Easton, Pennsylvania                                February 15, 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 (via telephone); 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. Heckman 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 February 1, 2018 meeting shall be approved.

Mr. Heckman seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mayor Sal Panto, City of Easton - stated he would like to thank the returning members for their support of the DaVinci Science City project which he felt was vital not only as a tourist attraction, but also important to workforce development for science, technology, engineering and math jobs in the future. He further stated he knew that some members of County Council would be voting this evening to withdraw a grant commitment that was made by the previous County Council, but he encouraged new County Council members and the new Administration to learn as much as they could about the project in order to make a strategic investment in tourism, economic development and quality of life in Northampton County at a later date.

Mayor Panto advised they received valuable input and feedback from their many meetings that influenced the recent changes made in the master plan, including the transition from
an aquarium to a nature dome. He further advised the project raised $1.2 million needed for the initial planning process of which $420,000 came personally from DaVinci Science Center board members.

Mayor Panto stated they would be receiving their final master plan at the end of February and it would be presented on March 1, 2018 to County Council.

Mr. Matthew Dees, 407 Second Street, West Easton, PA - advised in 2015, the West Easton Council approved lowering the bar for the type of residents and the number of residents that would be held at the Northampton County’s Work Release Center.

Mr. Dees stated in 2014, there was one walk-away from the facility, in 2015 there was none, in 2016 there were four and in 2017 there were eight. He further stated as a West Easton Council member he had residents complaining about the facility, the trash, the people outside the gate and problems with cars being left on the street while they were in the facility.

Mr. Dees advised it was felt this facility was not operating as originally intended so the situation should be investigated and either changes made to the facility or how the residents were handled.

Confirmation of Appointments/Re-appointments

Mr. McGee introduced the following resolution:

R. 23-2018 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointment/re-appointment as indicated hereafter:

AIRPORT AUTHORITY BOARD

Appointment:               Term to Expire: 12/31/22
Glenn Reibman
1231 Lieb Road
Easton, PA  18040
AREA AGENCY ON AGING ADVISORY COUNCIL

Appointment: Ruth Ann Terres
1580 Chaucer Lane
Bethlehem, PA 18017

Term to Expire: 1/1/20

CONSERVATION DISTRICT BOARD

Council Liaison

Appointment: Tara Zrinski
4715 Harriet Lane
Bethlehem PA 18017

Term to Expire: 12/31/18

Re-appointment: Jeffrey Keiffer
9275 Richmond Road
Bangor, PA 18013

Term to Expire: 12/31/21

ELECTION COMMISSION

Appointments: Kathy L. Fox
1513 Elm Street
Bethlehem, PA 18017

Terms to Expire: 12/31/19

Maudeania Hornik
3082 Eldridge Avenue
Easton, PA 18045

Deborah Hunter
901 Frost Hollow Road
Easton, PA 18040

Re-appointments:
Mary Diggs
926 Merrivale Road
Bethlehem, PA 18017

Terms to Expire: 12/31/19

George H. Treisner
236 East Ettwein Street
Bethlehem, PA 18018
GENERAL PURPOSE AUTHORITY

Appointment:
Paul Anthony, Jr.
1967 Mark Twain Circle
Bethlehem, PA 18017

Term to Expire: 12/31/22

Appointment:
Frank Pintabone
1107 West Berwick Street
Easton, PA 18042

Term to Expire: 12/31/19

JAIL ADVISORY BOARD

Appointment:
Jodi A. Ruggiero
1830 Chester Road
Bethlehem, PA 18017

Term to Expire: 12/31/19

Re-appointments:
Edward Boscola
385 Palmetto Drive
Easton, PA 18045

Terms to Expire: 12/31/19

Sharon Garretson
211 Gus Street
Pen Argyl, PA 18072

Daniel W. Hood
4380 Eisenhower Drive
Bethlehem, PA 18020

Robin A. Rivera
3987 Lehigh Drive
Northampton, PA 18067

Dr. Michelle Santiago
57 Oak Lane
Northampton, PA 18067
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LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY

Appointment: Term to Expire: 3/2/23
Iris N. Linares
21 West North Street
Bethlehem, PA 18018

LEHIGH VALLEY PLANNING COMMISSION

Appointments: Terms to Expire: 12/31/18
Council Liaison
William B. McGee
169 West 29th Street
Northampton, PA 18067

Elected Official
Gerald C. Yob
354 Garfield Street
Freemansburg, PA 18017

Elected Official Term to Expire: 12/31/21
Mitch Mogilski
422 South Broadway
Wind Gap, PA 18091

Appointment: Term to Expire: 12/31/21
Debra Bodine
44 Sagen Drive
Mount Bethel, PA 18343

MENTAL HEALTH, EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment: Term to Expire: 1/23/21
Dr. Jean Morgano
123 2nd Street
Nazareth, PA 18064
RETIRED BOARD

Appointments:  
Employee Representative  
Thomas Guth  
111 East Kleinhans Street  
Easton, PA 18042  

Retired Employee Representative  
Gerald Seyfried  
4431 Gable Drive  
Bethlehem, PA 18020

REVENUE APPEALS BOARD

Appointments:  
Karl Longenbach  
425 West Broad Street  
Bethlehem, PA 18018  

Tom Sedor  
585 Buckingham Drive  
Northampton, PA 18067  

John Weiss  
214 Main Street  
Nazareth, PA 18064

Mrs. Ferraro stated she approved of all the appointments except the one for the unexpired term on the General Purpose Authority.

Mr. Werner advised he would not support either appointment to the General Purpose Authority.

Mr. Kraft called for the vote on all the appointments except for the General Purpose Authority.

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

The appointments/re-appointments, except for those for the General Purpose Authority, were adopted by a vote of 9-0.
Mr. Heckman stated he understood there were some issues with the General Purpose Authority and a question as to whom could appoint someone for an unexpired position, but he was going to support these two appointments and hope they would look into the issues.

Mr. Kraft advised he concurred with Mr. Heckman and it was County Council's responsibility to appoint individuals provided by the County Executive.

Mrs. Ferraro stated she was only questioning the appointment of the individual to the unexpired term and felt there were some legal issues that had to be worked out and since that did not happen she wanted to err on the side of caution and not vote to make that appointment.

Mr. McGee made a motion to vote on the appointment of Mr. Paul Anthony, Jr. to the General Purpose Authority.

Ms. Zrinski seconded the motion.

The motion was adopted by voice acclamation.

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

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

This appointment was adopted by a vote of 8-1.

Ms. Zrinski made a motion to vote on the appointment of Mr. Frank Pintabone to the General Purpose Authority.

Ms. Vargo Heffner seconded the motion.

The motion was adopted by voice acclamation.

Mr. Cusick advised Mr. Pintabone recently resigned from the Easton Area School Board claiming he did not have enough time so for that reason he would not support his appointment.

Mr. Kraft stated this board met once a month so it would not infringe on his time as much as the school board.
As there were no further questions or comments, Mr. Kraft called for the vote on the appointment of Mr. Pintabone.

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

This appointment was adopted by a vote of 6-3.

The resolution was adopted by a majority vote of all segments.

County Executive Report

Mr. Lamont McClure, County Executive, advised there were some reports regarding illnesses in the Jail and unfortunately one young Correction Officer did recently pass, but it was not from the flu. He further advised another Corrections Officer was seriously ill, however, there was no determination that it was the flu. He added one inmate was under observation, but the health care provider did not believe it was the flu.

Mr. McClure stated they have been looking into the walk-away situation in West Easton and were trying to set up a meeting to determine what the concerns were and to see what could be done to alleviate them. He further stated walk-aways did not return from work so they were not staying in West Easton.

Mr. McClure advised he was going to explore the issue of who was being sent to the facility in West Easton and determine if that was the best place for them and if not, make the necessary changes.

