Easton, Pennsylvania

September 3, 2015

A regular meeting of the Northampton County Council was held on the above date with the following present: Margaret L. Ferraro, 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. Absent was Glenn A. Geissinger, Vice-President.

Prayer

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

Pledge of Allegiance

Members of Cub Scout Pack 50 and Boy Scout Troop 33 led County Council in the pledge of allegiance.

Presentation of Proclamations

Mr. Parsons presented the members of Cub Scout Pack 50 and Boy Scout Troop 33 with proclamations for the work they did in bringing the Vietnam Traveling Wall Memorial to Moore Township.

Mr. Parsons stated he served in the Armed Forces during this era so it was very emotional for him as he imagined for many of the individuals who also served during that time. He further stated he visited the memorial, which was something he would never forget, and thanked them for what they did.

Cubmaster James Trapp advised they felt it was important for these boys to see the Vietnam Traveling Wall Memorial, which was the largest traveling wall. He further advised it was brought to Moore Township due to the work these boys did and he wanted to thank everyone for the support they received.

Mr. Trapp stated he was really proud of these boys for what they accomplished. He further stated it was a life changing experience for them and as they were the future Veterans it was important for them to see and honor the past.
Approval of the Minutes

Mr. McClure made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 20, 2015 meeting shall be approved.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Randy Uhler, Nazareth, PA - advised he wanted to clarify some statements he made at the first meeting in August. He reiterated he believed Premier Healthcare Resources and Mr. Millard Freeman were not good for Gracedale and it should go back under County control.

Mr. Uhler stated the food provider contract should not have been renewed not because of the quality of food served visitors in the cafeteria, but the food served to the residents. He further stated residents with dementia had difficulty filling out the menus and there was not a lot of assistance provided. He also felt the manager could do whatever she wanted to do so he would keep fighting that contract.

Mr. Uhler stated the nursing care was good. He further stated someone mentioned he should go to the care plan meetings and he wanted to say he went to every meeting, but they did not solve all the problems nor answered all the questions so he felt they were nonproductive.

Mr. Uhler advised the new pharmacy contract seemed to be working out okay, but he felt the Genesis contract should have been renewed. He further advised even though the new company was keeping some of the therapists, but he did not think the County was not getting the most for their money.

Mr. Uhler stated he did not like the ways things were being run and sometimes outsourcing was not always a good thing. He further stated the Gracedale Advisory Board did not have the power to change anything so that was why he was bringing things to County Council.
Mr. Werner suggested that he attend the Gracedale Advisory Board meetings because it was made up from people from the community and represented people that have been working at Gracedale for many years.

Mr. McClure suggested he keep coming to County Council to inform them of what he thought.

Mr. Uhler thanked him and Mr. Kraft for their support even though their views differed. He advised Mr. Freeman indicated how fast he got people into Gracedale, but that was not working, noting it was two and half years and they were just getting his mother's stuff straightened out. He further advised Cedarbrook was doing good things so the County had to look at the long term and come up with a plan.

Mr. Vaughn stated he was the Chair of the Human Services Committee that met once a month where they discussed things that were going on at Gracedale and he suggested Mr. Uhler come to it and see if things could be done about his concerns.

In answer to Mr. Werner's question as to what he knew about the generators, Mr. Uhler advised he did not know a lot, but it had been a problem for a long time and should have been resolved.

Mr. Werner stated Gracedale was running more efficiently than it had in the past and the generator project was moving forward.

Mr. Uhler advised he sent a letter in September of last year regarding Gracedale and the County not giving money to Braden Airpark because Gracedale needed the money. He further advised the Airport Authority was another issue he could go on and on about.

Presentation of the Gracedale Generator Project

Mr. Stan Rugis, Director of Public Works, stated the design drawings were 50% complete that also encompassed architectural and site civil. He further stated by the beginning of October they should have construction drawings to go out for bid.

Mr. Phillips asked if he planned to have milestone schedules that would let everyone know where they were and where they were going to be at a certain time.
Mr. Rugis advised at the Capital Projects and Operations Committee meeting to be held on September 10th, he would be able to present timelines and obtainable milestones would be discussed.

Controller’s Report

Mr. Stephen Barron, Controller, stated the vacant position in his office had been filled and Mr. Gary Krall, who was a Certified Management Accountant, was doing very well.

Mr. Barron advised Mr. Paul Muschick, a reporter for the Morning Call, did an article regarding the photographing of open records in certain offices. He further advised the Office of Open Records ruled that people could now take photographs with their cell telephone of records, which would cut into public office revenues.

Mr. Barron stated he talked with his office’s Solicitor and it was determined the County should update its policies and procedures regarding this issue. He further stated as of today, there were signs on the door of Elections that indicated no cameras or telephones were allowed, however, this would probably have to change due to the new law.

Mr. Barron suggested the offices of the County review their policies and procedures to make sure they were up-to-date on what was coming out of the Office of Open Records.

County Executive’s Report

Mr. Luis Campos, Director of Administration, advised he would be speaking on behalf of the County Executive. He further advised the County Newsletter was distributed twice a month for the purpose of making announcements regarding any events and to highlight employees within the County that have brought changes that helped improve the way it operated.

