Easton, Pennsylvania December 14, 2017

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

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. Geissinger made the following motion:

Be It Moved By the Northampton County Council that the minutes of the December 7, 2017 and December 6, 2017 (Budget Hearing) meetings shall be approved.

Mr. Benol seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Denise Smith, Vice President of Development, State Theatre - stated she wanted to extend thanks on behalf of Ms. Shelley Brown, President and Chief Executive Officer, and everyone at the State Theatre for the funding they had previously received because it did make a difference in their operation. She further stated the arts and entertainment market had become increasingly competitive over the last seven years which impacted their bottom line.
Ms. Smith advised the State Theatre was in its 90th year and indicated the building was on the National Register of Historic Places. She further advised there was always upkeep with the building, but there was a project relating to their ticketing system that they had been researching for quite some time.

Ms. Smith stated the system they had was very basic and within the last year their vendor made some internal changes and they were having horrible technology problems that were costing them business so the need for a new system was now urgent.

Ms. Smith advised with the way technology enhancements have occurred and the way people want to buy tickets they were falling behind. She further advised the main reason they had not done it previously was cost and provided a handout regarding the project with supporting documents (see Attachment #1).

Ms. Smith stated with the current system they paid the vendor approximately $22,000 a year and a new system would at a minimum triple the cost because the industry was no longer charging a flat fee, but a per ticket charge.

Ms. Smith advised they sold thousands of gift cards, but their current system did not allow the patrons to use them online nor did it allow for printing tickets at home. She further advised it had no real marketing capabilities, poor mobile device functionality and ongoing tech issues with their tech support located on the west coast. She noted they would need approximately $25,000 upfront to purchase equipment and hardware.

In answer to Mr. Benol’s question as to why this request was not made during the Hotel Tax application process, Ms. Smith stated they did not have all the information required to apply at that time.

In response to Mr. Geissinger’s question as to how a patron used a gift card now to purchase tickets, Ms. Smith advised they had to give the number to a box office person.

Mr. Geoffrey Reese, PE, Director of Environmental Planning, Lehigh Valley Planning Commission (LVPC) - stated tonight an ordinance would be introduced regarding the Monocacy Creek Watershed Act 167 Stormwater Management Plan so he just wanted to offer some background. He then provided a document relating to this plan (see Attachment #2).
Mr. Reese advised this document was required under State law that placed the responsibilities on the County to develop stormwater management plans to control the impact of new developments in terms of stormwater and to update them on a regular basis.

Mr. Reese stated the process involved the LVPC working with the local municipalities, Conservation Districts and other interested partners to develop a plan for the watershed. He further stated the plan included a model ordinance that had to be adopted by each of the municipalities in the watershed.

With regard to charges, Mr. Reese advised they had to tweak the basic runoff control strategy because they found they were not as effective in controlling runoff as they should be. He further advised they had to deal with issues regarding the balance of water and to enhance the use of green infrastructure approaches.

In answer to Mr. Phillips' question as to whether the Municipal Separate Storm Sewer System affected this study, Mr. Reese stated most municipalities had permits with the Federal government under this program. He further stated there were six measures that were necessary and one of them had to do with post-construction stormwater management and the ordinance they adopt was structured to help those municipalities meet that measure.

Controller's Report

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

County Executive Report

Mr. John A. Brown, County Executive, advised all matters in the 2018 Budget have been settled and it was balanced on its own revenue. He further advised this was the first time that had occurred in the history of the County.

Mr. Brown stated the work of this Administration over the last four years was to find those efficiencies and this budget was reflective of those efforts. He further stated he wanted to acknowledge the work of his team in that endeavor and thanked his partnership with County Council.
Introduction of an Ordinance Providing for the Monocacy Creek Watershed Act 167 Stormwater Management Plan Water Quality Update

Messrs. Kraft and Phillips introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE MONOCACY CREEK WATERSHED ACT 167 STORMWATER MANAGEMENT PLAN WATER QUALITY UPDATE

IT IS HEREBY ORDAINED AND ENACTED, By the Northampton County Council that, in accordance with the Act of October 4, 1978, P.L. 864 (Act 167), the Storm Water Management Act, and the Northampton County Home Rule Charter, the attached document shall constitute the Monocacy Creek Watershed Act 167 Stormwater Management Plan.