With regard to the General Purpose Authority, Mr. McClure stated they historically were an authority that provided a wonderful service for hospitals and higher educational facilities, but he thought they have gotten away from their mission. He further stated the problem had been isolated and he would be dealing with it in the near future.

Mr. Kraft advised the following ordinance was introduced by Messrs. Dietz and Cusick at the February 1, 2018 meeting:


WHEREAS, Ordinance No. 628-2017 was adopted on December 7, 2017 and became effective on January 12, 2018 and reads as follows:

440 OF 2005 DETERMINING THAT DA VINCI SCIENCE CENTER, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY, ENGAGE IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY AND THEREFORE DIRECTING A PORTION OF THE NORTHAMPTON COUNTY ANNUAL ALLOCATION OF 12.5% OF THE REVENUE GENERATED BY THE HOTEL ROOM RENTAL TAX ACT AND NORTHAMPTON COUNTY ORDINANCES 359 OF 2000 AND 440 OF 2005 TO BE DISTRIBUTED TO DA VINCI SCIENCE CENTER FOR THE DA VINCI SCIENCE CITY PROJECT LOCATED IN EASTON, PENNSYLVANIA, IN ACCORDANCE WITH THIS ORDINANCE

WHEREAS, pursuant to the Hotel Room Rental Tax Act P.L. 307 of 2000, 16 P.S. Section 13211, et seq., now 16 P.S. 1770, et seq. the County of Northampton, a Third Class County, enacted Ordinance No. 359 of 2000, effective October 8, 2000 and Ordinance No. 440 of 2005, effective October 2, 2005; and

WHEREAS, Act 12 of 2005, enacted by the Pennsylvania General Assembly and approved by the Governor effective sixty (60) days from July 5, 2005 authorizes by Section 1770.8 (16 P.S. 1770.8) the County of Northampton to impose a Hotel Room Rental Tax by Ordinance at the rate of four (4%) percent and provides for the distribution of such tax monies; and

WHEREAS, Ordinance No. 359 of 2000 established the Hotel Room Rental Tax and thereafter Ordinance No. 440 of 2005 effective October 2, 2005 increased the Hotel Room Rental Tax Act from 3.5% to 4% and restructured the distribution of the tax collected for Northampton County purposes to its current level as follows:

a) 68.75% to the Northampton County Regional Tourist Promotion Agency (Lehigh Valley Convention and Visitor Bureau, Inc. "LVCVB").

(b) 18.75% to be retained by Northampton County for further development of tourism facilities; community development initiatives, which will enhance regional tourism.

(c) 12.5% for future development of facilities and for marketing purposes within Northampton County to enhance regional tourism.; and

WHEREAS, pursuant to Section 1770.8 of the Hotel Room Rental Tax Act pertaining to counties of the Third Class, Northampton County has retained 12.5% of the funds collected in Northampton County for the further development of facilities and for marketing purposes within Northampton County to enhance regional tourism; and
WHEREAS, Northampton County Council has determined that the Da Vinci Science Center was a not-for-profit corporation whose activities enhance regional tourism and are therefore qualified to receive revenues generated by the Hotel Room Rental Tax Act.

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

1. The foregoing "whereas" provisions are incorporated as though set forth in their entirety.

2. All the definitions and provisions of the Hotel Room Rental Tax Act of the Commonwealth of Pennsylvania (16 P.S. 1770, et seq.) as amended are incorporated in their entirety.


4. Northampton County Council hereby designates its 12.5% of revenues received under Ordinance No. 440 of 2005 to be distributed on an annual basis to the Da Vinci Science Center as follows:

a. Two hundred and fifty thousand dollars ($250,000) a year shall be allocated to the Da Vinci Science Center for the Da Vinci Science City project in Easton, Pennsylvania, until a total of ten million dollars ($10,000,000) is reached. Thereafter the funding shall cease.

b. It shall be expressly understood that the allocation of funding outlined in paragraphs 4.a. shall be subject to an annual review by County Council during the annual Northampton County budget review process.

c. The Northampton County Council hereby requires as a condition of the aforementioned grant funding that the Da Vinci Science Center shall provide the Northampton County Council and the County Executive with a written annual report which shall include, but not necessarily be limited to, the revenues received from the Northampton County hotel tax, the manner in which those revenues were used, and a status report on the respective projects.

5. This Ordinance shall be administered by the Northampton County Executive subject to the powers of the Northampton County Council under Section 1.2-202 of the Northampton County Home Rule
Charter (348 Pa. Code 1.2-202(1)) to adopt and repeal Ordinances as well as under its other powers and duties.

6. The Controller of Northampton County shall annually audit the funds distributed to assure that they are committed and expended for the enhancement of regional tourism by the beneficiary, the Da Vinci Science Center, for the benefit of Northampton County.

7. Any Ordinance or any part of any other ordinance conflicting with the provisions of this Ordinance is hereby repealed.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 628-2017, the ordinance titled, "AN ORDINANCE OF NORTHAMPTON COUNTY COUNCIL PURSUANT TO THE HOTEL ROOM RENTAL TAX ACT OF THE COMMONWEALTH OF PENNSYLVANIA (16 P.S. 1770, ET SEQ.) AND THE TOURIST PROMOTION LAW OF THE COMMONWEALTH OF PENNSYLVANIA (73 P.S. 401, ET SEQ.) AND ORDINANCE NUMBERS 359 OF 2000 AND 440 OF 2005 DETERMINING THAT DA VINCI SCIENCE CENTER, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY, ENGAGE IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY AND THEREFORE DIRECTING A PORTION OF THE NORTHAMPTON COUNTY ANNUAL ALLOCATION OF 12.5% OF THE REVENUE GENERATED BY THE HOTEL ROOM RENTAL TAX ACT AND NORTHAMPTON COUNTY ORDINANCES 359 OF 2000 AND 440 OF 2005 TO BE DISTRIBUTED TO DA VINCI SCIENCE CENTER FOR THE DA VINCI SCIENCE CITY PROJECT LOCATED IN EASTON, PENNSYLVANIA, IN ACCORDANCE WITH THIS ORDINANCE" is hereby repealed, on the effective date of this ordinance.

Public Hearing

Ms. Jane Ervin, DaVinci Science Center Board Member - stated she brought a very strong commitment to the DaVinci Science City project from the Board of Directors, noting they have committed more than $420,000 individually to this project because they believed this was going to be terrific.

Ms. Ervin advised she would like to encourage all County Council members to take the time to learn as much as they could about this project and the impact it would have on the City of Easton and Northampton County. She further advised there was nothing like this project in the State of Pennsylvania so it was going to have a huge economic impact on this area.
Mr. Cusick stated what troubled him was that six weeks after County Council committed $10 million to a project it substantially changed and there was no indication either privately or publicly by Ms. Lin Erickson, Executive Director and Chief Executive Officer for DaVinci Science Center, who appeared before County Council multiple times. He further stated he saw it as a pattern because Ms. Erickson was not entirely forthcoming when there was an inkling of the possibility of a competing aquarium.

Mr. Cusick advised he would urge County Council to exercise caution and fiscal prudence because in six weeks this project may change again.

Mr. Dietz stated he agreed everyone should educate themselves on the project, but he was waiting for the feasibility study to be presented.

Mr. Heckman advised whatever action was taken tonight did not mean County Council was anti-Easton. He further advised he would be supportive of a good project, but there was a major change to this project from when it was first presented with the amount remaining the same so more information was required especially regarding the finances.

Ms. Vargo Heffner stated her vote tonight would not be against the project or the City of Easton, but against the amount of money and time period previously provided because she was not going to commit to a project that might preclude other projects to be considered. She further stated she felt the original vote could have been held after the new members of County Council were installed.

