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; Margaret L. Ferraro; Glenn A. Geissinger; Kenneth M. Kraft; Hayden Phillips; Robert F. Werner; Linda M. Zembo, Clerk to Council, Philip D. Lauer, Solicitor to Council. Absent was Matthew H. Dietz.

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 October 6, 2016 meeting shall be approved.

Mr. Vaughn seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Appointments

Mr. Kraft introduced the following resolution:

R. 98-2016 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:
CONSERVATION DISTRICT

Re-appointments: Terms to Expire: 12/31/20
Farmer Director
Brian D. Fulmer
653 Jones Hill Road
Pen Argyl, PA 18072

Public Director
Lynn Stauffer
101 Moorestown Drive
Bath, PA 18014

County Government Director Term to Expire: 12/31/17
Margaret L. Ferraro
339 Schoeneck Avenue
Nazareth, PA 18064

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

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

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

Courtesy of the Floor

Mr. Jeff Fox, Pen Argyl, PA - advised he wanted to thank County Council for their consideration of the resolution in support of legislation regarding redistricting.

Mr. Fox stated he felt it was a nice gesture that County Council held its last meeting at PBS 39 in Bethlehem and hoped they would give consideration in holding their meetings in other areas of the County in the future.

Mr. Bryan Eichfeld, Hellertown, PA - advised he was a Saucon Valley School District Board member and he had some concerns regarding the County's preliminary budget. He further advised the summary indicated there was a decrease in the budget, but that was comparing one budget to another and not actual spending.
Mr. Eichfeld stated two years ago there was a tax increase that was put into a lock box for emergencies, but now it was part of the revenue stream. He further stated in 2015 compared to projected 2016 the County spent $41 million more and now this budget that proclaimed to contain a decrease was projecting to spend $52 million more than they projected to spend in 2016.

Mr. Eichfeld advised he knew most of it was for capital spending, but it still left a large increase. He further advised reading through the budget he found it very difficult to see how much was going up and down due to Federal and State pass throughs.

Mr. Eichfeld stated he would encourage County Council to take a look at Lehigh County’s budget and how they broke it out to show what items affected the taxpayers and what items were pass throughs. He further stated he was requesting County Council to roll back the tax increase because these taxes were affecting the most vulnerable people in the County.

**Controller’s Report**

Mr. Stephen Barron, Controller, was not present at this meeting.

**County Executive’s Report**

Mr. John A. Brown, County Executive, advised the 1 mill tax increase was put into the Stabilization Fund and they have actually added to it from the General Fund. He further advised that money was not put into the General Fund for operations at this time.

Mr. Brown stated there was $7.8 million to be dedicated to long term capital projects. He further stated capital projects, such as the bridges, were something everyone agreed had to be addressed.

Mr. Brown advised the budget, which involved government accounting, was complicated. He further advised the actual spending in 2014 and 2015 was basically identical. He further advised while the proposed spending was in the budget the County did not always spend everything that was proposed and they have actually been able to keep spending relatively flat.
Mr. Brown stated he would like to request an Executive Session with County Council to discuss pending legal matters.

Public Hearing on the Ordinance of the County Council of Northampton County Approving the County Bridge Conveyance and Rehabilitation Program by Endorsing the P3 Bridge Project Service Agreement Between the County of Northampton and the Northampton County General Purpose Authority and by Approving the Conveyance of 33 County Bridges to the General Purpose Authority Pursuant to the P3 Agreement

Mr. Cusick advised the following ordinance was introduced by Mrs. Ferraro and Mr. Werner at the October 6, 2016 meeting:

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY APPROVING THE COUNTY BRIDGE CONVEYANCE AND REHABILITATION PROGRAM BY ENDORSING THE P3 BRIDGE PROJECT SERVICE AGREEMENT BETWEEN THE COUNTY OF NORTHAMPTON AND THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY AND BY APPROVING THE CONVEYANCE OF 33 COUNTY BRIDGES TO THE GENERAL PURPOSE AUTHORITY PURSUANT TO THE P3 AGREEMENT