IT IS FURTHER ORDAINED AND ENACTED that this ordinance shall become effective thirty (30) days after date of enactment.

Mr. Cusick advised the public hearing, debate and possible vote will be held at the January 4, 2018 meeting.

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

Mrs. Ferraro introduced the following resolution:

R. 135-2017

RESOLUTION APPROVING THE FINANCING BY THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY OF CERTAIN FACILITIES OF ST. LUKE’S HEALTH NETWORK, INC., SAINT LUKE’S HOSPITAL OF BETHLEHEM, PENNSYLVANIA, ST. LUKE’S HOSPITAL - ANDERSON CAMPUS AND ST. LUKE’S HOSPITAL - QUAKERTOWN 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, St. Luke's Health Network, Inc. (the "Network"), Saint Luke's Hospital of Bethlehem, Pennsylvania, a Pennsylvania nonprofit corporation ("SL-Bethlehem"), St. Luke's Hospital Anderson Campus, a Pennsylvania nonprofit corporation ("SL-Anderson") and St. Luke's Hospital - Quakertown Campus, a Pennsylvania nonprofit corporation ("SL-Quakertown" and, together with the Network, SL-Bethlehem and SL-Anderson, 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 financing of the construction, renovation, improvement and equipping of an approximately 80-bed new hospital on the Quakertown campus, (ii) the reimbursement and financing of the construction, acquisition, renovation and installation of capital improvements or the acquisition and installation of equipment on the Quakertown campus, (iii) the reimbursement and financing of the construction, acquisition, renovation and installation of capital improvements or the acquisition and installation of equipment on the Anderson campus, including expansion of the Anderson campus with the addition of an approximately 180,000 square foot patient tower which will consist of approximately 36 additional beds, a maternity unit and educational space, (iv) the reimbursement and financing of the construction, acquisition, renovation and installation of capital improvements or the acquisition and installation of equipment in outpatient facilities for the Borrowers, (v) the funding of any required reserves for the Bonds, including capitalized interest, if appropriate and (vi) the payment of costs of issuance of the Bonds and related costs (collectively, the "Project"); 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 Project 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 Project 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 $105,000,000 (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 Project 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 December 15, 2017, notice of which Hearing was published in each of The Express Times, The Morning Call and The Intelligencer on December 1, 2017 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 Project (including, without limitation, the Counties of Northampton, Lehigh and Bucks, Pennsylvania) to have such facilities financed through the Authority, and the Authority is hereby authorized to finance the Project for the benefit of the Borrowers.

2. The issuance of the Bonds to finance the Project 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 Project 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. Carl Alberto, Vice-President of Finance at St. Luke's, stated these funds would be used for the construction of a facility in Quakertown and expansion of their Anderson Campus.

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

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

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

Consideration of the Intergovernmental Transfer Agreement Resolution

Mr. Cusick introduced the following resolution:

R. 136-2017 WHEREAS, the Northampton County Council has reviewed the Terms and Conditions for participation in the Intergovernmental Transfer Agreement between the Pennsylvania Department of Human Services, Office of Long Term Living and Northampton County, effective December 14, 2017.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Northampton County Council hereby consents to participate in the Intergovernmental Transfer Agreement effective December 14, 2017, and validates the Northampton County hereby consents to funding the annual IGT Transfer of $13,014,409.

Mr. James Hunter, Director of Fiscal Affairs, advised approval of this funding had to be done before the end of the year, but the money was not owed until June 30, 2018.

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

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

The resolution was adopted by a vote of 7-0.
Consideration of Donation to Gracedale - Lehigh Valley Chapter 190 Military Order of the Purple Heart Resolution

Mr. Kraft introduced the following resolution:

R. 137-2017  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 Lehigh Valley Chapter 190 Military Order of the Purpose Heart is donating $630.00 to Gracedale to be divided and evenly distributed to the house accounts for each Gracedale resident who is a veteran.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation of $630.00 on behalf of the Gracedale residents who are veterans.

