Easton, Pennsylvania                        August 16, 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. Dietz led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. McGee made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 2, 2018 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Sandra Newman, 801 Riverton Road, Bangor, PA - provided a copy of a resolution adopted by the Lower Mount Bethel Board of Supervisors of which she was one (see Attachment #1). She advised she met with Mr. Lamont McClure, County Executive; Mr. Charles Dertinger, Director of Administration; Mr. Michael Emili, Director of Public Works, and Mr. Tom Kohler, Bridge Superintendent, regarding the P3 Bridge Project. She further advised seven of the 33 bridges scheduled to be either replaced or repaired were located in her township.

Ms. Newman stated of the seven bridges, five were on the Delaware River Valley Scenic Byway and only one of those was rated structurally deficient. She stated she attended the August 7th General Purpose Authority (GPA) meeting and during that meeting Mr. Dertinger made a motion to have Bridges #43,
#44 and #185 removed from the program so she was asking County Council to support their removal.

Ms. Newman advised they also discussed Bridge #31 that was closed as a result of a report from Baker Engineering with the township only receiving notice the day before its closure. She further advised this was a very important bridge to the township because it was where PPL, Talon and Interstate Energy facilities were located and if there was an emergency, it would allow access to the facilities if the main entrances were compromised.

Ms. Newman stated she would like Bridge #31 to be put into the P3 Bridge Project even though there were discussions about putting in on the Transportation Improvement Program (TIP).

Mr. David Leggett, 7112 Little Creek Road, Bangor, PA - advised he had attended a few of the GPA meetings and a County Council Finance Committee meeting trying to get an understanding of the P3 Bridge Project. He further advised that Mr. Kohler indicated at the GPA meeting that he did not have any input in the selection process of the bridges so he wanted to know who selected the bridges and what criteria was used.

Mr. Kraft stated this was not an answer and question period, but a time for someone to make their statements. He further stated the former Administration presented the bridges County Council gave to the GPA.

In answer to Mr. Leggett’s question as to whether Mr. Spadoni looked into whether Ms. Vargo Heffner and Mr. Dertinger could serve on the GPA, Mr. Kraft replied a member of County Council always served as a member of the GPA.

In response to Mr. Leggett’s comment never when funding a P3 Bridge Project, Mr. Kraft advised he will ask Mr. Spadoni to look into it.

Ms. Jeanette Leggett, 7112 Little Creek Road, Bangor, PA - provided a list of questions that Mr. Leggett had planned to ask (see Attachment #2). She stated when she came to a meeting she would like to feel even though they did not have answers to questions that County Council members cared about them and they mattered, but she did not feel that. She further stated even though the matter was out of their hands she would think they would be concerned about their appearance to members of their community and cared about what was going on in their community.
Ms. Leggett advised if it was proven this bridge needed to be replaced she would be the first one to say replace it. She further advised all she was asking was for someone in the room to care enough to attempt to find out why this bridge is being replaced.

Mr. Cusick stated the bridges were chosen by the previous Director of Public Works and was done in consultation with the engineering firm who did the study and the first study took place under former County Executive John Stoffa's Administration. He further stated some were one lane bridges and since they were located so close together it was more economical to replace them at the same time.

Mr. Cusick advised County Council did vote on including Bridge #31, the Director of Public Works and the majority of County Council opposed it. He further advised he continued to support repairing that bridge because it was a critical infrastructure due to its proximity to the power plant.

Mr. Heckman stated at the Finance Committee meeting representatives from the GPA did not provide many answers to questions, but these members have been replaced so he thought they should be given time to review the matter.

