Easton, Pennsylvania August 2, 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 Kevin J. Kelleher, Acting Solicitor to Council.

Pledge of Allegiance

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

Approval of the Minutes

Ms. Vargo Heffner made the following motion:

Be It Moved By the Northampton County Council that the minutes of the July 19, 2018 meeting shall be approved.

Mr. Cusick seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

As no one signed up for Courtesy of the Floor, Mr. Kraft asked if there were any questions or comments from the public.

There were no respondents.

County Executive Report

Mr. Lamont McClure, County Executive, stated an anonymous donor offered a K-9 dog that would undergo training to detect Schedule 1-5 narcotics in the Jail and West Easton facilities. He further stated from time to time there had been a crisis in the Jail with regard to contraband and having a K-9 unit would assist in keeping those who are either working or imprisoned there safe and overtime down.
Mr. McClure advised to date, $30,000 had been spent in having suspicious substances found in the Jail analyzed, noting statistically three quarters of substances analyzed turn out not to be Schedule 1-5 narcotics.

Mr. McClure stated as of the last Retirement Board meeting, the Pension Fund was $415 million and Other Post-Employment Benefit Fund was $42 million. He further stated the Pension Fund was currently 90% funded which the gold standard for public pensions.

Mr. McClure advised two reasons for the current amount in this fund was the stock market and Administrations being committed to funding it. He further advised in the past there was a reluctance to decrease the amount given, but it may be time to consider not giving as much and giving the taxpayers a break.

Mr. McClure stated starting with County Executive Bill Brackbill health care contributions were taken from pension benefit checks, but that practice was ended recently. He further stated a decision had to be made as to how to handle contributions for health care benefits and it was decided that it would end contributions by the retiree, but they would have to pay 3% for their spouse or 5% for a spouse plus one.

Mr. McClure advised he resigned from the General Purpose Authority to avoid a lawsuit after Mr. Shawn Langen, Chair of the General Purpose Authority, challenged his appointment. He further advised he asked County Council to consider the appointment of Mr. Charles Dertinger, Director of Administration, as his replacement tonight and hoped he would be confirmed so they could have a full complement for their next meeting.

In answer to Mr. Cusick’s question as to whether the issue of the K-9 unit was presented to Pennsylvania Counties Risk Pool for insurance purposes, Mr. Dertinger stated it was and the County was covered.

In response to Mr. Heckman’s question as to who was going to take care of the dog, Mr. James Kostura, Director of Corrections, advised a lieutenant had been assigned to the dog and he would be totally responsible for its care.
In answer to Mr. Cusick's question as to whether there was a job description for the dog handler, Mr. Dertinger stated it would be presented to County Council for consideration.

Confirmation of Appointment

Mr. McGee introduced the following resolution:

R. 101-2018   RESOLVED, by the Northampton County Council that the following individual shall be confirmed in their appointment as indicated hereafter:

GENERAL PURPOSE AUTHORITY

Appointment:          Term to Expire: 12/31/21
Charles M. Dertinger
8541 Delaware Drive
Bangor, PA 18013

Ms. Vargo Heffner advised she did not understand why the County had to continually answer questions regarding appointments to the General Purpose Authority because she read their Articles of Incorporation and felt it was County Council's authority to appoint members.

Mr. Cusick stated the last several meetings of the General Purpose Authority were cancelled and he did not see how any work could get done so he hoped they would once again hold regular meetings. He further stated it should be determined whether the Higher Education Authority and Hospital Authority should be disbanded.

Mr. McClure advised he believed the General Purpose Authority looked at absorbing the functions of those two authorities, but he believed there was still approximately $900,000 remaining between them. He further advised if the General Purpose Authority determined those funds should be returned to the County, they could be abolished.

In response to Ms. Zrinski's question as to why Mr. Langen did not resign as requested, Mr. McClure stated he could not be forced to resign as it was an independent authority.

As there were no further questions or comments, Mr. Kraft called for the vote.
The vote: McGee, "yes"; Ferraro, "yes"; Heckman, "yes"; Kraft, "yes"; Vargo Heffner, "yes" Werner, "yes"; Zrinski, "yes"; Cusick, "yes" and Dietz, "yes".