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

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

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

Consideration of an Agreement Between the County of Northampton and Haviland Hughes Law Firm Resolution

Mr. Cusick introduced the following resolution:

R. 138-2017  WHEREAS, on December 7, 2017, County Council received a request to approve an Agreement between the County of Northampton and Haviland Hughes to undertake the representation on a contingency basis of Northampton County with respect to potential claims arising from the purchase, use and abuse of opioids manufactured and sold by various companies (see Attachment #1).
NOW, THEREFORE, IT IS HEREBY RESOLVED By the Northampton County Council Agreement between the County of Northampton and Haviland Hughes shall be approved this 14th day of December 2017.

Mr. Ryan Durkin, Northampton County Solicitor, stated most of these opioid cases wound up in multi-district litigation, which were complicated and took forever. He further stated full recovery would only be recognized when it was done in the County’s courthouse.

Mr. Durkin advised Don Haviland, who was the lead attorney and one of the best in the State, indicated they would keep the cases in this courthouse. He further advised they also had someone in the firm who knew this area quite well and that was Attorney William Platt.

Mr. Haviland stated they were a small boutique firm, but they could flex to get as big as they needed to be to meet challenges. He further stated they were a boutique firm because they did not take on a lot of business, but specialized in commercial complex litigation.

Mr. Haviland advised they have been doing this work for more than 20 years and one of their biggest clients was the Delaware Valley Healthcare Coalition that was the largest coalition of its kind of self-funded payers.

Mr. Haviland stated in 2010 there was a very large piece of litigation against the drug industry involving pricing where 26 States sued. He further stated they were hired by the Commonwealth of Pennsylvania Attorney General’s Office and they brought the case to Northampton County where they ended up settling for $200 million.

Mr. Haviland advised they planned to file for the County in the County under Pennsylvania laws against Pennsylvania companies. He further advised this was not only a health crisis, but also an economic problem.

Mr. Haviland stated drug companies engaged in marketing fraud could be held accountable for unfair and deceptive acts or practices. He further stated by keeping it local they had the ability to control the outcome.
In response to Mrs. Ferraro’s question as to who were their clients, Mr. Haviland advised they represented self-payers of health benefits.

In answer to Mr. Kraft’s question as to whether they had spoken to the Administration that was coming in, Mr. Haviland stated they had not. He further stated they were brought in several months ago to start the investigation regarding claims and they just finalized it.

In response to Mr. Kraft’s question as to whether there would be any adverse effect on the contract if this was put off until next year, Mr. Haviland advised the momentum of the work was done with this Administration and now was the time to make a decision.

In answer to Mr. Cusick’s question as to whether this type of litigation would be better handled through the State Attorney General’s Office, Mr. Haviland stated the State was working with the coalition States on this problem at the macro level, but realized it was a localized problem. He further stated the opioid epidemic in this County was different than what was occurring in Harrisburg.

Mr. Haviland advised these were not going to be class action suits because they were going to be so individualized as to the nature of the harm and the claim and could only be resolved at a local level. He further advised today was the day to make the decision to go forward because they have been assessing the case for about a year.

Mr. Durkin stated there was a risk of adverse precedent in another jurisdiction that could have an impact on a case being presented here. He further stated he would like to get a case into the system in order to create a precedent instead of being bound by another’s precedent.

Mr. Dietz left the meeting at this time.

When Mr. Phillips commented that they had done work for the County for free with the speculation they would get future work, Mr. Haviland indicated that was correct.

Mr. Lauer advised Mr. Kraft sent him some appellate court opinions that related to the issue being discussed. He further advised these cases were not entirely similar to the current case; however, there was language in the cases dealing with
whether and under what circumstances an outgoing County Council should be entering into a contract that would bind a new County Council and Administration.

Mr. Lauer stated his experience in civil litigation was such that timing was not only important, but dispositive so if it was decided no action would be taken tonight, he hoped it would be soon. He further stated he looked over the contingency fee and it was a fair agreement.

In answer to Mrs. Ferraro’s question as to the duration of the contract, Mr. Durkin advised there was no duration because it was a standard contingency fee agreement. He further advised when and if there was a recovery, the firm would receive payment, noting that State litigation usually took three years.

Mr. Lauer stated the agreement retained the firm to represent the County for the duration of the litigation, but it also provided that the County could discontinue their representation at any time. He further stated if that occurred, the County would owe them any costs they incurred and if there was a settlement, they would be entitled to some compensation.

