Easton, Pennsylvania

June 16, 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; 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. Dietz made the following motion:

Be It Moved By the Northampton County Council that the minutes of the June 2, 2016 meeting shall be approved.

Mr. Benol seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Appointments

Mr. Benol introduced the following resolution:

RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:
AIRPORT AUTHORITY

Appointment:  
Neal D. Koplin  
3777 Penn State Court  
Bethlehem, PA 18020

Term to Expire: 12/31/17

AREA AGENCY ON AGING ADVISORY COUNCIL

Appointment:  
Elaine I. Schadler  
2833 Sunset Drive  
Bethlehem, PA 18020

Terms to Expire: 7/1/18

Re-appointments:
Frances G. Greene  
32 Edinburgh Drive  
Easton, PA 18045

Gilbert K. Greene  
32 Edinburgh Drive  
Easton, PA 18045

Vivian Gualberti  
2336 Second Street  
Easton, PA 18042

Jo Anne L. Hoodmaker  
7545 Miller Drive  
Bath, PA 18014-8931

Pauline M. Hunter  
233 Rock Street  
Easton, PA 18042

Gretchen H. Parseghian  
20 South Main Street  
Nazareth, PA 18064

Lachlan P. Peeke  
2380 Peeke Lane  
Hellertown, PA 18055-1249
DRUG & ALCOHOL ADVISORY BOARD

Appointment: Joseph R. Kospiah
Graystone Circle
Northampton, PA 18067

Term to Expire: 6/30/18

JAIL ADVISORY BOARD

Appointments: Sharon Garretson
211 Gus Street
Pen Argyl, PA 18072

Terms to Expire: 12/31/17

Michelle Santiago, Psy.D
57 Oak Lane
Northampton, PA 18067

Mr. Benol made a motion to amend this resolution due to the untimely passing of Ms. Vivian Gualberti.

Mr. Geissinger seconded the motion.

Mr. Cusick called for the vote.

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

The motion was passed by a vote of 8-0.

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

R. 64-2016 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:

AIRPORT AUTHORITY

Appointment: Neal D. Koplin
3777 Penn State Court
Bethlehem, PA 18020

Term to Expire: 12/31/17
AREA AGENCY ON AGING ADVISORY COUNCIL

Appointment:  
Elaine I. Schadler  
2833 Sunset Drive  
Bethlehem, PA 18020

Terms to Expire: 7/1/18

Re-appointments:
Frances G. Greene  
32 Edinburgh Drive  
Easton, PA 18045

Gilbert K. Greene  
32 Edinburgh Drive  
Easton, PA 18045

Jo Anne L. Hoodmaker  
7545 Miller Drive  
Bath, PA 18014-8931

Pauline M. Hunter  
233 Rock Street  
Easton, PA 18042

Gretchen H. Parseghian  
20 South Main Street  
Nazareth, PA 18064

Lachlan P. Peeke  
2380 Peeke Lane  
Hellertown, PA 18055-1249

DRUG & ALCOHOL ADVISORY BOARD

Appointment:  
Joseph R. Kospiah  
Graystone Circle  
Northampton, PA 18067

Term to Expire: 6/30/18

JAIL ADVISORY BOARD

Appointments:  
Sharon Garretson  
211 Gus Street  
Pen Argyl, PA 18072

Terms to Expire: 12/31/17
Lehigh and Northampton Transportation Authority

Appointment:
Freddy E. Lutz, Jr.
2142 Amlisa Road
Nazareth, PA 18064

Term to Expire: 3/2/19

Lehigh Valley Planning Commission

Re-appointments:  Terms to Expire: 12/31/16
Elected Officials
John N. Diacogiannis
Hanover Township Supervisor
1360 Bonnie Avenue
Bethlehem, PA 18017-1012

Thomas J. Nolan
Bethlehem Township Commissioner
3910 Kipton Court
Bethlehem, PA 18020

Pamela J. Pearson, CPIM
Tatamy Borough Council
105 Fern Court
Easton, PA 18045

Michael D. Reph
Bath Borough Council
249 East Main Street
Bath, PA 18014

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

The resolution was adopted by a vote of 8-0.
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Courtesy of the Floor

As no one signed up for Courtesy of the Floor, Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

Controller’s Report

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

County Executive’s Report

Mr. John A. Brown advised he had no report.

