Easton, Pennsylvania  
February 2, 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 (via telephone); Margaret L. Ferraro Kenneth M. Kraft; Hayden Phillips; Seth Vaughn; Robert F. Werner; Linda M. Zembo, Clerk to Council, Philip D. Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

Mr. Vaughn 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 January 19, 2017 meeting shall be approved.

Mr. Benol seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

As no one signed in for Courtesy of the Floor, Mr. Cusick asked if anyone from the public had any questions or comments.

There were no respondents.

Controller's Report

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

Mr. John A. Brown, County Executive, stated at the last meeting there was a discussion regarding the financial status of Gracedale for 2016 and at that time he estimated somewhere between $400,000 to $800,000 even though they were still working on the figures. He further stated as of today the actual number, which could change, was $208,000.

Mr. Brown advised Messrs. Werner and Phillips previously requested the bed sale profit of $344,000 be put back into Gracedale and he decided to do that. He further advised after the books were officially closed Gracedale’s fund balance would be approximately $1 million that included the one time bed sale profit and the $2.4 million Intergovernmental Transfer funds.

In answer to Mr. Cusick’s question as to what he attributed the drop to $208,000, Mr. Brown stated there was a 90-day window to collect revenues that had been uncollected as of December 31, 2016 so they had to anticipate what revenue would be received and how they would account for it.

Public Hearing on the Ordinance Amending Ordinance No. 603-2015 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"

Mr. Cusick advised the following ordinance was introduced by Messrs. Dietz and Geissinger at the January 19, 2017 meeting and the public hearing, debate and possible vote would be held at this meeting:

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 603-2015 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"

WHEREAS, Ordinance No. 603-2015 was enacted by the Northampton County Council on January 11, 2016.
NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 603-2015 shall be amended as indicated hereafter (sections marked with **bold underline** have been added):

**AN ORDINANCE ESTABLISHING "THE LIVABLE LANDSCAPES"**

AN OPEN SPACE PLAN PROGRAM FOR NORTHAMPTON COUNTY AND FURTHER PROVIDING FOR THE ADMINISTRATION OF THE 21\textsuperscript{ST} CENTURY OPEN SPACE INITIATIVE

WHEREAS, in 2002, the Lehigh Valley Planning Commission created the "Northampton County Parks - 2010 Plan" document, which has been used to guide the implementation of activities for park, recreation and trail activities within Northampton County; and

WHEREAS, on or about November 4, 2004, the Northampton County Council adopted Ordinance #423-2004, entitled "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY 21\textsuperscript{ST} CENTURY OPEN SPACE INITIATIVE, WHICH ORDINANCE, ACCEPTED THE REPORT OF THE NORTHAMPTON COUNTY COUNCIL OPEN SPACE COMMITTEE PREPARED WITH THE ASSISTANCE OF THE LEHIGH VALLEY PLANNING COMMISSION, CREATING THE NORTHAMPTON COUNTY OPEN SPACE ADVISORY BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE INITIATIVE" with the Northampton County 21\textsuperscript{st} Century Open Space Initiative Guidelines which were also subsequently amended by the enactment of Ordinances #468-2007, #533-2011, #552 of 2012, 559-2012, and 582-2013; and

WHEREAS, Northampton County entered into an agreement with the Lehigh Valley Planning Commission which serves as the official planning commission for Northampton County to act in a research and consulting capacity in order to update the "Northampton County Parks - 2010" document and the "21\textsuperscript{st} Century Open Space Initiative Guidelines"; and

WHEREAS, on or about October 3, 2013, the Northampton County Council adopted Resolution #85-2013, entitled "A RESOLUTION SUPPORTING THE DEVELOPMENT OF THE NORTHAMPTON COUNTY LIVABLE LANDSCAPES STRATEGIC OPEN SPACE PLAN"; and

WHEREAS, Northampton County and the Lehigh Valley Planning Commission has created the Livable Landscapes Plan Steering Committee to assist in the planning and creation of the "Livable Landscapes Plan"; and
WHEREAS, the Livable Landscapes Steering Committee has completed, with input from representatives from Northampton County, local municipalities, business, realtor and health sectors, non-profit organizations, sportsman's groups, college and university representatives, a "Livable Landscapes Plan"; and

WHEREAS, Northampton County, Lehigh Valley Planning Commission and the Livable Landscapes Steering Committee held two rounds of public meetings to provide insight on the creation of the "Livable Landscapes Plan"; and

WHEREAS, Northampton County Council wishes to support and adopt the "Livable Landscapes Plan".