Mr. Durkin advised during their investigation they did find a claim and the sooner they started the litigation process the better it was for the County.

Mr. Benol stated the new Administration was going to have a lot to handle when it first comes in so there was no telling when this may come back for consideration and County Council was elected to hold their office until the next Administration was sworn in so felt this was the time to address the issue.

Mrs. Ferraro advised she saw nothing wrong with showing a little continuity between Administrations.

Mr. Kraft stated the new County Executive should get a chance to look at it before County Council entered into a binding agreement.

Mr. Kraft made a motion to table this resolution.

Mr. Cusick advised the motion died due to a lack of a second.

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

The resolution was adopted by a vote of 5-1.

Consideration of Contingency Transfer Resolutions: a) Because of a Dog - City of Bethlehem Kennel Project; b) State Theatre; c) Stephen's Place

Because of a Dog - City of Bethlehem Kennel Project

Mr. Cusick introduced the following resolution:

R. 139-2017 WHEREAS, in July 2014, the nonprofit Because of a Dog was founded and has assisted companion pet owners with financial assistance for medical, surgical, food and supplies. Because of a Dog also assists local and state government agencies, municipalities and Animal Control Officers with food and supplies for strays; and

WHEREAS, the City of Bethlehem and Because of a Dog have launched a fundraising campaign seeking donations to help design and build a new kennel in the City of Bethlehem for stray dogs.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $5,000 shall be transferred from the 2017 Contingency account #05000-76050 and allocated to Because of a Dog this 14th day of December 2017.

Mr. Cusick stated their request came in too late to be considered for a Community Investment Partnership Program grant, but the Department of Community and Economic Development was in support of it.

Mr. Benol advised at the end of the year, the Contingency Fund became a last ditch piggy bank for different organizations and that was why he had requested the amount be reduced.

Mrs. Ferraro stated the Council of Governments was working together to resolve the stray dog issue.

Mr. Phillips advised the Contingency Fund was supposed to be for emergencies and not to fund these types of projects.
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As there were no further questions or comments, Mr. Cusick called for the vote.

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

The resolution was adopted by a vote of 5-1.

State Theatre

Mrs. Ferraro introduced the following resolution:

R. 140-2017 WHEREAS, the State Theatre was seeking a donation to update their ticketing system to allow patrons to print out tickets online.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $20,000 shall be transferred from the 2017 Contingency account #05000-76050 and allocated to the State Theatre this 14th day of December 2017.

Mrs. Ferraro stated the State Theatre was up against a lot of competition and she felt this was a great way to help them update their ticketing process.

Mr. Phillips reiterated this was not an emergency and did not think Contingency Funds should be used for it.

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

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

As the vote was 4-2, the resolution was not adopted due to a lack of majority vote.

Mr. Benol made a motion to hold a revote on the resolution.

Mrs. Ferraro seconded the motion.

Mr. Cusick called for the vote on the motion.

The vote: Benol, "yes"; Cusick, "yes"; Ferraro, "yes"; Geissinger, "yes"; Kraft, "yes"; and Phillips, "yes".
The motion passed by a vote of 5-0.

Mr. Cusick called for the second vote on the resolution.

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

The resolution was adopted by a vote of 5-1.

Stephen’s Place

Mr. Kraft introduced the following resolution:

R. 141-2017 WHEREAS, in October 1994, Stephen’s Place in Bethlehem officially opened its doors to provide residential support services to non-violent adult males coming out of prison with a history of substance abuse. The program helps these men to succeed in their recovery and in their reintegration from prison back to society.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the sum of $5,000 shall be transferred from the 2017 Contingency account #05000-76050 and allocated to Stephen’s Place, this 14th day of December 2017.

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

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

The resolution was adopted by a vote of 6-0.