WHEREAS, Northampton County owns approximately one hundred nineteen (119) bridges (115 are owned solely by Northampton County and 4 bridges 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 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 and rehabilitation 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 per bridge; and

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

WHEREAS, the County formed the General Purpose Authority (GPA) under and in accordance with the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. §5601, et seq., Act 22 of 2001, effective June 19, 2001 which codifies and amends the Municipality 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 facility’s 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 (RFP); 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 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 (the County Council) believe that the 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 GPA'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 the 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 (the Administrative Code); and

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

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

WHEREAS, the GPA wishes to accept title to the 33 bridges as identified in Exhibit "A"; and

WHEREAS, the GPA wishes to accept title to the 33 bridges in order to facilitate the County bridge enhancement project (the County P3 Project) as authorized by the Act and Act 88; and

WHEREAS, the County Council previously adopted Ordinance No. 605-2016 (the First Ordinance) approving the County P3 Project subject to, among other things, final review and preparation of documentation by both the GPA and the County; and
WHEREAS, that documentation (which included, but was not limited to, RFP, a P3 Contract and a Service Agreement between the County and the GPA) has been prepared and provided to County Council for its review; and

WHEREAS, on or about April 7, 2016, the GPA has published a RFP for the replacement, rehabilitation and maintenance associated with the 33 County bridges; and

WHEREAS, the GPA has prepared a Public-Private Partnership Agreement (PPA) by and between the GPA and Kriger Construction, Inc. (the Developer) pursuant to which the Developer will replace, rehabilitate and maintain the 33 County bridges. A copy of the PPA has been previously provided to County Council for its review; and

WHEREAS, the GPA has prepared a Project Administration Agreement by and between the GPA and a Third Party Engineer, Alfred Benesch & Company (the Third Party Engineer), pursuant to which such Third Party Engineer will provide oversight of the Project and administer the PPA. A copy of the Project Administration Agreement has been previously provided to County Council for its review; and

WHEREAS, the GPA has also prepared a License Agreement which will allow the Developer to access the 33 bridges to perform the replacement, rehabilitation and maintenance thereof; and

WHEREAS, the County and the GPA intend to enter into a Service Agreement, a copy of which Agreement (the Service Agreement) has been provided to County Council for its full and complete review;

WHEREAS, by Resolution adopted by County Council at its meeting on October 6, 2016 (the Resolution), County Council approved the Service Agreement; and

WHEREAS, the County of Northampton has prepared Quit Claim Deeds for the 33 bridges associated with the County P3 Project; and

WHEREAS, the County Council wishes to enact this Ordinance to effect further the implementation of the County P3 Project and in recognition, in particular, of the mutual desire of the GPA and the Developer to have this Ordinance enacted prior to their entry into the PPA.
NOW, THEREFORE, County Council hereby enacts and ordains and does hereby enact and ordain the following:

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

2. **Authorization of Conveyance.** County Council hereby confirms and affirms its approval by the Resolution of the Service Agreement and authorizes (a) the conveyance of title to the 33 bridges, as identified in Exhibit "A" attached hereto and made a part hereof, to the GPA in accordance with the strict limitations, conditions and provisions further set forth in this Ordinance and (b) the payments by the County to the GPA as set forth in Exhibits E and F to the Service Agreement.

3. **Prior Ordinance.** By Ordinance No. 605-2016, effective April 3, 2016, County Council approved the P3 Project subject to the following conditions precedent:

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

   (b) As a condition precedent to the conveyance of the 33 bridges from the County to the GPA, the County and the GPA will enter into 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 maintain the 33 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 as required by Act 88.

(f) In accordance with a PPA, the GPA will pay the Developer remuneration for the services provided under the PPA.

(g) At the expiration of the PPA, 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 33 bridges.

4. Confirmation of Approval. County Council finds that all of the conditions precedent set forth in Paragraph 3(a)-(g) have been fully satisfied and, as such, the County Council now formally confirms and affirms its prior approval by the Resolution of the Service Agreement which is being entered into between the GPA and the County, including, without limitation, the obligation of the County to make payments thereunder to the GPA (the Service Agreement Payments), as well as the Quit Claim Deeds which transfer title to the 33 bridges identified in Exhibit "A" from the County to the GPA.

