Easton, Pennsylvania

March 16, 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; Seth Vaughn; Robert F. Werner; Sharon Wengryn, Executive Secretary to County Council; Philip D. Lauer, Solicitor to Council. Absent was Linda M. Zembo, Clerk 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. Cusick stated due to the absence of the Clerk to Council the minutes of the March 2, 2017 County Council meeting were not ready for approval.

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.

Confirmation of Appointment

Mr. Kraft introduced the following resolution:

R. 25-2017  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/re-appointments as indicated hereafter:
INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment: Ms. Gretchen Rice
259 East Market Street
Bethlehem, PA 18018

Terms to Expire: 3/17/22

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

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

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

Controller’s Report

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

County Executive Report

Mr. John A. Brown, County Executive, advised for 2016 the basic pension finished at $357.9 million, which was an increase of $26.7 million. He further advised the Other Post-employment Benefits had an 8.4% performance for 2016, but it was significantly underfunded. He noted the surge in the stock market over the past two months had added another 4% to the fund.

Public Hearing on the Ordinance Titled, “AN ORDINANCE APPROVING NORTHAMPTON COUNTY TO FILE A DECLARATION OF TAKING AND TO TAKE SUCH OTHER STEPS AS LEGALLY NECESSARY AND PRUDENT TO PURSUE THE CONDEMNATION OF THOSE PORTIONS OF THE AFFECTED PROPERTY, MORE SPECIFICALLY IDENTIFIED AS NORTHAMPTON COUNTY TAX PARCEL ID G8 6 1 0626, OTHERWISE KNOWN AS 809 BENDERS CHURCH ROAD, PEN ARGYL, NORTHAMPTON COUNTY, PENNSYLVANIA 18072, WITH A CURRENT RECORD OWNER OF ANDREW CAPECCI"

Mr. Cusick stated the following ordinance was introduced by Messrs. Phillips and Geissinger at the meeting held on March 2, 2017 and the public hearing, debate and possible vote would be
held at this meeting:

AN ORDINANCE APPROVING NORTHAMPTON COUNTY TO FILE A DECLARATION OF TAKING AND TO TAKE SUCH OTHER STEPS AS LEGALLY NECESSARY AND PRUDENT TO PURSUE THE CONDEMNATION OF THOSE PORTIONS OF THE AFFECTED PROPERTY, MORE SPECIFICALLY IDENTIFIED AS NORTHAMPTON COUNTY TAX PARCEL ID G8 6 1 0626, OTHERWISE KNOW AS 809 BENDERS CHURCH ROAD, PEN ARGYL, NORTHAMPTON COUNTY, PENNSYLVANIA 18072, WITH A CURRENT RECORD OWNER OF ANDREW CAPECCI

WHEREAS, Northampton County is ready to undertake reconstruction and repair efforts relative to County Bridge #213, located on Rasleytown Road, Plainfield Township, Northampton County, Pennsylvania; and

WHEREAS, in order to do so Northampton County requires certain easements, both temporary and permanent, to accomplish the necessary scope of work on said Bridge; and

WHEREAS, consistent with the scope of work Plainfield Township requires a permanent drainage easement to allow for proper runoff and drainage from said Bridge; and

WHEREAS, Northampton County and Plainfield Township have been unsuccessful in negotiating easement agreements with the record owner of one affected property; and

WHEREAS, in order to provide for the acquisition of the above-referenced easements and to assure the proper performance of the scope of work called for relative to said Bridge, Northampton County and Plainfield Township must utilize the power of eminent domain to condemn the necessary portions of the affected property, the metes and bounds of which are further defined by plans prepared by Northampton County’s engineering firm for the project, Borton Lawson; and

WHEREAS, Northampton County retained Arrow Land Solutions, LLC to estimate just compensation to the affected landowner for both Northampton County and Plainfield Township easements combined and just compensation was estimated to be Three Hundred Dollars ($300.00).

