going to be determined if it was legal or illegal, Mr. Geissinger stated the two solicitors were going to debate it.

Mr. Lauer advised he already gave his opinion regarding the legality of the increases and after doing more research, it was even stronger than before.
Mr. McClure stated County Council could express its opinion tonight in a motion, but for the suspension of the salary increases to be effective legally it should be presented in writing.

Mr. Parsons advised he believed his motion and Mr. Phillips' amendment would have to wait because the names had not been provided.

Mr. McClure stated he was going to vote for his motion because it provided County Council's intent.

Mr. Geissinger advised the motion was to indicate that County Council wished to have the increases suspended with names indicated and that it would be readdressed in writing at the next meeting.

As there were no further questions or comments, Mr. Geissinger called for the vote.

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

The motion passed by a vote of 9-0.

Mr. Benol stated in his conversation with Ms. Hayden, it was indicated the Personnel Commission was waiting for something to be brought before them so he would like them to be called upon to compare the Manual with the Regulations for their conclusions and recommendations. He further stated as he did not see a County Council liaison to the Personnel Commission, he wanted to offer his services.

Discussion Regarding the Budget and the Clerical Salary Increases

Mr. Geissinger advised at the last meeting, a discussion was held as to whether the $307,000 for the County's clerical staff increase was in the 2015 budget and did not occur due to vacancies. He further advised the Administration was asked to provide the information as to where it was located in the budget.

Mr. Brown stated the changes that were recommended and County Council approved were contemplated in the 2015 budget,
but there was not a specific line item because they occurred in several divisions. He further stated this was a recommendation based on efficiencies that would be gained and by certain positions not being filled at all because of the salary structure. He noted they started their evaluation process last February and it took this amount of time to get approval from the unions.

Mr. Phillips read part of the minutes from the meeting of April 16, 2015:

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

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

In response to Mr. Phillips’ question as to whether he disagreed with Mr. Hunter’s assumption, Mr. Brown advised they were contemplated in the budget, but there was not a specific line item.

Mr. Kraft stated when Mr. Brown presented his budget, it had an illegal $20 million line of credit because he said the County was going to spend all of its money and was going to be broke. He further stated four months later, without a word about it during the budget process, this proposal was brought to County Council so he did not believe it was in the budget and that he was covering for someone who previously indicated it was in the budget.

Mr. Brown advised that Mr. Kraft’s comments about the line of credit were not accurate and they did contemplate being able to do this and it was planned for quite some time. He further advised the performance to that budget was critical and they would perform to that budget.

In answer to Mr. Werner’s question as to how they anticipated it, Mr. Brown stated by systematically evaluating the open positions within the various divisions and the challenges that occurred to fill them. He further stated they thought they would be able to bring this forth the latter part of 2014, but that turned out not to be possible.
In response to Mr. Werner's question as to whether some of the raises came into play before he had consideration of the budget, Mr. Brown replied he did not understand the question.

When Mr. Werner commented there were raises given to individuals before, Mr. Brown interrupted and said he was addressing the matter of the $307,000.

When Mr. Werner advised in 2014, some things were done before the budget was completed so he wanted to know how he anticipated that, Mr. Brown answered he did not understand the question.

Mr. Werner stated two individuals were given raises in 2014, which was not in the budget, so he asked how that was anticipated.

Mr. Brown advised there were monies available in the current budget to do it.

Mr. Werner advised Ms. Cathy Allen, Deputy Director of Administration, said a few times to Mr. Phillips that there was money in the budget and that raises were not taken out of the funds that were saved by not filling positions.

In answer to Mr. Werner's question as to whether the 2% Mr. Doran Hamann, Budget Administrator, built into the budget program used, Mr. Brown stated he was referring to specific dollars so he could not answer.

In response to Mr. Werner's question as to whether the 2% that Mr. Hamann built into the budget for part of these raises, Mr. Brown replied he could not answer that specifically and the 2% was not included in this year's budget.