5. Service Agreement Payments. County Council recognizes that in the event it were to invoke the provisions of Article XIII of the Administrative Code (Article XIII) in order to refrain from making any appropriation to fund any Service Agreement Payment, severe economic consequences could result to the County and the GPA. Accordingly, County Council hereby finds that the Service Agreement is an "intergovernmental agreement" for purposes of Article XIII and, in the event the provisions of Article XIII would otherwise prevent County Council from making any appropriation to fund any Service Agreement Payment, the provisions of Article XIII shall be set aside and shall not be applicable. In the event that notwithstanding the foregoing, a court having jurisdiction shall rule that the Service Agreement
is not an "intergovernmental agreement" for purposes of Article XIII, County Council acknowledges and agrees that County Council must have a rational basis for invoking the provisions of Article XIII and that the County must be so financially in extremis that it is unable to fund its budget and not solely the Service Agreement. In such event, then and only then, for the benefit of the public purse, County Council would expect to be able to invoke the provisions of Article XIII.

6. **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.

7. **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.

8. **Effective Date.** This Ordinance shall become effective five (5) days after enactment.

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**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 members of County Council.

When Mr. Phillips asked if the litigation matters Mr. Brown referred to pertained to this ordinance, Mr. Ryan Durkin indicated it did.

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

Mr. Phillips seconded it.

Mr. Cusick called for a vote on the motion.
The vote: Benol, "yes"; Phillips, "yes"; Cusick, "yes"; Ferraro, "yes"; Geissinger, "yes"; Kraft, "yes"; Vaughn, "yes" and Werner, "yes".

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

Mr. Lauer stated County Council entered into Executive Session at 6:46 p.m. and returned at 7:37 p.m. where very recent filed litigation was discussed that may have an impact on the ordinance currently before County Council for consideration.

Mr. Cusick advised based on the information presented Mr. Lauer proposed a potential amendment to the ordinance.

Mr. Lauer stated there was no actual amendment to the ordinance, however, in several places it referred to a Service Agreement and the Executive Session had to do with paragraph 17 of that agreement that provided representations and warranties by the General Purpose Authority and the County and the amendment was being made to Paragraph 17 (b) (vii).

Mr. Lauer advised that section was amended to read as follows:

(vii) There are no pending litigation, administrative or governmental proceedings which have been commenced against the County that may have the effect of preventing, delaying, making illegal or otherwise interfering with any of the transactions contemplated in and by this Agreement; and except proceedings instituted by Northampton County Bridge Partners, LLC, Clearwater Construction, Inc. and Kevin Lott.

Mr. Cusick made a motion to approve the amendment as presented by Mr. Lauer.

Mr. Phillips seconded the motion.

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

The motion was passed by a vote of 7-1.

Mr. Cusick stated he would like to commend all those involved in the process to make this project possible and wished it much success as it would stand as a model for other Counties.
As there were no further questions or comments regarding the ordinance, Mr. Cusick called for the vote.

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

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

Reassessment

Mr. Phillips advised a resolution was adopted that requested a report of potential options and costs pertaining to a County-wide reassessment of real property. He further advised even though it was not going to occur in 2017, he would still like to receive this information.

Mr. James Hunter, Director of Fiscal Affairs, indicated he would provide that information.

Mr. Brown stated even though nothing was put in writing, he had spoken to County Council multiple times regarding that issue, but there were numerous challenges to even begin the process.

Mr. Phillips advised he was expecting to receive something before the budget cycle.

Mr. Brown stated they had laid out the barriers to doing a reassessment and Mr. Hunter had informed them of the steps that had to be done. He further stated he would have Mr. Hunter recap and outline what those steps were and present it to County Council.

Mr. Brown advised there was at least 18 months of work to be done before a reassessment could begin and they were starting some of the processes.

Mr. Cusick stated he was also looking for something more formal and felt it may be helpful for representatives from Tyler Technology to provide a presentation.
County Council Meeting -14- October 20, 2016

Administrative Code – Article XIII

Mr. Phillips advised a resolution was also adopted to have a Request for Proposal prepared for the hiring of a consultant to look at Article XIII of the Administrative Code, but there were no fees for that in the budget.

