Easton, Pennsylvania

April 5, 2018

A regular meeting of the Northampton County Council was held on the above date with the following present: Kenneth M. Kraft, President; Ronald R. Heckman, Vice President; John Cusick; Matthew H. Dietz; Margaret L. Ferraro; William B. McGee; Lori Vargo Heffner; Robert F. Werner; Tara M. Zrinski; Linda M. Zembo, Clerk to Council and Christopher T. Spadoni, Solicitor to Council.

Pledge of Allegiance

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

Approval of the Minutes

Mr. Cusick made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 15, 2018 meeting shall be approved.

Mrs. Ferraro seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Jay Finnigan, 4208 Maria Lane, Bethlehem, PA - stated he was Chair of the Northampton County Gaming and Economic Redevelopment Authority (Authority) and was going to request some clarification regarding the disbandment of the Authority as he thought this was going to be a resolution, but since it was an ordinance he would hold his comments until the public hearing being held in two weeks.

Mr. Graham Simmons, 515 West Hamilton Street, Allentown, PA - advised as Solicitor for the Authority he wanted County Council to be aware that the only way the Authority could take any action on the proposed ordinance was to hold a board meeting.
Mr. Tom Nolan, 3910 Kipton Court, Bethlehem, PA - stated he had served as the Authority’s treasurer since its formation and was a Bethlehem Township Commissioner. He further stated he reviewed the ordinance and felt County Council should do some research as to its intent because the law allowed the Authority to go through due process and send the necessary information for its proper termination.

Ms. Lori Stauffer, Lower Nazareth Township Manager, Lower Nazareth, PA - presented a letter providing her views on the termination of the Authority (see Attachment #1).

Ms. Stephanie Brown, Lower Saucon Township, PA - advised she learned the Meadows Road Bridge was closed indefinitely and while she acknowledged there were issues with the bridge she was afraid this historic bridge was going to be torn down so she wanted to know what could be done to save it.

Mr. Korry Franke, 1560 Bushkill Center Road, Bath, PA - stated he was a member of Friends of Butz Elementary that was seeking permanent relocation of voting away from the school. He further stated they were extremely disappointed with the Election Commission because they expected a fair hearing, but that was not what took place.

Mr. Franke advised at the meeting he was told they would need House Bill 2137 to pass so he wanted to thank Mr. Dietz for putting forth his resolution and wanted County Executive Lamont McClure to publicly support this resolution.

Mrs. Ferraro stated she agreed this group was treated in a disrespectful manner by the Chair of the Election Commission at that meeting.

Ms. Crystal Mulada, 1129 Jacobsburg Road, Wind Gap, PA - advised she wanted to express her frustration on how they were treated by Mr. Kraft and the members of the Election Commission.

Mr. Scott Palinkas, 1518 Spring Garden Street, Easton, PA - stated he was a member of the Wilson Borough Council and as the status of the Dixie Cup plant building was discussed at a meeting held earlier he wanted everyone to know they were bringing Mr. Joe Reibman in on a regular basis and he was fined two weeks ago for things that were occurring in the building. He further stated if they had any questions regarding the building, they could contact the Wilson Borough Council because
they were trying to get Mr. Reibman to clean up the property and/or determine what he was going to do with it.

Mr. Palinkas advised he was currently working with West Easton to put in a bike path to the Third Street junction along the rail section coming into the former Days Inn property.

Mrs. Ferraro stated the ordinance to terminate the Authority was flawed because the Authority was only to be dissolved once all the funds were granted. She further stated it was not appropriate for the County to take the money and disburse it. She noted Bushkill Township Manager Brian Harris had expressed his disapproval for the ordinance to her.

Confirmation of Appointments

Mr. McGee introduced the following resolution:

R. 49-2018 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

AIRPORT AUTHORITY BOARD

Appointment: Tara Zrinski
4175 Harriet Lane
Bethlehem, PA 18017

Term to Expire: 12/31/22

CHILDREN, YOUTH & FAMILIES ADVISORY BOARD

Appointment: C. David Howell
527 Paxinosa Road East
Easton, PA 18040

Term to Expire: 5/1/20

GRACEDALE ADVISORY BOARD

Appointment: LuAnn Vogel
3133 Penn Allen Road
Nazareth, PA 18064

Term to Expire: 4/19/20
In answer to Mrs. Ferraro’s question as to whether she was fully in support of Braden Airpark and will she do everything she could to get them moving on it, Ms. Zrinski advised she would look into it.

In response to Mr. Dietz’s question as to what her vision was for the airport, Ms. Zrinski stated she wanted to make sure the airport functioned responsibly.

