Easton, Pennsylvania

July 5, 2018

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

Pledge of Allegiance

Ms. Zrinski 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 June 21, 2018 meeting shall be approved.

Mr. McGee seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Michael Colon, 215 West Broad Street, Bethlehem, PA - stated he wanted to thank County Council for recognizing five scouts for their projects at Gracedale and to extend the gratitude of Gracedale to all of them.

Presentation of Proclamations

Mr. Dietz presented a proclamation to Jack Quinn, Troop 78, on becoming an Eagle Scout and for constructing and installing two new planter boxes along with two little lending libraries for the Gracedale Gardens. The planter boxes were used for residents gardening projects while the lending libraries were added to the walking paths of the Gracedale Gardens for everyone’s use.
Mr. Kraft indicated proclamations were being issued to three other scouts who could not be present, but also reached the rank of Eagle Scout. They were Nicholas Marth, Troop 76, who installed a tribute to the Armed Forces in the Gracedale Gardens that was opened to the public and involved putting in a headstone with the insignia of each branch of the US military around a newly planted tree; Andrew Miller, Troop 78, who rehabilitated the Gracedale Cemetery including raising headstones, installing a sign identifying the grounds and repairing the existing fence and Jonathan Warner, Troop 76, who rehabilitated four existing planter boxes in the Gracedale Gardens and built tabletop gardens for the residents that allowed them to continue their passion for gardening.

County Executive Report

As Mr. Lamont McClure, County Executive, was not present at the meeting there was no report.

Public Hearing on the Ordinance Entitled, "AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF A 50 FOOT WIDE RIGHT-OF-WAY OWNED BY NORHTAMPTON COUNTY, LOCATED IN UPPER NAZARETH TOWNSHIP, TO PPL ELECTRIC UTILITIES CORPORATION TO UNDERTAKE THE CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF ITS OVERHEAD AND UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES INCLUDING TWO (2) POLES AND ONE (1) ANCHOR GUY"

Mr. McGee and Ms. Zrinski introduced the following ordinance at the June 21, 2018 meeting:

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF A 50 FOOT WIDE RIGHT-OF-WAY OWNED BY NORTHAMPTON COUNTY, LOCATED IN UPPER NAZARETH TOWNSHIP, TO PPL ELECTRIC UTILITIES CORPORATION TO UNDERTAKE THE CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF ITS OVERHEAD AND UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES INCLUDING TWO (2) POLES AND ONE (1) ANCHOR GUY

WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which conveys or leases or authorizes the conveyance or lease of any real property of the County; and
WHEREAS, the PPL Electric Utilities Corporation (hereinafter referred to as "PPL") intends to construct, reconstruct, operate and maintain its electric and communication facilities including two (2) poles, one (1) anchor guy and overhead and underground facilities including wires, cables, fixture and necessary apparatus; and

WHEREAS, PPL has requested the right of ingress and egress to and from said lines for any of the aforesaid purposes; also the right to cut down any and all trees within twenty-five (25) feet each side of centerline of the overhead electric/communication line and the right to trim any and all trees within twenty-five (25) feet each side of centerline of the overhead electric/communication line; also the right to cut down any and all trees within five (5) feet each side of centerline of the underground electric/communication line and the right to trim any and all trees within five (5) feet each side of centerline of the underground electric/communication line; and

WHEREAS, PPL has also requested the right to remove brush along said lines which in the judgment of PPL menace the said lines, the right to permit the attachment of wires and cables of any other person or company to said lines and the right to relocate to conform to new or relocated highway limits any poles or facilities erected hereunder along a highway, whether within or outside the highway limits; and

WHEREAS, PPL expressly agrees to restore the property to substantially the same condition that the property was in prior to installation, maintenance or repair of the electric facilities; and

WHEREAS, PPL has created a plan entitled "Grant of Right-of-Way" over property located along Penn Allen Road situated in the Township of Upper Nazareth, Northampton County, PA, a true and correct copy of which is attached hereto and made a part hereof as Exhibit "A" and which details the overhead and underground facility project; and

WHEREAS, The County Council of Northampton believes it is in the public's best interest to grant such public utility easement right-of-way.
NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Northampton County Council as follows:

1. County Council hereby Grants and Conveys to PPL Electric Utilities Corporation, a Deed of Right-of-Way for public utility easement over the lands of Northampton County, identified as Tax Parcel No. J7 14 3 PKB 0432C as more fully detailed in Exhibit "A".

