Easton, Pennsylvania

November 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; Margaret L. Ferraro; Kenneth M. Kraft; Hayden Phillips; Seth Vaughn; Robert F. Werner; Linda M. Zembo, Clerk to Council and Phil D. Lauer, Solicitor to Council.

Prayer

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

Pledge of Allegiance

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

Approval of the Minutes

Mr. Kraft made the following motion:

Be It Moved By the Northampton County Council that the minutes of the October 19, 2017 and October 11, 2017 (Budget Hearing) meetings shall be approved.

Mr. Benol seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Don Moore, 5610 Berhel Road, Plainfield Township, PA - provided a document titled, "2018 Farmland Preservation Funding Estimates" (see Attachment #1). He stated at the budget hearing, Mr. Cusick had asked Ms. Maria Bentzoni, Farmland Preservation Administrator, to explain the apparent discrepancy between the municipalities and the County. He further stated the major discrepancy and the problem with this program was the matching.
Mr. Moore advised a statement was made that there were not enough farms going forward, but that was not true because on the 2017 list there were farms from several Earned Income Tax townships, but it was where they fell on the list. He further advised the problem with the program now being run underfunded was no one knew until January how much money Ms. Bentzoni or the townships were going to need.

Mr. Moore stated there was a farm in Moore Township that had been on the list since 2015 and still had not closed and they were going to be asked to pay more than $500,000 for it out of their money. He further stated that was the year the County took, without any notice, $189,000 of their matching funds that came back from the State.

Mr. Moore advised having a running balance was not the problem because it would get spent. He further advised out of the $37 million bond only $27.2 million would have been spent by the end of this year.

Mr. Moore explained the document he distributed demonstrated what would happen if the municipalities were not allowed to pledge money for 2018 and he did not think they would pledge any unless they were able to get their return on it.

Mr. Moore stated former County Executive John Stoffa instituted a tax for open space after the voters indicated they wanted to preserve open space.

Mr. Moore advised he would like the Administration to provide clear details to the townships as to what they could expect for matching funds and he would like County Council to stay in touch with Ms. Bentzoni through the early days in December to see what applications were received.

**Controller’s Report**

Mr. Stephen Barron, Controller, indicated he had no report.

**County Executive’s Report**

Mr. John A. Brown, County Executive, indicated he had no report.
Consideration of the County Executive’s Veto of the Ordinance Entitled, "AN ORDINANCE OF THE COUNTY OF NORTHAMPTON AT EASTON, PENNSYLVANIA, AUTHORIZING THE NORTHAMPTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF NORTHAMPTON COUNTY FOR THE PURPOSE OF ELECTING A GOVERNMENT STUDY COMMISSION TO CONSIDER: THE REPEAL OF THE NORTHAMPTON COUNTY HOME RULE CHARTER, THE ADVISABILITY OF THE ADOPTION OF AN OPTIONAL FORM OF GOVERNMENT OR TO CONTINUE WITH THE PRESENT NORTHAMPTON COUNTY HOME RULE CHARTER” Resolution

Mr. Cusick stated this ordinance was adopted by County Council at the meeting held October 19, 2017 and vetoed by the County Executive on October 23, 2017. He further stated in order to override the veto, a 2/3 majority of County Council members, 6 votes, was necessary, noting a vote in favor of the veto override resolution, was essentially a vote in favor of the ordinance as adopted and a vote against the override resolution was essentially a vote against the ordinance.

Mr. Cusick introduced the following resolution:

WHEREAS, at the meeting held October 19, 2017, the Northampton County Council duly adopted the ordinance titled, "AN ORDINANCE OF THE COUNTY OF NORTHAMPTON AT EASTON, PENNSYLVANIA, AUTHORIZING THE NORTHAMPTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF NORTHAMPTON COUNTY FOR THE PURPOSE OF ELECTING A GOVERNMENT STUDY COMMISSION TO CONSIDER: THE REPEAL OF THE NORTHAMPTON COUNTY HOME RULE CHARTER, THE ADVISABILITY OF THE ADOPTION OF AN OPTIONAL FORM OF GOVERNMENT OR TO CONTINUE WITH THE PRESENT NORTHAMPTON COUNTY HOME RULE CHARTER”; and

WHEREAS, the duly adopted ordinance was presented to the County Executive on October 20, 2017; and