Mr. Heckman agreed there should be people on the board who were knowledgeable about aviation and its operations; however, years ago the authority appeared to be a conduit for the Chamber of Commerce. He added Ms. Zrinski would do a good job because she was not beholden to the corporate gods of the Lehigh Valley.

As there were no further questions or comments, Mr. Kraft called for the vote on Ms. Zrinski’s appointment to the Airport Authority.


The appointment passed by a vote of 6-2 with 1 abstention.

Mr. Kraft called for the vote on the other appointments:

The other appointments passed by a vote of 9-0 so the resolution was adopted.

County Executive Report

Mr. McClure requested a County Council committee conduct a comprehensive review of the County’s General Purpose Authority and Kriger Construction P3 Project because there were numerous challenges in moving this project forward. He advised under the contract Kriger Construction was responsible for obtaining temporary easements while the County was responsible for obtaining permanent easements.

Mr. McClure stated at some point Kriger Construction orally agreed to take over obtaining the permanent easements, but they have decided it was too much work for them to do and wanted to revert back to the terms of the contract. He further stated the problem was that money was not in the budget so this was one of the things he would like a committee to discuss.

Mr. McClure advised he wanted Mr. Michael Emili, Director of Public Works, to talk about the Meadows Road Bridge because it was listed in the P3 Project.

Mr. Emili stated the County was notified this morning that a bridge inspector found a significant crack and void and after speaking with the County’s bridge superintendent closed the bridge. He further stated this bridge was to be rehabilitated, but given today’s developments they planned to talk to the Authority and Kriger Construction to determine the next course of action once the full inspection report was released.

Mr. McClure advised the State required Northampton and Lehigh Counties to take over the Bethlehem and Allentown’s 911 systems and that process was being overseen by Director of Administration Charles Dertinger and Director of Emergency Management and 911 Todd Weaver. He further stated they have been working on some issues with Bethlehem, including labor issues.

Mr. McClure advised Mr. Stephen Barron, Director of Fiscal Affairs, Ms. Kathryn Anderson, Purchasing Manager, and Mr. Terry Beidelman, Deputy Purchasing Manager, have been working on revising Article XIII of the Administrative Code and it would be presented to County Council within the next few weeks.
With regard to Mr. Dietz’s resolution regarding voting locations, Mr. McClure stated he remained committed to the common sense solution of moving voting out of that school. He further stated he was embarrassed by how the Election Commission meeting was conducted and apologized to the parents and children who were offended.

Mr. McClure advised he opposed Mr. Dietz’s ordinance regarding debt financing because they have received statements from the not-for-profit community that feared it would interfere with their ability to quickly go to market to do their projects.

Mr. McClure stated the County had very little ability to combat the use of sludge, which he felt was a growing health problem, but he had ordered the Parks Division to determine whether or not the County was using any bio-solids on any of its properties and if so, to discontinue using it. He further stated they planned to ask farmers who were attempting to get into the Farmland Preservation Program to voluntarily without any repercussions check a box to indicate they would not use bio-solids.

Mr. McClure advised yesterday the Transportation Improvement Projects Fund (TAP) was announced and he was disappointed because Lehigh County was slated over the next four years to have 2.5 times more money spent on its transportation projects than Northampton County. He further advised he had complained to the Lehigh Valley Planning Commission (LVPC) as to the disparity and they responded that the municipalities did not bring in enough projects.

Mr. McClure stated at the next Council of Government meeting he was going to inform the municipalities to apply for transportation grants, which LVPC had indicated they would receive if they applied for them.

Mr. McClure advised the Gracedale generator project should be completed by August.

With regard to the termination of the Authority, Mr. McClure stated the State had decided to take the slot funds and gave them to a State agency to which the municipalities would have to apply to in order to receive funding. He further stated he hoped that all the municipalities would apply and the County’s Department of Community and Economic Development would be available to assist them.
Mr. McClure advised as the reason for the creation of the Authority was eradicated, it was time to terminate it and the State had empowered the County to keep whatever funds were not committed. He further advised they planned to use the money that was consistent with the spirit of how the Authority had operated, noting municipalities have been asking the County to contribute to the Lehigh County Regional Intelligence and Investigation Center and he agreed to match up to $250,000 total any contribution made by a municipality so this money could be used for that.

Consideration of the County Executive’s Veto of the Ordinance Entitled, “An Ordinance Providing for Compensation of the Elected Officials of the County of Northampton” Resolution

Mr. Kraft stated the ordinance entitled, "An Ordinance Providing for Compensation of the Elected Officials of the County of Northampton", was adopted by County Council at the meeting held March 15, 2018 and vetoed by the County Executive on March 23, 2018.