Mrs. Ferraro advised her first thought was just to amend the ordinance and not start the process over again. She further advised she would like assurance from the County Executive that the $250,000 in the 2018 budget would go to the DaVinci Science City project.

Mr. Werner agreed 40 years may not be acceptable and the key was to come up with an amount and the terms to make this project move forward, but he was going to fight for this ordinance and the project.

Mr. Kraft stated a presentation on the new project was going to occur on March 1, 2018 and if it made sense, he planned to support it.
As there were no further questions or comments, Mr. Kraft called for the vote.

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

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


Mr. Kraft advised the following ordinance was introduced by Messrs. Werner and McGee at the February 1, 2018 meeting:


WHEREAS, the General Assembly of Pennsylvania passed Act 76 of 1977, known as the Local Economic Revitalization Tax Assistance Law (LERITA), 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 Bethlehem, Lower Saucon Township, the Saucon Valley School District and the Bethlehem Area School District have approved an amendment to the area defined in the City of Bethlehem Codified Ordinance #342; 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 Bethlehem 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 Bethlehem 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 Bethlehem, the Bethlehem Area School District, the County of Northampton, or any other governmental entity having the authority to levy real property taxes within the City of Bethlehem.

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

II. ELIGIBLE AREAS

The Northampton County Council hereby determines that the following areas of the City of Bethlehem, Northampton County Pennsylvania, 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 eligible for tax exemption under this Act:
PART I: [Bethlehem Area School District]
BEGINNING at a point said point being the centerline intersection of the Lynn Avenue and East 4th Street, said point located at 2,634,866.583 Feet East and 474,843.179 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of East 4th Street in a westerly direction to a point being the intersection of the Centerline of East 4th Street and an extension of the southwest boundary of Northampton County Parcel "P7-6-6B" currently owned by "Lehigh Forge Corporation".

Thence in three courses along the perimeter of Northampton County Parcel "P7-6-6B, first in a northwesterly direction along the extension of the southwest boundary and following the southwest boundary line to a point located at 2,633,587.667 Feet East and 474,994.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a northerly direction following the western boundary line to a point located at 2,632,973.500 Feet East and 476,687.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in an northeasterly direction following the northern boundary line to a point located at 2,633,971.333 Feet East and 477,079.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, to a point being the northeast corner of Northampton County Parcel "P7-6-6B" and the Northwest corner of Northampton County Parcel "P7-6-6H-3" currently owned by "10 Emery Street Associates LP".

Thence along the northern boundary line of Northampton County Parcel "P7-6-6H-3" to a point being the northeast corner of Northampton County Parcel "P7-6-6H-3" and the Northwest corner of Northampton County Parcel "P7-6-6H-2" currently owned by "Lehigh Valley Industrial Park". Said point located at 2,635,662.417 Feet East and 477,436.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the northern boundary line of Northampton County Parcel "P7-6-6H-2"to a point being the southeast corner of Northampton County Parcel "P7-6-6H-2" and the northern most point of Northampton County Parcel "P7-6-P" currently owned by "United States Cold Storage LLC". Said point located at

Thence in a southeasterly direction along the northern boundary of Northampton County Parcel "P7-6-F" a distance of approximately 1.09 Feet to a point located at the northeast corner of Northampton County Parcel "P7-6-F" and the northwest corner of Northampton County Parcel "P7-6-18" currently owned by "Brandenburg Bethlehem LLC". Said point located at 2,637,461.000 Feet East and 477,255.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction following the eastern boundary line of Northampton County Parcel "P7-6-6-18" to a point located at 2,638,496.833 Feet East and 475,913.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the southeastern corner of Northampton County Parcel "P7-6-6-18" and the northeastern corner of Northampton County Parcel "P7-6-6-14" currently owned by "Lehigh Valley Industrial Park".

Thence in a southwesterly direction following the eastern boundary line of Northampton County Parcel "P7-6-6-14" to the southeast corner of Northampton County Parcel "P7-6-6-14", a point located at 2,638,402.167 Feet East and 474,806.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the extension of the eastern property line of Northampton County Parcel "P7-6-6-14" to a point being the intersection of the extension of the eastern property line of Northampton County Parcel "P7-6-6-14" and the centerline of Shimersville Road. Said point located at 2,638,402.667 Feet East and 474,779.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the centerline of Shimersville Road to a point being the centerline intersection of Shimersville Road with East 4th Street. Said point located at 2,637,667.087 Feet East and 473,936.064 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Thence in a northwesterly direction along the centerline
East 4th St to a point being the centerline intersection of the Lynn Avenue and East 4th Street, located at 2,634,866.583 Feet East and 474,843.179 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

PART II: [Bethlehem Area School District]
BEGINNING at a point said point being the centerline intersection of Shimersville Road and the extension of the western boundary of Northampton County Parcel "P7-22-2-4A", currently owned by "Lehigh Valley Industrial Park". Said point being located at 2,638,511.083 Feet East and 474,833.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the centerline of Shimersville Road to a point being the intersection of the centerline of Shimersville Road with the extension of the northern boundary line of Northampton County Parcel "P7-22-2-4" currently owned by "Lehigh Valley Industrial Park". Said point being located at 2,638,858.750 Feet East and 476,021.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the northern boundary of Northampton County Parcel "P7-22-2-4" in a northwesterly direction to a point being the northeast corner of Northampton County Parcel "P7-22-2-4", The southeast corner of Northampton County Parcel "P7-22-1", the Southwest corner of Northampton County Parcel "P7-8-2" and the Northeast corner of Northampton County Parcel "P7-15-3" currently owned by "Tecumseh Redevelopment Inc.". Said point being located at 2,640,426.250 Feet East and 476,321.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the northern boundary of Northampton County Parcel "P7-15-3" in a northeasterly direction to a point located at 2,640,498.250 Feet East and 476,349.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in a northeasterly direction, an extension of the northern property line, to a point being the intersection of the extension of the previous section of property line for Northampton County Parcel "P7-15-3"

Thence along the centerline of Applebutter Road in an easterly direction to a point being the intersection of the centerline of Applebutter Road with the common school district boundary line of Bethlehem Area School District and Saucon Valley School District. Said point being located at 2,641,064.750 Feet East and 476,502.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the common school district boundary of Bethlehem Area School District and Saucon Valley School District in along the following three courses, first in a southerly direction south to a point being located at 2,641,537,500 Feet East and 472,261.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a easterly direction to a point being located at 2,642,822,417 Feet East and 472,351.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a southerly direction to a point being located at 2,643,180,500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, said point being the intersection of the common school district boundary of Bethlehem Area School District and Saucon Valley School District with the centerline of South Easton Road and the City of Bethlehem municipal boundary.

Thence in a southeasterly direction along the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road to a point being the intersection of the intersection of South Easton Road, school district and municipal boundaries with the extension of the southern boundary line of Northampton County Parcel "P7-22-2-4C" currently owned by "Lehigh Valley Industrial Park". Said point being located at 2,641,194.917 Feet East and 469,218,333 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.
Thence in four courses along the perimeter of Northampton County Parcel "P7-22-2-4C", first in a easterly direction along the extension of the southern boundary and following the southern boundary line to a point located at 2,640,894.250 Feet East and 469,179.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a northeasterly direction continuing along the southern boundary line to a point located at 2,640,993.500 Feet East and 469,666.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a westerly direction still following the southern boundary line to a point located at 2,640,814.000 Feet East and 469,653.333 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, fourth in a northerly direction to a point along the southern boundary line of Northampton County Parcel "P7-22-2-4C" being located at 2,640,771.250 Feet East and 469,937.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction, keeping the same bearing as the previous line segment and crossing Northampton County Parcel "P7-22-2-4C", to a point along the common boundary lines of Northampton County Parcel "P7-22-2-4C" and Northampton County Parcel "P7-22-54" currently owned by "Lehigh Valley Industrial Park". Said point being located at 2,640,618.583 Feet East and 471,311.083 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence along the common boundary lines of Northampton County Parcel "P7-22-2-4C" and Northampton County Parcel "P7-22-54" in a westerly direction to a point located at 2,639,714.417 Feet East and 471,216.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System. Said point being the common corner of Northampton County Parcel "P7-22-2-4C", Northampton County Parcel "P7-14-1C" currently owned by "Lehigh Valley Industrial Park" and Northampton County Parcel "P7-14-1B" currently owned by "Lehigh Valley Industrial Park".

