Easton, Pennsylvania  March 3, 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 (via telephone); 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 a moment of silence.

Pledge of Allegiance

Mr. Dietz 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 February 18, 2016 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Kevin Lott, 621 Durham Street, Hellertown, PA - stated he was an active member of the Lehigh Valley building trades and was present to show his support for the County Executive's plan to replace and repair many of the County's aging bridges. He further stated he urged all members of County Council to support this program.

Mr. Lott advised this proposed public/private partnership would allow the County to address safety concerns associated with deteriorating bridges that have exceeded their life span and had weight limits placed on them. He further advised due to
these weight limitations heavy vehicles such as fire trucks, ambulances, snow plows and school buses had to find alternate routes.

Mr. Lott stated while public safety was a key reason for this program other benefits were cost savings in design and construction and job creation. He further stated by supporting this program County Council would be responsible for creating approximately 800 good paying jobs.

Controller’s Report

Mr. Stephen Barron, Controller, advised while County Council considered creating a 501(c)(3) for Gracedale, he would recommend making the regular every day donations of a certain amount that came into the County for spending on behalf of Gracedale part of the budget amendment process so they would not have to take action every time a donation came in.

Mr. Geissinger telephoned in at this time.

With regard to the proposed amendment to the Home Rule Charter, Mr. Barron stated in 1978 advertising in two newspapers of general circulation was reasonable. He further stated since 1998, the County had paid $1.9 million to the Morning Call and $1.5 million to the Express Times for advertising so it would be a great benefit if that requirement was eliminated.

County Executive’s Report

Mr. John A. Brown, County Executive, advised he had no report, but would like to make a comment during the discussion of the bridges.

Public Hearing on the Ordinance Amending Home Rule Charter Article VIII Personnel, Section 804. Filling Vacancies in the Career Service (b) Recruitment

Mr. Cusick stated the following ordinance was introduced by Messrs. Kraft and Benol:
AN ORDINANCE PROVIDING FOR AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER ARTICLE VIII PERSONNEL, SECTION 804. FILLING VACANCIES IN THE CAREER SERVICES (b) RECRUITMENT

BE IT HEREBY ORDAINED AND ENACTED, by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 8, 2016 General Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

Shall the electorate of Northampton County approve change in the Northampton County Home Rule Charter Article VIII Personnel Section 804. Filling Vacancies in the Career Service (b) Recruitment to read, as follows:

(b) Recruitment. Each vacant position shall be broadly advertised for a period of at least seven (7) days. Candidates shall apply for the position with the agency responsible for administering the merit personnel system.

SECTION II - EFFECTIVE DATE

A. This ordinance shall become effective thirty days after the 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. Cusick advised the place to do advertising now was on the internet so he would encourage members of County Council and the public to support this change.

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

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

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

Public Hearing on the Ordinance Endorsing the County Bridge Conveyance and Rehabilitation Program

Mr. Cusick stated the following ordinance was introduced by Messrs. Phillips and Geissinger:

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY ENDORSING THE COUNTY BRIDGE CONVEYANCE AND REHABILITATION PROGRAM

WHEREAS, the County owns approximately one hundred nineteen (119) bridges (115 are owned solely by Northampton County and 4 are owned with Lehigh County); and

WHEREAS, in 2012 the County commissioned the engineering firm of Borton-Lawson to prepare a formal Conditions Report outlining the status and condition of the bridges located in Northampton County; and

WHEREAS, Borton-Lawson completed that Report and submitted the same to the Northampton County Department of Public Works in May of 2013; and

WHEREAS, the Borton-Lawson Report concluded the following:

- The average age of the bridges owned by Northampton County is over 61 years, some are over 100 years old.
- The average sufficiency rating for the bridges owned by Northampton County is 70.
Twenty-two (22) of the bridges were determined to be functionally obsolete.

27 of the bridges were determined to be structurally deficient.

37 of the bridges are load posted and weight restricted.