Mr. Brown stated former Director of Administration Luis Campos was in charge of that, but he had left the County. He further stated although it seemed simple to do they discovered it was actually fairly complicated. He noted they had to determine how they could collect all the relevant information so an appropriate Request for Proposal could be issued.

Mr. Brown advised they could simply change the language of this section, but one change could affect the Home Rule Charter and different policies. He further advised they were surveying the departments to determine how this particular section and possible changes affected them.

Consideration of Resolution Supporting SB 484 and HB 1835

Mrs. Ferraro introduced the following resolution and Mr. Kraft indicated he would co-sponsor it:

R. 99-2016 WHEREAS, the citizens of Northampton County and the Commonwealth of Pennsylvania, deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of State legislature and congressional districts of near equal population; and

WHEREAS, legislative redistricting and congressional reapportionment has often resulted in the gerrymandering of districts to favor one political party or the other; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy by impeding action on critical issues of importance to the people; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of the political motivation or partisanship will help to ensure a fair and accurate legislative redistricting and congressional reapportionment process that respects political subdivisions and communities of interest, will prohibit districts from being drawn to favor or
discriminate against a political party or candidate, will promote transparency, the use of impartial and sound methodology when setting district boundaries, allow for public input and will fully comply with the Constitutional requirement that “no county, city, incorporated town, borough, township or ward” be divided “unless absolutely necessary”; and

WHEREAS, recent legislation has been introduced in the current legislative session to amend the Pennsylvania Constitution to reform the decennial redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Northampton County Council does hereby support legislative efforts to secure expeditious action of a Constitutional amendment that would, among other reforms, assign the decennial task of both legislative redistricting and congressional reapportionment to an independent citizens redistricting commission.

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to all members of the Pennsylvania Senate and House of Representatives.

Mrs. Ferraro stated the districts had been changed so often people did not even know who their representatives were, but when they were closer they seemed to care more about those constituents and their issues.

Mrs. Ferraro advised she attended a meeting in Bethlehem with Senator Lisa Boscola and Senator Dave Parker, who were working with Fair Districts, and there was an interesting discussion regarding the gerrymandered districts. She further advised this resolution would add Northampton County’s voice to help these bills pass for fair and equitable redistricting.

Mr. Geissinger stated he agreed with Mrs. Ferraro because the current districts made no sense noting Northampton County had five or six State representatives.

Mr. Kraft advised on the ballot this time there was a question to reduce the legislature and everyone should vote for it.

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

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

Consideration of Open Space Fee Simple Resolution Amendments: a) Ribitzki Property; b) Pennsylvania American Water Company

Ribitzki Property

Mr. Cusick introduced the following resolution:

R. 100-2016 WHEREAS, on October 7, 2016, County Council received a request to amend Resolution No. 45-2013.

IT IS, THEREFORE, HEREBY RESOLVED By the Northampton County Council that Resolution No. 45-2013 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 45-2013

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 fee simple acquisition by the Nature Conservancy of the Ribitzki property, Upper Mt. Bethel Township, Northampton County; and

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

Property Owner(s): Henry Ribitzki & Henry A. Ribitzki

Site Location: 690 Blue Mountain Drive, Bangor, PA 18013, Upper Mount Bethel Township,
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 fee simple acquisition, by the Nature Conservancy of the Ribitzki property, Upper Mt. Bethel Township, being approximately 59.91 \text{acres}, located at 690 Blue Mountain Drive, Bangor, PA, Upper Mount Bethel Township, Northampton County, and also known as Uniform Parcel Identifier Numbers B10-5-2, and B10-2-15A.

(2) The Northampton County Council hereby directs the Northampton County Executive to appropriate $175,000.00 $88,320.00 as consideration for the conservation easement acquisition by the Nature Conservancy of the Schwartz Ribitzki Property.

