January 7, 2016

A regular meeting of the Northampton County Council was held on the above date with the following present: John Cusick, President; Seth Vaughn, Vice President; Mathew M. Benol; Matthew H. Dietz; Margaret L. Ferraro; Glenn A. Geissinger Kenneth M. Kraft; Hayden Phillips; Robert F. Werner; Linda M. Zembo, Clerk to Council, and Philip D. Lauer, Solicitor to Council.

Prayer

Mr. Cusick led County Council in prayer.

Pledge of Allegiance

Mr. Vaughn 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 December 2, 2015, December 10, 2015 and January 4, 2016 meetings shall be approved.

Mr. Werner seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Thomas Church, 2805 North Delaware Drive, Easton, PA stated he previously spoke about the Columbia Gas Compression Station on the Kline Farm, which was also linked to a station located in Milford, Pike County, and the increasing of the horsepower at these stations. He further stated he and other residents of Forks Township and Milford filed a suit before the Environmental Hearing Board appealing the permit that was issued on both of these stations.
Mr. Church advised on December 21, 2015, Judge Bernard A. Labuskes, Jr. denied a motion by Columbia Gas to dismiss the lawsuit filed by Milford and it will be in the discovery phase until January 23, 2016.

Mr. Church provided a document pertaining to this matter in which it indicated the Court would be deciding whether the Department of Environmental Protection appropriately considered the rights of local citizens and zoning (see Attachment #1). He stated he would return after the County Council Solicitor had a chance to review this document to ask if County Council would be willing to write a letter of support.

Controller's Report

Mr. Stephen Barron, Controller, advised they have started their year-end audit work. He further advised his office was down one auditor due to the departure of Ms. Stephanie Rath-Tickle. He noted he would be posting her position as an Auditor I with a promotion possible to Auditor II within a year.

Mr. Barron stated he would like to make sure that the organization doing the 501(c)(3) study for Gracedale looked at all the financial implications. He further stated when the possibility of selling Gracedale was an issue, there was never a discussion regarding the untangling of Gracedale from the County’s finances and the impact it would have on the rest of the County.

In answer to Mr. Cusick’s question as to the number of hotel tax audits that have been conducted, Mr. Barron advised they were doing them on a three year cycle and since they have gone through all of the hotels, they were going to proceed in a more efficient manner. He further advised they were going to take a much closer look at the larger volume hotels.

County Executive Report

Mr. Cusick stated Mr. John A. Brown, County Executive, was not present, but Mr. James A. Hunter, Director of Fiscal Affairs, would be addressing County Council.

Mr. Hunter advised the County ended 2015 with approximately $3 million that included $2.5 million in the investment account and approximately $600,000 in the Money Market account.
Mr. Hunter stated at the beginning of the week, they were preparing to do the first draw down on the note recently acquired by the County to cover a $3.7 million payroll and approximately $2.6 million in accounts payable. However, on January 5th, the County received approximately $6.3 million of the Human Services money that was owed that included the first quarter allotment for Children, Youth and Families Act 148, which was the County's third quarter.

Mr. Hunter advised some Early Intervention first and second quarter money was also received so based on the receipt of those funds, the County was able to cover the payroll and accounts payable so there was no need to draw down on the note. He further advised on January 6th, the County received another $8.2 million that represented the first and second quarters of the Human Services Block Grant that was basically for Mental Health, but could be divided among any Human Services division.

Mr. Hunter stated they also moved $7.5 million back into the investment accounts. He further stated the County was still owed approximately $10 million from the State for their first and second quarters, which were the County's third and fourth quarters. He added the County usually received its third quarter allotment the third week of January, but they have not heard anything from the State.

In response to Mr. Geissinger's question as to how far the $8.2 million would take the County, Mr. Hunter replied the County was going to need $5 million in the next two weeks to cover just its payroll and accounts payables.

In answer to Mr. Werner's question as to whether the note could be terminated if the County were to receive all the State money it was owed, Mr. Hunter advised all the money coming in was General Fund money because it was replacing what was expended and the premise was to pay back any loan first.

Mr. Phillips stated he would like a breakdown of what transpired to be presented at the next Finance Committee meeting.