Mr. Heckman introduced the following resolution:

WHEREAS, at the meeting held March 15, 2018, the Northampton County Council duly adopted the ordinance titled, "AN ORDINANCE PROVIDING FOR COMPENSATION OF THE ELECTED OFFICIALS OF THE COUNTY OF NORTHAMPTON"; and

WHEREAS, the duly adopted ordinance was presented to the County Executive on March 16, 2018; and

WHEREAS, on March 23, 2018, the County Executive vetoed the ordinance (a copy of the veto message is attached) and returned it to County Council on March 23, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the County Executive’s veto of the ordinance titled, "AN ORDINANCE PROVIDING FOR COMPENSATION OF THE ELECTED OFFICIALS OF THE COUNTY OF NORTHAMPTON" shall be overridden this 5th day of April 2018.

Mr. Cusick advised as part of the veto, the County Executive indicated he could not discern why this should not be a ballot question and the reason was the Home Rule Charter expressly gave County Council the authority to set the salaries
of elected officials; therefore, it should not be a ballot question.

Mr. Cusick stated this ordinance would raise the salary of the head of a small department from $65,000 to $75,000, which he felt was reasonable and may attract more qualified individuals.

Mr. Heckman advised he believed there was such a thing as public service and he was not looking to entice someone from leaving a private sector position by compensating them at a certain salary.

Mr. Kraft stated he was not going to vote to override the veto because he felt having the County Executive, County Council and Controller salaries tied to the Consumer Price Index, this should have gone on the ballot.

Mrs. Ferraro advised she was opposed to putting things like this on the ballot because it seemed like County Council was shirking its responsibility as elected officials.

Mr. McGee stated the County was three months into a new election and now County Council was voting on salaries when there were more important things to consider.

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

The vote: Heckman, "no"; Kraft, "no"; McGee, "no"; Vargo Heffner, "no"; Werner, "no"; Zrinski, "no"; Cusick, "yes"; Dietz, "yes" and Ferraro, "yes".

The resolution failed by a vote of 3-6.

Public Hearing on the Ordinance Entitled, "An Ordinance Providing for an Amendment to the Northampton County Home Rule Charter, Article VII Finance"

Mr. Kraft advised the following ordinance was introduced by Messrs. Dietz and Cusick on March 15, 2018:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE VII FINANCE
BE IT HEREBY ORDAINED AND ENACTED, by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the May 15, 2018 Primary Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter Article VII Finance to require voter approval for the County to incur certain types of debt.

Article VII Finance, Section 709. Voter Approval to Incur Certain Types of Debt, shall read as follows:

"Voter approval would be required for the issuance by the County of "private activity bonds", including those in which the proceeds are to be used by 501(c)(3) organizations, all as refined by the Internal Revenue Code or "lease rental debt", as defined by section 8002A of the Pennsylvania Local Government Unit Debt act, to the extent that said bonds would be considered an obligation of, or create any recourse against, the County of Northampton, the Commonwealth of Pennsylvania, or any other political subdivision thereof."

SECTION II - EFFECTIVE DATE

A. This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

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

There were no respondents.
Mr. Dietz stated the ordinance applied only to entities that took on debt where if the project was not completed by the entity, the taxpayers would be responsible for the debt.

Mr. Heckman made a motion to table the ordinance so more discussion could be held at a Finance Committee meeting.

Mr. Kraft seconded the motion.

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

The vote: Heckman, "yes"; Kraft, "yes"; Dietz, "yes"; Ferraro, "yes"; McGee, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Zrinski, "yes" and Cusick, "yes".

The motion was passed by a vote of 9-0.


Ms. Vargo Heffner and Mrs. Ferraro introduced the following ordinance:


WHEREAS, the General Assembly of Pennsylvania passed Act 76 of
1977, known as the Local Economic Revitalization Tax Assistance Law (LERTA), which authorizes local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial and other business property; and

WHEREAS, the General Assembly of Pennsylvania passed Act 42 of 1977, known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act (Residential LERTA), which authorizes local taxing authorities to provide for tax exemption for certain deteriorated residential property; and

WHEREAS, the City of Easton and the Easton Area School District have approved an amendment to the area defined in the City of Easton Ordinance No. 5625 and City of Easton Resolution 11-2018; and

WHEREAS, the County Council of Northampton County, in accordance with said Act, have held a public hearing; and

WHEREAS, at said public hearing the City of Easton having jurisdiction in and about the County of Northampton and its subordinate governmental units and other public and private agencies and individuals presented to the Northampton County Council their recommendations concerning the location of the boundaries of deteriorated neighborhoods in deteriorating areas.

