Easton, Pennsylvania March 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; William B. McGee; Lori Vargo Heffner; Robert F. Werner; Tara M. Zrinski; Linda M. Zembo, Clerk to Council and Christopher T. Spadoni, Solicitor to Council.

Pledge of Allegiance

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

Approval of the Minutes

Mr. Cusick made the following motion:

Be It Moved By the Northampton County Council that the minutes of the March 1, 2018 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Mr. Jeff Fox, Pen Argyl, PA - provided an adaption of comments article by Mr. Jim Zachary, Editor of the Valdosta Daily Times (see Attachment #1).

Mr. Matthew Dees, West Easton, PA - stated last month he spoke about problems with the West Easton Work Release facility because he was frustrated that a Right to Know he submitted to the District Attorney’s Office seeking information on the number of escapes or failures to return was sent back to him indicating there were no records on file. He further stated ultimately a Right to Know to the County Solicitor provided the information he sought a few days after he spoke to County Council.
Mr. Dees advised residents of West Easton had been complaining about a number of issues over the past few years. He further advised in the month following his appearance much had been done to either correct or improve the situation.

Mr. Dees stated five of seven West Eastor Council members attended a tour he arranged of the Work Release facility, which was an enlightening experience and their questions or concerns were addressed. He further stated a direct contact number to a member of the Work Release facility administration had been provided so residents could call and have someone respond immediately should they have a problem caused by a resident or visitor of the facility.

Mr. Dees advised he wanted to thank the County Executive for his quick response and direct involvement in seeking remedies and members of County Council who took an interest. He further advised the administrators and the guards present at the Work Release facility that were present during the tour were professional and courteous.

Mr. Richard Grucela, Martins Creek, PA - stated he was the Vice Chair of the Bangor Area Commercial and Industrial Development Authority. He further stated they have been working on economic development in the Slate Belt and the passing of the Local Economic Revitalization Tax Assistance ordinance would really help them make some economic gains.

Confirmation of Appointments/Reappointments

Mr. McGee introduced the following resolution:

R. 35-2018 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/reappointments as indicated hereafter:

CHILDREN, YOUTH & FAMILIES
ADVISORY BOARD

Appointments: Term to Expire: 3/15/20
Angela Scott Ferencin
394 Yorkshire Drive
Bethlehem, PA 18017
County Council Minutes

March 15, 2018

Susan Grassi
8 Crest Blvd.
Easton, PA 18045

Frank Pologruto
2717 Bachman Drive
Bethlehem, PA 18020

Terms to Expire: 4/1/20

DRUG AND ALCOHOL ADVISORY BOARD

Appointment:
Janette Zuk
2790 Flecks Lane
Easton, PA 18045

Term to Expire: 3/15/20

HOUSING AUTHORITY

Appointment:
Christopher Gulotta
703 Stones Crossing Road
Easton, PA 18045

Term to Expire: 2/9/23

INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment:
Thomas O'Donnell
401 Heritage Lane
Nazareth, PA 18064

Term to Expire: 3/17/23

LEHIGH AND NORTHAMPTON
TRANSPORTATION AUTHORITY

Reappointments:
Cordelia E. Miller
2567 Lynnhurst Drive
Bethlehem, PA 18017

Kevin Lynn
645 Main Street
Bethlehem, PA 18018

Term to Expire: 3/2/20

Term to Expire: 3/2/23
LEHIGH VALLEY PLANNING COMMISSION

Appointment: Term to Expire: 12/31/21
Elected Official
Malissa K. Davis
4282 Windswept Drive
Bethlehem, PA 18020

Reappointments: Term to Expire: 12/31/18
Elected Official
John Diacogiannis
1360 Bonnie Avenue
Bethlehem, PA 18017

CITIZEN AT-LARGE Term to Expire: 12/31/21
Kevin Lott
319 Durham Street
Hellertown, PA 18055

MENTAL HEALTH/EARLY INTERVENTION & DEVELOPMENTAL PROGRAMS ADVISORY BOARD

Appointment: Term to Expire: 1/23/21
Frank B. Pologruto
2717 Bachman Drive
Bethlehem, PA 18020

REVENUE APPEALS BOARD

Appointment: Term to Expire: 12/31/19
Thomas I. Carocci, Esq.
2063 Pheasant Court
Bethlehem, PA 18015

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


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

Mr. Lamont G. McClure, County Executive, advised he did not have a report.