In answer to Mr. Werner's comment that he specifically stated there was no money in the budget for raises, Mr. Brown advised the 2015 budget had zero salary increases other than those they were contractually obligated to pay. He further advised most employees received a 3% Cost of Living Allowance increase based on their contracts.

Mr. Werner stated while Mr. Brown was on WDIY 88, he said he was proud of the fact that if job descriptions were not filled out correctly or reasonable justifications given, he did not sign off on them and then asked if that was correct.
Mr. Brown advised he would have to go back and listen to it, but he believed he was referring to when a replacement request came to his desk, he did not sign them until he talked to the department head for justification and that was how the clerical staffing issues came to light.

Mr. Werner stated the Charter indicated there must be written submissions when request for raises were given to the Department of Human Resources, but County Council had not received anything so he questioned why not.

In response to Mr. Brown's statement that he was not sure what Mr. Werner was asking, he answered by asking why County Council was not given any information pertaining to the raises that were being questioned.

Mr. Brown advised he was not going to comment on that matter because he believed there was action already being taken on it.

In answer to Mr. Werner’s question as to how many exit interviews were conducted and on file since the numerous employees left the County, Mr. Brown stated he would have to research the issue.

Mr. Parsons advised when the 2015 budget was presented, Mr. Brown told County Council the only personnel raises were those the County was contractually obligated to pay. He further advised somewhere along the line he misspoke because either it was there or it was not, but, at this point, it did not matter because County Council approved the raises and they were going to the employees that deserved them.

Mr. McClure stated he was also not concerned because it was the right thing to do, but the money came from fund balances. He further stated Mr. Phillips' contention was that if this was being planned all along, as was asserted, then it should have been presented with the budget because it was the kind of information County Council should have before it voted on it.

Mr. McClure advised a message was given to the public that the County was going to hold the line on jobs and keep expenses under control by freezing salaries, but apparently that was not true because these raises were anticipated as far back as 2014 before the budget process began.

Mr. Brown stated he had been clear since he came into
office that this was the methodology he would be using as part of his evaluation of all positions and recommended changes. He further stated unfortunately, the exact timing for some of these could not be anticipated and he would have brought them forth sooner if he could have.

Mr. Brown advised the monies for these increases were in the 2015 budget, but there was not a specific line item for them. He further advised the evaluation process yielded efficiency gains operationally to support it, but if County Council did not want to continue down that path, they could always take different actions.

Discussion Regarding the Bridge Bundling Program

Mr. Geissinger stated at the last meeting, Mr. Werner asked that certain individuals be in attendance to report on the Bridge Bundling Program, however, they were not present so he asked this item be placed on this agenda.

Mr. Werner advised he noticed there were no individuals available to discuss the program again unless someone from the Administration wanted to speak on the issue.

Mr. Brown stated the Bridge Bundling Program was discussed extensively at the Capital Projects and Operations Committee meeting. He further stated the request to have individuals present tonight was received on Monday, which was very short notice and it did not specify what was to be discussed.

Mr. Brown advised he would recommend Mr. Phillips, as Chair of the Capital Projects and Operations Committee, provide the forum for this discussion where there would be time to fully examine the issue and the Administration would be more than happy to have the necessary individuals present.

Mr. Werner stated he respectively listened to Mr. Brown, but he did not accept his explanation because he asked for public knowledge about what was going on with the program as it could result in millions of dollars for the County.

Mr. Brown advised the committee meetings were public and on video and that was where there would be ample time to discuss it. He further advised they found through the committee process, they could provide the robust information that he was seeking.
Mr. Werner stated the robust information was not provided at the last meeting, in fact, Ms. Allen refused to answer questions and would not go to the podium to talk to him so he asked if he felt that showed insubordination.

Mr. Werner advised the reason he was upset was because this program started at least a year and a half ago. He further advised Mr. Brown gave praise to the former Director of Public Works while he later learned that nothing was done except during the past few weeks.

Mr. Brown stated there were a lot of aspects to this program and he believed Mr. Werner was questioning why the County was not in it and his response was if it could be in it, it would be and they were taking action to do what they could to find any money they could. He further stated he believed the information that was provided at the committee meeting was robust.