Confirmation of Appointments

Mr. McGee introduced the following resolution:

R. 103-2018 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/reappointment as indicated hereafter:

AREA AGENCY ON AGING BOARD

Appointment:  Term to Expire: 7/1/20
Ann-Marie C. Panella
15 Marc Lane
Palmer, PA 18045-2014

OPEN SPACE ADVISORY BOARD  Term to Expire: 3/18/20

Appointment:
Clyde Thomas
315 Hamilton Avenue
Bethlehem, PA 18017
Reappointment: Term to Expire: 3/18/20
Paul A. Ricciardi
4095 Tamarack Trail
Bethlehem, PA 18020

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


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

County Executive Report

Mr. McClure advised Bridge #31 should have been in the P3 Bridge Project, but they were working on getting it on the TIP. She further advised three of the Little Creek bridges have been removed from the P3 Bridge Project and suggested County Council support that decision.

Mr. McClure stated in Mr. Emili’s opinion the two remaining Little Creek bridges needed to be replaced so he had a legal and moral obligation to make sure those bridges were as safe as they could be with minimal disturbance.

Mr. McClure advised the GPA contract that was guaranteed by Northampton County gave Northampton County no rights with respect to how the contract was implemented. He further advised he was going to suggest the GPA change some of those contractual items, but they would also have to be agreed upon by Krieger.

Mr. McClure stated mosquitos in Northampton County have tested positive for the West Nile virus to the point where human transmission was possible. He further stated spraying was conducted in ways that would not be detrimental to honey bees and fishes.

Mr. McClure advised he was asking for some guidance from County Council regarding the building of a forensic center. He further advised the drawings have been updated and would be presented for initial review.
In answer to Mr. Werner's question as to whether they would be partnering with the hospitals, Mr. McClure stated there have been discussions.

In response to Mr. Werner's question as to whether the building would be leased or owned, Mr. McClure advised all the options would be presented.

Consideration of Personnel Request Resolutions: a) Department of Human Services - HealthChoices; b) Department of Corrections

Department of Human Services - HealthChoices

Mr. McGee introduced the following resolution:

R. 104-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Mental Health Program Specialist I, pay grade HS-39, salary $48,443, shall be created in the Department of Human Services - HealthChoices Division, effective August 16, 2018.

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

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

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

Department of Corrections

Mr. McGee introduced the following resolution:

R. 105-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Professional Responsibilities Investigator, pay grade CS-25, salary $51,463, shall be eliminated in the Department of Corrections, effective August 16, 2018.

IT IS FURTHER RESOLVED by the Northampton County Council that one (1) full-time position of Corrections Supervisor, pay grade CS-25, salary $51,463, shall be created in the Department of Corrections, effective August 16, 2018.
As there were no questions or comments, Mr. Kraft called for the vote.

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

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

Consideration of Donation Resolutions: a) Department of Corrections – K-9 Dog; b) Department of Human Services – Gracedale – Northampton County Detachment Marine Corps League

Department of Corrections – K-9 Dog

Ms. Vargo Heffner introduced the following resolution:

R. 106-2018  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

WHEREAS, Northampton County received an anonymous donation of a K-9 narcotics dog, valued at $15,000, and payment for the first round of training, valued at $3,000 to be used by the Department of Corrections.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation of the K-9 narcotics dog and its first round of training.

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

The vote: Vargo Heffner, "yes"; McGee, "yes"; Werner, "yes"; Zrinski, "yes"; Cusick, "yes"; Dietz, "yes"; Ferraro, "yes"; Heckman, "yes" and Kraft, "yes".
Department of Human Services - Gracedale - Northampton County Detachment Marine Corps League

Ms. Vargo Heffner introduced the following resolution:

R. 107-2018  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

WHEREAS, the Northampton County Detachment Marine Corps League is donating $1,000 to Gracedale to be divided evenly, distributed and deposited into the personal fund account of each Gracedale resident who is a veteran.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation of $1,000 on behalf of the Gracedale residents who are veterans.