Consideration of the 2018 County Council Meeting Schedule Resolution

Mr. Cusick introduced the following resolution:

R. 142-2017 RESOLVED, by the Northampton County Council that: (1) In accordance with Northampton County Home Rule Charter Section 206(a), the Northampton County Council organizational meeting will be held on Tuesday, January 2, 2018, and will begin at 4:30 p.m., prevailing time, in the third floor meeting room, room #3116, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania; and (2) The regular
schedule of meetings for the year 2018, shall be conducted on
the first and third Thursday of each respective month, beginning
at 6:30 p.m., prevailing time, in the third floor meeting room,
room #3116, Northampton County Courthouse, 669 Washington
Street, Easton, Pennsylvania, with the following exception: (a)
for the month of December, the meeting scheduled for December
20, 2018 is cancelled and rescheduled for December 13, 2018 and
will begin at 4:30 p.m., prevailing time and will be held in the
third floor meeting room, room #3116, Northampton County
Courthouse, 669 Washington Street, Easton, Pennsylvania.

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

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

The resolution was adopted by a vote of 6-0.

Presentation of Proclamations

Mr. Cusick read a proclamation thanking Mr. Vaughn for his
service and indicated it would be mailed to him.

Mr. Cusick read a proclamation thanking Mr. Phillips for
his service.

Mr. Phillips advised it was a great experience he enjoyed
immensely and he made a lot of friends and memories that he
would always treasure.

Mr. Cusick read a proclamation thanking Mr. Geissinger for
his service.

Mr. Geissinger stated he ran for this office four years ago
to serve the community and he made mistakes along the way, but
he learned from them. He further stated he was grateful for the
opportunity he had to gain knowledge from the people around him
so he wanted to thank the people of Northampton County.

Mr. Geissinger advised he wanted to thank those sitting in
this room for their commitment and even though they did not
always agree, they were committed to do what they felt was right
for the people they represented. He further advised it was an
honor and privilege to work with them.
Mr. Cusick read a proclamation thanking Mr. Lauer for his service.

Mr. Lauer stated it was a new experience for him and he thoroughly enjoyed it.

Mr. Cusick read a proclamation thanking Mr. Benol for his service.

Mr. Benol advised he was going to yield first to Mr. Durkin.

Mr. Durkin stated it was a great privilege and honor to represent the Administration even when they disagreed on things, but he had never worked with a nicer group of people. He further stated that Mr. Lauer was fantastic to work with and did not get all the credit for everything he did behind the scenes.

Mr. Durkin advised he took this job based on the fact that Mr. Brown was a man of absolute integrity and one of the smartest organizational people he had ever met.

Mr. Benol stated he wanted to thank this County Council and individuals who previously served in County government that have always been willing to discuss things with him. He further stated he would never forget this experience.

Mr. Cusick commented it was an honor and pleasure to serve with everyone and advised them to never close the door on opportunities that may present themselves to serve again in some capacity.

Mrs. Ferraro stated it was a pleasure working with everyone and making new friendships.

Mr. Kraft advised he always respected their positions even though he did not always agree with them, but everyone tried to move government forward and he appreciated the time they put into serving the County.
Adjournment

Mr. Geissinger made a motion to adjourn the meeting.

Mr. Benol seconded the motion.

The motion was passed by voice acclamation.

Linda M. Zembo
Clerk to Council
State Theatre—Ticket Vendor Cost Comparison

<table>
<thead>
<tr>
<th>Current Choice Ticketing</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat annual lease</td>
<td>$15,000</td>
</tr>
<tr>
<td>Tech Support</td>
<td>$4,830</td>
</tr>
<tr>
<td>Hosting fee (Cloud)</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>Annual Total</strong></td>
<td><strong>$22,330</strong></td>
</tr>
</tbody>
</table>

Current System Issues:
- No online gift card purchases
- No print at home ticketing
- No marketing capabilities
- Poor mobile device functionality
- Ongoing tech issues: system freezes and crashes
- West coast based tech support