3 of the bridges are completely closed to traffic; and

WHEREAS, the County budgets approximately $780,000.00 a year for the maintenance of bridges; and

WHEREAS, the County issued a Bond in 2013 in the amount of $7.1 million dollars for the rehabilitation of only nine (9) of the County's bridges; and

WHEREAS, it has been determined by the County that the County's Department of Public Works has limited manpower, insufficient funds and limited expertise to manage the County's bridge maintenance program; and

WHEREAS, the duration for a typical bridge rehabilitation project runs from 4 to 6 years and typically costs between 1 and 2.5 million dollars per bridge; and

WHEREAS, the County believes it has inadequate resources to properly rehabilitate, replace and repair the functionally obsolete bridge system owned by Northampton County; and

WHEREAS, Northampton County formed the General Purpose Authority (GPA) under and in accordance with the Pennsylvania Municipalities Authorities Act, 53 Pa. C.S. § 5601, et seq., Act 22 of 2001, effective June 19, 2001 which codifies and amends the Municipal Authorities Act of 1945, as amended (hereinafter the "Act"); and

WHEREAS, the Act provides in relevant part as follows:

(i) §5607(a) Every authority incorporated shall be for the purpose of acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee various types of projects including transportation, bridges, highways and parkways and all facilities necessary or incident thereto; and
(ii) §5607(b) Every authority may exercise all powers necessary or convenient for the carrying out for the purposes set forth in the Act including (1) to acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority...; and

WHEREAS, the GPA, in accordance with the Act, is an instrumentality of the Commonwealth of Pennsylvania; and

WHEREAS, Act 88 of 2012, 74 Pa. C.S. §§9101-9124 (“Act 88”) is a statutory tool that enables the Commonwealth of Pennsylvania or its instrumentalities (such as the GPA) to enter into agreements with the private sector to participate in the delivery, maintenance and financing of transportation-related projects commonly referred to as “P3” projects; a P3 project is a contractual agreement between a “Public Entity” and a “Private Entity” which transfers the responsibility of a facilities engineering, construction, operation and/or maintenance to the private sector for a defined period of time; and

WHEREAS, Act 88 specifically defines a “Public Entity” as a municipal authority, such as the GPA; and

WHEREAS, Act 88 requires that a Public Entity such as the GPA, when undertaking a P3 rehabilitation project, solicit Requests for Proposals which solicitation is issued by the Public Entity; and

WHEREAS, prior to developing, designing, constructing, financing or operating and maintaining a P3 project, the Private Entity selected must enter into a Public Private Transportation Partnership Agreement with the Public Entity; and

WHEREAS, Act 88 further provides that a “Public Private Transportation Partnership Agreement” is a contract for a P3 project that transfers the rights for the use or control, in whole or in part, of a transportation facility by the Public Entity to the Private Entity for a definite term during which the Private Entity will provide the P3 project; and

WHEREAS, Act 88 in defining a “Transportation Facility” includes existing roads, bridges or overpasses and also includes any improvements of substantial enhancements or modifications to an existing transportation facility; and
WHEREAS, a municipal entity such as the Northampton County GPA must own a transportation facility, such as bridges, in order to effectuate a P3 project under Act 88; and

WHEREAS, the County Executive and the County Council of Northampton County believe that the Northampton County GPA is and can better, more efficiently and more economically replace and rehabilitate 34 of the 119 County bridges through a "P3" project as authorized by Act 88; and

WHEREAS, in order to effectuate the Authority’s ability to undertake a P3 project in accordance with Act 88, it must own in fee title to the Transportation Facility, in this case 34 County bridges; and

WHEREAS, the County Executive has the authority to execute and cause to be executed on behalf of the County all Deeds and contracts for the purchase, sale or lease of real property in accordance with §13.15 of the Northampton County Administrative Code, as amended; and

WHEREAS, the County Council of Northampton County must approve, by Ordinance, the purchase, sale or lease of real property owned by Northampton County in accordance with §13.5 of the Northampton County Administrative Code; and

WHEREAS, both the County Executive of Northampton County and the County Council of Northampton County believe that it is in the best interest of the citizens of Northampton County in order to protect their health, safety and welfare to convey title of 34 of the 119 County bridges as identified in Exhibit "A" to the GPA; and

WHEREAS, the Northampton County GPA wishes to accept title to the 34 bridges which are itemized in Exhibit "A"; and

WHEREAS, the GPA wishes to accept title to the 34 bridges in order to facilitate the bridge enhancement project as authorized by State Statute and Act 88.

NOW, THEREFORE, County Council of Northampton County hereby enacts and ordains and does enact and ordain the following:

1. All “Whereas” clauses are incorporated herein as though the same were more fully set forth at length.
2. Northampton County Council hereby endorses the Bridge Rehabilitation Program and authorizes conveying title of 34 bridges, as set forth in Exhibit “A” attached hereto and made a part hereof, to the Northampton County General Purpose Authority in accordance with the strict limitations, conditions and provisions further set forth in this Ordinance.

3. The conveyance of the 34 bridges set forth in Exhibit “A” attached hereto is subject to the following specific conditions:

(a) The conveyance of each bridge set forth herein in Exhibit “A” shall be pursuant to a subsequent Ordinance of the County Council of Northampton County.