Consideration of Confirming Acting Director of the Department of Community and Economic Development Resolution

Mr. Cusick stated at the June 2, 2016 meeting a motion was made by Mr. Phillips and seconded by Mr. Kraft to send the original resolution to the Personnel Committee and amend it to include a term limit of six months.

Mr. Benol introduced the following resolution:

R. 65-2016 RESOLVED, By the Northampton County Council that Tim Herrlinger shall be confirmed in his appointment as Acting Director of the Department of Community and Economic Development, effective May 11, 2016, for a term of six months.

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

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

The resolution was adopted by a vote of 7-1.
Consideration of Resolution Amending Resolution No. 54-2016

Mr. Cusick advised Resolution #54-2016 was adopted at the meeting held on May 19, 2016, but subsequently County Council was to amend the pay grade designation.

Mr. Benol introduced the following resolution:

R. 66-2016 WHEREAS, on June 9, 2016, County Council received from the Department of Human Resources corrected documents for two positions in Court Administration - Adult Probation that was approved in Resolution No. 54-2016, which was adopted on May 19, 2016.

IT IS, THEREFORE, HEREBY RESOLVED, By the Northampton County Council that Resolution No. 54-2016 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 54-2016

RESOLVED, by the Northampton County Council that the one full time (1.00 FTE) position of DUI Program Director, pay grade CS-30-5E, salary $75,741, shall be eliminated in the Department of Court Administration, effective this 23rd day of May 2016.

IT IS FURTHER RESOLVED by the Northampton County Council that the one full time (1.00 FTE) position of DUI Probation Officer II, pay grade CP-25-9I, salary $64,417, shall be eliminated in the Department of Court Administration, effective this 23rd day of May 2016.

IT IS FURTHER RESOLVED by the Northampton County Council that the one full time (1.00 FTE) position of DUI Probation Officer I, pay grade CP-23-6F, salary $52,057, shall be eliminated in the Department of Court Administration, effective this 23rd day of May 2016.

IT IS FURTHER RESOLVED by the Northampton County Council that the position of Chief Adult Probation Officer, pay grade CS-30-5E, salary $74,741, shall be reclassified to Chief Adult Probation Officer, pay grade CS-31-5E, salary $79,307, effective this 23rd day
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of May 2016.

**IT IS FURTHER RESOLVED** by the Northampton County Council that the one full time (1.00 FTE) position of Adult Probation Supervisor, pay grade CS-26-7G, salary $68,801, shall be created in the Department of Court Administration, effective this 23rd day of May 2016.

**IT IS FURTHER RESOLVED** by the Northampton County Council that the one full time (1.00 FTE) position of Adult Probation Officer II, pay grade CS-25-5E, salary $54,537, shall be created in the Department of Court Administration, effective this 23rd day of May 2016.

**IT IS FURTHER RESOLVED** by the Northampton County Council that the one full time (1.00 FTE) position of Adult Probation Officer I, pay grade CS-22-1A CP-22-1A, salary $40,431, shall be created in the Department of Court Administration, effective this 23rd day of May 2016.

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

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

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

Bethlehem City Tax Increment Financing (TIF) Letter

Mr. Cusick stated he received a letter from Mr. Tony Hanna, Executive Director - City of Bethlehem Redevelopment Authority, regarding their TIF funding. He then asked Mrs. Ferraro to invite him to an Economic Development Committee meeting to explain how they have been using those funds.

Introduction of Ordinance Amending Ordinance No. 411-2003 - Weights and Measures 2017 Fee Increases

Mr. Cusick advised this ordinance would amend the Weights and Measures Fee Schedule and that the public hearing, debate
and possible vote will take place on July 7, 2016.