WHEREAS, on October 23, 2017, the County Executive vetoed the ordinance (a copy of the veto message is attached) and returned it to County Council on October 23, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the County Executive’s veto of the ordinance titled, "AN ORDINANCE OF THE COUNTY OF NORTHAMPTON AT EASTON, PENNSYLVANIA, AUTHORIZING THE NORTHAMPTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF NORTHAMPTON COUNTY FOR THE PURPOSE OF ELECTING A GOVERNMENT STUDY COMMISSION TO CONSIDER: THE REPEAL OF THE NORTHAMPTON COUNTY HOME RULE CHARTER, THE ADVISABILITY OF THE ADOPTION OF AN
OPTIONAL FORM OF GOVERNMENT OR TO CONTINUE WITH THE PRESENT NORTHAMPTON COUNTY HOME RULE CHARTER" shall be overridden this 2nd day of November 2017.

Mr. Werner advised this government model was established in the 1970's and had some conspicuously outdated references. He further advised based on the Home Rule Charter being the governing vessel that embodied the provisions and functions of the Administrative Code and good government was to be transparent to protect people's interest and not exclude them from the process to say that the Home Rule Charter Study Commission was not needed was a little bit irresponsible. He further advised the fear of the study and its outcome came only from having something to fear.

Mr. Werner stated this was not an issue to have any kind of temper tantrum over regarding personal feelings or suspicious movements. He further stated he petitioned his colleagues to consider that good government protects the interest of those who elected them and not their own interest.

Mr. Geissinger advised he voted against the ordinance two weeks ago and planned to vote against it again because no one has provided any information as to what it was going to cost. He further advised the point was made that this was good government and some people called this the constitution of Northampton County, which he felt was an accurate description, but the rules, regulations, ordinances and different documents that have come out of it in the Administrative Code was the problem.

Mr. Geissinger stated that if the Administrative Code was fixed, which was what County Council had asked to be done, then the Home Rule Charter items that needed amendments could be looked at.

Mr. Kraft advised he voted against this ordinance and still believed it was a political stunt. He further advised money was put aside to fix the Administrative Code because most of the things that were wrong and all the lawsuits stemmed from there once that was fixed decisions could be made as to how to update the Home Rule Charter.

Mrs. Ferraro concurred with Messrs. Geissinger and Kraft because it was not known how much it would cost and the logical place to start would be the Administrative Code.
As there were no further questions or comments, Mr. Cusick called for the vote.

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

The override of the veto failed by a vote of 5-4.

Public Hearing on the Ordinance Entitled, AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 3,280 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 269 BLUE VALLEY DRIVE, BANGOR, PENNSYLVANIA, FROM UNITED HOISTING COMPANY, INC., LONG ISLAND CITY, NEW YORK" (District Court #03-3-03)

Mr. Cusick advised the following ordinance was introduced by Messrs. Geissinger and Benol at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 3,280 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 269 BLUE VALLEY DRIVE, BANGOR, PENNSYLVANIA, FROM UNITED HOISTING COMPANY, INC., LONG ISLAND CITY, NEW YORK

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchases, conveys, leases or
authorizes the purchase, conveyance or lease of any real property of the County".

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from the United Hoisting Company, Inc. Long Island City, New York, approximately 3,280 square feet of office space identified as 269 Blue Valley Drive, Bangor, Pennsylvania, for an initial rent of $4,810.66 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

**Public Hearing**

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

Mr. Kraft made a motion to allow the amending of the date of the beginning of the lease to be changed from January 1, 2018 to April 1, 2018.

Mr. Geissinger seconded the motion.

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

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

The motion passed by a vote of 9-0.

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

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

The ordinance was adopted by a vote of 9-0.
Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 3,500 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 400 NORTHAMPTON STREET, SUITE 100, EASTON, PENNSYLVANIA, FROM 400 NORTHAMPTON LP, EASTON, PENNSYLVANIA" (District Court #03-2-05)

Mr. Cusick stated the following ordinance was introduced by Messrs. Benol and Geissinger at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 3,500 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 400 NORTHAMPTON STREET, SUITE 100, EASTON, PENNSYLVANIA, FROM 400 NORTHAMPTON LP, EASTON, PENNSYLVANIA.