(b) As a condition precedent to the conveyance of bridges from the County to the GPA, the County and the GPA will enter into a Service Agreement (the “Service Agreement”). The Service Agreement will provide that, in consideration for the GPA’s acquisition of the bridges and the GPA’s agreement to procure a Private Entity to replace, repair and restore the bridges for a specified period of time, for example 10 years, the County will pay the GPA a yearly service fee.

(c) The GPA will issue a RFP developed in cooperation with a committee appointed by the GPA, seeking Private Entities to submit proposals for participation in the P3 GPA project.

(d) A review of the RFP proposals received, and the selection of a Private Entity will be made, initially, by a Committee appointed by the GPA and then ultimately by the GPA Board.

(e) The RFP prepared by the GPA will include a draft of the proposed Public Private Partnership Transportation Agreement (the "Public Private Agreement") as required by Act 88.

(f) In accordance with a Public Private Agreement entered into between the GPA and the P3 Private Sector Partner, the GPA will pay the Private Entity remuneration in accordance with the services provided under the Public Private Agreement.
(g) At the expiration of the Public Private Agreement, the GPA may consult with appropriate County officials and determine whether or not it wishes to convey title to the bridges back to the County in fee or whether it would be more appropriate for the County to continue and extend the Service Agreement between the County and the GPA in order to allow the GPA to further service and maintain the County bridges.

4. County Council finds that the P3 GPA project offers the County and its residents multiple benefits which include the following:

(a) Replacement, rehabilitation and maintenance of County bridges, which are obsolete, in poor condition and, in some instances, unsafe, at an effective cost savings to the County;

(b) Implementation of a bridge rehabilitation program; and

(c) The GPA is authorized to effectuate such a bridge replacement project as an instrumentality of the Commonwealth of Pennsylvania in accordance with Act 88.

5. Severability. The provisions of the Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this ordinance would be amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

6. Repealer. All other County Ordinances, or parts thereof, that were adopted prior to this ordinance and are in conflict with this ordinance are hereby repealed.

7. Effective Date. This Ordinance shall become effective thirty (30) days after enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.
There were no respondents.

After Mr. Cusick asked Mr. Brown for his comments, Mr. Brown advised they narrowed the list down to 33 bridges so they would like the ordinance to be amended.

Mr. Kraft made a motion to amend the ordinance to reflect 33 bridges instead of 34 bridges would be conveyed and to eliminate Bridge #58 from Exhibit "A".

Mr. Benol seconded the motion.

Mr. Cusick called for the vote on the motion.

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

The motion passed by a vote of 9-0.

Mr. Brown stated earlier this week at the General Purpose Authority meeting a resolution was adopted endorsing this project in partnership with the County.

Mr. Cusick asked if there were any questions or comments by the members of County Council on the following amended ordinance:

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON
COUNTY ENDORSING THE COUNTY BRIDGE CONVEYANCE AND
REHABILITATION PROGRAM

WHEREAS, the County owns approximately one hundred nineteen (119) bridges (115 are owned solely by Northampton County and 4 are owned with Lehigh County); and

WHEREAS, in 2012 the County commissioned the engineering firm of Borton-Lawson to prepare a formal Conditions Report outlining the status and condition of the bridges located in Northampton County; and

WHEREAS, Borton-Lawson completed that Report and submitted the same to the Northampton County Department of Public Works in May of 2013; and
WHEREAS, the Borton-Lawson Report concluded the following:

- The average age of the bridges owned by Northampton County is over 61 years, some are over 100 years old.
- The average sufficiency rating for the bridges owned by Northampton County is 70.
- Twenty-two (22) of the bridges were determined to be functionally obsolete.
- 27 of the bridges were determined to be structurally deficient.
- 37 of the bridges are load posted and weight restricted.
- 3 of the bridges are completely closed to traffic; and

WHEREAS, the County budgets approximately $780,000.00 a year for the maintenance of bridges; and

WHEREAS, the County issued a Bond in 2013 in the amount of $7.1 million dollars for the rehabilitation of only nine (9) of the County's bridges; and

WHEREAS, it has been determined by the County that the County's Department of Public Works has limited manpower, insufficient funds and limited expertise to manage the County's bridge maintenance program; and

WHEREAS, the duration for a typical bridge rehabilitation project runs from 4 to 6 years and typically costs between 1 and 2.5 million dollars per bridge; and

WHEREAS, the County believes it has inadequate resources to properly rehabilitate, replace and repair the functionally obsolete bridge system owned by Northampton County; and