Messrs. Benol and Werner introduced the following ordinance:

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 strokeout 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 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 $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.

Consideration of Personnel Request Resolutions: a. Department of Community and Economic Development; b. Department of Public Works

Department of Community and Economic Development

Mr. Benol introduced the following resolution:

IT IS HEREBY RESOLVED by the Northampton County Council that the one (1) full time position of Environmental Services Coordinator, pay grade CS-23, step 1-A, salary $46,017, shall be eliminated in the Department of Community and Economic Development, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Community and Economic Development Specialist, pay grade CS-23, step 1-A, salary $46,017, shall be eliminated in the Department of Community and Economic Development, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Environmental Services Coordinator, pay grade CS-23, step 1-A, salary $46,017 shall be created in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Clerical Technician III, pay grade CS-15, step 1-A, salary $31,838 shall be created in the Department of Community and Economic Development, effective June 19, 2016.

IT IS FURTHER RESOLVED that the two (2) full time positions of Community and Economic Development Specialist, pay grade CS-23, step 1-A shall be reclassified to pay grade CS-23, step 3-C; the one (1) full time position of Community and Economic Development Financial Specialist, pay grade CS-23, step 1-A shall be reclassified to pay grade CS-23, step 3-C.

Mr. Werner stated he would oppose this because County Council had been waiting for performance outcome documentation from this department for a long time and due to the number of changes in this department in a short period of time he felt it
would be best to wait and see what the County was getting for its investment.

Mr. Dietz advised he would also be voting against it because he did not feel the County was seeing a return on its investment at this time.

Mr. Phillips stated he agreed and felt the new Acting Director should shepherd them through until the budget cycle at which time they could show why the need for this request.

Mr. Benol agreed with his colleagues that they should be given time to show the reasoning behind the increases.

Mr. Cusick stated he probably would have supported this during the budget cycle if positive results were shown from the new Acting Director, but he did not see any emergency to act on it now. Additionally, the County Executive could decide to grant raises to all the employees next year so it would not be fair to give these individuals an increase now. He further stated Other Post-Employment Benefits (OPEB) were reflected on the documentation and as new employees were not eligible for them he would like to see them removed in the future.

Mr. Brown advised OPEB was included in the documents because they did not know who was going to get the position and it could be a current employee who was entitled to them. He further advised the staff did provide detailed reports on what they did and results they produced.

Mr. Brown stated he felt there was a misconception among County Council that the purpose of this department was job creation, but there were a lot of other functions they performed such as job preservation and grants. He further stated bringing businesses and jobs into the area was left to the Lehigh Valley Economic Development Corporation because this division did not have the capacity to go to the market to deal with brokers and realtors.

Mr. Brown advised the number of grants this department handled on behalf of the County alone was justification for the reorganization and recommendation that was being put forth. He further advised he respected Mr. Cusick's concern about mid-year changes, but if that approach was taken on all matters it would bog down the budgeting process and the first quarter of the following year would be spent catching up on the paperwork implementing those changes.
Mr. Brown stated the Administration had demonstrated an ability to continually define improvements and make those aggressive changes that needed to be made in real time in order to keep the County moving forward to deliver necessary services.

Mrs. Ferraro advised members of County Council did not fully understand the depth and scope of this department so she hoped through their reports at the Community and Economic Committee meetings each month they would be able to see what was being accomplished.

Mr. Geissinger stated it appeared the Administration had done an audit of this department and realized these particular positions required a minor adjustment in compensation. He further stated it was County Council's responsibility to watch the finances of the County, but not to hinder the Administration from providing compensation to employees who were doing their jobs.

Mr. Werner advised one and a half years ago County Council was informed that this department now had the skill sets to bring economic development to fruition to help this County and during that time they were asked to provide updates, but they were never received.

Mr. Geissinger stated these individuals were getting work done and the bottleneck in their reporting was not their fault.

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

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

The resolution failed by a vote of 3-5.