Public Hearing on the Ordinance Establishing "The Livable Landscapes" - An Open Space Plan Program for Northampton County and Further Providing for the Administration of the 21st Century Open Space Initiative
Mr. Cusick advised the following ordinance was introduced by Messrs. Parsons and Benol at the meeting held on December 10, 2015:

AN ORDINANCE ESTABLISHING "THE LIVABLE LANDSCAPES" - AN OPEN SPACE PLAN PROGRAM FOR NORTHAMPTON COUNTY AND FURTHER PROVIDING FOR THE ADMINISTRATION OF THE 21ST CENTURY OPEN SPACE INITIATIVE

WHEREAS, in 2002, the Lehigh Valley Planning Commission created the "Northampton County Parks - 2010 Plan" document, which has been used to guide the implementation of activities for park, recreation and trail activities within Northampton County; and

WHEREAS, on or about November 4, 2004, the Northampton County Council adopted Ordinance #423-2004, entitled, "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY 21ST CENTURY OPEN SPACE INITIATIVE, WHICH ORDINANCE, ACCEPTED THE REPORT OF THE NORTHAMPTON COUNTY COUNCIL OPEN SPACE COMMITTEE PREPARED WITH THE ASSISTANCE OF THE LEHIGH VALLEY PLANNING COMMISSION, CREATING THE NORTHAMPTON COUNTY OPEN SPACE ADVISORY BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE INITIATIVE" with the Northampton County 21st Century Open Space Initiative Guidelines which were also subsequently amended by the enactment of Ordinances #468-2007, #533-2011, #552 of 2012, 559-2012, and 582-2013; and

WHEREAS, Northampton County entered into an agreement with the Lehigh Valley Planning Commission which serves as the official planning commission for Northampton County to act in a research and consulting capacity in order to update the "Northampton County Parks - 2010" document and the "21st Century Open Space Initiative Guidelines"; and

WHEREAS, on or about October 3, 2013, the Northampton County Council adopted Resolution #85-2013, entitled "A RESOLUTION SUPPORTING THE DEVELOPMENT OF THE NORTHAMPTON COUNTY LIVABLE LANDSCAPES STRATEGIC OPEN SPACE PLAN"; and

WHEREAS, Northampton County and the Lehigh Valley Planning Commission has created the Livable Landscapes Plan Steering Committee to assist in the planning and creation of the "Livable Landscapes Plan"; and
WHEREAS, the Livable Landscapes Steering Committee has completed, with input from representatives from Northampton County, local municipalities, business, realtor and health sectors, non-profit organizations, sportsman’s groups, college and university representatives, a “Livable Landscapes Plan”; and

WHEREAS, Northampton County, Lehigh Valley Planning Commission and the Livable Landscapes Steering Committee held two rounds of public meetings to provide insight on the creation of the “Livable Landscapes Plan”; and

WHEREAS, Northampton County Council wishes to support and adopt the “Livable Landscapes Plan”.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the NORTHAMPTON COUNTY COUNCIL:

1. The Livable Landscapes Plan, which is incorporated herein by reference as though the same were more fully set forth at length, as presented and adopted by the Lehigh Valley Planning Commission is hereby adopted by the Northampton County Council as its official Open Space Plan.

2. Northampton County, through the appropriate County Departments, Divisions and Authorities shall utilize guidelines and policies detailed in the Livable Landscapes Plan when taking actions associated with parks, recreation, trails, and land preservation located in Northampton County.

3. Further the Northampton County Council directs that the Livable Landscapes Plan shall be used when implementing and/or conducting activities under the current 21st Century Open Space Initiative.

4. The Northampton County Council strongly encourages all the Authorities, Boards, Commissions and Departments in Northampton County to follow the recommendations of the Livable Landscapes Plan that may apply to them; and

5. The Northampton County Council strongly urges all of the municipalities in Northampton County to follow the recommendations and studies of the Lehigh Valley Planning Commission, and closely follow the Livable Landscapes Plan as it applies to both local and
regional planning.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

Ms. Becky Bradley, Executive Director, and Mr. Geoffrey Reese, Director of Environmental Planning, of the Lehigh Valley Planning Commission (LVPC), gave a power point presentation (see Attachment #2).

Ms. Bradley stated LVPC was contracted to update the County’s parks, recreation and open space plan that also included agricultural elements by the end of 2015.

Ms. Bradley explained LVPC was a two-County planning commission and a metropolitan planning organization so they did all the planning and fund allocation for transportation in the Lehigh Valley.

Ms. Bradley advised LVPC also did regional planning so they saw every zoning, subdivision and land development ordinance change and reviewed them against the County Comprehensive Plan that was adopted by County Council in 2005. She further advised they had to look at how everything in relation to everything else to make a community work and develop goals and policies.