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

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

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

Consideration of a Resolution Authorizing Northampton County's Continued Participation as an Urban County Under the Housing and Community Development Act of 1974

Mr. McGee introduced the following resolution:

R. 108-2018

AUTHORIZING NORTHAMPTON COUNTY'S CONTINUED PARTICIPATION AS AN URBAN COUNTY UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

WHEREAS, the Council of Northampton County authorizes Northampton County's continued participation as an Urban County under the Housing and Community Development Act of 1974; and
WHEREAS, under provisions of Title I of the Housing and Community Act of 1974, P.L. 93-383 as amended, the United States Department of Housing and Urban Development (HUD) is authorized to make grants to States and units of local government; and

WHEREAS, Northampton County attained status in Federal Fiscal Year 2007 as an Entitled Urban County under the Community Development Block Grant Program (CDBG), as defined in Section 102(a) of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, Northampton County, as the CDBG grant recipient for the Urban County, has full responsibility for the execution of the community development program, for following its Consolidated Plan and for meeting the requirements of other applicable laws; and

WHEREAS, in accordance with 24 CFR 570.307(a) of the (CDBG) regulations, HUD requires Northampton County to comply with procedures established for qualifying and requalifying as an Urban County for purpose of the CDBG program; and

WHEREAS, Northampton County and the municipalities, including the City of Easton within Northampton County agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities under this Agreement; and

WHEREAS, during the period of qualification, each municipality agreement to participate as an included unit of general local government may not withdraw from the Urban County unless the Urban County does not receive a grant for any year during such period; and

WHEREAS, Northampton County’s agreement with each municipality shall automatically renew annually in successive three-year qualification periods, unless Northampton County or the municipality provides written notice it elects not to participate in a new qualification period.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Northampton County Council approves the Northampton County’s continued participation as an Urban County under the Housing and Community Development Act of 1974; and
BE IT FURTHER RESOLVED that the County Executive is hereby authorized to execute agreements with participating municipalities and submit the agreements and any related applications or documents, and any amendments or corrections to such applications and documents, to HUD to indicate Northampton County's continued participation as an Urban County Under the Housing and Community Development Act of 1974.

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

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

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

Consideration of the General Purpose Authority - Lafayette College Project Resolution

Mr. McGee introduced the following resolution:

R. 109-2018

A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE COUNTY OF NORTHAMPTON FOR THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY TO UNDERTAKE A PROJECT FOR LAFAYETTE COLLEGE; APPROVING THE AUTHORITY'S ISSUANCE OF BONDS FOR THE PROJECT, AS REQUIRED UNDER SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS

WHEREAS, Lafayette College (the "College") has requested Northampton County General Purpose Authority (the "Authority") to approve the initiation of a plan of financing which may include issuing, pursuant to the provisions of the Municipality Authorities Act, as amended, now codified at 53 Pa. C.S.A., Chapter 56 (the "Authorities Act"), of its College Refunding Revenue Bonds in one or more issues and series, in an aggregate amount not to exceed $22,000,000 (the "Bonds") to provide funds for a project (the "Project") consisting of: (i) the current refunding of that portion of the Northampton County General
Purpose Authority, College Refunding and Revenue Bonds, Series 2008.(Lafayette College), maturing on November 1, 2018 and (ii) the payment of costs of issuance of the Bonds (together, the "Project"); and

WHEREAS, pursuant to the Authorities Act, the College and the Authority have requested Northampton County Council to declare, by this resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the College; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing was held by the Authority on August 7, 2018, in connection with the issuance of the Bonds; and

WHEREAS, such public hearing was held upon not less than 14 days' notice published in The Express Times in the form attached as Exhibit A hereto; and

WHEREAS, Section 147(f) of the Code requires that the applicable elected representatives of the governmental unit on behalf of which bonds are issued, and of each governmental unit having jurisdiction over the area in which any facility with respect to which financing is to be provided is located, approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, the Northampton County Council hereby requests that the County Executive of Northampton County (the "County Executive") approve the issuance of not to exceed $22,000,000 in aggregate principal amount of the Bonds for purposes of Section 147(f) of the Code, by executing and delivering a certificate of approval in substantially the form attached hereto as Exhibit B and directs that his signature be attested to by the Clerk to the County Council.