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

I. DEFINITIONS

(a) As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

(1) "Becomes assessable" means immediately following issuance of the state and local occupancy permits.

(2) "Deteriorated area" means that portion of the City which Easton City Council has determined to be physically blighted pursuant to Act 76 of 1977 of the General Assembly of the Commonwealth of Pennsylvania, as amended (72 P.S. 4722 et seq.) and Act 42 of 1977 of the General Assembly of the Commonwealth of Pennsylvania, as Amended (72 P.S. § 4711-101, et seq.).

(3) "Deteriorated property" means any industrial, residential, commercial or other business property owned by an individual, association or corporation, and located in a deteriorating area, as provided by Resolution of Council, or any such property which has been the subject of an order by the City requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance or regulations. Buildings wherein at least 30% of the
usable gross floor area is utilized for industrial, residential, commercial, or business use shall, if otherwise qualified, be considered a "deteriorated property" within this Article.

(4) "Improvement" means the construction of new building structures, new additions to existing structures or substantial renovations to existing structures which result in an increase in assessed valuation of the deteriorated property. Such improvements shall have the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

(5) "Local taxing authority" means the City of Easton, the Easton Area School District, the County of Northampton, or any other governmental entity having the authority to levy real property taxes within the City of Easton.

(6) "Municipal governing body" means Northampton County.

II. ELIGIBLE AREAS

The Northampton County Council hereby determines that the following areas of the City of Easton, Northampton County Pennsylvania, shown on Exhibit "A" attached hereto and identified by the tax parcel numbers listed in "Exhibit B" attached hereto contain "deteriorated" areas as defined in Act 76 of 1977, 72 P.S. §4722, et seq. and act 42 of 1977, 72 P.S. § 4711-101, et seq. and are areas in which Improvements are eligible for the Tax Exemption by the Local Taxing Authorities in accordance with this Ordinance.

III. EXEMPTION AMOUNT

A. The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.

B. The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Assessment Division of the Department of Fiscal Affairs of Northampton County (hereafter referred to as Assessment Division).
IV. EXEMPTION SCHEDULE

Subject to the conditions, requirements and limitations set forth in this Ordinance, taxpayers making assessable improvements to deteriorated property located in the deteriorating area may apply for and may be granted a real estate tax exemption limited to the amounts in Sections III (A) and (B) as set forth above, subject to the following schedule:

A. NEW CONSTRUCTION IMPROVEMENTS

(1) For the first year immediately following the date upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted.

(2) For the second year immediately following the date upon which the improvement becomes assessable, 90% of the eligible assessment shall be exempted.

(3) For the third year immediately following the date upon which the improvement becomes assessable, 80% of the eligible assessment shall be exempted.

(4) For the fourth year immediately following the date upon which the improvement becomes assessable, 70% of the eligible assessment shall be exempted.

(5) For the fifth year immediately following the date upon which the improvement becomes assessable, 60% of the eligible assessment shall be exempted.

(6) For the sixth year immediately following the date upon which the improvement becomes assessable, 50% of the eligible assessment shall be exempted.

(7) For the seventh year immediately following the date upon which the improvement becomes assessable, 40% of the eligible assessment shall be exempted.

(8) For the eighth year immediately following the date upon which the improvement becomes assessable, 30% of the eligible assessment shall be exempted.

(9) For the ninth year immediately following the date upon which the improvement becomes assessable, 20% of the eligible assessment shall be exempted.

(10) For the tenth year immediately following the date upon which the improvement becomes assessable, 10% of the eligible assessment shall be exempted.
(11) After the tenth year the exemption shall terminate.

(12) The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

B. Substantial Rehabilitation Improvements

(1) For the first year immediately following the date upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted.

(2) For the second year immediately following the date upon which the improvement becomes assessable, 90% of the eligible assessment shall be exempted.

(3) For the third year immediately following the date upon which the improvement becomes assessable, 80% of the eligible assessment shall be exempted.

(4) For the fourth year immediately following the date upon which the improvement becomes assessable, 70% of the eligible assessment shall be exempted.

(5) For the fifth year immediately following the date upon which the improvement becomes assessable, 60% of the eligible assessment shall be exempted.

(6) For the sixth year immediately following the date upon which the improvement becomes assessable, 50% of the eligible assessment shall be exempted.

(7) For the seventh year immediately following the date upon which the improvement becomes assessable, 40% of the eligible assessment shall be exempted.