Ms. Bradley stated the Livable Landscapes Plan for Northampton County was a guide to the conservation, restoration and enhancement of the County’s open space resources and created linkages between its vast natural resources. Mr. Reese then reviewed the remainder of the power point presentation.

Mr. Benol advised he would support the plan, but he was concerned about the air quality due to all the development that has been done within the past several years.

Mr. Phillips stated there were a lot of things that he liked in this plan, but he was concerned that by approving it, it would be committing the County to maintain its level of funding and he did not know if he could do that.

Mrs. Ferraro advised this County Council could not commit future County Councils to any funding recommendations and hopefully County Councils in the future would see its benefits.
Mr. Werner stated Mr. Reese mentioned the sustainability of agriculture farming programs so he wanted to know how they planned to work with the farmland preservation groups and home demands by the influx of population.

Mr. Reese advised it was a critical challenge, but there were tools available to try and maintain the farming community. He further advised the farmland preservation program had been working spectacularly well and the County was very innovative in working with the municipalities, but they had to act now and continue to act.

When Mr. Phillips stated the overall strategy of LVFC was to not have development conducted on farmlands, but with the anticipation of great growth in the population there would be less development in the suburbs and more in the cities, Mr. Reese replied that had been going on since 2010.

Mr. Geissinger stated with that in mind, the issue became one of infrastructure and he wanted to know if that was part of the study.

Mr. Reese advised it was not specifically accounted for, but it was considered in the comprehensive plan.

Mr. Geissinger stated they indicated their goal was to have 15 acres of park for every 1,000 residents so he wanted to know their definition of park.

Mr. Reese advised it referred to regional park space, which were facilities of 100 acres or larger that were attractors to populations from a wider area and have a mixture of passive and active use.

In response to Mrs. Ferraro’s question as to how marketable were the preserved farms since a lot of people did not want to do farming any longer, Mr. Reese stated they were marketable to people who wanted to either start or continue to farm, but since the development rights had been removed, it did affect its value.

Ms. Maria Bentzoni, Farmland Preservation, advised Northampton County had an agricultural community that was still expanding and her office was constantly receiving calls from farmers who were always looking for farms for sale, as well as up and coming farmers.
In answer to Mr. Benol’s question as to whether any thought was given to buying up some of the vacant properties in the County and returning them back to farmland, Mr. Reese stated they were exploring all types of opportunities and it was critical to look at the interconnecting nature of what was left.

Mr. Cusick advised he was pleased to see that the number one priority was the building by the Wayne A. Grube Memorial Park because every time he drove by it, it was in use. He suggested the Administration should look at the plan to see what it would cost to complete the phases.

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


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

Waiver of President Compensation

Mr. Cusick stated he prepared a memorandum indicating he would be waiving the $500 compensation this year for the office of President.

Consideration of a Resolution Appointing the County Council Solicitor

Mr. Cusick asked for an amendment to the resolution to include the name for consideration to the position of County Council Solicitor.

Mr. Kraft made a motion to insert the name of Mr. Lauer.

Mrs. Ferraro seconded the motion.

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


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

Mr. Cusick called for the vote on the following resolution:

R. 1-2016 RESOLVED, by County Council of Northampton County that Philip D. Lauer shall be confirmed in his appointment as Solicitor to the Northampton County Council, pay grade RS-8, salary $54,753, effective January 4, 2016.

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

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

Consideration of Premier Healthcare Resources Conducting a Study Transitioning Gracedale to an Internal Revenue Code 501(c)(3) Resolution

Mr. Phillips introduced the following resolution:

R. 2-2016 WHEREAS, Premier Healthcare Resources has provided administrative services to Northampton County’s Gracedale Nursing Home since 2011 and has developed detailed knowledge of the operation of that facility; and

WHEREAS, Premier Healthcare Resources, in the case of Monroe County’s Pleasant Valley Manor and Clinton County’s Susque View Nursing Home and Rehabilitation Center, have experience transitioning to and operating them under Internal Revenue Code 501(c)(3) as nursing home organizations; and

WHEREAS, County Council under Section 202(8) of the Northampton County Home Rule Charter has the power “to require periodic and special reports from elected officials and their subordinates”.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Northampton County Council requests that the Director of Human Services and Premier Healthcare Resources prepare and present an analysis of the prospect and procedures of transitioning the Gracedale Nursing Home to an Internal Revenue Code 501(c)(3) non-profit organization. The analysis and presentation should provide an understanding of the major challenges and benefits of such a proposal and provide the details necessary to assist County
Council in making a decision if the Internal Revenue Code 501(c)(3) organization is an undertaking that warrants further County Council consideration. The cost of said report shall be included under the existing management contract between Premier Healthcare Resources and Northampton County.

