Easton, Pennsylvania

March 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; Hayden Phillips; Seth Vaughn; Robert F. Werner; Linda M. Zembo, Clerk to Council, Philip D. Lauer, Solicitor to Council. Absent was Kenneth M. Kraft.

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 February 16, 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, advised he did not have a report.

Consideration of the Codification Resolution for the Period Ending December 31, 2016

Mr. Cusick stated the Northampton County Home Rule Charter Section 606 (c) required the County Council, by resolution, to adopt a codification of all ordinances, as amended, having the force and effect of law and of the Charter, as amended. He further stated the Codification was an annual housekeeping matter that arranged the ordinances in an index format.

Mr. Cusick introduced the following resolution:

R. 18-2017 WHEREAS, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law and of the Charter, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the attached codification, for the period ending December 31, 2016, shall be adopted this 2nd day of March 2017.

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


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

Consideration of Stepping Up Initiative Call to Action Resolution

Mr. Dietz introduced the following resolution:

R. 19-2017 WHEREAS, Counties routinely provide treatment services to the estimated two million people with serious mental illnesses booked into jail each year; and
WHEREAS, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general public; and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

WHEREAS, County jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services people with mental illnesses continue to cycle through the criminal justice system often resulting in tragic outcomes for these individuals and their families; and

WHEREAS, Northampton County and all Counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, through Stepping Up, the National Association of Counties, The Council of State Governments Justice Center and the American Psychiatric Association Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails.

NOW, THEREFORE, LET IT BE RESOLVED that the Northampton County Council does hereby request the County Executive to sign on to the Call to Action to reduce the number of people with mental illnesses in our County jail, commit to sharing lessons learned with other Counties in Pennsylvania and across the country to support a national initiative and encourage all County officials, employees and residents to participate in Stepping Up.

LET IT FURTHER BE RESOLVED that the Northampton County Council also requests the County Executive to utilize the comprehensive resources available through Stepping Up to:
1. Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails.

2. Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk and use that baseline information to guide decision making at the system, program and case levels.

3. Examine treatment and service capacity to determine which programs and services are available in the County for people with mental illnesses and co-occurring substance use disorders and identify State and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.

4. Develop a plan with measureable outcomes that draws on the jail assessment and prevalence data and the examination of available treatment and service capacity while considering identified barriers.

5. Implement research-based approaches that advance the plan.

6. Create a process to track progress using data and information systems and to report on successes.

Mr. Dietz advised Erie County joined this initiative last year and he planned to meet with Administrative representatives to find out what they have done to see what might work for Northampton County.

Mr. Phillips stated he spoke to Mr. Dan Keen, Director of the Department of Corrections, and he supported this endeavor. He further stated over the last 20 years the State reduced the number of facilities for criminal and civil committed psychiatric by 70% and now these individuals were showing up in County prisons. He added a lot of people were getting rich studying the problem, but to him it was clear the problem was the emptying out of the State hospitals.

Mr. Dietz advised he agreed it was the closing of the State hospitals that put the burden on County prison, but it was time to find solutions.
Mrs. Ferraro stated the facilities were closed to allow them to go back into the community, but that was not the reality. She further stated she would like to know how many psychiatric beds were at Lehigh Valley and St. Luke’s Hospitals.

Mr. Vaughn advised the problem was there were not enough facilities and the ones that existed were filled.

Mr. Cusick stated at the recent Human Services Committee meeting they were informed that some of these individuals were showing up at Gracedale so there was another County facility bearing this burden because facilities were closed.

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


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

Consideration of a Resolution Authorizing the Application for Multi-Municipal Grant Funds for the Nazareth Area... 2030 Multi-Municipal Comprehensive Plan

Mrs. Ferraro introduced the following resolution:

R. 20-2017

AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA MUNICIPAL ASSISTANCE PROGRAM

WHEREAS, Bath Borough, Chapman Borough, Nazareth Borough, Stockertown Borough, Tatamy Borough, Bushkill Township, Lower Nazareth Township, Moore Township and Upper Nazareth Township will be undertaking the update of the Nazareth Area... 2030 Multi-Municipal Comprehensive Plan to address the evolving needs of this region of the Lehigh Valley; and

WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Municipal Assistance Program.
NOW, THEREFORE, IT IS HEREBY RESOLVED that the Northampton County Council authorizes and supports the submission of a Municipal Assistance Program application to the Pennsylvania Department of Community and Economic Development to assist in the update of the Nazareth Area... 2030 Multi-Municipal Comprehensive Plan; and

BE IT FURTHER RESOLVED that the Northampton County Department of Community and Economic Development (NCDCED) is authorized to provide a minimum of $56,250 and a maximum of $62,500 match requirement from the Multi-Municipal Planning allocation that was approved for NCDCED by County Council in the 2017 Adopted Budget for the update of the Nazareth Area... 2030 Multi-Municipal Comprehensive Plan and further approves NCDCED to commit appropriate resources also approved by County Council in the 2017 Adopted Budget to complete the required local work for the plan.