(8) For the eighth year immediately following the date upon which the improvement becomes assessable, 30% of the eligible assessment shall be exempted.

(9) For the ninth year immediately following the date upon which the improvement becomes assessable, 20% of the eligible assessment shall be exempted.

(10) For the tenth year immediately following the date upon which the improvement becomes assessable, 10% of the eligible assessment shall be exempted.

(11) After the tenth year the exemption shall terminate.

(12) The exemption from taxes granted under this
Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

V. NOTICE TO TAXPAYERS

(a) There shall be placed on the form application for building, zoning and alteration permits the following:

NOTICE TO TAXPAYERS

Under the provisions of City Ordinance Number 5625 as amended, you may be entitled to a property tax exemption on your contemplated new construction. An application for exemption may be secured from the City of Easton and must be filed with the City at the time a building permit is secured.

(b) At the time a building permit is secured for construction upon an existing deteriorated property for which an exemption is requested, the taxpayer shall apply to the City of Easton or any successor agency thereto for the exemption provided for in this Ordinance. The taxpayer shall be permitted to apply for the exemption provided in this Ordinance up to a period of sixty (60) days from the date a final executed building permit is secured. Request for the exemption must be in writing certified in full as prescribed by the City setting forth the following information:

(1) The date a final executed building permit was issued for said improvement.

(2) The type of improvement.

(3) The summary of the plan of the improvement.

(4) The cost of the improvement.

(5) That the property has been inspected and verified by the City of Easton, Department of Planning and Codes.

(6) Any or all such additional information the City may require.

VI. PROCEDURES FOR OBTAINING EXEMPTIONS

A copy of the request for exemption, on forms prescribed by the Northampton County Director of Fiscal Affairs, shall be forwarded to the Assessment Division, the Northampton County Board of Assessment Appeals and the Easton Area School District by the City. Upon completion of the improvement, the taxpayer shall notify the City and the Assessment Division so that the Assessment
Division may assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The City will then obtain from the Assessment Division the amount of the assessment eligible for exemption and will notify the taxpayer. The Director of the Department of Fiscal Affairs is authorized to make refunds, if applicable, only after the Assessment Division has notified the Director of Fiscal Affairs of its separate assessment upon the improvement for which an exemption is requested. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer of the City as provided by law.

VII. TERMINATION

Unless otherwise repealed by the Northampton County Council, this Ordinance shall terminate on December 31, 2022. No later than December 31, 2022, the Mayor of the City of Easton shall submit a written report to the Northampton County Council which shall inform the Northampton County Council as to how this Ordinance has been administered, the effects of this Ordinance on the community and include any suggestions or recommendations for this Ordinance’s re-enactment, modification or repeal. Nothing contained herein shall act to prohibit the Northampton County Council from enacting a similar ordinance after December 31, 2022. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule found in Section IV unless any such property tax exemption is rescinded in accordance with the default provisions of this Ordinance, even if this Ordinance expires or is repealed.

VIII. HEARING BOARD

A Tax Abatement Hearing Board (hereafter referred to as Board) shall consist of the Business Administrator of the City of Easton, the Director of Fiscal Affairs of the County of Northampton, and the Business Administrator of the Easton Area School District for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of this Ordinance.

Three members shall be selected at large for their interest in accomplishing the objectives of this Ordinance and shall serve until December 31, 2022.
The Hearing Board shall have the following powers:

(1) To hear appeals from any person aggrieved by the application of this Ordinance.

(2) To make rules with regard to conducting its hearings.

(3) To make such findings of fact as may be required by the application of this Ordinance.

(4) To decide questions presented to the Board.

(5) To affirm, revoke or modify the decision of the City of Easton as to the eligibility of a particular property for the Property Tax Abatement as provided for in this Ordinance.

(6) The Board shall meet upon notice of the Chairman within thirty (30) days of the filing of an appeal and shall render its decision within thirty (30) days after the appeal hearing.

(7) Every action of the Board shall be by resolution and certified copies furnished to the appellant.

(8) All hearings shall be public; and the appellant or any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

(9) For the purposes of this Ordinance, every action of the Board shall require a simple majority of the members in attendance. Attendance at the hearing by three (3) members of the Board shall be required to constitute a quorum for a meeting and for action on an appeal.

IX. RULES AND REGULATIONS

In accordance with the provisions of the Northampton County Home Rule Charter, Section 302, the County Executive of Northampton County is authorized and empowered to prepare, promulgate, execute and enforce rules and regulations made pursuant to the provisions of this Ordinance.