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

Public Hearing on the Ordinance Entitled, "AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411-2003 TITLED AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE"

Mr. Kraft advised Ms. Vargo Heffner and Mr. McGee introduced the following ordinance at the July 19, 2018 meeting:

AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411-2003 TITLED, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE"

WHEREAS, Ordinance No. 411-2003, titled, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE" was duly enacted on December 8, 2003, amended by Ordinance No. 512-2009, which was duly enacted on November 6, 2009, amended by Ordinance No. 592-2015, which was duly enacted on April 20, 2015 and amended by Ordinance No. 599-2015, which was duly enacted on September 21, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the Northampton County Council that Ordinance No. 411-2003 shall be amended as indicated hereafter (sections marked with strikeout are being deleted and sections marked with **bold underline** are being added):
AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF
NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL
LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING
OR SCANNING DEVICES; SETTING FORTH DEFINITIONS;
ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT;
SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND
ESTABLISHING THE EFFECTIVE DATE

WHEREAS, the County of Northampton and the Commonwealth of
Pennsylvania, Department of Agriculture have entered into a
Memorandum of Understanding pursuant to the Consolidated Weights
and Measures Act (3 Pa C.S.A.§4101 et seq.); and

WHEREAS, the Memorandum provides for the delegation of
powers and duties from the Commonwealth to the County for
various inspection responsibilities; and

WHEREAS, the County has determined that an annual
license/permit fee for each commercial weighing, measuring or
scanning device subject to the jurisdiction of the County Office
of the Division of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby enacted and ordained by the
County Council of the County of Northampton, Pennsylvania, as
follows:

SECTION 1. Definitions

Division - Division of Weights and Measures, County of
Northampton

Fuel dispenser - A device designed for the measurement and
delivery of gasoline, diesel or kerosene fuel.

Person - A corporation, partnership, limited liability company,
business trust, other association, government entity (other than
the Commonwealth), estate, trust, foundation or natural person.

PLU device - Price look-up device - A device that can access a
database price file or retail price retrieval system. The term
includes bar code beam or contact scanners, Optical Character
Recognition (OCR) scanners or readers, magnetic scanners or
readers, alpha or numeric keyboards, or both, voice response
systems and computer based retail price retrieval systems.
Scale - Any weighing device.
Scanning device - A general term for any of the several types of PLU technologies capable of communicating with a database price file or retail price retrieval system. The term includes hardware, software and supporting computer systems.

Weights and measures - Weights and measures of every kind, instruments and devices for weighing and measuring and any appliances and accessories associated with any or all such instruments or devices.

Vehicle tank meter - A meter mounted on vehicle tanks including those used for the measurement and delivery of domestic petroleum products.

Timing device - A device used to measure the time during which a particular paid-for service is dispensed. Examples of timing devices are laundry driers, car-washing times and recorders.

SECTION 2. Permit Required

(a) Every person desiring to conduct, or continue to conduct any business, as herein defined, within the County of Northampton shall file prior to the commencement of such conduct, with the Division application for a device license/permit.

(b) Every person that operates or maintains a weighing, measuring, scanning or timing device for commercial purposes, including but not limited to fuel dispenser, vehicle tank meter, scale and/or PLU device, is required to obtain an annual license/permit for each device from the Division.

(c) In cases where business is conducted in more than one place, a separate license/permit shall be issued for each place of business.

(d) Whenever any licensee under this article shall change the address of the business for which such license/permit is issued, the licensee shall immediately notify the Division of such change of address and the new address or location where the business will be conducted.

(e) Whenever the ownership of any such business shall be changed, the new owner, upon taking possession thereof, shall notify the Division of such fact within ten (10) days after such becomes effective.
(f) No license/permit issued under the provisions of this article shall be transferred or assigned to any other person, firm or corporation.

(g) Any licensee who is in default of payment of the device fee due hereunder shall be refused a license until such fee is paid in full.

SECTION 3. Requirements

The Division shall issue an annual device license/permit upon the following:

(a) The applicant completes the County of Northampton Application for Device License/Permit form.

(b) The applicant pays the annual license/permit fee for each weighing, measuring, scanning and timing device as set forth on the Application for Device License/Permit form.