Mr. Brown advised it was communicated twice to Mr. Werner that the Administration would not be prepared to discuss this issue at that last meeting and a committee meeting would be the appropriate forum to discuss it. He further advised he gave very specific instructions that they were not prepared and for his staff not to comment on it and refer it to the committee meeting.

When Mr. Brown stated it was not meant to be disrespectful, but recognizing the amount of information Mr. Werner was asking for and the ability to prepare for it, he decided it would not work in the time frame that he wanted, noting five days later the information was conveyed to him. He further stated if he wanted further information, they would be glad to provide it to him.

Mr. Phillips advised they did receive a lot of information at the committee meeting, but for a while before that, Mr. Werner had expressed his concern that this was a large enough issue that he wanted to have all the members of County Council addressed and he agreed and that as a member of County Council, he had the right to request anyone to address County Council. He noted he felt it was insulting that these individuals could not address County Council as a whole and that the Administration was given ample time to prepare.

When Mr. Brown was commenting that after they received the first request, it was communicated they would not have the time
to prepare in depth what was being requested and the committee meeting set up was intended to provide an in depth report, Mr. Werner interrupted and stated he was not going to let him continue because he called a week in advance and spoke with Ms. Allen to arrange to have these individuals present at the County Council meeting and she never contacted them.

Mr. Werner advised when he called them and asked them if they knew where the meeting was, he was informed they were never contacted so that and the fact that Ms. Allen would not respond to him was upsetting to him.

Mr. Brown stated it was his discretion to make the decisions as to what his staff could or could not support and while they tried to be accommodating to County Council as much as possible, they had multiple members making requests and demands of the staff at any given time.

Controller’s Request to be Placed on the Agenda

Mr. Vaughn advised recently Mr. Stephen Barron, Controller, had requested to be placed on the agenda and he felt it was a good idea so he could provide an update on what his office was doing.

Mr. Vaughn made a motion to allow the Controller time to speak on the agenda.

Mr. McClure seconded the motion.

Mr. Benol stated Mr. Barron made the request and it was important for County Council and the taxpayers to know what his office was doing.

Mr. Geissinger advised he felt if Mr. Barron wanted to be on the agenda, as Chair of the Finance Committee, he had no objections.

Mr. Parsons stated he felt all the department heads should attend the County Council meetings because if there were any questions, they would be able to address them.

Ms. Ferraro advised they may be setting a precedent for other officials to be put on the agenda and opening the meeting up for politicized speeches. She further advised Mr. Barron had every right to speak under Courtesy of the Floor, which he had
previously done.

As there were no further questions or comments, Mr. Geissinger called for the vote.

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

The motion passed by a vote of 7-2.

Mr. Barron stated he would only comment on things he felt may be of value to their agenda.

County Solicitor Office

Mr. Parsons stated he had asked Mr. Durkin to provide a quarterly update on all pending litigation as was requested of his predecessor so he wanted to know when that could be expected.

Mr. Brown advised that office was experiencing some changes, but they would be providing the information as requested.

In response to Mr. Parsons' question as to whether his office missed a hearing, Mr. Durkin stated they had missed the notification, but the issue was immediately rectified without a lengthy delay.

Mr. Parsons commented that maybe the issue would not have occurred if there had been a full time solicitor in the office.

Personnel Policies and Procedures Committee Formation

With regard to the formation of a committee to discuss the issues pertaining to the personnel policies and procedures, Mr. Lauer asked who would be the contact person for County Council.

After asking Mrs. Ferraro, Mr. Geissinger indicated that she would be the contact person.
Recommendation for Director of Public Works

Mr. Benol advised he would like to request the County Executive to consider Mr. Rugis for the position of Director of Public Works as he had proven himself a worthy candidate.

Mr. Geissinger stated he wanted the record to show that Mr. Benol, along with other members of County Council, would support the appointment of Mr. Rugis.