Thence along the southern and western boundary of Northampton County Parcel "P7-14-1 C" in a northwesterly direction to a point being the northwestern corner of Northampton County Parcel "P7-14-1 C". Said point being a common point with western boundary of Northampton County.

Thence along the western boundary of Northampton County Parcel "P7-22-54" in a northerly direction to a point being the northwest corner of Northampton County Parcel "P7-22-54", the north east corner of Northampton County Parcel "P7-14-1B" and the southern right-of-way boundary of Commerce Center Boulevard. Said point being located at 2,638,375.583 Feet East and 471,923.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction crossing the Commerce Center Boulevard right-of-way, to a point along the northern right-of-way boundary of Commerce Center Boulevard being a common point with the southeast corner of Northampton County Parcel "P7-14-1" currently owner by "Lehigh Valley Rail Management" and the southwest corner of Northampton County Parcel "P7-22-2-4B" currently owned by "Lehigh Valley Industrial Park". Said point being located at 2,638,369.083 Feet East and 472,034.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction along the eastern boundary line of Northampton County Parcel "P7-14-1" to a point being the Northeast corner of Northampton County Parcel "P7-14-1" and the Northwest corner of Northampton County Parcel "P7-22-2-4A". Said point being located at 2,638,511.500 Feet East and 474,805.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System.

Thence in a northerly direction along the extension of the western boundary line of Northampton County Parcel "P7-14-1" to a point being the intersection of the western boundary line extension of Northampton County Parcel "P7-14-1" and the centerline of Shimmersville Road, being located at 2,638,511.083 Feet East and 474,833.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.
PART III: [Saucon Valley School District]
BEGINNING at a point said point being the intersection of the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road. Said point being located at 2,643,180,500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the following three courses of the common school district boundary of Bethlehem Area School District and Saucon Valley School District, first in a northerly direction to a point being located at 2,642,822,417 Feet East and 472,351.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, second in a westerly direction to a point being located at 2,641,537,500 Feet East and 472,261.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone, third in a northerly direction a point being the intersection of the centerline of Applebutter Road with the common school district boundary line of Bethlehem Area School District and Saucon Valley School District. Said point being located at 2,641,064.750 Feet East and 476,502.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Applebutter Road in a northeasterly direction to a point being the intersection of the centerline of Applebutter Road with the northerly extension of the western boundary line of Northampton County Parcel "P7-15-3". Said point being located at 2,643,696.167 Feet East and 477,426.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the extension of the eastern property line of Northampton County Parcel "P7-15-3" and the common boundary line of the eastern property line of Northampton County Parcel "P7-15-3" and the western property line of Northampton County Parcel "P7-15-2" to a point being the southwest corner of Northampton County Parcel "P7-15-2" currently owned by Connective Bethlehem LLC. Said point being located at 2,643,922.917 Feet East and 476,534.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the southern boundary line of Northampton
County Parcel "P7-15-2" to a point being the intersection of the southern boundary of Northampton County Parcel "P7-15-2" with the City of Bethlehem municipal boundary. Said point being located at 2,645,427.667 Feet East and 477,306.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the City of Bethlehem municipal boundary in a southeasterly direction to a point being the intersection of the City of Bethlehem municipal boundary with the common point of property boundaries of Northampton County Parcel "P7-15-3-2" currently owned by "Tecumseh Redevelopment Inc.", Northampton County Parcel "P7-15-3-1" currently owned by "Lehigh Valley Industrial Park" and Northampton County Parcel "P7-15-3". Said point being located at 2,645,600.659 Feet East and 476,281.993 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the City of Bethlehem municipal boundary and the northeastern boundary line of Northampton County Parcel "P7-15-3" in a southeasterly direction to a point being the Northeast corner of Northampton County Parcel "P7-15-3". Said point being located at 2,646,733.917 Feet East and 476,002.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction, keeping the same bearing as the previous line segment of Northampton County Parcel "P7-15-3" and the City of Bethlehem municipal boundary, crossing Northampton County Parcel "P7-22-53" currently owned by "Lehigh Valley Industrial Park" to a point being the intersection of the City of Bethlehem municipal boundary and the centerline of Ringhooffer Road. Said point being located at 2,647,003.347 Feet East and 476,063.540 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the centerline of Ringhooffer Road to a point being the intersection of Ringhooffer Road and the City of Bethlehem municipal boundary. Said point being located at 2,647,830.917 Feet East and 473,856.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

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Thence along the City of Bethlehem municipal boundary in a southerly direction to a point being the intersection of the City of Bethlehem municipal boundary and the centerline of South Easton Road.

Thence continuing along the City of Bethlehem municipal boundary and the centerline of South Easton Road in a southeasterly direction to a point, being the intersection of the common boundary line of Bethlehem Area School District, Saucon Valley School District, the City of Bethlehem and the centerline of South Easton Road, located at 2,643,180.500 Feet East and 471,111.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

PART IV: [Bethlehem Area School District]
BEGINNING at a point said point being the centerline intersection of the Hoch Street and Seminole Street, said point located at 2,624,638.451 Feet East and 473,237.903 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.
Thence along the centerline of Hoch Street in a northeasterly direction to a point being the intersection of the Centerline of Hoch Street and Dakotah Street. Said point being located at 2,624,777.237 Feet East and 473,491.166 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Dakotah Street in a southeasterly direction to a point being the intersection of the Centerline of Dakotah Street, Broadway and Wyandotte Street. Said point being located at 2,624,956.037 Feet East and 473,392.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in two courses along the centerline of Wyandotte Street in a northeasterly then northerly direction. First to the intersection of Wyandotte Street and West 3rd Street at a point located at 2,625,356.500 Feet East and 474,506.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Then to the intersection where the centerline of Wyandotte Street passes other the centerline of Riverside Drive (Private Road). Said point being located at 2,625,225.724 Feet East and 475,223.203 Feet North in the State Plane US NAD 83 (US
FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Riverside Drive in a southeasterly direction to a point being the intersection of centerlines of Riverside Drive, West 2nd Street and the 2nd Street Spur. Said point being located at 2,625,893.750 Feet East and 474,929.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Then along the centerline of Wyandotte Street past the point where Wyandotte Street becomes part of the Hill to Hill Bridge to a point along the centerline of the Hill to Hill Bridge. Said point being on a coarse that is in the right of way of the Hill to Hill Bridge and is an extension of the northern boundary of Northampton County Parcel "P6-2-1B". Said point being located at 2,625,209.954 Feet East and 475,289.664 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the extension or the northern boundary of Northampton County Parcel "P6-2-1B" to a point being the northwestern corner of Northampton County Parcel "P6-2-1B". Said point being located at 2,625,257.500 Feet East and 475,276.969 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the northern boundary of Northampton County Parcel "P6-2-1B" in an easterly direction to the northeast corner of Northampton County Parcel "P6-2-1B". Said point being located at 2,625,843.500 Feet East and 475,375.406 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the eastern boundary of Northampton County Parcel "P6-2-1B" to a point being the intersection of the eastern boundary of Northampton County Parcel "P6-2-1B" and the street centerline of Union Station Plaza. Said point being located at 2,625,849.613 Feet East and 475,312.611 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Union Station Plaza, first in an easterly direction and then changing to a southerly direction to the intersection with West 2nd Street. Said point being located at 2,625,319.414 Feet East and
474,950.582 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in an easterly direction along the centerline of West 2nd Street to a point being the intersection of West 2nd Street and East 2nd Street located directly under the centerline of South New Street/The Fahy Bridge. Said point being located at 2,626,800.750 Feet East and 474,983.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly direction along the centerline of East 2nd Street to the intersection of East 2nd Street, Adams Street, Columbia Street and Technology Drive (Private Drive). Said point being located at 2,627,180.750 Feet East and 474,844.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Columbia Street in an easterly direction to the intersection of Columbia Street and Taylor Street. And an extension of the common boundary line of Northampton County Parcel "P6-2-2B" and Northampton County Parcel "P6-2-2C". Said point being located at 2,627,746.686 Feet East and 474,877.424 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the extension of the common boundary line and the western boundary of Northampton County Parcel "P6-2-2C" to the northeast corner of Northampton County Parcel "P6-2-2C". Said point being located at 2,627,735.750 Feet East and 475,029.313 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in an easterly direction along the northern boundary of Northampton County Parcel "P6-2-2C" and an extension thereof to a point being the intersection of the extension of the northern boundary extension of Northampton County Parcel "P6-2-2C" and the centerline of Polk St. Said point being located at 2,628,308.361 Feet East and 475,074.223 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence South along the centerline of Polk St to the intersection of Polk St with Columbia Street. Said point being located at 2,628,319.792 Feet East and 474,916.990