X. SEVERABILITY

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences. It is hereby declared to be the intent of the Northampton County Council that
this Ordinance would have been adopted if such illegal, invalid or unconstitutional sections, clauses or sentences had not been included herein.

XI. DEFAULT

Tax abatement under this ordinance shall be available only for those properties for which real estate taxes are promptly paid and discharged when due. Any property that is declared delinquent as established by the statutes of the Commonwealth of Pennsylvania shall lose the LERTA benefits and any and all currently due and future taxes shall be due and payable at the full unabated assessment and tax rate.

342.12 APPEAL OF DEFAULT

Properties that have been declared delinquent may appeal the rescission of the LERTA benefits by providing a written request to the Hearing Board providing a basis for the appeal and the justification for the waiver of the requirements of Section X.

XII. EFFECTIVE DATE

This Ordinance shall take effect on thirty (30) days after the date of enactment and shall remain in effect thereafter from year to year, unless repealed, until December 31, 2022.

XIII. All ordinances, and parts of ordinances, inconsistent herewith be, and the same are hereby repealed.

Mr. Kraft advised the public hearing, debate and possible vote would be held at the April 19, 2018 meeting.

Introduction of an Ordinance Entitled “AN ORDINANCE PROVIDING FOR THE TERMINATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY”

Messrs. Dietz and McGee introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE TERMINATION OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY

WHEREAS, the Northampton County Council adopted Ordinance No. 499-2009 on February 5, 2009, which created the Northampton County Gaming Revenue and Economic Authority (hereafter
"Authority"); and

WHEREAS, the Authority was created expressly pursuant to the Economic Development Financing Law at 73 P.S. § 371, The Pennsylvania Race Horse and Gaming Act, and the Northampton County Home Rule Charter; and

WHEREAS, the Authority was created to receive gaming revenue and to distribute such gaming revenue as provided by law; and

WHEREAS, as a result of the law being amended, such funds shall no longer be received or distributed by the Authority as previously contemplated by the Economic Development Financing Law; and

WHEREAS, Northampton County Council is requesting that the Authority terminate its existence immediately; and

WHEREAS, 73 P.S. § 384 states, "When any authority shall have finally paid and discharged all bonds and the interest due thereon, which shall have been secured by a mortgage on its property or a pledge of any of the revenues or receipts of a project, it shall (subject to any agreements concerning the operation or other disposition of such project) convey such project to the municipality creating the authority. When any authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, or shall have otherwise provided for the payment thereof by the irrevocable deposit of an amount sufficient to pay all sums due, and settled all other claims which may be outstanding against it, it may convey all its property to the municipality creating the authority and may then terminate its existence. A certificate requesting the termination of the existence of the authority shall be submitted to the municipality creating the authority. If the certificate is approved by the municipality, then the certificate endorsed with such approval shall be filed with the Secretary of the Commonwealth who shall then note the termination of its existence on the record of incorporation and return the certificate with his approval shown thereon to the board. Thereupon the property of the authority shall pass to the municipality and the authority shall cease to exist."

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

1. Northampton County Council requests the immediate
termination of the Authority.

2. Northampton County Council requests the Authority forward Certificate expressly pursuant to 73 P.S. § 384.

3. Northampton County Council shall upon receipt and approval of the Certificate from the Authority endorse such Certificate as set forth in 73 P.S. § 384 and file the Certificate with the Secretary of the Commonwealth for termination of the Authority’s existence.

4. Northampton County Council requests the Authority to certify that the Authority has paid and discharged any and all bonds as issued and any and all claims and/or debts have been settled which may be outstanding against the Authority pursuant to 73 P.S. § 384. It is resolved by the Northampton County Council that upon the Authority terminating its existence, any and all existing funds and/or other property in the possession of the Authority, if any, shall be transferred to Northampton County.

5. Northampton County Council resolves that all appropriate Officers of the County of Northampton shall be empowered, as appropriate, to carry out the terms and conditions of this ordinance.

Mr. Kraft stated the public hearing, debate and possible vote would be held at the April 19, 2018 meeting.

Consideration of the Director of Corrections Appointment Resolution

Mr. McGee introduced the following resolution:

R. 50-2018 RESOLVED, by the Northampton County Council that James C. Kostura shall be confirmed in his appointment as Director of Corrections, at Pay Grade VI, Step 1-A, salary $93,626, effective April 5, 2018.

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

"yes" Heckman, "yes" and Kraft, "yes".