NOW, THEREFORE, IT IS HEREBY ORDAINED BY the Northampton County Council that:
1. The County of Northampton, by and through its Solicitor’s Office, shall file a Declaration of Taking and take such other steps as legally necessary and prudent to pursue the condemnation of those portions of the affected property, more specifically identified as Northampton County Tax Parcel ID G8 6 1 0626, otherwise known as 809 Benders Church Road, Pen Argyl, Northampton County, Pennsylvania 18072, with a current record owner of Andrew Capecci.

2. For the public purposes of reconstructing, building and otherwise maintaining County Bridge #213, Northampton County shall be permitted to acquire a temporary construction easement and permanent maintenance easement upon the affected property and if necessary, to acquire on behalf of Plainfield Township a permanent drainage easement interest upon said property consistent with the plans and designs of Northampton County’s engineering firm for the project, Borton Lawson.

3. If the County obtains the permanent drainage easement on behalf of Plainfield Township, it shall thereafter be permitted to fully transfer and assign all interests under said easement to Plainfield Township without additional consideration.

4. Northampton County may make an offer of just compensation to the record owner of the affected land of up to Three Hundred Dollars ($300.00) as consistent with the estimate of Arrow Land Solutions LLC.

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.

For the benefit of the students present, Mrs. Ferraro advised this is one of the rare incidents where this governmental body was going to exercise its right of eminent domain.
Mr. Phillips stated Bridge #213 was being replaced and the eminent domain was not to take ownership of any property, but to allow the County access to a 90 square foot creek bank that went up to the bridge in order to build the bridge and have maintenance access after the bridge was completed. He further stated there was also an underground drainage pipe of approximately 30' that Plainfield Township had to have access to in order to keep it clear.

Mr. Benol advised he previously voiced his concern about this because the County was taking someone's property.

Mr. Geissinger stated he was not in favor of eminent domain, but there were times when it was necessary and this was one of those times because the bridge had to be replaced and access would be necessary to maintain the area around it.

Mr. Cusick advised he also was not in favor of eminent domain, but this was something that had to be done for the safety of the public.

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

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

The ordinance was adopted by a vote of 8-1.

Consideration of Personnel Request Resolutions: a) District Attorney's Office; b) Court Administration - Problem Solving Courts; c) Department of Human Services - Gracedale Division: Housekeepers; d) Department of Human Services - Gracedale Division: Laundry; e) Department of Human Services - DHS Fiscal Administrator

District Attorney's Office

Mr. Kraft introduced the following resolution:

R. 26-2017 IT IS HEREBY RESOLVED by the Northampton County Council that the two part time positions of Assistant District Attorney, salary $96,678, in the Office of the District Attorney, be eliminated, effective March 16, 2017.
IT IS FURTHER HEREBY RESOLVED that two full time positions of Assistant District Attorney, salary $118,168, Pay Grade CE-Group III-01A, in the Office of the District Attorney, be created, effective March 16, 2017.

Mr. John Morganelli, District Attorney, stated he sent County Council a memorandum in January that a number of his very experienced personnel were leaving and these requests would allow his office to continue the job of protecting the citizens of the County. He further stated the funds were in his budget.

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

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

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

Court Administration - Problem Solving Courts

Mr. Kraft introduced the following resolution:

R. 27-2017 IT IS HEREBY RESOLVED by the Northampton County Council that the one full time position of Law Clerk, salary $67,425, pay grade CE 3 4-D, in the Department of Court Administration, be upgraded to one full time position of Law Clerk Problem Solving Courts Administrator, salary $77,566, pay grade CE 4 3-C, in the Department of Court Administration, effective March 16, 2017.

Mr. Cusick advised he was supportive of the Problem Solving Court, but in other Counties this was a full time position so he was conflicted because a separate position may need to be created in the future.

The Honorable Craig Dally stated he did not know of any other County that had a position like this, but his law clerk had been handling these additional duties so that was the reason for the request.

Mr. Phillips advised this was an incremental approach to the situation even though it may grow into a full time position in the future.
As there were no further questions or comments, Mr. Cusick called for the vote.