WHEREAS, Northampton County formed the General Purpose Authority (GPA) under and in accordance with the Pennsylvania Municipalities Authorities Act, 53 Pa. C.S. § 5601, et seq., Act 22 of 2001, effective June 19, 2001 which codifies and amends the Municipal Authorities Act of 1945, as amended (hereinafter the "Act"); and
WHEREAS, the Act provides in relevant part as follows:

(i) § 5607(a) Every authority incorporated shall be for the purpose of acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee various types of projects including transportation, bridges, highways and parkways and all facilities necessary or incident thereto; and

(ii) §5607(b) Every authority may exercise all powers necessary or convenient for the carrying out for the purposes set forth in the Act including (1) to acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority...; and

WHEREAS, the GPA, in accordance with the Act, is an instrumentality of the Commonwealth of Pennsylvania; and

WHEREAS, Act 88 of 2012, 74 Pa. C.S. §§9101-9124 ("Act 88") is a statutory tool that enables the Commonwealth of Pennsylvania or its instrumentalities (such as the GPA) to enter into agreements with the private sector to participate in the delivery, maintenance and financing of transportation-related projects commonly referred to as "P3" projects; a P3 project is a contractual agreement between a "Public Entity" and a "Private Entity" which transfers the responsibility of a facilities engineering, construction, operation and/or maintenance to the private sector for a defined period of time; and

WHEREAS, Act 88 specifically defines a "Public Entity" as a municipal authority, such as the GPA; and

WHEREAS, Act 88 requires that a Public Entity such as the GPA, when undertaking a P3 rehabilitation project, solicit Requests for Proposals which solicitation is issued by the Public Entity; and

WHEREAS, prior to developing, designing, constructing, financing or operating and maintaining a P3 project, the Private Entity selected must enter into a Public Private Transportation Partnership Agreement with the Public Entity; and
WHEREAS, Act 88 further provides that a "Public Private Transportation Partnership Agreement" is a contract for a P3 project that transfers the rights for the use or control, in whole or in part, of a transportation facility by the Public Entity to the Private Entity for a definite term during which the Private Entity will provide the P3 project; and

WHEREAS, Act 88 in defining a "Transportation Facility" includes existing roads, bridges or overpasses and also includes any improvements of substantial enhancements or modifications to an existing transportation facility; and

WHEREAS, a municipal entity such as the Northampton County GPA must own a transportation facility, such as bridges, in order to effectuate a P3 project under Act 88; and

WHEREAS, the County Executive and the County Council of Northampton County believe that the Northampton County GPA is and can better, more efficiently and more economically replace and rehabilitate 33 of the 119 County bridges through a "P3" project as authorized by Act 88; and

WHEREAS, in order to effectuate the Authority’s ability to undertake a P3 project in accordance with Act 88, it must own in fee title to the Transportation Facility, in this case 33 County bridges; and

WHEREAS, the County Executive has the authority to execute and cause to be executed on behalf of the County all Deeds and contracts for the purchase, sale or lease of real property in accordance with §13.15 of the Northampton County Administrative Code, as amended; and

WHEREAS, the County Council of Northampton County must approve, by Ordinance, the purchase, sale or lease of real property owned by Northampton County in accordance with §13.5 of the Northampton County Administrative Code; and

WHEREAS, both the County Executive of Northampton County and the County Council of Northampton County believe that it is in the best interest of the citizens of Northampton County in order to protect their health, safety and welfare to convey title of 33 of the 119 County bridges as identified in Exhibit "A" to the GPA; and

WHEREAS, the Northampton County GPA wishes to accept title to the 33 bridges which are itemized in Exhibit "A"; and
WHEREAS, the GPA wishes to accept title to the 33 bridges in order to facilitate the bridge enhancement project as authorized by State Statute and Act 88.

NOW, THEREFORE, County Council of Northampton County hereby enacts and ordains and does enact and ordain the following:

1. All "Whereas" clauses are incorporated herein as though the same were more fully set forth at length.

2. Northampton County Council hereby endorses the Bridge Rehabilitation Program and authorizes conveying title of 33 bridges, as set forth in Exhibit "A" attached hereto and made a part hereof, to the Northampton County General Purpose Authority in accordance with the strict limitations, conditions and provisions further set forth in this Ordinance.

3. The conveyance of the 33 bridges set forth in Exhibit "A" attached hereto is subject to the following specific conditions:

   (a) The conveyance of each bridge set forth herein in Exhibit "A" shall be pursuant to a subsequent Ordinance of the County Council of Northampton County.

