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; Hayden Phillips; Robert F. Werner; Linda M. Zembo, Clerk to Council, and Philip D. Lauer, Solicitor to Council. Absent was Kenneth M. Kraft.

Prayer

Mr. Cusick led County Council in a moment of silence.

Pledge of Allegiance

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

Approval of the Minutes

Mr. Werner made the following motion:

Be It Moved By the Northampton County Council that the minutes of the June 16, 2016 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Jeff Fox, Pen Argyl, PA - stated many members of County Council were voted in because of their conservative principles, records, credentials or belief that less government was better government. He further stated government at any level should spend within its means and the lower the taxes the better for everyone.

Mr. Fox advised it was County Council’s job to use taxpayer money as efficiently as possible and instead of reining in spending they were looking for new revenue by adding a fee on to vehicle registrations. He further advised many of the heaviest
users of the bridges and roads in the County were businesses with vehicles that were not registered within the County.

Mr. Fox stated it may be called a fee, but it was indeed another tax on the people and if County Council wanted to be fiscally conservative that should vote against it.

Mr. Charles Cole, Mount Bethel, PA - advised he owned a farm that was agriculturally preserved and along with his neighbors they had approximately 1,000 acres of preserved land. He further advised if these lands were not preserved they would be housing developments that would contribute to traffic and schools.

Mr. Cole stated it was the belief that since there were not a lot of farmers there was no need for preservation, but this land provided open space, water resources, biodiversity, agricultural security and traffic reduction.

Mr. Cole advised he wanted to know why the .5 mill tax that generated $3.9 million a year for open space was not being spent on open space/agricultural preservation.

Mr. Cusick stated this issue would be discussed during the budget process, but the .5 mill tax for open space was not binding on any future County Executives, Administrations or County Councils. He further stated the only funding that was required was for municipal parks, which was approved through an ordinance adoption.

Mrs. Ferraro advised it was not legally binding, but since it was what the voters wanted it should be morally binding.

Mr. Phillips stated in 2002, the voters voted for a $32 million bond non-binding referendum to fund farmland preservation not a .5 mill tax increase, but no action was taken. He further stated in 2006 instead of issuing bonds, former County Executive John Stoffa initiated a .5 mill tax increase dedicated to farmland preservation.

Mr. Dietz advised this was a budget process discussion because right now all of the projects have been funded.

When Mr. Cole remarked he believed there were a number of farms still out there, Mr. Dietz stated if no farms were put forward and this money was put aside for that specific purpose it could not be used elsewhere.
Mr. Glenn Borger, Plainfield Township, PA - advised he was a Plainfield Township Supervisor and was astounded to hear that the referendum money was being used for other things because the constituents that supported it thought the money was going for open space, farmland preservation, environmental, parks and recreation. He further stated over the years this money had been diminishing leaving municipalities begging for money to be put into these funds.

Mr. Borger advised he supported this endeavor because he believed the money was going to be used for those purposes and he could not comprehend the concept of not putting money into a certain fund because there was nothing to spend it on because year after year there were more and more projects.

Mr. Don Moore, Plainfield Township, PA - stated now was the appropriate time to discuss this issue because in October it would be too late. He further stated for the last two years, the County Executive failed to fund farmland preservation, parks and environmentally sensitive lands, however, County Council did set aside $750,000 in table games revenue.

Mr. Moore advised due to the County Executive’s refusal to set aside money townships with their own taxes for open space were unable to get matching funds. He further advised if the County did not want to fund farmland preservation and open space then the .5 mill tax should be eliminated.

Mr. Patrick McInerney, Lower Mount Bethel Township, PA - stated he was on the Lower Mount Bethel Planning Commission and a member of its Environmental Advisory Board. He further stated their comprehensive plan was based on the County’s plan.

Mr. McInerney advised they have benefitted greatly from the County and State programs that matched their Earned Income Tax (EIT) fund and had a very restrictive agricultural zoning. He further advised without support from the County their EIT was prevented from multiplying with State funds so he felt reconsideration should be given to funding this program.