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the NORTHAMPTON COUNTY COUNCIL:

1. The Livable Landscapes Plan, which is incorporated herein by reference as though the same were more fully set forth at length, as presented and adopted by the Lehigh Valley Planning Commission is hereby adopted by the Northampton County Council as its official Open Space Plan.

2. Northampton County, through the appropriate County Departments, Divisions and Authorities shall utilize guidelines and policies detailed in the Livable Landscapes Plan when taking actions associated with parks, recreation, trails, and land preservation located in Northampton County.

3. Further the Northampton County Council directs that the Livable Landscapes Plan shall be used when implementing and/or conducting activities under the current 21st Century Open Space Initiative.

4. The Northampton County Council strongly encourages all the Authorities, Boards, Commissions and Departments in Northampton County to follow the recommendations of the Livable Landscapes Plan that may apply to them; and

5. The Northampton County Council strongly urges all of the municipalities in Northampton County to follow the recommendations and studies of the Lehigh Valley Planning Commission, and closely follow the Livable
Landscapes Plan as it applies to both local and regional planning.

6. Further the Northampton County Council directs that the Livable Landscapes Program replace the Open Space Natural Areas grant program with the Environmental Services Assistance Grant Program and allow for the acquisition and restoration of natural lands.

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 stated he wanted to thank Mr. Bryan Cope, Open Space Coordinator, for the work he did on this program that would allow more things to be accomplished.

Mr. Phillips advised this ordinance allowed the County to be more efficient while not reinventing the whole process.

Mr. Werner stated he hoped there would be money available in this program for Farmland Preservation.

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

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

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

Introduction of an Ordinance entitled, "AN ORDINANCE ESTABLISHING A COUNTY POLICY FOR PERIODICALLY REVIEWING THE STATUS OF ALL PROPERTIES QUALIFYING FOR EXEMPTION FROM PROPERTY TAXATION UNDER THE INSTITUTIONS OF PURELY PUBLIC CHARITY ACT"

Messrs. Cusick and Geissinger introduced the following ordinance:
AN ORDINANCE ESTABLISHING A COUNTY POLICY FOR PERIODICALLY REVIEWING THE STATUS OF ALL PROPERTIES QUALIFYING FOR EXEMPTION FROM PROPERTY TAXATION UNDER THE INSTITUTIONS OF PURELY PUBLIC CHARITY ACT

WHEREAS, the Institutions of Purely Public Charity Act, 10 P.S. §371 et. seq. (Act) establishes guidelines and procedures for determining whether a charitable entity is eligible for exemption from property taxation; and

WHEREAS, the Act also expressly permits taxing bodies which maintain real property assessment rolls to determine the percentage of a given parcel that is used for an entity's charitable purpose, as defined by the Act, and to tax the remainder of the parcel; and

WHEREAS, the Administrative Code of Northampton County provides the Assessment Manager, in person or through subordinates, shall develop and administer a system for the assessment, valuation and taxation of real property, as well as prepare and certify tax assessment rolls for the County, municipal and school districts within the County, but does not require a review of these determinations within any established timeframe; and

WHEREAS, it is the desire of County Council to establish a uniform review procedure for parcels that have been granted tax-exempt status within Northampton County.