2. The Grant of Right-of-Way for a public utility easement, referenced above, shall include a description attached hereto and made part hereof as Exhibit "A" and shall provide rights to PPL Electric Utilities Corporation as described and set forth in the Grant of Right-of-Way attached hereto and made a part hereof.

Public Hearing

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

There were no respondents.

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

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

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

Mr. Cusick advised a resolution was adopted at the last meeting regarding the General Purpose Authority (GPA) and correspondence was received from the firm of the GPA solicitor and he wanted to know if that was a public document and could be released.

Mr. Spadoni stated it was a public document and Ms. Melissa Rudas, County Solicitor, agreed.
Mr. Heckman advised the letter contradicted much of what County Council stated and discovered so he would like Mr. Spadoni's opinion regarding what County Council did and what they were saying and how it applied to the resolution that was adopted. He further advised consideration should be given as to whether County Council wanted to proceed with regard to the misuse of County funds.

Presentation of Proclamation

Mr. Dietz presented a proclamation to Peter Gladstone, Troop 44, on becoming an Eagle Scout and for installing a new garden to beautify a common area on the Gracedale grounds near the main entrance that turned a patch of grass into a full garden including a bird bath, weather rock and paved area for residents to relax around one of the busiest outdoor areas.

Consideration of a Donation by the American Chestnut Foundation

Ms. Zrinski introduced the following resolution:

R. 90-2018 WHEREAS, Northampton County Home Rule Charter Section 202 (10) provides that County Council shall have, among others, the following powers: "to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;" and

WHEREAS, the American Chestnut Foundation would like to donate twenty-four Chestnut Tree seedlings to be planted by the Parks Division at various County Park locations.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation of twenty-four Chestnut Tree seedlings from the American Chestnut Foundation.

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

The vote: Zrinski, "yes"; Heckman, "yes"; Kraft, "yes"; McGee, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Cusick, "yes"; Dietz, "yes" and Ferraro, "yes".
The resolution was adopted by a vote of 9-0.

Mr. Cusick stated correspondence was received today from the GPA wherein they inquired as to the intentions of the Administration or County Council regarding a bridge in Allen Township that was related to the Rockefeller Group project so he asked Mr. Charles Dertinger, Director of Administration, if he could speak on the matter.

Mr. Dertinger advised the Administration made it clear that despite all of the rumors, innuendos and discussions that bridge was still part of the P3 project and they were dedicated to completing the project, but they also believed that because there was a developer’s agreement in place with Allen Township it should be upheld. He further advised the GPA, Krieger and GPI, their engineer, reached out to the Rockefeller Group and indicated they would be willing to enter an extra work order to add a third lane to the two lane bridge the County was paying for.

Mr. Dertinger stated this would give the people of Allen Township the turning lane they needed and would alleviate a huge back up of traffic in front of the Wayne A. Grube Memorial Park. He further stated the Rockefeller Group had repeatedly tried to walk away from their agreement to make that a three lane bridge and most recently had asked Allen Township to release them from the agreement.

Mr. Dertinger advised all parties on the County’s side responsible for building the bridge were open to and more than willing to facilitate making it a three lane bridge so long as the Rockefeller Group paid for the third lane addition.

Mr. Cusick commented the letter specifically asked whether the County was going to remove it from the P3 project.

Mr. Dertinger stated they have been told several times that it would not be removed. He further stated it was one of the nine bridges that were structurally deficient so it had to be replaced.
Adjournment

Mrs. Ferraro made a motion to adjourn the meeting.

Ms. Zrinski seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council