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

SECTION 1. It is hereby determined and declared pursuant to the Authorities Act that it is desirable for the health, safety and welfare of the people in the area served by the College for the Authority to undertake the financing of the Project through the issuance of the Bonds in one or more series and issues, at fixed rates of interest, in an aggregate principal amount not to exceed $22,000,000.
SECTION 2. The issuance, not to exceed $22,000,000, (based on issue price) in aggregate principal amount of the Bonds and the financing of the Project are hereby approved for the purpose of Section 147(f) of the Code, subject to the approval of the issuance of the Bonds by the County Executive and the delivery by said County Executive of a certificate of approval in substantially the form attached hereto as Exhibit B and presented to the Northampton County Council the day following the necessary hearing concerning the Project and the Bonds, with such changes as the County Executive shall deem appropriate, and the Clerk of the County Council is hereby directed to attest her signature, the execution of such certificate to be conclusive evidence of the approval by the County Executive of the issuance of the Bonds and the Project.

SECTION 3. The foregoing determination, declaration and approval are for the purposes of the applicable provisions of the Authorities Act and the Code as aforesaid and do not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.

SECTION 4. The credit of the County of Northampton is not to be used for the security of the Bonds and the County of Northampton will have no liability for any payment of principal of, premium, if any, and interest on the Bonds.

SECTION 5. All actions of the Northampton County Council taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

SECTION 6. This Resolution shall take effect immediately. All prior ordinances or resolutions or portions thereof inconsistent herewith are hereby repealed.

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

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

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

Ms. Zrinski stated she attended the Conservation District’s Tour where they visited the Amazon Building in Palmer Township and were shown the injection wells to remediate the water overflow. She further stated they were shown a low volume gravel road to see how the water run off was diverted into the creek. She added they also visited the Equilibrium Horse Farm whom they were assisting in getting a grant to put a lid and door on a manure bin.

Ms. Zrinski advised at the Conservation District Board meeting the members voted to work with the Pennsylvania Department of Environmental Protection on a waterway/wetlands project where Synagro would be located.

Ms. Zrinski stated a discussion was held regarding a study that was done at the Bushkill Creek that showed how there was a decrease in the population of different insects that might jeopardize the waterways. She further stated they planned to review the study and see if they could do a study to compare their results.

Farmland Preservation Liaison Report

Ms. Zrinski advised at the Farmland Preservation Board meeting it was noted that there were 18 farms waiting to be preserved with 188 farms already preserved.

Finance Committee Report

Mr. Heckman stated at the Finance Committee meeting the outside auditors gave their findings regarding their audit and one of the issues was how Northampton County should move forward with regard to the pension and health care retirement funds. He further stated another issue was how the finances of the P3 Bridge Project were going to be handled.

Mr. Heckman advised there was also discussion as to whether Northampton County should take control of the finances of the GPA. He further advised he would caution everyone when looking at the Northampton County’s net account to take into account how much of those funds were restricted.
Mr. Heckman stated he would like to have Mr. Stephen Barron, Director of Fiscal Affairs, review the second quarterly report at the next meeting.

Human Services Committee Report

Ms. Vargo Heffner advised reviews of Gracedale and HealthChoices were given at the Human Services Committee meeting. She further advised she did not realize HealthChoices was such a huge portion of Northampton County's budget and noted the staff was doing a phenomenal job assisting the residents of Northampton County.

Capital Projects and Operations Committee Report

Mr. Werner stated Mr. Emili and Mr. Scott Parsons, Deputy Director of Public Works, put together a six-month preventative maintenance report and the projects were on schedule.

County Commissioners Association of Pennsylvania (CCAP) Conference Report

Mr. Cusick advised he attended the CCAP Conference with Messrs. Heckman and McGee. He further advised he had an opportunity to attend the Election and Tax Assessment Committees, as well as breakouts on resolutions and workforce development.

Mr. Cusick stated the biggest issue was the voting machines and the need to have a verifiable paper trail moving forward. He further stated the Governor spoke to it specifically and he was trying to get some funding.

Mr. Heckman advised it was mentioned the State would like to see them implemented by 2020.