(i) Fuel dispensers: $25.00 $35.00 per grade
(1 MPD = 6 grades)

(ii) Vehicle Tank Meters: $60.00 per meter on domestic fuel truck

(iii) (a) Liquid Petroleum Gas (LPG): $50.00 $75.00 per meter
(b) Compressed Natural Gas (CNG): $50.00 per meter $75.00 per meter

(iv) Scales: used in commercial trade and/or non-commercial use but required by user to be inspected

(a) Up to 1000 lbs. capacity $25.00 $35.00 per scale (Scale License A)

(b) Over 1000 lbs. capacity $100.00 $150.00 per scale (Scale License B)

(v) Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device

(a) $50.00 $60.00 per system 3 or less checkouts per location (UPC/PLU License A)

(b) $100.00 $120.00 per system 4 to 6 checkouts per location (UPC/PLU License B)
(c) $200.00 $240.00 per system 7 or more checkouts per location (UPC/PLU License C)

(vi) Grain Moisture Meters: $25.00 $40.00 per meter
(vii) Coin Counting Devices: $50.00 $60.00 per device
(viii) Timing Devices: $5.00 $8.00 per device
(ix) Fabric Devices: $5.00 $10.00 per device
(x) Load Rack Meters: $150.00 per device

SECTION 4. Penalties

Any person violating any provision of the Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars ($100.00) per violation, to be paid to the use of the County, with the cost of prosecution, or to be imprisoned in the County Correction Facility for not more than thirty (30) days, or both.

SECTION 5. Constitutionality

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

SECTION 6. Rules and Requirements

The Division shall, from time to time, establish rules and regulations for the implementation of this Ordinance.

Public Hearing

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

There were no respondents.

Mr. Dietz stated in reviewing their budget for the past three years he discovered there was a $50,000 gain in 2015, a $50,000 gain in 2016 and $64,000 gain in 2017. He further
stated these fee increases would again provide a gain so he could not support them as it would provide a profit making for the County.

Mr. Dietz advised a full time position was just approved for this division so they would be able to do more inspections and the profits would increase. He further advised he did not think the cost for County taxpayers should be raised so these services could be expanded to other Counties.

Mr. Dietz stated he felt the argument that the fees had not been increased for a number of years was something the County should be proud of and not a reason to do so now.

Mr. Kraft advised he felt they should be raised to allow them to have the proper equipment and staff to run the division efficiently. He further advised any gains being made covered the cost of things going forward so he would be supporting it.

Mr. McGee stated technology was constantly improving and they had to keep up with it so he would support it. He further stated this was also consumer advocacy to ensure people were getting what they were supposed to receive.

Mr. Kraft advised this was forward thinking by the Administration because having the State take it over did not work well for other Counties.

Mrs. Ferraro stated as long as the fees went to cover the cost of enhanced services and personnel she would support it.

Mr. Dietz advised $75,000 was sent aside in their budget for the truck so that would cover half the cost and he was in favor of having the fees to cover the cost of running the division, but he did not think they had to be increased at this time because with the new full time employee their revenue would increase.

Ms. Zrinski agreed that this protects the consumers and the proprietors of businesses to ensure they were receiving what they were entitled to.

Mr. Dietz stated they were currently doing that so he did not feel the fees had to be raised.

As there were no further questions or comments, Mr. Kraft called for the vote.
The vote: Vargo Heffner, "yes"; McGee, "yes"; Heckman, "yes"; Kraft, "yes"; Werner, "yes"; Zrinski, "yes"; Cusick, "no"; Dietz, "no" and Ferraro, "yes".

The ordinance was adopted by a vote of 7-2.