Current System Benefits
- Cost—it's cheap

<table>
<thead>
<tr>
<th>Access/Shipware Proposal—Annual fees based on tickets sold</th>
<th>Fee</th>
<th>Number of tickets</th>
<th>Cost</th>
<th>PLUS UPFRONT COSTS/OTHER COSTS</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>60% OF PAID TICKETS SOLD ONLINE</td>
<td>$1.60</td>
<td>41580</td>
<td>$62,370</td>
<td>ROCA Ticket printers (8)</td>
<td>$13,170</td>
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<tr>
<td>40% OF TICKETS SOLD AT BOX OFFICE</td>
<td>$0.25</td>
<td>27720</td>
<td>$6,930</td>
<td>Must buy gift cards (2500)</td>
<td>$1,750</td>
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<tr>
<td>COMP TICKETS (AVG. 10%) of total tickets</td>
<td>$0.15</td>
<td>7700</td>
<td>$1,155</td>
<td>with new system (Valutek)</td>
<td></td>
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<tr>
<td>Total Average Tickets and Cost</td>
<td></td>
<td>77,000</td>
<td>$70,455</td>
<td>Hardware:</td>
<td></td>
</tr>
<tr>
<td>PLUS $1 PER MEMBERSHIP</td>
<td></td>
<td>2000</td>
<td>$2,000</td>
<td>4 additional MC67 scanners @ $1665</td>
<td>$6,660</td>
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<td>They said they'd become a $500 member</td>
<td></td>
<td></td>
<td>$72,455</td>
<td>Gift card data conversion from</td>
<td></td>
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<td>TOTAL SHOW WARE</td>
<td></td>
<td></td>
<td>$71,955</td>
<td>Opticard to Valutek (estimate)</td>
<td>$1,500</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>4 new Dell Computers for</td>
<td>$2,538</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Box Office</td>
<td></td>
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New System Benefits:
- Patrons can use gift cards online
- Print at home ticketing—patron convenience, and will save theatre in postage and supplies
- Better mobile and tablet functionality
- Social Media integration to help promote and sell tickets
- Integrated email marketing (using Emma, which we already use)
- Better reporting than our current system
- East coast based tech support

Implementation/Training Schedule:
30-45 day period, that we must do in February/March 2018, prior to peak Freddy Awards activity

Attachment #1
Hi Denise --

Tom Wheaton (who was on the demo call) and I wanted to make some changes to the financial portion of our proposal:

Fees
$1.50 per online ticket sold
- You can either absorb this fee or embed the fee into an online consumer fee (such as your $2.00 online fee) and retain the difference. We bill once a month for owed fees.
- You can charge additional fees such as the restoration fee, taxes and per order processing fees and retain 100% of these revenues.

$0.25 per box office ticket sold
$0.15 per comp ticket
$3.00 per Membership (annual). We are reducing this fee to $1.00 per Membership.
- This does not apply to any members we bring over from your current system until renewals kick in.

Hardware
We will provide, at no charge, four (4) MC67 scanners (worth $1665 each). Any additional scanners or any other hardware shall be at your cost.

PLUS, to support the State Theatre and its future initiatives, acesso ShoWare will become a State Theatre Member at the Producer level of $500.00.

---

Josh Klein
Sales Director - acesso ShoWare

acesso
O: +1 (559) 432-8000 xt. 2513
O: +1 (559) 447-2513
M: +1 (917) 597-2880
josh.klein@acesso.com

www.acesso.com
BOCA SYSTEMS, INC. - Quote

Proj. Ship Date: 2018-01-15

BILL TO:

State Theatre Center for the Arts
453 Northampton St
Attn: Accounts Payable
Easton, PA 18042

SHIP TO:

State Theatre Center for the Arts
453 Northampton St
Attn: Receiving
Easton, PA 18042

Boca Systems will close for our winter vacation on Dec 21. We will re-open on Jan 2.

PO Number: Dec 1, 2017
Order Date: Dec 1, 2017
Quote Num: mmm424186
Contact: Dale Cooper

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Description</th>
<th>Unit Price</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Lemur-S (26) (display, no cut, BT LE, ethernet, 300dpi, RADJW-2, 100 - 240V, std opto, horizontal)</td>
<td>$1,624.00</td>
<td>$12,992.00</td>
</tr>
</tbody>
</table>

Special Instructions

New Accesso Client - No accesso printers to reference (previous SN for a different software company SN 11682)

TERMS AND CONDITIONS

Prices are quoted in US Dollars and valid for 60 days. Shipping costs are approximate.

The projected ship date is based on receiving the PO, artwork and any applicable deposits today. Any delay will result in an equal delay in the ship date. Following the successful receipt of your artwork, we will supply you with a print proof for your approval. The print proof will show the layout and mechanical specifications of your ticket while providing a rough approximation of the color scheme. In the event that you wish to modify the print proof, we will provide you with a second proof at no charge. Additional modifications to the print will be charged at $150.00 per proof. After the print proof approval, we will make the printing plates and provide you with a press proof. The press proof will show (within certain limits) the final colors that will appear on your tickets. Any changes to the press proof will be invoiced at $150.00 times the number of tickets to be printed on your tickets. (NOTE: Any changes to the print or press proof resulting from BOCA errors will be provided to you free of charge.)