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

Consideration of a Resolution Supporting House Bill 2137

Mr. Dietz introduced the following resolution:

R. 51-2018 WHEREAS, House Bill No. 2137 was introduced by State Representatives Marcia Hahn, Rosemary Brown and Tina Picket on March 12, 2018 to amend Section 527 (a) of the act of June 3, 1937 (P.L.1333, No. 320) known as the Pennsylvania Election Code; and

WHEREAS, the amendments as indicated in House Bill No. 2137 are bold and underlined: Section 527. Public Buildings to Be Used Where Possible; Portable Polling Places.--(a) In selecting polling places, the county board of elections shall, wherever possible and practicable, select [schoolhouses,] municipal buildings or rooms, or other public buildings for that purpose. Any board of public education or school directors, or county or the municipal authorities shall, upon request of the county board, make arrangements for the use of school property, or of county or municipal property for polling places. In selecting polling places, the county board of elections shall make every effort to avoid selecting schoolhouses as polling places and to select polling places that provide all electors and other persons who may be lawfully present within the polling place with an environment that is free from intimidation and violence. In the event no available public building as contemplated under this section is situated within the boundaries of any election district, the county board of elections may, not less than twenty days prior to any election, designate as the polling place for such election district any such public building situated in another election district within the same or immediately adjacent ward, or, if there are no wards, then within the same borough or township as the case may be, provided such other building is located in an election district which is immediately adjacent to the boundary of the election district for which it is to be the polling place and is directly accessible therfrom by public street or thoroughfare. Two or more polling places may be located in the same public building under this section. A polling place may be selected and designated hereunder less than twenty days prior to any election, with the approval of a court of competent jurisdiction.
IT IS NOW, THEREFORE, RESOLVED that the Northampton County Council supports House Bill 2137 and encourages the Pennsylvania House of Representatives to vote in support of it.

BE IT FURTHER RESOLVED if a suitable location, other than a school, could not be acquired than it is recommended that the school either be closed or made an In-Service Day.

Mr. Heckman advised he was uncomfortable with what happened at the Election Commission meeting. He further advised the party chairs presented their appointment recommendations to the County Executive and the only concern County Council had once it was presented to them was that the individual would use their best judgement.

Mr. Heckman stated he was going to support the resolution, but felt it was an elegant solution to a problem that should never have existed in the first place because the school administrators could easily have resolved the issue by closing the school two days out of the year.

Ms. Vargo Heffner advised she was a little offended because she had offered to meet with anyone who wanted to discuss the issue and no one responded. She further advised she wanted to know what the school had done to make the situation safer.

Mr. Kraft stated ten years ago this Superintendent was an Assistant Superintendent at Easton and raised the same issue. He further stated it went through the Courts and an opinion was rendered that a public building could be used for elections. He agreed the school administration should make this an in-service day and that would resolve the issue.

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


The resolution was adopted by a vote of 5-4.

Consideration of a Resolution Approving an Agreement Between
Northampton County and Florio, Perucci, Steinhardt and Cappelli LLC, Keefe Law Firm and Kanner & Whiteley, L.L.C.

Mr. McGee introduced the following resolution:

R. 52-2018 WHEREAS, on March 15, 2018, the Northampton County Council reviewed a request to approve an agreement between the County of Northampton and Florio, Perucci, Steinhardt and Cappelli, LLC, Keefe Law Firm and Kanner & Whiteley, L.L.C. (hereafter referred to as Law Firm) to undertake and continue representation, on a contingency basis, of Northampton County with respect to potential claims and other causes of action arising from the purchase, use and abuse of opioids manufactured, sold and/or distributed by the various companies sued as defendants in a Complaint filed in Northampton County at Docket No. C-48-CV-2017-11557; and

WHEREAS, Executive Order 18-42 appointing the Law Firm due to their unique knowledge, training and experience with respect to their representation of clients in Mass Tort litigation, specifically municipal clients, with accompanying retainer agreement, was issued by County Executive Lamont G. McClure on March 27, 2018; and

WHEREAS, this retainer agreement is being made pursuant to and authorized by Sections 1310 and 13.07(b) of the Northampton County Administrative Code effective as such on July 28, 1978 and amended June 7, 1990, May 7, 1992 and September 5, 1996.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Northampton County Council that the selection of the Law Firm and retainer agreement between the County of Northampton and the Law Firm shall be approved this 5th day of April 2018.

In answer to Mr. Cusick's question as to whether there were three law firms involved in this litigation, Assistant County Solicitor Brian Taylor advised it was typical in this type of litigation to have a local firm that would partner with a national firm that had experience in trying cases at the national level.