Approval of the Fiscal Year 2018 Community Development Block Grant Annual Action Plan Resolution

Mr. McGee introduced the following resolution:

R.102-2018

A RESOLUTION APPROVING THE FISCAL YEAR 2018 (FY 2018) COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE COUNTY OF NORTHAMPTON

WHEREAS, the County of Northampton has prepared an Annual Action Plan according to federal requirements covering the period October 1, 2018 to September 30, 2019; and

WHEREAS, the purpose of the Annual Action Plan is to identify housing and community development needs and to develop specific goals and objectives to address those needs over a one year period and is a requirement of the United States Department of Housing and Urban Development (HUD) that the County must meet in order to receive Federal Housing and Community Development Block Grant (CDBG) funds; and

WHEREAS, the Annual Action Plan for FY 2018 includes the funding application for the CDBG Program, said application having been duly reviewed and considered taking into account a number of factors including blight in the community, needs of low and moderate income families, environmental conditions, fiscal considerations and the local maintenance effort for community development activities; and

WHEREAS, the activities that comprise the FY 2018 Annual Action Plan will be funded through Northampton County’s FY 2018 allocation of CDBG funds from HUD and by substantially amending past Annual Action Plans to reallocate uncommitted funds to support current needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:
1. That the FY 2018 Annual Action Plan for the FY 2018 CDBG funds and the substantial amendment is hereby approved;

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out community development activities with Federal financial assistance;

3. That the County Executive and the Department of Community and Economic Development (DCED) are authorized to execute and file the financial assistance application for one million five hundred forty three thousand three hundred seventy nine dollars ($1,543,379) as HUD has made this amount available to carry out the CDBG; and

4. That the County Executive is hereby authorized to provide such assurances and/or certifications as required by the HUD and also provide any additional documents that may be requested.

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


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

Change of Committee Meeting Times

Mr. Heckman advised a proposal was made to switch the times of the Personnel and Finance Committees and the Capital Projects and Operations Committee meetings and he wanted to know if there were any oppositions to it.

Mr. Werner stated he would like to leave the meeting times as they were for the rest of the year and then consideration could be given to the matter. He further stated the only reason he suggested it was because the Capital Projects and Operations Committee meeting was usually shorter than the Personnel and Finance Committees meeting.
Retirement Board Liaison Report

Mr. McGee advised he believed the solution that was discussed by Mr. McClure was a good one and fair to everyone.

Voting Machines

Mr. Cusick stated the staff at the Election Office provided a demonstration on one of the new proposed voting machine. He further stated he thought it was terrific and there was a huge improvement over the current machine and the recording of absentee ballots so would urge the Administration to move forward with the purchase.

Mr. Kraft advised the Election Commission had to recommend the machine and then County Council approved it. He further advised the one being demonstrated was the one they seemed to like, but he did not know if that was the one they were going to choose.

Mr. Heckman stated he hoped they could have the machines in place for the 2019 election.

Mr. McClure advised this particular machine was certified by the Federal government, but not by the State. He further advised the State was not mandating to buy new machines now, but they were going to and hopefully before 2020. He added they did not know how much of the $13 million that the State was thinking about allocating for the machines the County was going to receive.

Drug and Alcohol Advisory Board Liaison Report

Ms. Vargo Heffner stated at the Drug and Alcohol Advisory Board meeting Ms. Elizabeth Miller was named the new Administrator of the Drug and Alcohol Division. She further stated they submitted their budget for funding.

Jail Advisory Board Liaison Report

Ms. Vargo Heffner advised at the Jail Advisory Board meeting there was a discussion regarding the dog being received. She further advised discussions were also held regarding the
needs of the prisoners and she wanted to commend the staff because they seemed very responsive to those needs.

Ms. Vargo Heffner stated they were looking for donations of the Koran so if anyone knew of anyone who could donate them to please let them know.

Ms. Vargo Heffner advised that Mr. Dietz had agreed to serve as the Stepping Up Initiative Coordinator and to Chair the subcommittee that was working on correction and mental health initiatives. She further advised Judge Stephen Baratta made a very passionate plea to have things move quickly so there was a team of people meeting to do quick needs assessment for people who were not getting hearings because of their mental health status and taking up space and time in the prison system who did not need to.

**Airport Authority Liaison Report**

Mr. Dietz stated at the Airport Authority they indicated they had another month of growth. He further stated Queen City Airport was having a free event on August 25, 2018.

Mr. Dietz advised the projects at Braden Airpark were completed and were waiting inspections.

**Adjournment**

Mr. Cusick made a motion to adjourn the meeting.

Ms. Zrinski seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council