   (b) As a condition precedent to the conveyance of bridges from the County to the GPA, the County and the GPA will enter into a Service Agreement (the "Service Agreement"). The Service Agreement will provide that, in consideration for the GPA’s acquisition of the bridges and the GPA’s agreement to procure a Private Entity to replace, repair and restore the bridges for a specified period of time, for example 10 years, the County will pay the GPA a yearly service fee.

   (c) The GPA will issue a RFP developed in cooperation with a committee appointed by the GPA, seeking Private Entities to submit proposals for participation in the P3 GPA project.

   (d) A review of the RFP proposals received, and the selection of a Private Entity will be made, initially, by a Committee appointed by the GPA and then ultimately by the GPA Board.
(e) The RFP prepared by the GPA will include a draft of the proposed Public Private Partnership Transportation Agreement (the “Public Private Agreement”) as required by Act 88.

(f) In accordance with a Public Private Agreement entered into between the GPA and the P3 Private Sector Partner, the GPA will pay the Private Entity remuneration in accordance with the services provided under the Public Private Agreement.

(g) At the expiration of the Public Private Agreement, the GPA may consult with appropriate County officials and determine whether or not it wishes to convey title to the bridges back to the County in fee or whether it would be more appropriate for the County to continue and extend the Service Agreement between the County and the GPA in order to allow the GPA to further service and maintain the County bridges.

4. County Council finds that the P3 GPA project offers the County and its residents multiple benefits which include the following:

(a) Replacement, rehabilitation and maintenance of County bridges, which are obsolete, in poor condition and, in some instances, unsafe, at an effective cost savings to the County;

(b) Implementation of a bridge rehabilitation program; and

(c) The GPA is authorized to effectuate such a bridge replacement project as an instrumentality of the Commonwealth of Pennsylvania in accordance with Act 88.

5. Severability. The provisions of the Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this ordinance would be amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.
6. **Repealer.** All other County Ordinances, or parts thereof, that were adopted prior to this ordinance and are in conflict with this ordinance are hereby repealed.

7. **Effective Date.** This Ordinance shall become effective thirty (30) days after enactment.

In answer to Mr. Werner's comment that the Lehigh Valley Planning Commission wanted to ensure that the bridge would come back to the County so they would not lose any Federal funding, Mr. Brown advised the intent was to have ownership revert back to the County. He further advised the remainder of the bridges were not restricted to receive funding from other programs.

Mr. Phillips stated this was a great program because the County was not able to handle the replacement or rehabilitation of all of its bridges.

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

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

The amended ordinance was adopted by a vote of 9-0.

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**Consideration of Resolution Amending Resolution #23-2016**

Mr. Cusick advised resolution #27-2016 was adopted at the last meeting, however, Sheriff David Dalrymple indicated he wanted more clarification so it was being amended.

Mr. Kraft introduced the following resolution:

R. 27-2016 **RESOLVED,** By the Northampton County Council that Resolution No. 23-2016 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with **bold underline** have been added):
Number 23-2016

IT IS HEREBY RESOLVED that the two four part time positions (comprising of 2.00 FTE) of Deputy Sheriff, pay grade DS-23, salary range $43,206 to $58,798, shall be eliminated in the Sheriff’s Department, effective the 19th day of February 2016.

IT IS FURTHER RESOLVED that the one three part time (.75 FTE) positions (comprising of .75 FTE) of Security Screening Officer, pay grade CS-12, salary range $20,799 to $29,593, shall be eliminated in the Sheriff’s Department, effective the 19th day of February 2016.

IT IS FURTHER RESOLVED by the Northampton County Council that the two full time positions (2.00 FTE) of Deputy Sheriff, pay grade DS-23, salary range $43,206 to $58,798, shall be created in the Sheriff’s Department, effective the 19th day of February 2016.

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


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

Consideration of Creation of 501(c)(3) to Raise Private Funding for Gracedale Resolution

Mr. Cusick stated after a presentation given by Premier Healthcare Resources at the last meeting regarding a 501(c)(3) program, Mr. Werner requested a resolution be prepared to create such a program.

Mr. Werner introduced the following resolution:

WHEREAS, the Northampton County Council requested Premier Healthcare Resources conduct a study pertaining to Gracedale becoming a 501(c)(3) entity and the impact thereof; and

WHEREAS, County Council received a presentation of that study at their meeting held on February 18, 2016; and
WHEREAS, County Council and the Administration reviewed the three options presented in the study and agreed the option that would allow Gracedale to raise private funding through a non-governmental, tax deductible structure without changing the current status of Gracedale and its employees, as well as support its services and programs to aid in securing its long term financial stability should be pursued.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council and Administration will take the necessary steps to establish and support the creation of a 501(c)(3) (Friends of Gracedale) as a formal philanthropic service for Gracedale residents and families.