In response to Mr. Cusick's question as to whether any settlement that came through the State Attorney General's Office would be subject to the contingency, Mr. Taylor stated to the extent that the Attorney General took over a majority of the litigation, their fee would be reduced by a certain percentage.
As there were no further questions or comments, Mr. Kraft called for the vote.


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

Consideration of a Resolution Amending Resolution No. 25-2018

Mr. McGee introduced the following resolution:

R. 53-2018 IT IS HEREBY RESOLVED by the Northampton County Council that resolution No. 25-2018 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 25-2018

IT IS HEREBY RESOLVED by the Northampton County Council that one (1) part-time position of Clerical Technician III, pay grade CRS-15-1A, salary $16,300, shall be eliminated in the Solicitor’s Office, effective February 15, 2018.

BE IT FURTHER RESOLVED by the Northampton County Council that one (1) full-time position of Clerical Technician III, pay grade CRS-15-1A, salary $32,475, shall be created in the Solicitor’s Office, effective February 15, 2018.

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


The resolution was adopted by a vote of 9-0.
Mr. McGee advised at the CCAP Conference he attended the Economic Development Workshop where a discussion was held regarding the Airbnb hotel tax issue.

Mr. Barron stated he had exchanged e-mails with various individuals at Airbnb, but finding the right person to accept the County's information was proving difficult. He further stated he was waiting for the tax people at Lehigh County to provide the information needed so he could send the County's information to Airbnb.

Jail Advisory Board

Ms. Vargo Heffner advised she attended the Jail Advisory Board meeting and things were progressing. She further advised the situation at the West Easton Treatment Facility had been resolved.

Adjournment

Mr. Cusick made a motion to adjourn the meeting.

Mr. Heckman seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council
April 5, 2018

Northampton County Council
Northampton County Government Center
669 Washington St.
Easton, PA 18042

RE: Dissolution of Northampton County Gaming Authority

Dear Council Members:

I recognize that at this evening’s county council meeting, the council members are being asked to consider an ordinance that will dissolve the Northampton County Gaming Authority in light of the change to Pennsylvania law concerning gaming revenues. As the Township Manager of Lower Nazareth Township, I am humbly requesting you to reconsider this action.

The monies provided to the Northampton County Gaming Authority are derived from gaming revenues and the Authority was created by Northampton County Council for the purpose of receiving the gaming revenue and distributing it in accordance with law. Since it’s inception, the Northampton County Gaming Authority has provided grant monies for numerous projects. Lower Nazareth Township is a recipient of grant monies from this program. With these grant monies, the Township was able to purchase and install several back-up generators on traffic lights. When the Township is experiencing a power outage, the traffic lights are still operational. This is invaluable in light of the increased traffic our Township faces.

I can also note that I applied for monies through the Northampton County Gaming Authority for my previous employer, Lower Mount Bethel Township, for the purchase and installation of speed radar devices. The increasing presence of truck traffic can make certain Township and state roads treacherous because of speeding vehicles. Police cannot be present everywhere at all times. The presence of these devices can have a tremendous effect on traffic calming and improve the quality of life for those who live along these corridors. It was my sincere hope to be able to apply for funding for speed radar devices for Lower Nazareth Township. Particularly in light of a recent incident where an elderly man was the victim of a hit and run on Hecktown Road.

As a municipal manager, I understand the difficulties in balancing a budget. There will always be more needs than revenue. After reviewing the statutes and the case law referred to by Attorney Spadoni, I would
like to distinguish the facts in the case cited (Township of Forks v. Forks Township Municipal Authority, 759 A.2d 47 (2000)) by noting that Forks Township created the municipal authority for the purpose of acquiring and constructing a sewer system. This mission was accomplished, and the municipal authority continued to operate beyond its original purpose. In this case, the Northampton County Gaming Authority was created for the purpose of receiving and administering the funds provided as a result of the Commonwealth’s gaming laws. In light of the fact that the Northampton County Gaming Authority still has approximately $1.2 million dollars to administer and distribute, one can say they have not completed their purpose for which they were established. Therefore, I submit that the Forks Township case is not exactly on point.

I will also note that as part of the ordinance that is before each of you tonight, it allows the solicitor to move forward with legal action. In light of budgetary concerns, it doesn’t make fiscal sense to initiate expensive litigation against the gaming authority. Isn’t there room for continued negotiation and discussion? Even if the courts were to determine that Northampton County may have the legal right under the statutes and case law to terminate the gaming authority, it doesn’t make it the right thing to do.

Thank you for your consideration in this matter.

Sincerely,

Lori A. Stauffer, Esq.
Township Manager