Thence West along the centerline of Columbia Street to the intersection of Columbia Street and Taylor Street. Said point being located at 2,627,907.947 Feet East and 474,891.877 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the centerline of Taylor Street to the intersection of Taylor Street and Mechanic Street to a point located at 2,627,932.917 Feet East and 474,510.333 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Mechanic Street in an easterly direction to the intersection of Mechanic Street with Fillmore Street. Said point being located at 2,628,643.167 Feet East and 474,561.000 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the centerline of Fillmore Street in a southerly direction to the intersection of Fillmore Street with Evans Street to a point located at 2,628,671.250 Feet East and 474,336.417 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the centerline of Evans Street east as it crosses Pierce Street in a southerly direction and continues in a northeasterly direction to the intersection of Evans Street and Monroe Street. Said point being located at 2,629,800.417 Feet East and 474,531.000 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Monroe Street in a southerly direction to the intersection of Monroe Street and Mechanic Street at 2,629,809.917 Feet East and 474,396.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing easterly along the centerline of Mechanic Street to the intersection of Mechanic Street with Hayes Street. Said point being located at 2,630,239.000 Feet East and 474,484.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.
Thence southwardly once again along the centerline of Hayes Street to the intersection of Hayes Street with East Morton Street. Said point being located at 2,630,308.083 Feet East and 474,075.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence returning in a westerly direction along the centerline of East Morton Street. Following East Morton Street to its origin at the intersection with South New Street, Campus Square (Private Drive) and West Morton Street. Said point being located at 2,626,883.755 Feet East and 473,843.775 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in a westerly direction along the centerline of West Morton Street to the intersection of West Morton Street and Brodhead Avenue. Said point being located at 2,626,055.167 Feet East and 473,792.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence turning northwardly along the centerline of Brodhead Avenue to the intersection of Brodhead Avenue and West 4th Street at 2,626,016.667 Feet East and 474,031.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence westerly along the centerline of West 4th Street to the intersection with Birkel Avenue at 2,625,827.833 Feet East and 474,020.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Thence in a southerly direction along the centerline of Birkel Avenue to the intersection of Birkel Avenue with Cress Street. Said point being located at 2,625,850.417 Feet East and 473,867.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the centerline of Cress Street in a southwesterly direction to the intersection of Cress Street with Carlton Avenue. Said point being located at 2,625,291.583 Feet East and 473,451.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence southwardly along the centerline of Carlton Avenue to the intersection of Carlton Avenue with Sheets Street at

Thence along the centerline of Sheets Street, westerly to the point of intersection with the centerline of Hess Street at 2,625,136.583 Feet East and 473,267.667 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence southwardly along Hess Street to a point along the centerline of Hess Street being the intersection with the extension of the common boundary lines of the southern property line of Northampton County Parcel "P6SW2C-21-36" and the northern property line of Northampton County Parcel "P6SW2C-21-35". Said point being located at 2,625,152.640 Feet East and 473,154.195 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along said common property lines in a westerly direction. Continuing on the same course extending westerly to the intersection with the centerline of Wyandotte Street. Said point being located at 2,624,977.910 Feet East and 473,127.594 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence southward along the centerline of Wyandotte Street to a point along the centerline of Wyandotte Street being the intersection with the extension of the common boundary lines of the southern property line of Northampton County Parcel "P6SW2C-20-1" and the northern property line of Northampton County Parcels "P6SW2C-20-9" and "P6SW2C-20-23". Said point being located at 2,625,152.640 Feet East and 473,154.195 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along said common property lines in a westerly direction. Continuing on the same course extending westerly to the intersection with the centerline of Bradley Street. Said point being located at 2,624,810.973 Feet East and 473,022.003 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the centerline of Bradley Street to the intersection of Bradley Street and Broadway. Said point being located at 2,624,778.176 Feet

Thence in a southwesterly direction along Broadway to the intersection of Broadway and Seminole Street. Said point being located at 2,624,761.255 Feet East and 473,162.419 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the centerline of Seminole Street in a northwesterly direction to the intersection of Seminole Street and Hoch Street located at 2,624,638.451 Feet East and 473,237.903 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

PART V: [Bethlehem Area School District]
BEGINNING at a point said point being the centerline intersection of the East 4th Street and Lynn Avenue, said point located at 2,634,866.583 Feet East and 474,843.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southerly direction along the centerline of Lynn Avenue to a point being the intersection of the centerline of Lynn Avenue and the southern property line of Northampton County Parcel "P7-19-2C". Said point being located at 2,634,923.833 Feet East and 474,292.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northwesterly direction along the southern property line of Northampton County Parcel "P7-19-2C" to a point being located at 2,634,507.083 Feet East and 474,452.000 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a westerly direction to a point located on the centerline of East 5th Street located at 2,634,435.917 Feet East and 474,443.250 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in a westerly direction along the centerline of East 5th Street to a point being the intersection of East 5th Street with the extension of the common boundary lines of the western property line of
Northampton County Parcel "P7SW1A-6-7" and the eastern property line of Northampton County Parcel "P7SW1A-5-19". Said point being located at 2,633,121.250 Feet East and 474,297.333 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the common along the common boundary lines of the western property line of Northampton County Parcel "P7SW1A-5-15" and the eastern property line of Northampton County Parcel "P7SW1A-5-19", crossing the Deschler Street right of way and continuing along the common boundary lines of the western property line of Northampton County Parcel "P7SW1A-5-14" and the eastern property line of Northampton County Parcel "P7SW1A-5-19" and the extension of said boundary lines to a point intersecting with the centerline of East 4th Street. Said point being located at 2,633,084.000 Feet East and 474,618.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along East 4th Street in an easterly direction to a point being the intersection of East 4th Street with the extension of the common boundary lines of the western property line of Northampton County Parcel "P7SW1A-3-7" and the eastern property line of Northampton County Parcel "P7SW1A-3-8". Said point being located at 2,633,134.000 Feet East and 474,623.583 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a northerly direction along the common along the common boundary lines of the western property line of Northampton County Parcel"P7SW1A-3-7" and the eastern property line of Northampton County Parcel "P7SW1A-3-8" and the extension of said boundary lines to a point intersecting with the centerline of Mechanic Street. Said point being located at 2,633,115.333 Feet East and 474,784.000 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence following the centerline of Mechanic Street in a northeasterly direction to a the intersection of Mechanic Street with Steel Avenue located at 2,633,226.750 Feet East and 474,901.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence continuing in a northeasterly direction across Northampton County Parcels "P7-19-2C" and "P7-19-1" to a
point on the centerline of Daly Avenue. Said point being located at 2,633,286.333 Feet East and 475,062.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of Daly Avenue in a southeasterly direction to the intersection of Daly Avenue and East 4th Street located at 2,634,055.057 Feet East and 474,742.235 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the centerline of East 4th Street in an easterly direction to a point at the intersection of East 4th Street and Lynn Avenue located at 2,634,866.583 Feet East and 474,843.917 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