Mr. Werner made a motion to change the word necessary in the last paragraph to preliminary.

Mr. Benol seconded the motion.

Mr. Cusick called for the vote on the motion.

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

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

Mr. Cusick asked if there were any questions or comments regarding the following amended resolution:

WHEREAS, the Northampton County Council requested Premier Healthcare Resources conduct a study pertaining to Gracedale becoming a 501(c)(3) entity and the impact thereof; and

WHEREAS, County Council received a presentation of that study at their meeting held on February 18, 2016; and

WHEREAS, County Council and the Administration reviewed the three options presented in the study and agreed the option that would allow Gracedale to raise private funding through a non-governmental, tax deductible structure without changing the current status of Gracedale and its employees, as well as support its services and programs to aid in securing its long term financial stability should be pursued.
NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council and Administration will take the preliminary steps to establish and support the creation of a 501(c)(3) (Friends of Gracedale) as a formal philanthropic service for Gracedale residents and families.

Mr. Kraft advised he supported the concept, but was concerned as to whether the Home Rule Charter would have to be amended with regard to how it received donations so he would like an opinion from Mr. Lauer.

Mr. Werner stated he had asked Mr. Lauer for his opinion.

Mr. Lauer advised he earlier provided an opinion with regard to the resolution allowing Gracedale to accept gifts up to $500 for the Gracedale Volunteer Fund without coming to County Council for approval each time. He further advised since he issued that opinion, he received several other questions regarding this resolution so he would like to request more time to evaluate both resolutions further before rendering an opinion.

Mr. Kraft made a motion to table this resolution.

Mrs. Ferraro seconded the motion.

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

The motion was passed by a vote of 7-2.

Mr. Lauer requested County Council members to e-mail any questions they had regarding this resolution.

Mrs. Ferraro stated she wanted to commend Mr. Werner for his work on this initiative, but she wanted everything in order so that nothing could come back later to derail it.

Consideration of Gracedale Volunteer Fund Donation Waiver Resolution

Mr. Cusick advised the following resolution was introduced by Mr. Vaughn at the last meeting and tabled on a motion made by Mr. Kraft and seconded by Mr. Geissinger so an opinion could be received by Mr. Lauer:
WHEREAS, Northampton County Home Rule Charter Section 202 (10) provides that County Council shall have, among others, the following powers: "to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;" and

WHEREAS, the Department of Human Services Gracedale Division requests they be allowed to accept donations for the Gracedale Volunteer Fund up to $500 per donation; and

WHEREAS, an account of all funds either deposited or withdrawn will be provided on an annual basis and upon request.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby direct the Department of Human Services Gracedale Division to accept donations for the Gracedale Volunteer Fund up to $500 per donation.

Mr. Cusick asked if there was a motion to remove this resolution from the table.

There were no respondents.

As there was no motion to remove this resolution from the table, it remained tabled.

Consideration of Northern Tier Trail Feasibility Study Resolution

Mr. Dietz introduced the following resolution:

R. 28-2016  WHEREAS, at the meeting held January 7, 2016, the Northampton County Council adopted Ordinance #603-2015; the ordinance titled "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; and

WHEREAS, at a meeting held April 1, 2015, Northampton County Council adopted Resolution #20-2015; approving the funding for a matching grant and for the Wildlands Conservancy to administrate an approved grant from the Pennsylvania Department of Conservation and Natural Resources (DCNR) for the Northern Tier Trail Feasibility Study from the Act 13-Marcellus Shale Legacy Fund; and
WHEREAS, Northampton County desires to undertake the Northern Tier Trail Feasibility Study; and

WHEREAS, Northampton County desires to apply to DCNR for a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Signature Page for Grant Application and Grant Agreement"; and

WHEREAS, Northampton County understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and DCNR if the applicant is awarded a grant; and

WHEREAS, Northampton County understands that by signing the "Signature Page for Grant Application and Grant Agreement" and submitting it to DCNR as part of the grant application the applicant agrees to the terms and conditions of the grant and will be bound by the Grant Agreement if DCNR awards a grant; and

WHEREAS, Northampton County will have available $60,000 from the Act 13-Marcellus Shale Legacy Fund and will receive 50% or up to $30,000 as a reimbursement from DCNR as a grant award at the completion of the project.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council:

1. The Northampton County Council hereby approves the Northern Tier Trail Feasibility Study grant application to the DCNR. Further the Northampton County Executive, through the office of the Program Administrator of the Northampton County Livable Landscapes Program, 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 “Signature Page for Grant Application and Grant Agreement” may be signed on behalf of the applicant by the official who, at the time of signing, has the title of Open Space Coordinator.