Department of Public Works

Mr. Benol introduced the following resolution:

R. 67-2016 IT IS HEREBY RESOLVED, by the Northampton County Council that the one (1) part time position of Security Custodian, pay grade RU-01, step 3C, salary $18,811, shall be eliminated in the Department of Public Works, effective June 19, 2016.
IT IS FURTHER RESOLVED that the one (1) part time position of Custodian, pay grade RU-02, step 5B, salary $10,438, shall be eliminated in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) part time position of Custodian, pay grade RU-02, step 2B, salary $9,147, shall be eliminated in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) part time position of Custodian Cleaner, pay grade RU-09, step 2B, salary $11,447, shall be eliminated in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) part time position of Custodian Cleaner, pay grade RU-09, step 7G, salary $14,265, shall be eliminated in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Security Custodian, pay grade RU-01, step 1A, salary $25,342, shall be created in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Custodian Cleaner, pay grade RU-09, step 1A, salary $21,907, shall be created in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Custodian Cleaner, pay grade RU-09, step 1A, salary $21,907, shall be created in the Department of Public Works, effective June 19, 2016.

IT IS FURTHER RESOLVED that the one (1) full time position of Custodian Cleaner, pay grade RU-09, step 1A, salary $21,907, shall be created in the Department of Public Works, effective June 19, 2016.

Mr. Geissinger advised Mr. Stan Rugis, Director of Public Works, made it very clear due to the Affordable Care Act the County had to create full time positions.

As there were no further questions or comments, Mr. Cusick called for the vote.
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The resolution was adopted by a vote of 8-0.

Consideration of the General Purpose Authority - St. Luke’s Hospital Project Resolution

Mr. Cusick stated County Council was requested to adopt a General Purpose Authority resolution pertaining to a project being considered by St. Luke’s Hospital. He further stated these types of resolutions have been presented before and the County’s full faith, credit or taxing power was not pledged as a guarantee for the funds being borrowed.

Mrs. Ferraro introduced the following resolution:

R. 68-2016

RESOLUTION APPROVING THE FINANCING BY THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY OF CERTAIN FACILITIES OF SAINT LUKE’S HOSPITAL OF BETHLEHEM, PENNSYLVANIA AND ST. LUKE’S HOSPITAL - ANDERSON CAMPUS; DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE PEOPLE IN THE AREA SERVED BY SUCH FACILITIES TO HAVE SUCH FACILITIES FINANCED BY SAID AUTHORITY; AND APPROVING THE ISSUANCE OF BONDS TO Finance SUCH FACILITIES

WHEREAS, the Northampton County General Purpose Authority (the "Authority") is a body corporate and politic organized by the Board of County Commissioners of the County of Northampton, Pennsylvania (the "County") under the Pennsylvania Municipality Authorities Act, as amended (the "Act"); and

WHEREAS, Saint Luke’s Hospital of Bethlehem, Pennsylvania, a Pennsylvania nonprofit corporation ("SL-Bethlehem"), and St. Luke’s Hospital - Anderson Campus, a Pennsylvania nonprofit corporation ("SL-Anderson" and, together with SL-Bethlehem, the "Borrowers"), have requested that the Authority finance all or a portion of certain projects for the benefit of the Borrowers consisting of (i) the refunding of all or a portion of the Authority’s Hospital Revenue Bonds, Series A of 2008 (Saint Luke’s Hospital Project), currently outstanding in the aggregate principal amount of $175,000,000, which bonds financed the
construction and equipping of a portion of a new medical campus for SL-Anderson and certain other capital projects of the Borrowers, and (ii) various capital projects of the Borrowers consisting of the construction of a 75,000 square foot ambulatory surgery center that will house six operating rooms and four procedure rooms and various other capital projects for general purposes of the Borrowers, including, without limitation, renovations, repairs, acquisitions of capital equipment and information technology acquisition and improvements, such projects to be located at various locations in Northampton County and Lehigh County, Pennsylvania (collectively, the "2016 St. Luke's Projects"); and