IT IS HEREBY, THEREFORE, RESOLVED that the Northampton County Council enacts the following:

1. Based upon a review of the application for the grant or removal of tax-exempt status and such other materials and information submitted by the legal or equitable owner or by the taxing body or bodies and after such consultation with legal counsel as deemed necessary and prudent, the Revenue Appeals Board shall make a determination concerning whether the property qualifies or continues to qualify for property tax-exempt status. The staff of the Assessment Division shall provide written notice of the determination of the property's tax-exempt status to the legal or equitable owner of the property and to all taxing bodies within which the property is located.
2. All properties granted tax-exempt status by the Revenue Appeals Board under the provisions of the Act shall be subjected to a parcel review by the Assessment Manager in accordance with the provisions of 10 P.S. §375(h) at least once every three years. In the course of the periodic parcel review required by this section, the Assessment Manager shall determine whether each property or any portion thereof continues to qualify for tax-exempt status and shall forward written notice of this determination to the legal or equitable owner of the property and to all taxing bodies within which the property is located. Determinations made by the Assessment Manager pursuant to the periodic parcel review required by this section shall be subject to the appeal provisions of §5-210.13.

3. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

Mr. Cusick advised the public hearing, debate and possible vote would be held at the February 16, 2017 meeting.

Economic Development Committee Report

Mrs. Ferraro stated an Economic Development Committee meeting was held earlier this evening and a presentation was given by a representative of Meals on Wheels who thanked the County for their contribution.

Mrs. Ferraro advised it was indicated that a request would be forthcoming for an additional $50,000 for a feasibility study for the DaVinci Science Center aquarium project and if approved, it would bring the County’s total contribution to $100,000.

Mrs. Ferraro stated a year in review presentation was made by the Department of Community and Economic Development.

Capital Projects and Operations Committee Report

Mr. Phillips reminded everyone that the Capital Projects and Operations Committee meetings were moved to the third Wednesday of every month following the Personnel and Finance Committees meeting.
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County Commissioners Association of Pennsylvania (CCAP) Teleconference Report

Mr. Werner advised he participated in the CCAP teleconference with Deputy Director Brinda Penyak on January 23, 2017, where it was announced their priorities were to advance information to Counties and advocate on behalf of representative regions.

Mr. Werner stated the areas they were going to be looking at were Human Services funding and system reform; State funding provided in the event of a budget impasse and provisions for rebalancing of funds; the impact fee for Act 13 funds, noting they would like to propose a severance tax in addition to the impact fee to help the Counties; elimination of school taxes; property tax reform; options to handle sales and personal income taxes and substance abuse and treatment.

Mr. Cusick advised the most significant thing he heard was what impact the Governor's proposal to merge several divisions of the Department of Human Services would have on the Counties.

Parks and Open Space Committee Report

Mr. Dietz stated the Parks and Open Space Committee would be meeting on February 16, 2017 and the Wildlands Conservancy was going to do a short presentation. He further stated this was the organization that the County entered into a three year agreement to advise Mr. Cope on open space projects.

Lehigh Valley Planning Commission (LVPC) Liaison Report

Mr. Phillips advised he attended the LVPC meeting and asked Executive Director Becky Bradley if she had received any information regarding Synagro and she informed him that she had not. He further advised he also attended the LVPC Transportation Subcommittee and Freight Study meetings.

Airport Authority Liaison Report

Mr. Geissinger stated the Airport Authority Board of Governors met and Mr. Michael Dowd remained as Chairman, Mr. Charles Diacont remained as Vice-Chairman and Mr. Ed Lozano remained as Secretary Treasurer. He stated he was re-appointed
as the Northampton County representative to the Executive Committee and Mr. John Crampsie was the Lehigh County representative.

Mr. Geissinger advised the airport was moving forward to ease the rapid increase in their operation regarding freight shipments that were providing a significant revenue stream.

Mr. Geissinger stated the Request for Quotations for Braden Airpark was put out on the street and they were expected to be returned on February 15, 2017. He further stated there were approximately six different entities that took them.

**Gracedale Advisory Board Liaison Report**

Mr. Werner stated as the County Executive mentioned earlier the bed sale profits were moved into the Gracedale account. He further stated a nine board volunteer group called The Friends of Gracedale was formed to put together a 501c3 program that would begin in the next few months and would allow them to set up a tax incentive for philanthropists to donate money to Gracedale.

Mr. Kraft commented every gift that was received by Gracedale had to be approved by County Council.