BE IT FURTHER RESOLVED that this report shall not consider a sale of the Gracedale Nursing Home to a private, for profit corporation.

Mr. Phillips stated this resolution clarified some of the issues that were in a similar resolution introduced last year. He further stated this resolution explicitly stated there would be no fee and it was not to privatize Gracedale.

Mr. Phillips advised the plan was to have Premier Healthcare Resources (Premier) representatives give a power point presentation on how a 501(c)(3) related to the management of nursing homes, how it was working at the nursing homes they managed in Monroe and Clinton Counties and the pros and cons of such an endeavor. He further advised this was only a first step and afterwards a discussion would be held as to how the County wanted to proceed.

Mrs. Ferraro stated she voted for this last time, but Gracedale’s finances were always in a constant state of flux and much had changed since there was a movement to sell Gracedale. She further stated there was currently an Administration that understood business practices and efficiencies in operation of an organization.

Mrs. Ferraro advised just recently some very favorable legislation was being put forth in Harrisburg, there was a new union contract that had many concessions to keep Gracedale operating and it appeared Gracedale could make a profit next year so she could not support this because she felt it was too early.

Mr. Geissinger asked if his understanding was correct that there would be another study done if this study came back and showed some worthwhile conclusions in this direction.

Mr. Phillips stated this study was not enough to make a decision, but was only for educational purposes.
Mr. Werner advised the original proposal was for them to provide an analysis and it was voted down. He further advised since then the cost of running Gracedale to the County had been brought down to below $2 million and there were things being discussed that could bring additional money in.

Mr. Werner stated he was for analyzing anything that would make Gracedale better, but he wanted to be reserved in this because of the fact there could be a second study that would cost money.

Mrs. Ferraro advised she was concerned when she heard the County finances had to be backed out of it because she wondered if that meant the taxpayers would no longer be able to help Gracedale financially when needed.

Mr. Geissinger stated the County had a moral obligation to the citizens that resided in Gracedale, but County Council also had a fiduciary responsibility to all citizens so he did not think gaining information for free was a bad thing.

Mr. Benol advised when Mr. Millard Freeman, previous Administrator at Gracedale, informed him that Gracedale was not the money pit it used to be, he believed him. He further advised he would support this resolution because it could come back that everything should remain the same.

Mr. Kraft stated turning Gracedale into a 501(c)(3) was essentially selling it because it was taking it out of the hands of the County and changing its entire structure. He further stated to do studies just to see what was going to happen when it was making money seemed to be a waste of time. He noted having a study done by someone who may profit from it later did not make any sense to him even if it was for free so he would not support it.

Mr. Vaughn advised Mr. Freeman had provided the Human Services Committee with plenty of updates on how Gracedale was turning a corner, but he also indicated that its budget was fragile where any gain could be offset by any number of things. He further advised he did not see anything wrong with obtaining information.

Mr. Cusick stated a lot of information could be filled in by Premier doing the study. He further stated if there was an issue with finances, the County could subsidize the Department of Human Services programs.
Mr. Cusick blamed the State Legislators for Gracedale being in this position because they were underfunding County nursing homes so he was looking for information and options to increase its reimbursement rates to the same level as private nursing homes.

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

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

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

Consideration of a Resolution Requesting the Review and Update of the Correctional Master Plan of 2008

Mr. Cusick introduced the following resolution:

R. 3-2016 WHEREAS, the County of Northampton has operated a Correctional Facility with many additions and renovations along South Union Street in Easton, Pennsylvania, since 1871; and

WHEREAS, the County of Northampton developed a Correctional Master Plan in 2008 which detailed the existing conditions of the County Correctional Facilities, provided population projections, discussed programming needs and explored expansion options; and

WHEREAS, since that report the County has leased a Sentenced Treatment/Residential Facility in West Easton Borough and significant capital improvements remain unaddressed; and

WHEREAS, County Council under Section 202(8) of the Northampton County Home Rule Charter has the power "to require periodic and special reports from elected officials and their subordinates"; and

WHEREAS, the County Executive’s 2016 budget message mentions a need to construct a new jail.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Northampton County Council requests that the Director of Corrections review and update the previous Correctional Master Plan and develop and
analyze options and cost estimates based on the current conditions and future projected correctional infrastructure needs of the County.