WHEREAS, each of the Borrowers is a nonprofit corporation that is a hospital or that otherwise provides health care services to the public, and the facilities to be financed as part of the 2016 St. Luke's Projects have been determined by the Authority to be qualified under the Act for financing through the Authority, and accordingly the Authority proposes to finance the 2016 St. Luke's Projects and related costs and expenses of the financing by the issuance and sale of one or more series of its revenue bonds in an aggregate principal amount not to exceed $260,000,000 (the "Bonds"); and

WHEREAS, the Act requires that the County declare by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by the facilities comprising the 2016 St. Luke’s Projects to have such facilities financed through the Authority; and

WHEREAS, in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing (the "Hearing") was held by the Authority on Wednesday, June 1, 2016, notice of which Hearing was published in The Express Times on May 14, 2016 and at which Hearing a reasonable opportunity to be heard was provided for all persons with different views on both the issuance of the Bonds and the location and nature of the facilities being financed;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA THAT:

1. It is hereby declared to be desirable for the health, safety and welfare of the people in the area served by the facilities comprising the 2016 St. Luke’s Projects (including, without limitation, the Counties of Northampton and Lehigh,
Pennsylvania) to have such facilities financed through the Authority, and the Authority is hereby authorized to finance the 2016 St. Luke’s Projects for the benefit of the Borrowers.

2. The issuance of the Bonds to finance the 2016 St. Luke’s Projects and related costs and expenses of the financing is hereby approved, it being understood, however, that such approval does not and shall not, directly or indirectly, obligate the taxing power of the County or otherwise obligate the County in any way whatsoever and is given for the sole purpose of complying with applicable provisions of law relating to the financing of the 2016 St. Luke’s Projects by the Authority.

3. The proper officers and other personnel of the County are hereby authorized and empowered to take all such further actions and execute such additional documents as they may deem appropriate to carry out the purposes of this Resolution.

4. All prior resolutions or parts of prior resolutions of the County not in accordance with this Resolution are hereby repealed insofar as they conflict herewith.

5. This Resolution is effective immediately.

Mr. Thomas Lichtenwalner, Chief Financial Officer, St. Luke’s Hospital, advised they would use these funds to refinance their 2008 Bond Issue million, borrow money to finance new projects at the Anderson Campus and buy equipment.

Mr. Phillips stated he was going to support this, but he was concerned about the non-profit status of hospitals because they were taking taxes out of public coffers by obtaining more and more land. He further stated if a warehouse was put on a property they would be paying taxes.

In answer to Mr. Phillips’ question as to whether he had an idea of the percentage of their revenue that went back into public works, Mr. Lichtenwalner advised their network revenue was approximately $1.2 billion and they gave back through community benefits approximately $100 million. He further advised a hospital employed more tax paying individuals who ultimately return money to the community than a warehouse.

In response to Mr. Cusick’s question as to whether the Affordable Care Act reduced the amount of uncompensated care,
Mr. Lichtenwalner stated it fluctuated because more people were now insured, but they had higher deductibles that they are unable to pay.

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

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

The resolution was adopted by a vote of 7-0-1 abstention.

Consideration of Register of Wills and Clerk of the Orphans' Court - Fee Change - Online Subscriptions Resolution

Mr. Benol introduced the following resolution:

R. 69-2016 WHEREAS, Northampton County Resolution 17-79 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates as deemed necessary; and

WHEREAS, on November 14, 2006, a Court Order was issued a new fee schedule for the Register of Wills and Clerk of the Orphans' Court to take effect on January 1, 2007; and

WHEREAS, on June 9, 2016, County Council received a request to approve a change to the fee schedule for the Register of Wills and Clerk of the Orphans' Court reflecting the cost to the public to access documents online.

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council that the fee schedule for the Register of Wills and Clerk of the Orphans' Court Division shall be amended to include the attached fee schedule for online subscriptions.

BE IT FURTHER RESOLVED that any other fee schedule inconsistent herewith is hereby repealed insofar as the same affects this fee schedule.