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

Department of Human Services – Gracedale Division: Housekeepers

Mr. Kraft introduced the following resolution:

R. 28-2017 IT IS HEREBY RESOLVED by the Northampton County Council that the two part time positions of housekeeper, salary $26,334, be eliminated in the Department of Human Services, Gracedale Division, effective March 16, 2017.

IT IS FURTHER RESOLVED that two full time positions of housekeeper, salary $51,402, pay grade GU-02-3C, be created in the Department of Human Services, Gracedale Division, effective March 16, 2017.

In answer to Mr. Phillips' question as to the reason behind making these positions full time, Ms. Catherine Allen, Director of Administration, stated these individuals did other jobs besides just cleaning and this would allow them to increase their efforts to get Gracedale as clean as possible.

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

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

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

Department of Human Services – Gracedale Division: Laundry

Mr. Kraft introduced the following resolution:
R. 29-2017 IT IS HEREBY RESOLVED by the Northampton County Council that the two part time positions of laundry utility, salary $25,554, be eliminated in the Department of Human Services, Gracedale Division, effective March 16, 2017.

IT IS FURTHER RESOLVED that one full time position of laundry finisher, salary $24,941, pay grade GU-01-3C, be created in the Department of Human Services, Gracedale Division, effective March 16, 2017.

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

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

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

Department of Human Services - DHS Fiscal Administrator

Mr. Kraft introduced the following resolution:

R. 30-2017 IT IS HEREBY RESOLVED by the Northampton County Council that the one full time position of DHS Fiscal Administrator, salary $77,879, pay grade CS-34-01-A, be eliminated in the Department of Human Services, effective March 16, 2017.

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

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

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

Consideration of Resolution to Amend the Register of Wills and Clerk of Orphan’s Court Fee Schedule

Mr. Geissinger introduced the following resolution:
R. 31-2017  WHEREAS, Northampton County Resolution 17-79 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates as deemed necessary; and

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

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

WHEREAS, on March 10, 2017, County Council received a request to approve a change to the fee schedule for the Register of Wills and Clerk of the Orphans’ Court reflecting the cost to the public to access documents online.

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

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

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


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

Consideration of Article XIII Contract Approval Resolution for Gilmore & Associates

Mr. Geissinger introduced the following resolution:

R. 32-2017  WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County
County Council Minutes -10- March 16, 2017

Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County’s General Fund, such as those funded through bonded indebtedness."

WHEREAS, on March 2, 2017, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $59,857.72, with Gilmore & Associates, for professional planning services for the Northern Tier Trail Feasibility Study for a proposed 35 plus trail system connecting open space, waterways, farmland and small borough streets across the northern portion of the County for a term of one year.

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 Gilmore & Associates, for professional planning services for the Northern Tier Trail Feasibility Study for a proposed 35 plus trail system connecting open space, waterways, farmland and small borough streets across the northern portion of the County.

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

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

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

Capital Projects and Operations Committee Report

Mr. Phillips advised at the Capital Projects and Operations Committee meeting held yesterday they discussed in detail the 2013 Bond Issue and the Capital Improvement 2016-2017 Plan for Gracedale.

Human Services Committee Report

Mr. Vaughn stated at the Human Services Committee meeting held earlier in the evening it was revealed the County would be participating in the Intergovernmental Transfer Program. He
further stated the County was coming closer to procuring the contracts through the Veterans Administration.

Mr. Vaughn advised Gracedale was continuing to improve its practices to reach the quality measure benchmarks and to increase its star rating.

Military Officers Association of the Lehigh Valley

Mr. Phillips stated he attended a Military Officers Association of the Lehigh Valley luncheon and Mr. Freddie Ramirez, Director of Veterans Affairs, was the guest speaker and talked about the County’s Veterans Affairs Office.

Retirement Board Liaison Report

Mr. Cusick advised the Retirement Board met on Monday and as Mr. Brown indicated there was good news regarding the County’s pension fund.

Adjournment

Mr. Kraft made a motion to adjourn the meeting.

Mr. Geissinger seconded the motion.

The motion to adjourn passed unanimously by acclamation.

________________________________________
Linda M. Zembo
Clerk to Council