Mr. Campos stated they were also going to begin a formal Employee of the Month program. He further stated County Council should contact him if they had any item they wanted to include in the newsletter.
Mr. Campos advised on October 14th, the County would be having its Wellness Fair where a variety of health services would be made available to all employees.

Mr. Campos stated last night the Department of Administration hosted its Fourth Annual Citizens Academy class and there were 24 participants. He further stated he would be distributing the syllabus including locations of the classes in the event County Council members wanted to attend. He noted that photographs have been posted on Facebook and social media sites.

Mr. Campos advised a Press Release went out this week announcing some of the good results at the Department of Corrections. He further advised they changed the hiring process to bring on a new Corrections Officer from 25 weeks to 8 weeks. He further advised they just finished the physical agility testing part and 47 applicants passed and would be advancing to the final interview round.

Mr. Campos stated they were on target to hold a cadets class in mid-September and 22 individuals have passed the interview portion, but they were hoping to have a full class of 27. He wanted to acknowledge the Department of Administration, the Department of Corrections and the Department of Human Services staffs for all their efforts in making this happen.

When Mr. Parsons asked why Farmland Preservation, Open Space and Conservation District were not part of the Citizens Academy, Mr. Campos replied there were other divisions that were not included, but he noted his complaint.

In response to Mr. Werner’s question as to where they were in hiring a Director of Human Resources, Mr. Campos replied he had no update.

In answer to Mr. Werner’s question as to whether there was an update on the Department of Corrections, Mr. Campos advised he would talk to Director Daniel Keen about providing an update.

In response to Mr. McClure’s question as to whether there was an update on the illegal raises, Mr. Lauer stated he sent Mr. Ryan Durkin, County Solicitor, a Memorandum of Understanding setting forth what he understood County Council’s position was and they have been going back and forth about it. He further stated early next week, he would present copies to County Council on what had taken place so he could be guided as to how
they wanted to proceed. He noted he did not think there were any major disagreements, but there were some procedural issues.

Mr. Benol suggested that issue should become an agenda item for the next meeting.

Public Hearing on the Ordinance Providing for the Lease Agreement with the Pennsylvania Fish and Boat Commission for Minsi Lake, Upper Mount Bethel Township

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Parsons and Kraft at the meeting held on August 30, 2015:

AN ORDINANCE PROVIDING FOR THE LEASE WITH THE PENNSYLVANIA FISH AND BOAT COMMISSION FOR MINSI LAKE IN UPPER MOUNT BETHEL TOWNSHIP, 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 Pennsylvania Fish and Boat Commission has requested a Lease Agreement with the County of Northampton for the Minsi Lake located in Upper Mount Bethel Township, Pennsylvania.

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 One Dollar ($1.00) until September 1, 2020 in accordance with the Lease Agreement which is attached hereto and made a part hereof as Exhibit "A".

Public Hearing

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

Mr. Jack Dalessandro, 705 Front Street, Bangor, PA - stated bear hunting was allowed at Minsi Lake so he warned everyone to be careful.
As there were no further questions or comments, Mrs. Ferraro called for the vote.

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

The ordinance was adopted by a vote of 8-0.

Introduction of the Ordinance Amending Ordinance No. 411-2003

Mrs. Ferraro advised the following ordinance was introduced by Messrs. Parsons and Kraft. She further advised the public hearing, debate and possible vote would be held at the meeting on September 17, 2015:

AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411-2003 TITLED, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE"

WHEREAS, Ordinance No. 411-2003, titled, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE" was duly enacted on November 6, 2009, amended by Ordinance No. 512-2009, which was duly enacted on November 6, 2009 and amended by Ordinance No. 592-2015, which was duly enacted on April 20, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the Northampton County Council that Ordinance No. 411-2003 shall be amended as indicated hereafter (sections marked with *strikeout* are being deleted and sections marked with **bold underline** are being added):

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING
OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ENSURING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND establishing the effective date.

WHEREAS, the County of Northampton and the Commonwealth of Pennsylvania, Department of Agriculture have entered into a Memorandum of Understanding pursuant to the Consolidated Weights and Measures Act (3 Pa C.S.A. §4101 et seq.); and

WHEREAS, the Memorandum provides for the delegation of powers and duties from the Commonwealth to the County for various inspection responsibilities; and

WHEREAS, the County has determined that an annual license/permit fee for each commercial weighing, measuring or scanning device subject to the jurisdiction of the County Office of the Division of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby enacted and ordained by the County Council of the County of Northampton, Pennsylvania, as follows:

SECTION 1. Definitions

Division - Division of Weights and Measures, County of Northampton

Fuel dispenser - A device designed for the measurement and delivery of gasoline, diesel or kerosene fuel.

Person - A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

PLU device - Price look-up device - A device that can access a database price file or retail price retrieval system. The term includes bar code beam or contact scanners, Optical Character Recognition (OCR) scanners or readers, magnetic scanners or readers, alpha or numeric keyboards, or both, voice response systems and computer based retail price retrieval systems.