Mr. Jack D’Allessandro, Bangor, PA - asked if County Council was saying the referendum the voters voted on was non-binding.

Mr. Cusick stated that referendum was to incur electoral debt, but it was never taken on because Mr. Stoffa did not want to take on debt so he raised taxes even though he was informed
that future County Councils and County Executives would not be bound by his action.

In answer to Mr. D’Allessandro’s statement that the Gracedale referendum was binding, Mr. Cusick advised that was a different issue.

In response to Mr. D’Allessandro’s question as to what were the exempt vehicles that would not have to pay the $5 fee, Mr. Cusick replied that referred to public service vehicles.

Mr. D’Allessandro stated truck registration cost more than car registrations so the fee would hurt a lot of people.

Controller’s Report

Mr. Cusick stated Mr. Stephen Barron was not present.

County Executive’s Report

Mr. John A. Brown, County Executive, advised the County funded 100% of the farms that qualified under the program, noting the process took approximately two years to be completed and they averaged between $800,000 and $1.2 million per year. He further advised a $600,000 grant was received from the State whether the County put up money or not and then there was the match dollars.

Mr. Brown stated if the County put taxpayer dollars into a dedicated fund, they could not be reallocated to anything else and there was currently $4 million in the Open Space Initiative fund. He further stated historically State money would be used first and then County money with local money being last, but according to General Accounting Standard Board regulations and the Home Rule Charter, County money should be spent last.

Mr. Brown advised he believed there was approximately $5 million in EIT monies and there was nothing preventing local municipalities from acquiring easements on farms or properties that they felt would be appropriate in their municipalities. He further advised there was a multiplier if County money was involved, but he was not responsible for local taxpayer money.
Mr. Brown stated prior County Councils allowed the County and municipalities to acquire farms that did not meet State standards and even with that change the County was still funding 100% of the farms that were coming through. He further stated there was $400,000 for open space and environmentally sensitive properties and they received one request last year for $300,000.

Mr. Brown advised per the ordinance the municipal park program was funded at $1 million a year, but that would end in 2017. He further advised the claims the County was not properly funding these programs were inaccurate because they were funding them at the level required. He noted it was not the lack of will by the Administration or County Council to fund these programs it was the lack of participants.

Mr. Brown stated over the last six years, the County appropriated $11.7 million while Lehigh County appropriated $1.5 million. He further stated the matching total State grant for the County against the $11.7 million was $3.6 million and Lehigh County was $4.6 million.

Mr. Brown advised the difference was in the total match, indicating the County received $7.2 million in State matching funds while Lehigh County received $1.9 million. He further advised when that was all rolled forward the total funds for the County was $22.8 million and for Lehigh County it was $8.2 million. He added this Administration was more than meeting the requirement of the requests from the public sector and he was not going to taxpayer dollars in a fund that could not be used for any other purpose.

Mr. Brown stated the County did not solicit farms they had to come to the County. He further stated the .5 mill tax was a recommendation and not binding just as the Gracedale referendum was not binding, however, the County had chosen to honor it.

Public Hearing on the Ordinance Amending Ordinance No. 411-2003 - Weights and Measures 2017 Fee Increases

Mr. Cusick advised the following ordinance was introduced by Messrs. Benol and Werner at the June 16, 2016 meeting:

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 December 8, 2003, and was amended by Ordinance No. 512-2009, which was duly enacted on November 6, 2009; Ordinance No. 592-2015, enacted April 20, 2015 and Ordinance No. 599-2015, enacted September 21, 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; ESTABLISHING 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 lock-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 $35.00 per grade
(1 MPD = 6 grades)

(ii) Vehicle Tank Meters: $60.00 $75.00 per meter on domestic fuel truck

(iii) (a) Liquid Petroleum Gas (LPG): $50.00 $75.00 per meter

(b) Compressed Natural Gas (CNG): $50.00 $75.00 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 $35.00 per scale
(Scale License A)
(b) Over 1000 lbs. capacity: $100.00 $150.00 per scale
(Scale License B)