PART VI: [Bethlehem Area School District]
BEGINNING at a point said point being the centerline intersection of the Hellertown Road (State Route 412) and Commerce Center Boulevard, said point located at 2,637,284.833 Feet East and 471,864.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in an easterly direction along the centerline of Commerce Center Boulevard to a point located at 2,638,371.417 Feet East and 471,995.167 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in a southeasterly arc following the common boundary lines of the eastern property line of Northampton County Parcel "P7-14-1B" and the western property lines of Northampton County Parcel "P7-22-54" then "P7-14-1C" to a point located at 2,639,714.417 Feet East and 471,216.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence in an easterly direction along the common boundary lines of the southern property line of Northampton County Parcel "P7-22-54" and the northern property line of Northampton County Parcel "P7-22-2-4C" to the northeast corner of Northampton County Parcel "P7-22-2-4C" located at 2,640,618.583 Feet East and 471,311.083 Feet North in the

Thence continuing to follow the property boundary of Northampton County Parcel "P7-22-2-4C" first south to a point located at 2,640,771.250 Feet East and 469,937.250 Feet North, then east along the Interstate 78 right of way, to the southeast corner of the parcel located at 2,637,576.250 Feet East and 469,962.500 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence along the same course of the southern boundary of Northampton County Parcel "P7-22-2-4C" and the Interstate 78 right of way extending to an intersection with the centerline of Hellertown Road (State Route 412) located at 2,637,474.667 Feet East and 469,956.750 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone.

Thence returning in a northerly direction along the centerline of Hellertown Road (State Route 412) to the intersection of the Hellertown Road (State Route 412) and Commerce Center Boulevard, said point located at 2,637,284.833 Feet East and 471864.833 Feet North in the State Plane US NAD 83 (US FEET) Coordinate System, Pennsylvania South Zone. Said point being the place of BEGINNING.

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 No. 2017-23, 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 Bethlehem 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 Bethlehem 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 Bethlehem, Bureau of Inspections.
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 Bethlehem 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 Bethlehem 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 Bethlehem, the Director of Fiscal Affairs of the County of Northampton, the Business Administrator of the Bethlehem Area School District, the Business Administrator for the Saucon Valley School District, and the Finance Director for Lower Saucon Township 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 Bethlehem 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, retroactive to January 1st, 2018, 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.

Public Hearing

Ms. Alicia Miller Karner, Director of Community and Economic Development for the City of Bethlehem - thanked County Council for the opportunity to present this project at the Economic Development Committee two weeks ago and their consideration this evening.

Mr. McGee stated he felt it was missing some responsible language regarding contractors who would perform the work, but that was something he was going to look for in the future.

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


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

Introduction of an Ordinance Entitled, “AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 526-2010 ALSO KNOWN AS THE NORTHAMPTON COUNTY GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 FUND BALANCE POLICY ORDINANCE”

Mr. Werner and Ms. Vargo Heffner introduced the following ordinance:

AN ORDINANCE AMENDING NORTHAMPTON COUNTY ORDINANCE NO. 526-2010 ALSO KNOWN AS THE NORTHAMPTON COUNTY GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 FUND BALANCE POLICY ORDINANCE

WHEREAS, Ordinance No. 526-2010, the ordinance titled, “AN ORDINANCE ESTABLISHING THE COUNTY OF NORTHAMPTON GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 (GASB No. 54) FUND BALANCE POLICY; PROVIDING SEVERABILITY; REPEALER AND EFFECTIVE DATE,” was enacted by the Northampton County Council on
November 19, 2010.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that, Ordinance No. 526-2010, the ordinance titled, "AN ORDINANCE ESTABLISHING THE COUNTY OF NORTHAMPTON GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 (GASB No. 54) FUND BALANCE POLICY; PROVIDING SEVERABILITY; REPEALER AND EFFECTIVE DATE," shall be amended as indicated hereafter (sections marked with **bold underline** have been added and sections marked with **strikeout** have been deleted):

WHEREAS, the County of Northampton, Easton, Pennsylvania desires to establish a Fund Balance Policy consistent with the Governmental Accounting Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, THAT:

Section I. TITLE

This ordinance shall be known as the Northampton County Governmental Accounting Standards Board Statement No. 54 Fund Balance Policy Ordinance.

Section II. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

A. Fund Balance - As defined by the Governmental Accounting, Auditing and Financial Reporting of the Government Finance Officers Association (GFOA), fund balance is "The difference between assets and liabilities and deferred inflows and deferred outflows reported in a governmental fund."

B. Non-Spendable Fund Balance - Amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. "Not in spendable form" includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amount of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or
contractually required to be maintained intact.

C. Restricted Fund Balance - Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

D. Committed Fund Balance - Amounts that can be used only for the specific purposes determined by a formal action (ordinance) of the Northampton County Council, the County's highest level of decision making authority. Commitments may be changed or lifted only by the Northampton County Council taking the same formal action (ordinance) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

E. Assigned Fund Balance - Includes spendable fund balance amounts established by the County Executive or Director of Fiscal Affairs that are intended to be used for specific purposes that are neither considered restricted or committed.

F. Unassigned Fund Balance - Unassigned fund balance is the residual classification for the General Fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the General Fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.

SECTION III. PURPOSE

A. The County hereby establishes and will maintain Fund Balance, as defined herein, in accordance with Governmental Accounting and Financial Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. Fund Balance shall be composed of non-spendable, restricted, committed,
assigned and unassigned amounts.

B. A Fund Balance Policy is adopted in order to secure and maintain investment-grade credit ratings, meet seasonal shortfalls in cash flow, and reduce susceptibility to emergency or unanticipated expenditures and/or revenue shortfalls. Fund balance information is used to identify the available resources to repay long-term debt, reduce property taxes, add new governmental programs, expand existing ones, or enhance the financial position of the County, in accordance with policies established by the Northampton County Council.

C. This Fund Balance Policy establishes:

1. Fund balance policy for the General Fund;

2. Classifications of fund balance for the General Fund;

3. The method of budgeting the amount of estimated unrestricted fund balance available for appropriation during the annual budget adoption process (prior to the actual, audited fund balance being known) and what actions may need to be taken if the actual fund balance is significantly different than the budgetary fund balance; and

4. Establish the spending order of operating revenues and fund balances.

SECTION IV. FUND BALANCE POLICY (GENERAL FUND)

A. NON-SPENDABLE FUND BALANCE

Non-spendable fund balance is established to report items that are not expected to be converted to cash such as inventory and prepaid items; items not currently in cash form such as the long-term amount of loans and notes receivable as well as property acquired for resale; and, items legally or contractually required to be maintained intact such as the corpus (or principal) of a permanent fund.
B. RESTRICTED FUND BALANCE

Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enable legislation.

C. COMMITTED FUND BALANCE

1. Commitment of fund balance may be made for such purposes including, but not limited to:

   (a) accumulating resources pursuant to a financial stabilization arrangement.

2. Commitment of fund balance may be made from time to time by ordinance of the Northampton County Council. Commitments may be changed or lifted only by the Northampton County Council taking the same formal action that imposed the constraint originally (ordinance).