Mr. Kraft advised he agreed with this resolution, but he would like it also to include exploring the option of moving the jail to another location.

Mr. Phillips made a motion to amend the resolution to include the words “including privatization options”.

There was no second to the motion.

After some discussion, Mr. Phillips stated he did not want to go on record that he was a proponent of privatization, but only having it analyzed and presented.

In response to Mr. Geissinger’s question as to the timeline for this study, Mr. Daniel Keen, Director of Corrections, advised he wanted to look at everything because there have been a lot of changes since 2008.

In answer to Mr. Vaughn’s question as to whether this jail required more personnel, Mr. Keen stated due to the setup of the jail, it did require more personnel than a newer one.

Mr. Benol commented since this study would also pertain to the structure of the jail, he would like to see Mr. Stan Rugis, Director of Public Work, brought into it.

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

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

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

Consideration of a Resolution Requesting a Study of a Countywide Reassessment

Mr. Cusick introduced the following resolution:

R. 4-2016    WHEREAS, real estate taxes for Northampton
County, its school districts and municipalities are calculated for each property based on the Fair Market Value at a given point in time; and

WHEREAS, a countywide reassessment may become necessary because property values become inconsistent, unfair and too old to reflect current trends and changes in the value of real estate with the passage of time; and

WHEREAS, properties of similar type, characteristics and neighborhood must have uniform values so that each property owner will be paying his/her fair share of the tax burden; and

WHEREAS, it is the mission statement of the Northampton County Assessment Division "to develop and certify fair and equitable tax rolls for the county, municipalities and school districts and to maintain a uniform system of property valuations based on state statutes"; and

WHEREAS, the goals and objectives of the Northampton County Assessment Division are "To maintain fair and equitable values for all county real estate..."; and

WHEREAS, the current assessment valuations in Northampton County were performed in 1993 and implemented in 1995; and

WHEREAS, County Council under Section 202(8) of the Northampton County Home Rule Charter has the power "to require periodic and special reports from elected officials and their subordinates".

NOW, THEREfore, BE IT HEREBY RESOLVED that the Northampton County Council requests that the Director of Fiscal Affairs provide a report and presentation of potential options and costs for the performance of a countywide reassessment of real property in the County.

Mr. Cusick advised several years ago, Lehigh County had asked Northampton County to do a reassessment at the same time they were doing theirs, but it was decided not to do it at that time. He further advised since that time real estate values continued to change so he was interested to obtain information as to how much a reassessment would cost, how much could be done in house and how long would it take.

In response to Mr. Werner's question as to whether the
County had the software to do a reassessment, Mr. Hunter stated they did have the software, but he was not sure if it had the capability to do it internally.

Mr. Kraft advised after Lehigh County's reassessment people were willing to invest there and that was where Northampton County was falling behind so he wanted that comparison included.

Mr. Werner stated he believed the County lost approximately $25 million with all the appeals that have taken place over the years.

Mr. Phillips advised in 2012 there were approximately 700 appeals and in 2015, there were 425 appeals.

Mrs. Ferraro stated after a reassessment, one third of the people's taxes went up, one third went down and one third stayed the same, but the ones that went up mostly affected the senior citizens.

Mr. Cusick advised it was not about increasing revenues, but restoring equity and fairness to the system.

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

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

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

Capital Projects and Operations Committee Report

Mr. Phillips announced there would be a Capital Projects and Operations Committee meeting at 6:30 p.m., on January 14, 2016, in the County Council Meeting Room.

Intergovernmental Committee

Mr. Cusick stated he was changing the name of the Intergovernmental Committee to Governance Committee and its responsibilities would include reviewing the Home Rule Charter and Administrative Code.
Lehigh and Northampton Transportation Authority (LANTA) Liaison

Mr. Cusick announced that Mr. Geissinger would take over the liaison responsibilities for LANTA.

Airport Authority Liaison Report

Mr. Geissinger advised due to the Airport Authority’s request to extend the term of their contract, a meeting between the Airport Authority and both Counties will be held at 6:30 p.m. on January 19, 2016, in their Board Room at the airport.