3. If this official signed the “Signature Page for Grant Application and Grant Agreement” prior to the passage of this resolution, this grant of authority applies retroactively to the date of signing.
(4) If the applicant is awarded a grant, the "Signature Page for Grant Application and Grant Agreement," signed by the above official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.

(5) Any amendment to the Grant Agreement may be signed on behalf of the grantee by the official who, at the time of signing of the amendment, has the title specified in paragraph 2 and the grantee will be bound by the amendment.

In response to Mr. Phillips’ comment that the study was going to be $60,000 and would be funded out of the Marcellus Shale funding, but $30,000 would come back from the Department of Conservation and Natural Resources (DCNR), Mr. Bryan Cope, Open Space Coordinator, confirmed that was correct.

In answer to Mr. Cusick’s question as to whether this was included in the Livable Landscapes Program, Mr. Cope stated it was part of the overall trail planning portion.

Mr. Geissinger disconnected at this time.

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

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

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

Consideration of Resolution Amending Resolution #19-2014

Mr. Cusick advised this resolution was being amended as Upper Mount Bethel pulled their funding and it was being replaced with DCNR funding.

Mr. Dietz introduced the following resolution:

R. 29-2016 RESOLVED, By the Northampton County Council that resolution No. 19-2014 shall be amended as indicated
Northampton County Council

hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 19-2014

WHEREAS, the County of Northampton implemented the Northampton County Open Space 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 the conservation easement acquisition by the Nature Conservancy for the Transue property, Upper Mt. Bethel Township, Northampton County; and

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

<table>
<thead>
<tr>
<th>Property Owner(s):</th>
<th>Barrett &amp; Doris Transue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>258 Audubon Drive, Mount Bethel, PA 18343</td>
</tr>
<tr>
<td></td>
<td>Upper Mount Bethel Township, Northampton County</td>
</tr>
<tr>
<td>Parcel Identification:</td>
<td>C 11-95-0131</td>
</tr>
<tr>
<td>Site Information:</td>
<td>Approximately 95 acres; wooded acreage with Minsi Lake vernal pools &amp; Mount Bethel Ponds Natural Area</td>
</tr>
<tr>
<td>Appraised Value:</td>
<td>$289,388.90 from Upper Mount Bethel Township</td>
</tr>
<tr>
<td>Municipal Allocation:</td>
<td>$272,500</td>
</tr>
<tr>
<td>Pennsylvania Department of Conservation and Natural Resources:</td>
<td>$272,500</td>
</tr>
<tr>
<td>County Grant Request:</td>
<td>$272,500, $272,500, $272,500</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby directs the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his/her/designee, to take any and all steps necessary to complete the conservation easement acquisition, by the Nature Conservancy of the Transue property, Upper Mt. Bethel Township, being approximately 95 acres, located at 258 Audubon Drive, Mount Bethel, PA 18343, Upper Mount Bethel Township, Northampton County, and also known as Uniform Parcel Identifier Numbers C 11-95-0131.
The Northampton County Council hereby directs the Northampton County Executive to appropriate $276,667.00 $272,500 as consideration for the conservation easement acquisition by the Nature Conservancy of the Transue Property.

Mr. Cusick stated he was disappointed that Upper Mount Bethel Township withdrew their funding because the funding should come from the State, County and municipality. He further stated if the municipality was not going to put money up, he was not going to support these projects in the future.

Mr. Phillips advised he originally voted against this resolution because he felt that land could never be developed.

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

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

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

Consideration of Resolution Regarding the Restoration of Human Services Funding and Mechanisms for Future Budget Impasse

Mr. Cusick stated the County Commissioner Association of Pennsylvania requested Counties adopt a resolution that would restore funding for Human Services Programs to historic levels and put mechanisms in place to assure any future budget impasse or budget delay did not become a burden on the County and its constituents.