General Purpose Authority Liaison Report

Ms. Vargo Heffner stated she and Mr. Dertinger were seated as members on August 2, 2018. She further stated Messrs. Shawn Langen and Shawn Donahue resigned prior to that meeting so they would need two replacements.
Ms. Vargo Heffner advised they voted to use Mr. John Freund from King, Spry, Herman, Freund and Faul, LLC as an interim solicitor and a Request for Proposal would be going out for a new solicitor. She further advised the firm of Conrad O’Brien, who was hired to potentially sue Northampton County, provided a letter on July 31, 2018, indicating they were no longer working for the GPA. She noted Mr. Freund was reviewing all the billing practices of not only Conrad O’Brien, but of the past law firm.

With regard to the bridges, Ms. Vargo Heffner stated there have been a lot of presentations and a lot of questions. She further stated it was not that people were not being heard, but as there were new members they should be given time to review the matter.

With regard to whether she should be seated on the board, Ms. Vargo Heffner advised as an elected member of County Council she served the public no matter what board she was sitting on. She further advised as a new member she made sure that any person that was newly replaced in any position would not be receiving a salary of any kind.

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
LOWER MOUNT BETHEL TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 2018-12

A RESOLUTION SUPPORTING THE LITTLE CREEK ROAD BRIDGE COMMITTEE'S RECOMMENDATIONS TO AMEND THE WORK ORDER FOR BRIDGES 185, 41, 43, 44, AND 195 ALONG LITTLE CREEK ROAD UNDER THE GENERAL PURPOSE AUTHORITY'S P3 PROJECT IN ORDER TO MAINTAIN THE CHARACTER OF THE DELAWARE RIVER VALLEY SCENIC BYWAY

WHEREAS, Lower Mount Bethel Township is a Second Class Township located in Northampton County, Pennsylvania; and

WHEREAS, the Lower Mount Bethel Township Board of Supervisors were advised bridges 185, 41, 43, 44, and 195 were to be included in the Northampton County P3 Bridge Replacement project implemented by the General Purpose Authority to repair or replace said bridges; and

WHEREAS, Little Creek Road is a designated Pennsylvania Byway along the Delaware River Valley Scenic Byway, and

WHEREAS, replacing existing bridges 185, 41, 43, 44, and 195 along Little Creek Road will be detrimental to the character of the bridges, the community and the adjacent lands, trees, stream environment and overall character of the Delaware River Scenic Byway; and

WHEREAS, Lower Mount Bethel Township residents formed a committee known as the Little Creek Road Bridge Committee in opposition to the bridge replacements along Little Creek Road; and

WHEREAS, the Little Creek Road Bridge Committee is advocating for Bridges 43, 44 and 185 to be removed from the P3 Project and Bridge 41 be removed and replaced with Bridge 31; and

WHEREAS, if Bridge 41 is not removed from the P3 Project, the Little Creek Road Bridge Committee seeks to change the work order from replacement to context sensitive repair since the condition ratings and sufficiency ratings do not support a full replacement; and

WHEREAS, if Bridge 31 is not added to the P3 Project, Lower Mount Bethel Township Board of Supervisors request Northampton County perform necessary temporary repairs to reopen this closed bridge until the bridge may be repaired or replaced under the current Transportation Improvement Program (TIP); and
WHEREAS, the posted speed limit on Little Creek Road is 25 MPH, excessive traffic speed is a common occurrence despite the speed limit, the single lane bridges on Little Creek Road inherently provide some measure of traffic calming, and replacing a single-lane bridge with a two-lane bridge would aggravate the already-excessive speeds on Little Creek Road, the Little Creek Road Bridge Committee is further advocating that Bridge 195 remain a single lane bridge without changing the current structure footprint and be repaired or replaced with context sensitive design; and

WHEREAS, the Lower Mount Bethel Township Board of Supervisors supports the Little Creek Road Bridge Committee’s positions on Bridges 185, 41, 43, 44, and 195.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Lower Mount Bethel Township, Northampton County, Pennsylvania as follows:

(1) For the reasons set forth in the Whereas clauses above, which are incorporated herein by reference, the Board of Supervisors of Lower Mount Bethel Township support the position of the Little Creek Road Bridge Committee.