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchase, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from 400 Northampton LP, Easton, PA, approximately 3,500 square feet of office space identified as 400 Northampton Street, Suite 100, Easton, Pennsylvania, for an initial rent of $4,290.92 per month. The terms and conditions of the lease shall be in
accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

As there were no questions or comments from the members of County Council, Mr. Cusick called for the vote.

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

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

Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,100 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS ST. JOHN STREET AND PHILADELPHIA PIKE, SUITE NO. 700C AND 700D, EASTON, PENNSYLVANIA, FROM NIDI GROUP, LLC T/A PLAZA AT CROSS ROADS, LEHIGH VALLEY, PENNSYLVANIA" (District Court #03-2-06)

Mr. Cusick advised the following ordinance was introduced by Messrs. Geissinger and Werner at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,100 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS ST. JOHN STREET AND PHILADELPHIA PIKE, SUITE NO. 700C AND 700D, EASTON, PENNSYLVANIA, FROM NIDI GROUP, LLC T/A PLAZA AT CROSS ROADS, LEHIGH VALLEY, PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not
purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchases, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from NIDI Group, LLC T/A Plaza at Cross Roads, approximately 2,100 square feet of office space identified as St. John Street and Philadelphia Pike, Suite No. 700C and 700D, Easton, Pennsylvania, for an initial rent of $3,500.00 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

Mr. Benol made a motion to allow the amending of the date of the beginning of the lease to be changed from January 1, 2018 to April 1, 2018.

Mr. Werner seconded the motion.
As there were no questions or comments, Mr. Cusick called for a vote on the motion.

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

The motion passed by a vote of 9-0.

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

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

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

Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,773 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 3 WELLER COURT, EASTON, PENNSYLVANIA, FROM THE TOWNSHIP OF PALMER, NORTHAMPTON COUNTY, PENNSYLVANIA" (District Court #03-2-09)

Mr. Cusick stated the following ordinance was introduced by Messrs. Werner and Geissinger at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,773 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 3 WELLER COURT, EASTON, PENNSYLVANIA, FROM THE TOWNSHIP OF PALMER, NORTHAMPTON COUNTY, PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for
the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchases, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from the Township of Palmer, approximately 2,773 square feet of office space identified as 3 Weller Court, Easton, Pennsylvania, for an initial rent of $3,699.24 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

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

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

The ordinance was adopted by a vote of 9-0.
Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,847 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS THIRD AND POLK BUILDING, 322 EAST THIRD STREET, BETHLEHEM, PENNSYLVANIA, FROM POLK STREET DEVELOPMENT ASSOCIATES, L.P. AND POLK STREET DEVELOPMENT GROUP, INC." (District Court #03-2-10)

Mr. Cusick advised the following ordinance was introduced by Messrs. Geissinger and Kraft at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,847 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS THIRD AND POLK BUILDING, 322 EAST THIRD STREET, BETHLEHEM, PENNSYLVANIA, FROM POLK STREET DEVELOPMENT ASSOCIATES, L.P. AND POLK STREET DEVELOPMENT GROUP, INC.

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchase, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from Polk Street Development Associates, L.P. and Polk Street Development Group, Inc. approximately 2,847 square feet of office space
identified as Third and Polk Building, 322 East Third Street, Bethlehem, Pennsylvania, for an initial rent of $5,338.12 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

Mr. Werner made a motion to allow the amending of the date of the beginning of the lease to be changed from January 1, 2018 to April 1, 2018.

Mr. Benol seconded the motion.

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

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

The motion passed by a vote of 9-0.

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

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

The ordinance was adopted by a vote of 9-0.
Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,650 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 1710 BUTLER STREET, EASTON PENNSYLVANIA, FROM JAMES S. GAROFALO, EASTON, PENNSYLVANIA" (District Court #03-2-12)

Mr. Cusick stated the following ordinance was introduced by Messrs. Werner and Benol at the October 19, 2017 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,650 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 1710 BUTLER STREET, EASTON PENNSYLVANIA, FROM JAMES S. GAROFALO, EASTON, PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchase, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from James S. Garofalo, Easton, Pennsylvania, approximately 2,650 square feet of office space identified as 1710 Butler Street, Easton, Pennsylvania, for an initial rent of $2,999.51 per month. The terms and conditions of the lease shall be in
accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Cusick asked if there were any questions or comments from the public.

There were no respondents.