Scale - Any weighing device.

Scanning device - A general term for any of the several types of PLU technologies capable of communicating with a database price file or retail price retrieval system. The term includes
hardware, software and supporting computer systems.

Weights and measures - Weights and measures of every kind, instruments and devices for weighing and measuring and any appliances and accessories associated with any or all such instruments or devices.

Vehicle tank meter - A meter mounted on vehicle tanks including those used for the measurement and delivery of domestic petroleum products.

Timing device - A device used to measure the time during which a particular paid-for service is dispensed. Examples of timing devices are laundry driers, car-washing times and recorders.

SECTION 2. Permit Required

(a) Every person desiring to conduct, or continue to conduct any business, as herein defined, within the County of Northampton shall file prior to the commencement of such conduct, with the Division application for a device license/permit.

(b) Every person that operates or maintains a weighing, measuring, scanning or timing device for commercial purposes, including but not limited to fuel dispenser, vehicle tank meter, scale and/or PLU device, is required to obtain an annual license/permit for each device from the Division.

(c) In cases where business is conducted in more than one place, a separate license/permit shall be issued for each place of business.

(d) Whenever any licensee under this article shall change the address of the business for which such license/permit is issued, the licensee shall immediately notify the Division of such change of address and the new address or location where the business will be conducted.

(e) Whenever the ownership of any such business shall be changed, the new owner, upon taking possession thereof, shall notify the Division of such fact within ten (10) days after such becomes effective.

(f) No license/permit issued under the provisions of this article shall be transferred or assigned to any other person,
firm or corporation.

(g) Any licensee who is in default of payment of the device fee due hereunder shall be refused a license until such fee is paid in full.

SECTION 3. Requirements

The Division shall issue an annual device license/permit upon the following:

(a) The applicant completes the County of Northampton Application for Device License/Permit form.

(b) The applicant pays the annual license/permit fee for each weighing, measuring, scanning and timing device as set forth on the Application for Device License/Permit form.

(i) Fuel dispensers: $25.00 per grade
   (1 MPD = 6 grades)

(ii) Vehicle Tank Meters: $60.00 per meter on domestic fuel truck

(iii) (a) Liquid Petroleum Gas (CNG) (LPG): $50.00 per meter

(b) Compressed Natural Gas (CNG): $50.00 per meter

(iv) Scales: used in commercial trade and/or non-commercial use but required by user to be inspected

(a) Up to 1000 lbs. capacity $25.00 per scale (Scale License A)

(b) Over 1000 lbs. capacity $100.00 per scale (Scale License B)

(v) Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device

(a) $50.00 per system 3 or less checkouts per location (UPC/PLU License A)

(b) $100.00 per system 4 to 6 checkouts per location
(c) $200.00 per system 7 or more checkouts per location
(UPC/PLU License C)

(vi) Grain Moisture Meters: $25.00 per meter
(vii) Coin Counting Devices: $50.00 per device
(viii) Timing Devices: $5.00 per device
(ix) Fabric Devices: $5.00 per device

SECTION 4. Penalties

Any person violating any provision of the Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars ($100.00) per violation, to be paid to the use of the County, with the cost of prosecution, or to be imprisoned in the County Correction Facility for not more than thirty (30) days, or both.

SECTION 5. Constitutionality

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

SECTION 6. Rules and Requirements

The Division shall, from time to time, establish rules and regulations for the implementation of this Ordinance.

SECTION 7. Effective Date

This ordinance shall become effective thirty days after date of enactment.

Ms. Catherine Allen, Deputy Director of Administration, advised the ordinance did not change the context of the current
ordinance, but Judge Antonia Grifo indicated she would like the requirements broken down so when there was a violation she could just cite the requirement that was broken.


Mrs. Ferraro introduced the following resolution:

R. 79-2015  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 August 27, 2015, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract for $500,500 with ACS Claim Service, Inc. for Workers Compensation claims administration services 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 ACS Claim Service, Inc. for Workers Compensation claims administration services for a term of 5 years.

Mr. McClure stated he felt five years was a long term for a Workers Compensation contract.

Ms. Allen advised it was previously done as a three year contract with two one-year extensions, but at the direction of the Procurement Office it was changed to five years to list all of the costs and not have to renew it the last two years.

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

The resolution was adopted by a vote of 7-1.

Open Space Committee Report

Mr. Parsons stated the Open Space Committee held a joint meeting with the Open Space Advisory Board to discuss where the program was since hiring an Open Space Coordinator two years ago who provided his views and ideas of where he wanted the program to go and different avenues to be pursued.

Gracedale Generator Report

Mr. Werner advised he attended two meetings regarding the generator project and things were moving forward. He further advised options were provided for contingency programs at Gracedale in the event there was an emergency. He noted Mr. Rugis was doing a great job in coordinating things and the project was on target for 2016.

Solicitor’s Report

Mr. Lauer stated he was consulted by Mr. Benol regarding two matters and he would be providing County Council his opinions shortly.

Adjournment

Mr. Kraft 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