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

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

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

Consideration of a Resolution Authorizing the Application for Multi-Municipal Grant Funds for the Slate Belt Multi-Municipal Comprehensive Plan

Mrs. Ferraro introduced the following resolution:

R. 21-2017

AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA MUNICIPAL ASSISTANCE PROGRAM

WHEREAS, Bangor Borough, East Bangor Borough, Pen Argyl Borough, Roseto Borough, Portland Borough, Wind Gap Borough, Plainfield Township, Washington Township, Lower Mount Bethel Township and Upper Mount Bethel Township will be undertaking the creation of the Slate Belt Comprehensive Plan to address the evolving needs of this region of the Lehigh Valley; and
WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Municipal Assistance Program;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Northampton County Council authorizes and supports the submission of a Municipal Assistance Program application to the Pennsylvania Department of Community and Economic Development to assist in the update of the Slate Belt Multi-municipal Comprehensive Plan.

BE IT FURTHER RESOLVED that Northampton County Department of Community and Economic Development (NCDCED) is authorized to provide up to $62,500 in required match funding from the Multi-Municipal Planning allocation that was approved for NCDCED by County Council in the 2017 Adopted Budget, for the update of the Slate Belt Multi-Municipal Comprehensive Plan and further approves NCDCED to commit appropriate resources also approved by County Council in the 2017 Adopted Budget to complete the required local work for the Plan.

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

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

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

Consideration of a Resolution Approving the Submittal of an Application for Funding to the U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes

Mrs. Ferraro introduced the following resolution:

R. 22-2017

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR FUNDING TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES
WHEREAS, the County of Northampton, Department of Community and Economic Development (DCED) has prepared an application for funding to the Office of Lead Hazard Control and Healthy Homes for funding consideration for the period April 2017 to March 31, 2020 and will use existing housing programs to meet cash match requirements; and

WHEREAS, the purpose of this application will be to reduce elevated lead levels in children ages one (1) to six (6) years old. The application will also address Northampton County homes that have been identified to contain a lead based paint hazard; and

WHEREAS, the County of Northampton will be the lead agency and work in cooperation with our collaborating partners, which are the City of Easton and the City of Bethlehem, towards the goal of reducing lead levels in children within Northampton County. The application will provide funding to owner-occupied homes to remove lead paint that poses a risk to children. This application will contain supporting documentation to meet the threshold level of existing pre-1940 housing stock and how to meet the needs of low and moderate income families.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

1. That the County Executive of the County of Northampton is hereby authorized to execute and file an application to the Lead-Based Paint Hazard Control for two million five hundred thousand dollars ($2,500,000) and to accept the funding.

2. That the County Executive of the County of Northampton is hereby authorized to provide such assurances and/or certifications as required by the U.S. Department of Housing and Urban Development and also any additional or revised data which may be requested during the review of said application.

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

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

The resolution was adopted by a vote of 8-0.
Consideration of a Resolution Authorizing the County of Northampton’s Participation in a Regional Assessment of Fair Housing as Mandated by the U.S. Department of Housing and Urban Development Through the County Department of Community and Economic Development in Collaboration with Local Municipal Partners and Housing Authorities

Mrs. Ferraro introduced the following resolution:

R. 23-2017

A RESOLUTION AUTHORIZING THE NORTHAMPTON COUNTY’S PARTICIPATION IN A REGIONAL ASSESSMENT OF FAIR HOUSING AS MANDATED BY U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT THROUGH THE COUNTY DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IN COLLABORATION WITH LOCAL MUNICIPAL PARTNERS AND HOUSING AUTHORITIES

WHEREAS the County of Northampton, through its Department of Community & Economic Development (DCED) has been mandated by the U.S. Department of Housing and Urban Development (HUD) to undertake an Assessment of Fair Housing; and

WHEREAS the County of Northampton has formed a regional collaboration that includes the City of Bethlehem, City of Easton, Bethlehem Housing Authority, Housing Authority of the City of Easton, and the Northampton County Housing Authority (collectively referred to as “Program Participants”) in order to complete this activity by the new deadline of 2019; and

WHEREAS the County of Northampton will serve as the lead entity of the collaboration and will be responsible for submitting the regional Assessment of Fair Housing on behalf of the Program Participants.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that the County of Northampton DCED is hereby authorized to undertake the Assessment of Fair Housing as mandated by HUD.