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

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

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

Consideration of Request for a Prison Study from National Institute of Corrections Resolution

Mr. Phillips introduced the following resolution:

WHEREAS, Northampton County Home Rule Charter Section 202 (8) provides that the County Council shall have among others, the following power: to require periodic and special reports from elected officials and their subordinates; and

WHEREAS, the Northampton County Executive engaged the DLR Group to conduct a study entitled, "Northampton County Integration & Rehabilitation Center Study" to provide information for informed decision-making relative to: 1) what is needed - number of beds by classification, services and programs; 2) comparison of options for meeting the need; 3) providing a general estimate of probable development costs and 4) addressing to what extend long-term operational savings can be realized to offset capital costs and provide future relief to the County budget. The final draft dated October 20, 2017 and provided to County Council on October 24, 2017.
WHEREAS, The National Institute of Corrections (NIC) is a Federal agency under the Federal Bureau of Prisons, United States Department of Justice whose activities are intended to contribute significantly to the achievement of Federal, State and Local correctional goals and priorities by providing services in effective planning, management and operation strategies.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the Northampton County Executive, directly or through subordinates, contact the NIC with the intent of ascertaining if they would provide, at no additional costs to Northampton County, a study that would cover all or part of the material covered in the DLR Group Study in order to provide a "second opinion" on some or all of the facts and conclusions put forth in the DLR Group Study.

Mr. Kraft advised that Mr. Phillips wanted to bring the Federal government in to look at a 200 year old prison and if they found it very deficient, they could shut it down.

Mr. Phillips stated this project was going to cost $187 million, but first the County would have to buy the West Easton facility, build a temporary parking deck, tear down the current parking deck, build a prison, tear down the old prison and build a new parking deck there and then rehabilitate the existing new part of the prison. He further stated his concern was DLR was hired to do a study without going through the competitive bidding processing so he would like to have a second opinion and NIC's job was to provide this type of guidance.

Mr. Kraft advised he saw a problem with NIC coming in and shutting the prison down because then the County would have to find housing for hundreds of prisoners until a new facility could be built. He further advised it would be foolish to buy the West Easton facility for a women's prison because there were mandates on what types of prisoners could be housed there. He noted DLR had been provided different ways to put a prison at the current location.

Mr. Phillips stated the West Easton scenario came from the Administration. He further stated if the Federal government came in and saw something that was a major safety violation, it would have to be addressed.
Mr. Kraft advised this study gave several possible options and he would never vote to purchase the West Easton facility.

Mr. Benol stated he would not support this and felt the DLR study was just the first step in the process. He further stated to ask any bureaucrat from Washington to come here and tell the County what to do with the prison was just a ticking bomb because it was not if they would find something wrong, but when and the costs were going to be astronomical.

Mr. Phillips advised if the Federal government came in and found that someone's constitutional rights were being violated or there was a severe safety issue that had to be addressed, the County would have to address it, but he did not think that was a reason not to have the prison examined.

Mr. Benol stated the County already knew what the issues were and they were being addressed as best as possible that included County Council agreeing that it was time to take action. He further stated there were seven different recommendations to consider from DLR, as well as those of the County Executive, and at some point there will be one from Director of Corrections Daniel Keen.

Mr. Werner advised he was not in favor of the DLR contract and he had a problem with muddying the waters up with another study that might make the situation worse.

In answer to Mr. Vaughn's question as to whether he had contacted NIC or had any information on studies they have done and their outcomes, Mr. Phillips stated he had not and that was why he was asking the Administration to contact NIC to see if they could even provide either a total or partial study.

Mr. Vaughn advised he liked his intention, but he would like to have more information about their process.

Mr. Dietz stated inspections were already conducted on a regular basis so he did not think anything that had not already been discovered would be uncovered. He further stated he believed a private entity would be more apt to find something because there was the potential they could profit from it.

Mr. Kraft advised he thought this would be like playing Russian roulette with the taxpayers' money because of what they may come back with.
Mr. Cusick stated he felt this was well-intentioned, but he also worried about what may come up. He further stated everyone knew the current jail was functionally obsolete and even after several studies, there were no good options.

Mr. Cusick advised the recommendation that Mr. Brown made was essentially what was presented in the 2008 study as Option 5. He further advised no matter what was decided it was going to cost a lot of money, time and inconvenience. He added he did not know if another study would tell them anything more than the two studies he had already seen, but he would like DLR to provide a presentation to County Council before an additional study was requested.