Customers who receive delivery to California should remit sales tax to that state on a per-ticket basis.

We request that you review the information presented here and advise us of any errors or omissions. Please note that your order will be based upon the details presented in this quotation and that acceptance of this quotation shall constitute a contract for sale between your company and Boca Systems, Inc. All sales are made under the provisions of the Uniform Commercial Code. Due to the make-to-order nature of Boca Systems' products, your order is non-cancelable and non-returnable. Shipments of products to your company will be made within the time period indicated on our quotation or within a reasonable period thereafter. Payment in full shall be due 30 days from date of invoice. Failure to ship within the time period specified in this quotation shall constitute non-conformance. Non-conformance is defined as a manufacturing defect that inhibits functional performance of the product. In such a case, you may return the product for replacement or credit. If Boca Systems is notified within five days, your company shall have the right to reject the then in Boca Systems. Boca Systems reserves the right to specify the return procedures (as to cost to your company) and to replace the product with a new item within ten days. The rejection of a single item shall not constitute the rejection of any lot of items. Failure of your company to notify Boca Systems of non-conformance within the days shall constitute acceptance of the product. Additional terms, conditions and warranty provisions can be found on www.bocasystems.com.
Custom Cost Proposal
State Theatre
November 29, 2017

Set Up Fees
Set-Up One Time Fee: $50.00 per location

Monthly Gift Card Program Fees (2 Options):
1. Flat Monthly Fee Option: $37 per month, per location
   • Includes System Access
   • Reporting
   • Unlimited Transactions

2. Transaction Fee-Based Program:
   • Gift Card - per transaction: $.18
   • System Access/Reporting: $11 per month, per location

Both pricing options include:
• Transaction processing
• Unlimited web access to program activity reports
• Toll free 24/7 customer support for each location

Card Production Fees
Valutec prints on premium-quality 30 mil, 4-color, press-laminated cards.

<table>
<thead>
<tr>
<th>Custom Card Pricing</th>
<th>2,000</th>
<th>2,500</th>
<th>5,000</th>
<th>7,500</th>
<th>10K</th>
<th>25K</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantities:</td>
<td>.66</td>
<td>.56</td>
<td>.47</td>
<td>.42</td>
<td>.36</td>
<td>.27</td>
</tr>
<tr>
<td>Cost per Card:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prepress cost for film, proof, plating, graphics setup: $1.75 per card design:
• Prepress Fee: $100 per card design
• Custom Design Graphics Fee: $75 per card design
A quote for your consideration!

Based on your business needs, we put the following quote together to help with your purchase decision. Please review your quote details below, then contact your sales rep when you're ready to place your order.

Total: $2,539.77

Quote number:
3000020572423.1

Quote date:
Dec. 14, 2017

Quote expiration:
Jan. 13, 2018

Customer number:
52642265

Phone:
(610) 258-7766

Company name:
STATE THEATRE CENTER FOR THE A

Billing Information:
STATE THEATRE CENTER FOR THE A
453 NORTHAMPTON ST
EASTON
PA 18042
US

Sales rep information:
Karina Zander
Karina.Zander@Dell.com
(800) 456-3355
Ext: 5130387

Pricing Summary

<table>
<thead>
<tr>
<th>Item</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>OptiPlex 3050 SFF</td>
<td>4</td>
<td>$599.00</td>
<td>$2,396.00</td>
</tr>
</tbody>
</table>

$2,396.00

Shipping: $0.00
Environmental Fees: $0.00
Non-Taxable Amount: $0.00
Taxable Amount: $2,396.00
Estimated Tax: $143.77
Total: $2,539.77

DBC as low as $77.00 / month^
MONOCACY CREEK WATERSHED
ACT 167
STORMWATER MANAGEMENT PLAN
June 2017