As there were no questions or comments, Mr. Cusick called for the vote.
The vote: Benol, "yes"; Werner, "yes"; Cusick, "yes"; Dietz, "yes"; Ferraro, "yes"; Geissinger, "yes"; Phillips, "yes" and Vaughn, "yes".

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


Industrial Communications Co.

Mr. Geissinger introduced the following resolution:

R. 70-2016 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 May 19, 2016, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $1,533,897 with Industrial Communications Co. for radio frequency infrastructure and radio maintenance services for a term of five years effective November 1, 2016.

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 Industrial Communications Co. for radio frequency infrastructure and radio maintenance services.

Mr. Brown stated this contract covered all radio infrastructures when it left the 911 Center to go to all antennas and tower sites, as well as equipment repairs and maintenance. He further stated Industrial Communications Co., who was the local authorized Harris dealer, kept the same contract terms and agreed to a 5% escalation rate.
Mr. Geissinger advised it appeared there was no choice in this selection, but he would have liked to have received more details from the division especially since it was $1.5 million.

Mr. Brown stated once an upgrade was purchased for a certain manufacturer's equipment you were pretty much locked in and the manufacturer indicated this was their only local authorized dealer.

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

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

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

Slate Belt Plumbing, Heating and Electric

Mr. Geissinger introduced the following resolution:

R. 71-2016 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 June 1, 2016, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the estimated amount of $80,000 per year with a total payout of $240,000 with Slate Belt Plumbing, Heating and Electric for highway interchange lighting maintenance and repairs for a term of three 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 Slate Belt Plumbing, Heating and
Electric for highway interchange lighting maintenance and repairs.

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

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

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

Bi-State Construction

Mr. Geissinger introduced the following resolution:

R. 72-2016 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness."

WHEREAS, on June 14, 2016, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract with Bi-State Construction for the replacement of Bridge No. 102, totaling $4,051,000, but since it is part of the Pennsylvania Department of Transportation Improvement Program the County's responsibility will be $202,550, the Federal reimbursement will be $3,240,800 and the State reimbursement will be $607,650.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive to award a contract to Bi-State Construction for the replacement of Bridge No. 102, as set forth in the attached documentation.

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

The vote: Geissinger, "yes"; Dietz, "yes"; Ferraro, "yes"; Phillips, "yes"; Vaughn, "yes"; Werner, "yes"; Benol, "yes" and Cusick, "yes".
The resolution was adopted by a vote of 8-0.

Executive Session

Mr. Benol made a motion to move into Executive Session to discuss personnel issues.

Mr. Werner seconded the motion.

Mr. Cusick called for the vote on the motion.

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

The motion passed by a vote of 7-1.

Mr. Cusick called the meeting back to order.

Mr. Lauer advised County Council entered into Executive Session at 7:29 p.m. and returned at 8:01 p.m. wherein personnel issues and one legal issue were discussed.

Human Services Committee Report

Mr. Vaughn stated the Human Services Committee met earlier in the evening where Mr. John Mehler, Department of Area Agency on Aging - Aging Administrator III, reported there would be several State legislative changes that would take effect over the next few years and pertained to clinical assessments. He further stated the senior citizen center in Bethlehem received a $134,000 grant for work to be done in the kitchen.

Mr. Vaughn advised it was also reported by Ms. Allison Frantz, Director of Human Services, that Gracedale would shortly be receiving $2.4 million from the Intergovernmental Transfer funding.

Airport Authority Liaison Report

Mr. Geissinger stated at their meeting, the Executive Committee reviewed options for improvements to provide an opportunity for the Braden Airpark to continue to perform as an airfield.
In response to Mr. Cusick's question as to whether they had new plans, Mr. Geissinger replied they did.

Retirement Board Liaison Report

Mr. Cusick advised the pension was 86% funded and they looked over potential changes to some of assumptions with regard to return. He further advised they had their advisor look at potential changes to the benefit formula for new hires and they voted to put the advisory contract out for a Request for Proposal.

Adjournment

Mr. Geissinger made a motion to adjourn the meeting.

Mr. Benol seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council