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

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

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

**Pennsylvania American Water Company**

Mr. Cusick introduced the following resolution:

**R. 101-2016 ** **WHEREAS**, on October 7, 2016, County Council received a request to amend Resolution No. 54-2015.

**IT IS, THEREFORE, HEREBY RESOLVED**, By the Northampton County Council that Resolution No. 54-2015 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

**Number 54-2015**

**WHEREAS**, the County of Northampton implemented the Northampton County Open Space Initiative 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 Pennsylvania American Water Company Fee Simple Acquisition; and

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

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Pennsylvania American Water Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>Parcels within Plainfield Township, Washington Township, Upper Mount Bethel Township, Borough of Wind Gap, Borough of Pen Argyl and Monroe County</td>
</tr>
</tbody>
</table>

Parcel Identification:

- Northampton County - B10 2 6 0131E; B9 2 8 0131E; C9 1 1 0131E; C9 1A 1 0131E; C9 1B 0131E; C916 0131; C916 0131; C91 42 0131E; D9 1 33 0134E; D9 1 33 0134E; E9 2 33 0131E; C9 1A 9A 0131; E8 1 1 0638; E8 1 2 0638; D8 1 1 0625; D8 1 1 0626; E8 1 1 0626;
- Monroe County - 07-6277-00-95-7942;

**Only a portion of 7-6277-00-11-3204 in**
Phase I 15-6276-00-75-21C1 C1

Site Information: 4,600 1,257 acres: includes six identified natural heritage areas, unfragmented upland, hardwood forest, streams and wetlands

Appraised Value: $1,500,000–$3,750,000

County Grant Request: $300,000

Other Grants: $4,000,000 $2,250,000 – Middle Delaware Mitigation Fund $3,500,000 $300,000 – National Fish and Wildlife Federation $700,000 – Open Space Institute $4,000,000 $1,000,000 – Pennsylvania Department of Conservation and Natural Resources

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

1) The Northampton County Council hereby approves the Pennsylvania American Water Company Fee Simple Acquisition. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, or his 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 $300,000 as the Northampton County contribution to the Pennsylvania American Water Company Fee Simple Acquisition.

In answer to Mr. Benol’s question as to why the County grant request remained the same, Mr. Geissinger stated that amount was required so the other money could be obtained.

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

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

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

Consideration of Resolution Requesting the Controller’s Office to Conduct an Audit on the Charles Chrin Real Estate Trust

Mr. Cusick introduced the following resolution:

R. 102-2016  WHEREAS, Northampton County Home Rule Charter Section 202, Powers provides that the County Council shall have, among others, the following powers: (8) to require periodic and special reports from elected officials and their subordinates.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council respectively requests that the Northampton County Controller’s Office shall perform an audit with regard to the Memorandum of Understanding Containing Covenants Running with Real Estate between the County of Northampton and the Charles Chrin Real Estate Trust (Attachment "A"). It is requested that said audit addresses, but not necessarily be limited to, the following questions/issues:

1. That the County of Northampton has met the promises, covenants, and conditions as provided for in the Memorandum of Understanding of October 20, 2011.

2. That the Charles Chrin Real Estate Trust has met the promises, covenants, and conditions as provided for in the Memorandum of Understanding of October 20, 2011, including but not limited to:

   a. That the payments to the County of Northampton have been made in a timely manner based on the transaction dates involving "Qualified Properties".

   b. That the "Net Sale Price" transactions payments are accurate and reflect fair market value.

   c. That "Closing Cost" transactions are accurate, reasonable, and reflect the marketplace for services provided.
Mr. Cusick advised he was requesting this resolution because the County had only received approximately $200,000 to date from this agreement.

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

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

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

Consideration of Article XIII Contract Approval Resolution: a) SunGard Public Sector, Inc. - Upgrade to ONESolution Software

Mr. Geissinger introduced the following resolution:

R. 103-2016 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 October 6, 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 $262,937.40 with SunGard Public Sector, Inc. for Upgrade to ONESolution Software.

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 SunGard Public Sector, Inc. for Upgrade to ONESolution Software.