(v) Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device
(a) $50.00 $60.00 per system 3 or less checkouts per location (UPC/PLU License A)
(b) $100.00 $120.00 per system 4 to 6 checkouts per location (UPC/PLU License B)
(c) $200.00 $240.00 per system 7 or more checkouts per location (UPC/PLU License C)

(vi) Grain Moisture Meters: $25.00 $40.00 per meter
(vii) Coin Counting Devices: $50.00 $60.00 per device
(viii) Timing Devices: $5.00 $8.00 per device
(ix) Fabric Devices: $5.00 $10.00 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.
Public Hearing

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

There were no respondents.

Mr. Cusick asked if there were any questions or comments from the members of County Council.

Mr. Phillips stated the State had given the Counties the option to not run their own Weights and Measures Division so he would like to see the State take over these responsibilities for the County. He further stated Lehigh County did it and he felt they were not at a disadvantage economically or any other way, but had an advantage because of less governmental oversight.

Mr. Vaughn agreed with Mr. Phillips because they were actually duplicating services the State provided.

Mr. Dietz advised this division was revenue neutral so he would not want to increase the fees above what the costs were to run the program.

Mr. Kraft stated the State could not pass a budget or maintain their roads and bridges and yet his fellow members wanted them to protect the citizens of this County from being defrauded. He further stated protecting the citizens required manpower and fees and this division did so within their budget.

Mr. Werner advised he would suggest for those wanting the State to take over this function to look at the record of those Counties they did because they were having all kinds of problems. He further advised the employees of this division were an outstanding group dedicated to their work and knew where every piece of equipment was so he could not see given control to someone who knew nothing about the County.

Mrs. Ferraro stated the State staff was already stretched and she could not see them hiring more people to handle this County to ensure the taxpayers got what they paid for.

Mr. Benol advised Mr. John Keppel, Sealer of the Weights and Measures Division, indicated there were only 17 inspectors to handle all the Counties that did not have their own inspectors. He further advised in New Jersey there was a gas station that was selling gas cheaper than anyone else until it
was finally discovered the consumer was not getting a gallon of gas and he liked knowing he was not being taken advantage of.

Mr. Kraft stated he saw these employees out all the time to make sure the consumer was not getting ripped off and as long as he was a member of County Council he would not support the elimination of this division.

Mr. Phillips advised he did not think the County should have a division that duplicated services provided by the State.

Mr. Kraft stated he understood the concept of less government, but the State did not have enough people to do the job.

Mr. Cusick advised this division provided a valuable service that was once mandated by the State, but he could not justify doing something that three fourths of other Counties allowed the State to do.

Mr. Geissinger stated this division did provide a valuable service and paid for itself, but during the Finance Committee he asked if these increases were appropriate for what was being done and he did not receive an answer so based on that he could not vote for it.

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

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

The ordinance failed by a vote of 4-5.

Introduction of Ordinance Approving a $5.00 Increase On Vehicle Registrations Per Act 89

Mr. Cusick advised this ordinance was being presented to add a $5 fee to vehicles registered to an address within the County for transportation purposes or to be allocated to municipalities within the County in accordance with 75 Pa.C.S. §9010 (c) related to the County Liquid Fuel Tax. He further advised the public hearing, debate and possible vote would take place on July 21, 2016.
Messrs. Cusick and Werner introduced the following ordinance:

AN ORDINANCE IMPLEMENTING A FEE FOR LOCAL USE AS PROVIDED BY 75 Pa.C.S. §1935

WHEREAS, Act 89 of 2013, amending 75 Pa.C.S. §1935, allows all Counties within the Commonwealth of Pennsylvania, at their discretion, to impose a $5.00 County fee for each and every non-exempt vehicle registered to an address located within said County; and

WHEREAS, it is required that each County electing to implement this fee enact an ordinance and notify the Pennsylvania Department of Transportation (PennDOT) on or following the enactment date and no sooner than 90 days prior to the effective date of the ordinance; and

WHEREAS, upon the enactment date of the ordinance and notification, PennDOT is directed to collect the County fee at the time of vehicle registration and to deposit receipts into a Fee for Local Use Fund; and

WHEREAS, the Fee for Local Use Fund shall be used by the County for transportation purposes or be allocated to municipalities within the County in accordance with 75 Pa.C.S. §9010(c) (related to the County Liquid Fuels Tax).