Mrs. Ferraro stated the County now had public private partnership funding available, which was previously not available.

Mr. Brown advised he asked DLR to focus on whether there would be any efficiency gained if there was a new facility and that was not in the 2008 study. He further advised the $185 million cost was because ten years ago the project was not done to achieve what they were looking to achieve overall.

Mr. Brown stated the study recommended that the prison stay in Easton, which he supported, and allowed them to address some of the issues of this campus that have been longstanding such as parking and buildings in various states of disrepair so it was a multi-phase project.

Mr. Brown advised the legislation Mrs. Ferraro referred to was something they worked on with Senator Pat Browne because of the value they saw with the bridge project so they thought it might also be of value in doing a project of this scope. He further advised Senator Browne, along with Senators Lisa Boccola and Mario Scavello, got this legislation passed and it would help Northampton and Erie Counties to undertake a jail project.

Mr. Brown stated the work DLR did provided some direction and the Administration still had a lot of work to do in determining how they would begin to undertake this type of process. He further stated a NIC study would just tell them much of the same and after 20 years of getting to this point, he believed it could be done in a very competitive way and minimize the cost overall while leveraging what they could to provide multi-remedies for the situation.
Mr. Brown advised he would recommend County Council not support the resolution because he did not see the value of another study whether by a private entity or NIC. He further advised they have spoken to DLR about coming in and fully presenting their study.

Mr. Brown stated with the recommendation of DLR, the potential efficiencies gained and the legislation having been passed he believed they had the building blocks in place to put together a robust program and determine how to move this project forward. He further stated another study would take six to nine months and would add another 5% to the $185 million or whatever the cost would be.

In response to Mr. Werner’s comment that there were no monetary figures in the DLR study, Mr. Brown advised this was the beginning of putting together a master site plan that would phase in all the various impacts that would occur and the costs associated with them.

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


The resolution failed by a vote of 2-7.

New Casino Gaming Law

Mr. Cusick stated a new casino gaming law passed and he would like Mr. Tim Herrlinger, Director of Community and Economic Development, to look at it and determine how it would affect the County.

County Commissioners Association of Pennsylvania (CCAP) Assessment and Taxation Group

Mr. Cusick advised he received an e-mail from the CCAP Assessment and Taxation Group that indicated legislation was going to be introduced regarding Airbnb payment authorization at the State level that would force the State to share data with local municipalities.
Economic Development Committee Report

Mrs. Ferraro stated there was an extensive presentation by DaVinci Science Center, but they were still waiting for the County Executive to make some type of funding recommendation. She further stated she hoped the County Executive, members of County Council and the DaVinci Science Center could get together to come up with something that would move this project forward.

Capital Projects and Operations Committee Report

Mr. Phillips advised there would not be a Capital Projects and Operations Committee meeting for November because that information would be rolled into that budget hearing.

Council Clerk's Report

Mrs. Zembo stated the next budget hearing would be held on November 8, 2017 to cover the District Attorney, Department of Community and Economic Development and the Department of Human Services.

Council Solicitor's Report

Mr. Lauer advised he believed all the members of County Council received an e-mail from a former County employee who was engaged in litigation with the County. He further advised he would be willing to discuss this matter in an Executive Session if necessary.

Mr. Lauer stated several County Council members were considering an ordinance that would require voter approval for certain types of borrowing by the County. He further stated at the time that ordinance was circulated there were a number of responses received primarily from the solicitor of the General Purpose Authority indicating essentially that if that ordinance was enacted, it would have a negative effect on their ability to do the work they were assigned to do. He noted he had since discussed the matter with that attorney and another attorney who was involved, Mr. Herrlinger and Mr. James Hunter, Director of Fiscal Affairs, and he decided they made some good points so before this came back to County Council he was trying to put together a meeting with everyone to discuss their concerns.
Adjournment

Mr. Werner made a motion to adjourn the meeting.

Mr. Benol seconded the motion.

The motion to adjourn passed unanimously by acclamation.

___________________________
Linda M. Zembo
Clerk to Council
### 2018 Farmland Preservation Funding Estimates

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<tr>
<th>Municipalities Permitted to Pledge</th>
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Note: The table details specific items with their respective values.