In answer to Mr. Cusick’s request for an update on Braden Air Park, Mr. Geissinger stated through the efforts of a number of general aviation communities, County officials and residents of Forks Township the importance of the Air Park was brought to the attention of the Airport Authority who was addressing some of the issues.

In response to Mr. Kraft’s comment that he thought 50 years was too long, Mr. Geissinger advised the reasoning behind that was to allow the leaseholders to recoup their investments.

County Council Solicitor Report

Mr. Lauer thanked County Council for reappointing him and he stated he would continue to do his best in representing them.

Adjournment

Mr. Geissinger made a motion to adjourn the meeting.

Mr. Benol seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council
OPEN LETTER TO THE NORTHAMPTON COUNTY COMMISSIONERS  1/7/16

Dear Sirs,

A recent court ruling has changed the situation concerning the permits issued by the Federal Energy Regulatory Commission and the Pennsylvania Department of Environmental Protection allowing Columbia Gas Company to proceed with expansion of the compressor stations in Milford and Forks Township.

FERC has jurisdiction over many aspects of pipeline issues but the states have primary say over environmental concerns. This makes the state Pollution Control Act and the Environmental Amendment to the Pennsylvania Constitution the guidelines for DEP decision making.

Lawyer Bill Cluck was retained to file legal actions for the people of Milford and Forks against Columbia Gas and the PA DEP “Clean Air Permits” with the PA Environmental Hearing Board, an independent court charged with hearing DEP permit appeals. This was done with the support of the PA Sierra Club, the Milford supervisors and concerned citizens.

Judge Bernard A. Labuskes, Jr. of the EHB issued a denial of a motion to dismiss filed by Columbia and supported by the DEP in the Milford case on December 21, 2015. The case will be in the “discovery” phase until January 23rd prior to testimony before the five judges on the board. Their ruling will be subject to review by The Commonwealth Court of PA which may then be reviewed by the Supreme Court of Pennsylvania.

Among other things, the Board will decide whether the DEP appropriately considered the rights of local citizens and local zoning, their obligations under the Environmental Amendment to the PA Constitution, and Columbia’s interpretation of the obligatory use of “Best Available Technology” on pollution “sources” under the PA Air Pollution Control Act.

I provide a couple of excerpts from the opinion:

On “Best Available Technology”--

---At this point, based on the limited briefing from the parties, there appears to be nothing in the statute or the regulations that prevents the Department from applying BAT to a whole facility and mandating that different components be installed at the facility. If the Appellants are correct and the appropriate way to evaluate this project is to consider the facility as a whole, then arguments about ways facility-wide emissions should have been reduced may be viable, including that Columbia should utilize electric compressors and that Columbia should inject blowdown gas into interconnected pipelines.---
On Local Land Use—

According to the Appellants’ notices of appeal in this case, which again we accept as accurate for purpose of Columbia’s motion, the Department was made aware of a potential issue regarding local land use requirements in the course of its review of the Plan Approval. As discussed in Tri-County, the Department has considerable discretion regarding what to do if there appear to be legitimate local land use concerns, but it does not have the discretion to simply ignore such legitimate concerns once they are brought to its attention. Since we assume that is what occurred here, we are obviously not in a position to grant Columbia’s motion to dismiss this objection.—

On The PA Constitution—

The question, then, is whether local zoning laws should be considered “applicable statutes and regulations relevant to the protection of the Commonwealth’s public natural resources.” We think that they should. “Zoning in Pennsylvania is implemented through the Municipalities Planning Code (MPC), which provides that each municipality has the authority to enact, amend, and repeal zoning ordinances.” Robinson Twp. v. Commonwealth.

The MPC expressly states that one of the purposes of local planning and land use regulation is to promote the preservation of this Commonwealth’s natural and historic resources and prime agricultural land. Similarly, one of the authorized purposes of zoning ordinances is “to promote, protect and facilitate…preservation of the natural, scenic and historic values in the environment.” —

we will keep in mind the Commonwealth Court’s admonition that Article I, Section 27 is a “thumb on the scale,” which compels us to give greater weight to the environmental concerns in the decision-making process. —

According to the Judge, local citizens and municipalities cannot be ignored. This ground-breaking protective case, forces respect for “clean air and pure water” throughout the Commonwealth. We respectfully request that the County Commission issue a Declaration of Support of this litigation to protect the Township’s rights and those of their citizens under the Pennsylvania State Constitution and the state’s Pollution Control Act.