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

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

Consideration of Resolution Approving Implementation of Eminent Domain Procedures for Easements Relating to Construction and Repair of County Bridge No. 213

Mr. Phillips introduced the following resolution:

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 RESOLVED 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 5 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.

Mr. Phillips advised all, but one of six landowners, was willing to allow the County the use of a 90 square foot area along the Bushkill Creek. He further advised this resolution would allow that landowner to still own the land, but the County would be able to maintain the land and to work on the bridge. In addition, Plainfield Township needed to put in a drainage line that would go underground.

Mr. Stan Rugis, Director of Department of Public Works, stated in addition to what Mr. Phillips had stated this landowner told officials from Plainfield Township to do what they want to do, but he was not signing anything. He further stated this situation has caused the project to be delayed, which could result in additional costs if not resolved.

In response to Mr. Cusick's question as to whether this should be an ordinance, Mr. Lauer advised the Home Rule Charter indicated an ordinance was required if the County were to purchase, convey, lease or authorize the purchase, conveyance or
lease of any real property of the County so this would have to be put into the form of an ordinance.

In answer to Mr. Phillips' question as to whether Plainfield Township was obligated to take the drainage line from the County or would the County be stuck with it, Mr. Durkin stated it permits Plainfield Township to take it without any further consideration.

Mr. Rugis advised Mr. David Backenstoe, Assistant County Solicitor, indicated there was an agreement within the Plainfield Township resolution that they would take care of the storm system.

In response to Mr. Benol's comment that the County was taking ownership of this property and then transferring it to Plainfield Township, Mr. Rugis stated that was not correct.

In answer to Mr. Phillips' question as to whether they were okay with the verbiage in the Plainfield Township resolution, Mr. Durkin and Mr. Lauer both replied they were.

Mr. Phillips advised he did not like doing things by eminent domain, but Plainfield Township needed to put in underground drainage and the County had to have access to work on the bridge and maintain the surrounding area.

Mr. Cusick made a motion to change the verbiage to make this resolution an ordinance so it could be introduced tonight.

Mr. Phillips seconded the motion.

Mr. Cusick called for the vote on the motion.

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

The motion passed by a vote of 7-1.

Messrs. Phillips and Geissinger introduced the following ordinance.

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 ARGYLL, 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 61 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.

Mr. Cusick stated the public hearing, debate and possible vote would be held at the March 16, 2017 County Council meeting.

Consideration of a Resolution Accepting a Donation of Flowers for Gracedale Residents

Mr. Vaughn introduced the following resolution:

R. 24-2017 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

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation from Sam's Club of 98 dozen roses for the residents at Gracedale with an estimated retail value of $1,893.20.
As there were no questions or comments, Mr. Cusick called for the vote.

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

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

Economic Development Committee Report

Mrs. Ferraro advised at the Economic Development Committee meeting held earlier in the evening the resolutions that were adopted tonight were discussed. She further advised that Mr. Mike Stershic, President, and Ms. Kim Lilly, Executive Vice-President, Discover Lehigh Valley, gave a presentation on how they were improving their marketing to attract tourism and the success they were having.

Mrs. Ferraro stated that Ms. Amy Holland from the National Museum of Industry also provided an update on the museum and the programs they offered.

Capital Projects and Operations Report

Mr. Phillips advised there was a pre-bid meeting and site visit for the Gracedale generator project and nine electrical contractors and five general contractors attended. He further advised the bid opening would be held on May 23, 2017.

Parks and Open Space Committee Report

Mr. Dietz stated at the Parks and Open Space Committee meeting the Wildlands Conservancy was requesting a member of County Council be appointed to their board and if no one else wanted to do it, he would.

As no one else volunteered, Mr. Cusick congratulated Mr. Dietz on his appointment.
Lehigh Valley Planning Commission Liaison Report

Mr. Phillips advised he attended both the Lehigh Valley Planning Commission meeting and their Transportation Subcommittee meeting. He advised attending these meetings helped him to understand some of the plans of the Department of Community and Economic Development.

Prison Labor for Cleanups

Mr. Phillips stated a citizen asked him why people currently incarcerated in the Jail could not be used to clean up areas around the County. He further stated he talked to Mr. Keen who informed him it would not be cost effective and the individuals who would be able to do the work were currently on Work Release.

Adjournment

Mr. Benol made a motion to adjourn the meeting.

Mr. Phillips seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council