Pennsylvania Stormwater Management Act

- Act 167 of 1978
- Requires Counties to Prepare and Adopt Stormwater Management Plans for all Designated Watersheds
- Mandates Plan Requirements
- Requires DEP Approval of Plans
- Mandates Municipal Ordinance Adoption of Model Ordinances from Approved Plans
- Regulates New Development and Redevelopment
Act 167 Responsibilities

- County Responsibilities
  - Develop an Act 167 Plan for each watershed within its boundaries.
  - Consult with municipalities through an advisory committee.
  - Adopt the plan.
  - Submit adopted plan to DEP.
- Municipal Responsibilities
  - Participate in the plan development through an advisory committee.
  - Review the draft plan.
  - Adopt the model ordinance provisions to control stormwater after the plan is approved by DEP.
  - Implement the plan through the enforcement of the new stormwater ordinance.

Key Plan Requirements

- Survey of existing runoff characteristics
- Survey of runoff obstructions
- Assessment of projected land development
- Survey of existing drainage problems
- Assessment of alternative runoff controls
- Development of runoff control criteria
### Monocacy Creek
**USGS Peak Streamflow Record, 1945-2015**

<table>
<thead>
<tr>
<th>Rank of Peak</th>
<th>Peak Flow (cfs)</th>
<th>Date of Peak</th>
<th>Approximate Return Period (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5,470</td>
<td>September 18, 2004*</td>
<td>65</td>
</tr>
<tr>
<td>2</td>
<td>5,200</td>
<td>July 10, 1945*</td>
<td>59</td>
</tr>
<tr>
<td>3</td>
<td>3,480</td>
<td>January 25, 1979</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>3,050</td>
<td>September 29, 2011*</td>
<td>24</td>
</tr>
<tr>
<td>5</td>
<td>2,860</td>
<td>October 9, 2006*</td>
<td>15</td>
</tr>
<tr>
<td>6</td>
<td>2,340</td>
<td>February 28, 1958</td>
<td>15</td>
</tr>
<tr>
<td>7</td>
<td>2,320</td>
<td>January 26, 1978</td>
<td>15</td>
</tr>
<tr>
<td>8</td>
<td>2,150</td>
<td>January 26, 1976</td>
<td>13</td>
</tr>
<tr>
<td>9</td>
<td>1,750</td>
<td>June 15, 2015*</td>
<td>9</td>
</tr>
<tr>
<td>10</td>
<td>1,500</td>
<td>February 13, 1971</td>
<td>7</td>
</tr>
</tbody>
</table>

* Indicates non-winter event
Monocacy Creek Flood Frequency Analysis

![Bar graph showing flood magnitude against return period with two data sets: Pre-Plan (1945-1986) and Full Record (1945-2015).]

Rainfall Depths

<table>
<thead>
<tr>
<th>Return Period</th>
<th>% Chance*</th>
<th>24-Hour Rainfall Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>50%</td>
<td>3.00 inches</td>
</tr>
<tr>
<td>10</td>
<td>10%</td>
<td>4.56 inches</td>
</tr>
<tr>
<td>25</td>
<td>4%</td>
<td>5.52 inches</td>
</tr>
<tr>
<td>50</td>
<td>2%</td>
<td>6.48 inches</td>
</tr>
<tr>
<td>100</td>
<td>1%</td>
<td>7.44 inches</td>
</tr>
</tbody>
</table>

*% Chance = the probability of occurrence or exceedance in any one year
Runoff Control Criteria

- Original Monocacy Creek Plan -1989 – peak rate control
- Global Water Quality Update - 2006 – water quality control
- 2-year return period volume control, water balance and green infrastructure standards - 2017
Act 167 Model Ordinance Provisions

- Applicability
  - land development
  - subdivision
  - new paved areas
  - new buildings or additions

- Exemption
  - 10,000 square feet or less of new impervious cover measured from the date of adoption of the original ordinance (1989)

- Lehigh Valley Planning Commission review responsibility
  - create consistent implementation of standards throughout the watershed

Ordinance Cycle

CREATE AND ADOPT ORDINANCE FOR NEW PLAN

SPECIAL STUDIES
- CN & RATIONAL C
- EROSION ISSUES
- MINIMUM ORIFICE
- WATER QUALITY

IMPLEMENT ORDINANCE THROUGH ENGINEERING REVIEWS