As there were no questions or comments, Mr. Cusick called for the vote.
The vote: Geissinger, "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 Personnel Request – Department of Human Services – Gracedale

Mr. Kraft introduced the following resolution:

R. 104-2016 RESOLVED, by the Northampton County Council that the three and one half (3.5) part time positions of Laundry Finisher, in the Department of Human Services, Gracedale Nursing Home, Gracedale Laundry, shall be eliminated, effective October 20, 2016.

IT IS FURTHER RESOLVED that three and one half (3.5) part time positions for Laundry Utility, in the Department of Human Services, Gracedale Nursing Home, Gracedale Laundry, shall be added, effective October 20, 2016.

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

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

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

Finance Committee Report

Mr. Geissinger stated at the Finance Committee meeting held yesterday, a discussion was held regarding the various RFPs for the outside auditor services. He further stated at that time, the comments from Ms. Barbara Vinciguera, who was the Certified Public Accountant and a Professor at Moravian College that was part of the review committee, had not been received, but they have now been distributed to members of County Council.

Mr. Geissinger advised six RFPs were received, but two were disqualified because one had too little experience and the other one was an incomplete bid. He further advised the remaining
four had sufficient government experience and the range of bid costs for five years was $326,200 at the low end to a high end of $473,425.

Mr. Cusick stated he would like to award this contract at the first meeting in November so he urged the members of County Council to review the material.

Human Services Committee Report

Mr. Vaughn advised earlier this evening the Human Service Committee met and received an update on Gracedale. He further advised it was reported there was an incident that occurred that resulted in a need for a plan of correction to be implemented because this incident could affect Gracedale’s star rating.

Mr. Vaughn stated the bed sale had been completed and the County was set to net $700,000.

Mr. Vaughn advised Mr. Freddie Ramirez, Director of Veteran Affairs, informed them that he had partnered with the Chamber of Commerce to offer all qualified Veterans an identification card that would allow them to receive discounts at various participating businesses.

Capital Projects and Operations Committee Report

Mr. Phillips stated at the Capital Projects and Operations Committee meeting it was determined the Capital Plan for 2016 was being executed and should substantially be completed by the end of the year.

Mr. Phillips advised a presentation was given by a Lower Mount Bethel Township Supervisor and their engineer, as well as the Manager at Talon Energy, regarding Bridge #31. He further advised in the 2013 Bond Issue there was funding to decommission that bridge, but it had not been done to date.

Mr. Phillips stated within the last year the County Administration was working with these individuals to determine if there was a way not to decommission the bridge. He further stated the bridge had a very strict weight limitation, but Lower Mount Bethel Township and Talon Energy were very interested in keeping it open and provided their reasoning and some ideas on funding.
Mr. Phillips advised they wanted to present their side of the issue to the whole of County Council and the Administration because right now there was no plan to spend money on rehabilitating the bridge.

Mr. Cusick recommended inviting them to attend the Capital Projects Budget Hearing meeting on November 9, 2016.

**Lehigh-Northampton Airport Authority (LNAA)**

Mr. Geissinger stated the Executive Committee of LNAA met earlier this week at Braden Airpark and during that meeting it was decided to prepare a resolution to identify the fact that LNAA was committed to the continued operation of Braden Airpark and that it wanted to work with Northampton County and Forks Township Board of Supervisors in order to develop plans to properly create land leases that could generate revenue to improve its facilities and strengthen the Airpark as a field for general aviation, as well as experimental aviation enthusiasts.

Mr. Geissinger advised this was a far cry from where Braden Airpark was a few years back and he wanted to applaud all the individuals that advocated not selling the land and keeping the Airpark open.

In answer to Mr. Cusick’s question as to whether they were planning to ask for funding, Mr. Geissinger stated there would be a request to establish the County’s commitment, but he did not know the amount.

Mrs. Ferraro advised Forks Township had to be involved in sustaining Braden Airpark.

**Solicitor’s Report**

Mr. Lauer stated a request was received to determine how the table game revenues and vehicle registration fees under Act 89 could be used.

Mr. Cusick advised if the State legislation did not act regarding slot funds, the budget may have to be amended to reflect the lack of that revenue.
Adjournment

Mr. Benol made a motion to adjourn the meeting.

Mr. Kraft seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council