Introduction of an Ordinance Providing for the Conveyance of Easements From Private Property Owners to Northampton County Along Sycamore Drive in the Township of Lehigh to Accomplish the Replacement and Repair of County Bridge 198 Over Indian Creek

Mr. Geissinger advised in order to replace and repair County Bridge 198 over Indian Creek in Lehigh Township, certain conveyance had to be obtained so in an effort to not delay the process, the Administration was asking County Council to approve these conveyances without obtaining sealed appraisals.

Messrs. Geissinger and Phillips introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF EASEMENTS FROM PRIVATE PROPERTY OWNERS TO NORTHAMPTON COUNTY ALONG SYCAMORE DRIVE IN THE TOWNSHIP OF LEHIGH TO ACCOMPLISH THE REPLACEMENT AND REPAIR OF COUNTY BRIDGE 198 OVER INDIAN CREEK

WHEREAS, Northampton County wishes to replace County Bridge 198, along Sycamore Drive over Indian Creek located in the Township of Lehigh; and

WHEREAS, to accomplish said replacement, Northampton County necessitates certain temporary and permanent easements upon the properties of the following record owners:
WHEREAS, such record owners have each voluntarily and of their own free will endorsed the appropriate deed of easement agreements granting the necessary easement rights to Northampton County; and

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

WHEREAS, the Northampton County Administrative Code Section 13.15 provides that:

a. The County Executive has the authority to execute or cause to be executed on behalf of the County all deeds and contracts for the purchase, sale, or lease of real estate, subject to the procedures set forth in this article.

b. Sealed Appraisals. The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers. This requirement may be waived by the County Executive and approved by the Northampton County Council, by resolution, where it can be demonstrated that:

1. The costs of the appraisals are likely to exceed the value of the properties or project to which the appraisals pertain;

2. The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise deemed unnecessary;
4. Other compelling reasons exist to waive the appraisals for example, "time is of the essence" to complete the sale, lease or purchase, and a reasonable statement of value is available.

5. In any of circumstances set forth in sections 13.15 b.1., 2., 3. or 4., County Council shall approve, by resolution, the County Executive proceeding without two sealed appraisals.

c. Purchase/Sale/Lease of Real Estate

(1) The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease.

(2) In presenting a proposal or a contract to purchase/sell/lease real estate to County Council for approval the County Executive shall make public the two sealed appraisals received by the County.

WHEREAS, each of the above-referenced record owners of the encumbered properties have agreed to grant the required easement rights to Northampton County in exchange for nominal consideration of a "dollar deed," and it is not necessary or appropriate for Northampton County to incur the delay and expense of obtaining sealed appraisals.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED that the County Executive shall enter into "dollar deeds" with the various property owners without obtaining sealed appraisals to avert any delays in replacing County Bridge 198, along Sycamore Drive over Indian Creek located in the Township of Lehigh.

Personnel Appeals Board Meetings

Mr. Parsons stated it came to his attention the Personnel Appeals Board did not have a set date for its meetings and there
have been issues with getting all the members to agree on a date.

When Mr. McClure commented it would be up to the Administration to resolve the issue, Mr. Brown advised he would look into the matter.

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., at Gracedale as there have been various issues with the generator project, a tour would be taken where the new generators are going to be installed. He further stated they would then convene in the conference room to get an in depth report from the engineers.

Open Space Advisory Board Liaison Report

Mr. Parsons advised the Open Space Advisory Board met to consider several municipal park projects that would be presented to County Council for approval.

Mr. Parsons stated he would be attending the Pennsylvania Land Trust Association Conference and Northampton County would be receiving a Local Government Conservation Leadership Award for what it had done conservation wise during the last few years.

Airport Authority Liaison Report

Mr. Geissinger advised at the Airport Authority meeting, they were advised of some structural issues at Braden Airpark and they were working in good faith to rectify them.

Council Clerk's Report

Mrs. Zembo stated the County Council picture would be taken before the next meeting.
Adjournment

Mr. Kraft made a motion to adjourn the meeting.

Mr. Geissinger seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council