Respectfully submitted January 4th, 2016

Thomas N. Church
2805 N. Delaware Dr. Milford
easton, PA 18040 Easton
docket 2015-027-L
docket 2015-080

Full 12-21-15 Ruling available at:
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Northampton County Council Meeting
January 7, 2016
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Lisa Scheller  
Kevin A. Schmidt  
Julie Thomases  
Donna Wright  

Northampton County Council Meeting  
January 7, 2016
OPEN SPACE

The Purpose of Livable Landscapes for Northampton County is to guide the conservation, restoration, and enhancement of the County’s open space resources and create linkages between the County’s vast natural resources; outdoor recreational facilities; greenways and blueways; farmland; and historic, cultural, and scenic resources.
Northampton County Land Use

Source: Lehigh Valley Planning Commission
Benefits of Open Space - Return on Environment

Natural system services - $201.7 million annually (water supply, water quality, flood control, pollination, biological control, habitat and soil formation/retention)

Air Quality – $27.8 million annually (pollution removal, carbon storage, and carbon sequestration)

Outdoor Recreation – $351.2 million annually

Property Values – $937.8 million is the total premium afforded all homes within 1 mile of protected open space
Open Space Health, Economic + Environmental Benefits

Open Space Resources

Natural Systems Services Benefits
Property Value Benefits

MULTIMODAL CONNECTIVITY
RECREATIONAL ECONOMY
ECOLOGICAL RESILIENCE

Stress Reduction
Healthy Lifestyles

Productivity
Revitalization

Health + Wellness

Economic Activity
EXISTING RESOURCES
PUBLIC PARTICIPATION

Steering Committee
4 meetings – March / June 2014, March / September 2015

Public Meetings
2 rounds of 3 each – Allen and Washington townships and City of Easton, June 2014; Nazareth, Hellertown and Wind Gap boroughs, April 2015
Policy + Pizza – LVPC offices, October 28, 2015
LVPC Environment Committee and Commission meetings

Public opinion survey
Random sample, active registered voters
Collection Period: October 7, 2014 through November 26, 2014
898 total respondents (870 mail, 28 electronic)
Margin of error: +/- 3% at 95% confidence interval

Key Person Interviews
County staff, 4 local businesses
Survey Results

Value protection of lakes, rivers, streams + water quality: 71%

Strongly agree or agree with protection of farmland: 95%

Familiar with parks, trails, open space + natural areas: 84%

Visit parks, trails and natural areas weekly or monthly: 69%

Open space activity = farmer's markets + farmstands: 68%

Open space activity = walk, hike, run on natural surfaces: 100%

Northampton County Council Meeting
January 7, 2016
Survey Results

- Municipal parks are the most frequently visited open spaces: 62%
- The Delaware & Lehigh Trail is the most frequently visited: 33%
- The Lehigh River is the most frequently visited waterway: 35%
- Restrooms are the most desired amenities: 78%
- Prioritize maintaining existing trails: 69%
- Receive open space information via the newspaper: 53%
VISION

Our Livable Landscape - a mosaic of parks, farmland, natural areas, scenic views and historical and cultural sites promoting healthy lifestyles, natural diversity and community identity.
GOALS

Goal 1 – Conserve, restore and enhance natural resources

Goal 2 – Provide and maintain an exemplary park, trail and recreation system to meet residents' needs and enhance tourism opportunities.

Goal 3 – Conserve, restore and enhance a greenways and blueways network.

Goal 4 – Preserve farmland and farming to meet food production, economic and open space needs.

Goal 5 – Preserve historic, cultural, and scenic resources and landscapes.

Goal 6 – Advance county open space resources and usage through funding, promotion, education, partnerships and other strategies.
Recommendations

1. Complete Phases 3 through 9 at Wayne A. Grube Memorial Park.

2. Develop a master site plan to guide the development of the Gall Farm as a regional park.

3. Work with federal and state partners to create additional regional parkland of 660 acres by 2020, 1,200 acres by 2030, and 1,770 acres by 2040 in addition to the existing proposed parks sites to increase the regional park acreage to reach a minimum of 15 acres/1,000 population.

4. Consider recommended modifications to the Northampton County 21st Century Open Space Initiative program and guidelines.

5. Maintain or enhance funding for the County Open Space Program, including the Open Space and Natural Areas component, Municipal Park Acquisition and Development component, County Parks component, and the Farmland Preservation component.

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