D. ASSIGNED FUND BALANCE

1. Assignment of fund balance may be:

   (a) made for a specific purpose that is narrower than the general purposes of the government itself, and/or

   (b) used to reflect the appropriation of a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.

2. Assigned fund balance shall reflect the County Executive's intended use of resources as set forth in the annual budget (and any amendments thereto). Assigned fund balance may or may not be appropriated for expenditure in the subsequent year depending on the timing of the project/reserve for which it was assigned.
E. UNASSIGNED FUND BALANCE

1. Unassigned fund balance is the residual classification for the General Fund and represents fund balance that has not been restricted, committed or assigned to specific purposes within the General Fund.

SECTION V. CLASSIFICATIONS OF FUND BALANCE (GENERAL FUND)

A. COMMITTED FUND BALANCE

The Northampton County Council hereby establishes the following committed fund balance classes in the General Fund:

1. Financial Stabilization - The Financial Stabilization Fund Balance is committed by the Northampton County Council as recommended by the GFOA.

2. The suggested balance of the Financial Stabilization Fund will be maintained at a minimum of 5% of current year budgeted general fund expenditures, including transfers out. The Financial Stabilization Fund is not to exceed 15% of current year, budgeted general fund expenditures, including transfers out.

3. Additions to the financial stabilization fund can occur by:

   (a) An increase in additional real estate tax levied annually, or

   (b) Commitment by ordinance or budget amendment of excess unassigned fund balance upon completion of the annual audit as described in Section VI, C.

4. The Financial Stabilization Fund will be available to fund a catastrophic event such as a natural disaster, disaster related event or unanticipated expenditure requirements such as an unforeseen major building or bridge structural...
failure. Such an event must be of an unusual or infrequent nature.

5. The Financial Stabilization Fund will only be assessed when the result of the emergency expenditures would likely exceed 2% of current year, budgeted general fund expenditures, including transfers out.

6.4. The Financial Stabilization Fund cannot should not be considered in whole or in part, as available funds approval of the annual budget.

7.5. Appropriations from the Financial Stabilization Fund may only be made by ordinance or budget amendment with a majority vote of the Northampton County Council.

8.6. The ordinance or budget amendment requesting appropriations from the Financial Stabilization Funds must, at a minimum, should include the following:

(a) Dollar amount requested.

(b) A description of the emergency situation requiring the appropriations.

(c) A description of the consequences of not releasing the funds.

(d) (c) The dollar amount remaining in the Financial Stabilization Fund after the proposed appropriations of funds.

9.7. The County must should begin to restore the Financial Stabilization Fund in the year following its use. The County Executive will should prepare and submit a plan for a reduction of assigned fund balance, expenditure reductions and/or revenue increases to the Northampton County Council. County Council shall take action necessary to restore financial stabilization fund to the minimum balance within two (2) years. Additionally, the Northampton County Council shall take action necessary to replace all the appropriated funds within three five (3-5) years.
40.8. It will be the responsibility of Northampton County's Director of Fiscal Affairs to report the current Financial Stabilization Fund Balance in the County's Quarterly Financial Statements.

B. ASSIGNED FUND BALANCE

The Northampton County Council hereby establishes the following assigned fund balance reserves in the General Fund:

1. Assignment to Subsequent Year's Budget - The subsequent year's budgetary fund balance reserve is assigned by the County Executive as set forth in the annual budget (and any amendments thereto) to appropriate a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.

2. Assignment to Encumbrances - The Northampton County Home Rule Charter provides for capital expenditure appropriations to continue in force until the purpose for which it was made has been accomplished or abandoned, within a three year period from inception.

3. It will be the responsibility of Northampton County's Director of Fiscal Affairs to report the current Assigned Fund Balances in the County's Quarterly Financial Statements.

SECTION VI. BUDGETING

A. APPROPRIATION OF UNRESTRICTED FUND BALANCE

The actual amount of unrestricted fund balance is not known until the completion of the annual audit which takes place four months after the end of the fiscal year being audited. However, an estimate of unrestricted fund balance must be made during the annual budget adoption process (October through December 17) which is prior to the end of the fiscal year, December 31.
B. ESTIMATED BEGINNING FUND BALANCE.

In order to achieve the most accurate estimate possible, the County Executive or designee shall project both Sources of Funds (revenues, prior years unrestricted fund balances carried forward and other financing sources) and Uses of Funds (operative and non-operative expenditures), including accruals, for each department in each governmental fund through December 31st of the then current fiscal year. These projections will be shown in a separate column for each fund in the proposed and final budget documents. The difference between the estimated actual sources of funds and estimated actual uses of funds is the calculated estimated beginning fund balance for the subsequent fiscal year. If planned for use in the subsequent fiscal year, unassigned and assigned fund balance may be included in the estimated beginning fund balance.

C. ESTIMATED ENDING FUND BALANCE

1. For the year being budgeted, a calculation of estimated ending fund balance shall also be made. This calculation shall be the difference between the budgeted sources of funds and the budgeted uses of funds as described above.

2. Since the uses of funds are restricted, committed or assigned in all other governmental fund types there is no policy to the amount of ending fund balance unless the project is completed and the fund should be closed. In this situation, a residual equity transfer will be made to zero-out any remaining fund balance.

3. If, after the annual audit, the actual General Fund unassigned fund balance is greater than 10% of budgeted operating expenditures, including transfers out, in the General Fund, the excess may be used in one or a combination of the following ways:

(a) Committed, in accordance with the funding policy in Section V, to increase the Financial Stabilization Fund; or
(b) Left in the General Fund to earn interest and roll forward into the subsequent year’s beginning fund balance; or

(c) Appropriated by ordinance of the Northampton County Council for a one-time expenditure or opportunity that does not increase recurring operating costs; or

(d) Appropriated for start-up expenditures of new programs undertaken at mid-year, provided that such action is considered in the context of council-approved multi-year projections of revenues and expenditures.

SECTION VII. SPENDING ORDER OF OPERATING REVENUES AND FUND BALANCES

The County will first use Federal, then State, and lastly County revenues to meet its financial obligations. The County requires restricted amounts to be spent first when both restricted and unrestricted revenue or fund balance is available unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar for dollar spending. Additionally, the County would first use assigned fund balance, followed by unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

SECTION VIII. ANNUAL REVIEW AND DETERMINATION OF FUND BALANCE POLICY

Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process, and the amounts of restricted, committed, assigned, non-spendable and the minimum level of unassigned fund balance shall be determined during this process.
SECTION IX. ADDITIONAL INFORMATION, REQUIREMENTS AND RESPONSIBILITIES

It will be the responsibility of the Northampton County Director of Fiscal Affairs to keep this policy current.

SECTION X. EFFECTIVE DATE

This Policy shall take effect thirty (30) days after the date of enactment of this ordinance.

SECTION XI. REPEALER

That any Ordinances, or part of Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION XII. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Northampton County Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Mr. Kraft indicated the public hearing, debate and possible vote will be held at the March 1, 2018 meeting.

Mr. Heckman advised he would like to call a special Finance Committee meeting at 4:00 p.m. on February 27, 2018 to review the proposed changes.

Consideration of Selection of Controller Resolution

Mr. McGee introduced the following resolution:
R. 24-2018  RESOLVED, by the Northampton County Council that Richard J. Szulborski shall be confirmed to fill the unexpired Controller vacancy, at a salary of $65,000, effective February 16, 2018.

Mr. Cusick made a motion to amend this resolution to remove the name of Richard J. Szulborski and replace it with Hayden Phillips.

Mr. Dietz seconded the motion.

Mr. Kraft called for the vote on the motion.

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

The motion failed by a vote of 3-6.

Mr. Dietz stated that he felt since there were only three applicants, they should all have had an opportunity to speak.

Mr. Kraft called for the vote on the resolution.