Mr. Cusick introduced the following resolution:

R. 30-2016

A RESOLUTION OF THE COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, URGING THE GENERAL ASSEMBLY AND ADMINISTRATION TO RESTORE FUNDING FOR HUMAN SERVICES PROGRAMS TO HISTORIC LEVELS AND TO PUT MECHANISMS IN PLACE TO ASSURE ANY FUTURE BUDGET IMPASSE OR BUDGET DELAY DOES NOT BECOME A BURDEN ON NORTHAMPTON COUNTY AND ITS CONSTITUENTS
WHEREAS, Counties are at the forefront for delivery of crucial human services that protect the most vulnerable individuals, such as child welfare and protective, mental health, intellectual disabilities; substance abuse treatment; homeless assistance; meal programs; lottery funded transportation and others; and

WHEREAS, the capacity to meet critical service needs has been compromised by a steady decrease in State funding over the past decade, especially the drastic ten percent aggregate cut to the seven human services line items in FY 2012-2013; and

WHEREAS, the Human Services Block Grant has provided much-needed flexibility for the 30 Counties eligible to participate, but remains closed to the 37 remaining Counties; and

WHEREAS, new mandates and additional program requirements continue to be placed on Counties in the face of decreasing State funds; and

WHEREAS, while the rebalancing initiative for child welfare services is portrayed as only an accounting change, the initiative shifts a full quarter of funds for mandated child protective services into the following budget year with no more than a promise of being made whole; and

WHEREAS, as a result of the six-month budget impasse in FY 2015-2016, Counties and the providers with whom they contract were forced to make difficult decisions about remaining open and meeting clients’ needs while State payments were withheld; and

WHEREAS, many Counties tapped reserves, borrowed funds, reduced or suspended payments to vendors or subcontractors, limited staff travel, laid off or reduced hours of employees, among other strategies, to maintain their focus on service delivery and assure that clients felt no harm; and

WHEREAS, in order to continue providing essential services during the Commonwealth’s budget impasse, Northampton County was forced to reduce cash reserves from approximately $33 million to $3 million during the last six months of calendar year 2015; and

WHEREAS, due to the liquidation of cash reserves, Northampton County has incurred substantial loss of investment income; and

WHEREAS, in order to ensure continuation of essential
services in 2016, Northampton County was compelled to secure a $45 million Tax and Revenue Anticipation Note.

NOW, THEREFORE, BE IT RESOLVED that Northampton County remains committed to the important role we play in delivery of services to our communities.

FURTHER BE IT RESOLVED that Northampton County stands ready to work in partnership with the County Commissioners Association of Pennsylvania in support of Counties’ top priority for 2016, the Commonwealth budget and human services funding.

FURTHER BE IT RESOLVED that Northampton County supports restoration of funding of the ten percent reductions to the seven key human services line items that occurred in FY 2012-2013, as without restoration to prior funding levels, all Counties find it difficult to serve the State’s most needy citizens.

FURTHER BE IT RESOLVED that Northampton County opposes “rebalancing” initiatives for child welfare services that will force Counties to reduce funding by a quarter, reduce payments to providers, shorten contract periods or use County property tax funds to cover the State’s obligation until a future budget makes a true allocation.

FURTHER BE IT RESOLVED that Northampton County asks that State leaders continue to work with them to find ways to administer human services programs in a way that ensures both quality and efficiency, including expansion of the Human Services Block Grant to any willing and able County.

FURTHER BE IT RESOLVED that Northampton County will work in concert with the County Commissioners Association of Pennsylvania and State leaders to develop comprehensive solutions for any future budget impasse or delay to ensure that Counties are never again put in a situation where they are forced to cover the State’s funding obligations.

LASTLY BE IT RESOLVED that a copy of this resolution be sent to the Northampton County legislative delegation, to Governor Tom Wolf and to the County Commissioners Association of Pennsylvania.

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

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

Economic Development Committee Report

Mrs. Ferraro advised it was announced at the Economic Development Committee meeting earlier this evening that the County had initiated a medical waste collection program for unused medications. She further advised a container would be placed in the rotunda for the collection.

Mrs. Ferraro stated Ms. Kassie Hilgert, President and Chief Executive Officer, ArtsQuest/SteelStacks, gave a presentation regarding the economic impact of ArtsQuest and SteelStacks on the County, as well as the revenue that came back to the County from its investment.

Capital Projects and Operations Committee Report

Mr. Phillips advised the Capital Projects and Operations Committee will be meeting at 6:30 p.m. on Thursday, March 10, 2016, to receive an engineer report on the Milides Building and to discuss Louise Moore Park farmhouse and bridges.

Finance Committee Report

Mr. Cusick stated at the last Finance Committee meeting there was a discussion regarding advertising costs so he asked the County Council Clerk to do some research. He further stated it revealed the Third Class County Code only required advertisement in one newspaper of general circulation and there was no requirement to send copies of ordinances or budgets to all the libraries and municipalities. He noted he planned to bring something forward at the next Finance Committee meeting later this month.
Adjournment

Mr. Kraft 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