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

SECTION I. County Council, finding that it is in the best interest of Northampton County, hereby enacts this ordinance levying a $5.00 fee pursuant to 75 Pa.C.S. §1935 for each non-exempt vehicle registered to an address located in Northampton County.

SECTION II. The fees collected pursuant to this ordinance shall be used by Northampton County for transportation purposes or shall be allocated by Northampton County in accordance with 75 Pa.C.S §9010(c) (related to the County Liquid Fuels Tax Fund) and consistent with guidance issued by PennDOT.

SECTION III. County Council directs the Clerk to Council to notify PennDOT of the enactment of this ordinance.
SECTION IV. Pursuant to 75 Pa.C.S. §1935, this ordinance and the $5.00 fee levied under this ordinance by Northampton County shall take effect the first day of the month after it is enacted.

Consideration of Resolution Regarding Monocacy Creek

Mr. Dietz introduced the following resolution:

R. 73-2016 WHEREAS, at the Parks and Open Space Committee meeting held on June 16, 2016, County Council received a request to extend the granted services for the rehabilitation of the Monocacy Creek at Illick’s Mill Park.

IT IS, THEREFORE, HEREBY RESOLVED, By the Northampton County Council that resolution No. 39-2013 shall be amended as indicated hereafter (sections marked with bold underline have been added):

Number 39-2013

WHEREAS, the County of Northampton implemented the Northampton County Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the City of Bethlehem Rehabilitation of Monocacy Creek at Illick’s Mill Project; and

WHEREAS, the Northampton County funding will be used as follows:

<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>City of Bethlehem</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>City of Bethlehem Monocacy Creek at Illick’s Mill Park, Northampton County</td>
</tr>
<tr>
<td>Site Information:</td>
<td>Approximately three acres</td>
</tr>
<tr>
<td>Park Development Description:</td>
<td>The removal of existing inadequate buffers, excavation of existing stream bank, installation of riparian buffer zone, prevention of erosion and sedimentation</td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>No acquisition involved</td>
</tr>
</tbody>
</table>
NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council:

(1) The Northampton County Council hereby approves the City of Bethlehem Rehabilitation of Monocacy Creek at Illick’s Mill Project. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her designee, is directed to take any and all steps necessary to administer and complete Northampton County’s obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $119,789.00 as the Northampton County contribution to the City of Bethlehem Rehabilitation of Monocacy Creek at Illick’s Mill Project.

(3) The timeline for this project has been extended until October 31, 2017.

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


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

CCAP Conference - Voting Delegates

Mr. Cusick stated a request was received from the County Commissioners Association of Pennsylvania to appoint voting delegates for its conference. He further stated last year they were Mr. Brown, Mr. Geissinger, Mrs. Ferraro, Mr. Werner and Mr. Parsons and as Mr. Parsons was no longer a member of County Council a replacement had to be named.

Mr. Cusick advised that Mr. Phillips had volunteered to be designated as the replacement.
Economic Development Committee Report

Mrs. Ferraro stated there was a very extensive discussion regarding Community Development Block Grants at the Economic Development Committee meeting held earlier this evening. She further stated the staff of the Department of Community and Economic Development had requested if there were any questions to contact them.

Mrs. Ferraro advised the staff also asked they be notified if there were any items that members of County Council wished to have addressed.

Adjournment

Mr. Benol made a motion to adjourn the meeting.

Mr. Werner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

__________________________________________
Linda M. Zembo
Clerk to Council