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

The resolution was adopted by a vote of 6-2-1 abstention.

Consideration of Personnel Request Resolutions: a) Solicitor's Office; b) Public Defender's Office; c) Farmland Preservation Office

Solicitor's Office

Mr. McGee introduced the following resolution:

R. 25-2018  IT IS HEREBY RESOLVED by the Northampton County Council that one (1) part-time position of Clerical Technician III, pay grade CR-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 CR-15-1A, salary $32,475, shall be created in the Solicitor's Office, effective February 15, 2018.

Mr. Cusick stated that he felt all these positions should have been presented during the 2018 budget process.

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

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

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

Public Defender's Office

Mr. McGee introduced the following resolution:

R. 26-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) part-time position of Assistant Public Defender, pay grade RS-6, salary $49,306, shall be eliminated in the Public Defender's Office, effective February 15, 2018.

BE IT FURTHER RESOLVED by the Northampton County Council that one (1) full-time position of Assistant Public Defender, pay grade CE-4, salary $71,029, shall be created in the Public Defender's Office, effective February 15, 2018.

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.

Farmland Preservation Office

Mr. McGee introduced the following resolution:
R. 27-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) vacant, full-time position of Farmland Preservation Resource Specialist, pay grade RU-25-D, salary $37,991, shall be eliminated in the Department of Administration, Farmland Preservation, effective February 15, 2018.

BE IT FURTHER RESOLVED by the Northampton County Council that one (1) full-time position of Farmland Preservation Resource Specialist, pay grade RU-25-D, salary $52,223, shall be created in the Department of Administration, Farmland Preservation, effective February 15, 2018.

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.

Consideration of a Resolution Amending the Conservation District Fee Schedule for Services

Mr. Heckman introduced the following resolution:

R. 28-2018 WHEREAS, Northampton County Council Ordinance No. 17-1979 provides that the Northampton County Council shall set fees, charged by various County agencies by means of a resolution; and

WHEREAS, the Northampton County Conservation District Board of Directors, at its meeting held January 9, 2018, voted to revise the existing Erosion and Sediment Pollution Control Plan Review Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED, By the Northampton County Council that effective April 1, 2018, Northampton County Conservation District Erosion and Sediment Pollution Control Plan Review Fee Schedule shall be as indicated on the attached Northampton County Conservation District Fee Schedule For Services Resolution.
As there were no questions or comments, Mr. Kraft called for the vote.


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

Consideration of a Resolution Amending Resolution No.51-2014

Ms. Zrinski introduced the following resolution:

R. 29-2018 RESOLVED, By the Northampton County Council that resolution No. 51-2014 shall be amended as indicated hereafter (sections marked with strikeout have been deleted and sections marked with bold underline have been added):

Number 51-2014

WHEREAS, the County of Northampton implemented the Northampton County Open Space Initiative by enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, the Northampton County Open Space Advisory Board has recommended approval of the Moore Township Recreational Park Rehabilitation Phase II projects, located in Moore Township; and

WHEREAS, the Northampton County funding will be used as follows:

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<thead>
<tr>
<th>Property Owner:</th>
<th>Moore Township</th>
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<tbody>
<tr>
<td>Site Location:</td>
<td>635 English Road, Bath, PA 18014</td>
</tr>
<tr>
<td>Park Development Description:</td>
<td>Installation of dugouts, walkway, trail, double seal roadway</td>
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<td>Appraised Value:</td>
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<td>Phase II Municipal Allocation:</td>
<td>$154,466.22</td>
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<tr>
<td>County Grant Request:</td>
<td>$57,247.12 (50.6%) $53,970.57 (49.7%)</td>
</tr>
<tr>
<td>Other Grants:</td>
<td>$57,247.13 (50.6%) $54,664.31 (50.3%) Moore Township</td>
</tr>
</tbody>
</table>
NOW, THEREFORE, BE IT RESOLVED By the Northampton County Council:

(1) The Northampton County Council hereby approves the Moore Township Recreational Park Rehabilitation Phase II projects located in Moore Township. Further, the Northampton County Executive, through the Office of the Program Administrator of the Northampton County 21st Century Open Space Initiative, is directed to take any and all steps necessary to administer and complete Northampton County's obligations in this project.

(2) The Northampton County Council further directs the Northampton County Executive to appropriate $57,247.12 **$53,970.57** as the Northampton County contribution to the Moore Township Recreational Park Rehabilitation Phase II projects located in Moore Township.

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

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

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

Consideration of a Resolution to Accept a Donation of Books to the Jail

Mr. Heckman introduced the following resolution:

**R. 30-2018 WHEREAS**, Northampton County Home Rule Charter Section 202 (10) provides that the 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 Jail has received a donation of 487 hard cover books and 2,515 soft cover books from "Hooked On Books" with an estimated value of $1,100.
NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby authorize the Director of Corrections to accept, on behalf of the County of Northampton, the donation of these books.

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

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

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

Consideration of Article XIII Contract Approval Resolutions: a) TuWay Communications; b) Essential Management Solution LLC

TuWay Communications

Mr. Heckman introduced the following resolution:

R. 31-2018 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c. (2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness."

WHEREAS, on January 23, 2018 the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $72,000 for a term of 12 months with TuWay Communications to provide mission-critical, configuration, 7x24x365 network support, monitoring and management for the CAD network, wireless network and ESInet network within NCEMS.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to approve a contract with TuWay Communications to provide mission-critical, configuration, 7x24x365 network support, monitoring and management for the CAD network, wireless network and ESInet network within NCEMS.
As there were no questions or comments, Mr. Kraft called for the vote.

The vote: Heckman, "yes"; Kraft, "yes"; McGee, "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.

Essential Management Solution LLC

Mr. Heckman introduced the following resolution:

R. 32-2018 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.16 Contracts and Agreements c.(2) requires approval of County Council for "any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness."

WHEREAS, on February 13, 2018, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract in the amount of $75,000 for a term of ten months with Essential Management Solution, LLC for 911 regionalization/consolidation management services.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to approve a contract with Essential Management Solution, LLC for 911 regionalization/consolidation management services.

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

The vote: Heckman, "yes"; Kraft, "yes"; McGee, "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.
Human Services Committee Report

Ms. Vargo Heffner advised the Human Services Committee meeting was held earlier this evening and it was reported there were several essential positions that have gone unfilled and would be brought to County Council in the near future.

Finance Committee Report

Mr. Heckman stated the Finance Committee met yesterday and a lot of the items voted on tonight were discussed at that time. He then announced again that there would be a Special Finance Committee meeting held at 4:00 p.m. on February 27, 2018.

Open Space Advisory Board Liaison Report

Ms. Zrinski advised the Open Space Advisory Board would like County Council to again provide funding for a municipal parks program.

Capital Projects and Operations Committee Report

Mr. Werner stated the Capital Projects and Operations Committee reviewed the 2017 capital projects and five were under budget and most were completed. He further stated the Gracedale generator project would be completed as soon as the weather changed.

Gracedale Advisory Board Liaison Report

Ms. Vargo Heffner advised there would be a new funding streaming that might impact them in three years. She further advised there were some issues regarding behavioral management and staffing, but they were working on them.

Economic Development Committee Report

Mr. McGee stated there would be a presentation regarding the DaVinci Science City project at the meeting on March 1, 2018.
Mr. McGee advised two weeks ago he attended the Slate Belt Rising meeting and learned how some of the towns in that area were working together on different projects.

Solicitor’s Report

Mr. Spadoni stated he received an e-mail from Attorney John Lushis, Solicitor for the General Purpose Authority, which was distributed to County Council. He further stated he had not responded to that correspondence as he was awaiting direction from County Council, but he would inform him of actions taken tonight.

Adjournment

Mr. Dietz made a motion to adjourn the meeting.

Mr. Werner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council