(2) The Board of Supervisors support the removal of Bridges 43, 44 and 185 from the P3 Project. Moreover, the Board of Supervisor support Bridge 41 being removed from the P3 Project and replaced with Bridge 31. If Bridge 41 is not removed from the P3 Project, the Board of Supervisors supports a work order change to have the bridge repaired, rather than replaced, with context sensitive design.

(3) The Board of Supervisors further support that Bridge 195 remain a single lane bridge without changing the current structure footprint and repaired or replaced with context sensitive design.

DULY ADOPTED, this 16th of August, 2018 by a majority of the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present.

LOWER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS

Susan E. Disidore, Chairperson

ATTEST:

Melissa Mastrogiovanni, Township Secretary
County Council Meeting
August 16, 2018

During the last General Purpose Authority meeting:

1. Tom Kohler stated for the record that although he has been Superintendent of Bridges for Northampton County since 1984, he was never consulted on bridge selection for the P3 project.

2. At the meeting, new business included consideration of removal from and addition of certain bridges to the P3 project. However, the GPA ignored the unanimous resolution passed by the Lower Mt Bethel Board of Supervisors with regard to adding the bridges not currently included and which it believes need repair and removing certain bridges that do not require repair.

After two GPA meetings, one meeting with County Executive Mc Clure, one County Council finance committee meeting, and countless hours studying the NCGPA P3 Bridge Project, we have questions and there are numerous concerns we believe require immediate attention of this Council and its Solicitor:

1. Mr. Kraft, as a member of County Council who supported and voted in favor of the P3 project at its inception, do you know who selected the bridges to be included in this Project and do you know what criteria were used in making those selections?
2. Mr. Kraft, was Clearwater Construction involved with the bridge selection process?
3. Mr. Kraft, did you speak with Clearwater Construction about the bridge selection process at any time?
4. Mr. Dertinger and Mr. Spadoni, our understanding is that Mr. Dertinger is the County’s Director of Administration and as such, would not his appointment as the County’s Designated Representative to the GPA place Mr. Dertinger in a position of an unlawful conflict of interest?
5. Mr. Dertinger, in your dual roles as the County Executive and now as the Designated Representative to the GPA, whose interests do you serve - the County’s or that of the independent non-governmental authority required under statutes governing the GPA and this P3 Project?
6. Mr. Dertinger, as the County’s Designated Representative to the GPA, would you agree that it is your obligation to advise the County and the Board of the GPA when information contained in the P3 project documents conflicts with recent factual information provided by PennDot and thus the P3 documents’ accuracy is in question if not known to be false?
7. More specifically, Mr. Dertinger, do you agree that it is your obligation to address the fact that the background information for Bridge 41 (P 3 Service Agreement Exhibit C) and upon which a decision to undertake substantial and expensive action cannot be verified; PennDot’s records completely contradict the information included in the P3 documents, and potentially expose a breach of contract with both the Developer and the County.
8. Ms. Vargo-Heffner, in your dual roles as a member of County Council and the GPA, whose interests are you serving, those of the GPA or the County?

9. Mr. Spadoni, have you addressed in any way (orally or by written opinion) the legality of the appointments of Mr. Dertinger and Ms. Vargo-Heffner to serve on the GPA?

10. Mr. Spadoni, are you aware of the PA Supreme Court precedent that clearly prohibits county employees from serving on the board of public authorities, especially when those same county employees are overseeing capital expenditures disbursed to the authority?

We respectfully request that this Council authorize and direct investigations of the appointments to the GPA and the bridge selection process for the NCGPA P3 project. Further, we respectfully request that this Council instruct the GPA to issue change orders in keeping with the Lower Mt Bethel Board of Supervisors unanimous resolution.

Respectfully,

[Signature]

David P. Jozefski