**Farmland Preservation Board Meeting**

In response to Mr. Cusick's question as to whether anyone had an update on the Farmland Preservation Board meeting that took place on January 30, 2017, Mr. Brown advised the certified amount the County was providing to the State was $538,000. He further advised as far as he knew at this time the townships have elected not to put any matching funds in.

**911 Liaison Report**

Mr. Dietz stated at the February 16, 2017 meeting, Mr. Todd Weaver, Director of Emergency Management, would be providing an update on the 911 Center merge.
Outside Auditor Report

Mr. Cusick advised he and Mrs. Zembo met with representatives of RKL on January 30, 2017 and one of the issues that came up was the Gracedale ordinance with regard to excess funds so that was on their radar. He further advised they indicated they would be willing to speak with any member of County Council regarding any concerns.

Solicitor’s Report

Mr. Phillips stated he asked Mr. Lauer to render an opinion regarding the Controller allowing the broadcasting of a Social Security Number of a former employee and whether any laws were broken or liability on the behalf of the County or County Council.

Mr. Lauer advised there was a Federal Privacy Act that indicated certain types of identifying information were not to be disclosed by governments or those who have this information in their possession. He further advised there was also the Social Security Act that indicated Social Security Numbers and related records obtained or maintained by authorized persons shall be confidential and no authorized person shall disclose any such Social Security Number or related record.

Mr. Lauer stated there were enforcement provisions in these Acts that provided criminal penalties and civil enforcement. He further stated while those remedies were available it would be up to Federal law enforcement and not something County Council could pursue.

Mr. Lauer advised both Acts had a provision for civil enforcement if someone had been harmed financially, but that person would have to file that claim. He further advised the disclosure of the Social Security Number was a violation of two Federal laws, however, that would have to be taken up by the County Solicitor, but he did not see any action that could be taken with respect to just that issue.

Mr. Phillips stated he would like the Clerk to Council to send a copy of Mr. Lauer’s opinion to the District Attorney so County Council could understand what action they could take other than legal.
Mr. Cusick advised he was concerned about what occurred and agreed no legal action could be taken by County Council, but if it was a Human Resource employee that engaged in such an act they would be promptly suspended and subsequently dismissed.

Mr. Kraft stated an individual would willfully have to use another’s Social Security Number for their own benefit to be in violation of the Social Security Act and although this was a foolish act there was no malicious intent behind it so there was no case and there was no need for an opinion from Mr. Lauer.

Mr. Phillips advised he was not looking for a case, but he could not ignore it and felt it should be documented by obtaining a legal opinion.

Mr. Kraft stated if the number was used inappropriately then this action would be justified, but this was not done intentionally and once it was realized the video was removed. He further stated he did not think there was anything there, but if Mr. Phillips wanted to forward it to the District Attorney then he could tell him.

In answer to Mr. Vaughn’s question as to whether criminal intent had to be proven or could it just be negligence, Mr. Lauer advised the Social Security Act indicated Social Security Numbers were confidential and no authorized person should disclose one, however, it was a common concept in the law that for something to be criminal one had to intend for it to happen. He further advised he did not see the video, but his understanding was the individual who disclosed it was not aware initially that it was disclosed, but once it was discovered he took steps to remedy it so one could conclude that it was not an intentional act.

Mr. Werner stated the Governor Finance Officers Association guidelines and standards denoted that “regardless of circumstances they shall respect and protect privilege information to which they had access to by virtue of their office and they shall be sensitive and responsible to inquiries from the public and the media within the framework of State or local government policies”. He further stated even if it was not intentional there were standards that had to be followed.

Mr. Benol advised he believed this was a political stunt and he did not believe it was in the realm of the duties of the Controller’s Office to have access to anyone’s Social Security Number.
In response to Mr. Benol’s question as to whether the County was exposed to any liability, Mr. Lauer stated he did not think the County had any criminal liability and the civil liability would lie with the individual who disclosed the information as he did not see anything that would suggest this action was taken on behalf of the County.

Adjournment

Mr. Benol made a motion to adjourn the meeting.

Mr. Werner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo  
Clerk to Council