Executive Session

Ms. Vargo Heffner made a motion to enter into Executive Session to discuss possible litigation.

Ms. Zrinski seconded the motion.

The motion was passed by voice acclamation.

Mr. Spadoni indicated that County Council entered into Executive Session at 6:47 p.m. and returned at 7:20 p.m. after discussing possible litigation.


Mr. Kraft stated the following ordinance was introduced by Mr. McGee and Ms. Zrinski at the March 1, 2018 meeting:

AN ORDINANCE BY NORTHAMPTON COUNTY COUNCIL CONCURRING WITH THE UPPER MOUNT BETHEL TOWNSHIP AND THE BANGOR AREA SCHOOL DISTRICT, AND PROVIDING FOR PROPERTY TAX EXEMPTION FOR CERTAIN DETERIORATED PROPERTY AS DEFINED IN ORDINANCE 2017-04 OF THE UPPER MOUNT BETHEL TOWNSHIP - PURSUANT TO ACT 76 OF 1977, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, AS AMENDED (72 P.S. 4722 ET SEQ.)

WHEREAS, the General Assembly of Pennsylvania passed Act 76 of 1977, known as the Local Economic Revitalization Tax Assistance Law (LERTA), which authorizes local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial and other business property; and
WHEREAS, the Board of Supervisors of Upper Mount Bethel Township (Township) recognize the need to encourage development in certain deteriorated areas of the Township and believe that adopting this Ordinance is in the best interests of the Township and its residents; and

WHEREAS, the Township is a "municipal governing body" within the meaning of LERTA and the Board of Supervisors of the Township proposes to establish an area within the boundaries of the Township as an area in which such tax exemption (Tax Exemption) may be granted by the Local Taxing Authorities (as hereinafter defined); and

WHEREAS, the Board of Supervisors of the Township held a public hearing on October 30, 2017, for the purpose of determining the boundaries of the area in which the Tax Exemption may be granted by the Local Taxing Authorities; and

WHEREAS, the Board of Supervisors of the Township, with due consideration having been given to the recommendations and comments made at such public hearing and as subsequently approved and adopted on December 11, 2017 by Township Ordinance 2017-04, determined that the area hereinafter designated meets the criteria under LERTA for the Tax Exemption.

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

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 Township which Upper Mount Bethel Township 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.).
(3) "Deteriorated property" means any industrial, 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 Upper Mount Bethel Township, the Bangor 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 Upper Mount Bethel Township, Northampton County Pennsylvania, shown on Exhibit "A" attached hereto and identified by the tax parcel numbers listed in "Exhibit B" attached hereto as those areas in which Improvements are eligible for the Tax Exemption by the Local Taxing Authorities in accordance with this Ordinance.
III. EXEMPTION AMOUNT

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

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

IV. EXEMPTION SCHEDULE

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

A. New Construction Improvements

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

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

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

(4) For the fourth year immediately following the date upon which the improvement becomes assessable, 70% of the eligible assessment shall be exempted.
(5) For the fifth year immediately following the date upon which the improvement becomes assessable, 60% of the eligible assessment shall be exempted.

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

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

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

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

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

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

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

B. Substantial Rehabilitation Improvements

(1) For the first year immediately following the date upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted.
(2) For the second year immediately following the date upon which the improvement becomes assessable, 90% of the eligible assessment shall be exempted.

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

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

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

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

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

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

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

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

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

V. NOTICE TO TAXPAYERS

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

NOTICE TO TAXPAYERS

Under the provisions of TOWNSHIP ORDINANCE NO.2017-04, 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 Upper Mount Bethel Township and must be filed with the Township 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 Upper Mount Bethel Township 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 Township 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 Upper Mount Bethel Township.

(6) Any or all such additional information the Township 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 Bangor Area School District by the Township. Upon completion of the improvement, the taxpayer shall notify the Township 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 Township 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 Township 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 Chairperson of Upper Mount Bethel Township Board of Supervisors 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 reenactment, 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 Township Manager of the Upper Mount Bethel Township, the Director of Fiscal Affairs of the County of Northampton and the Business Administrator of the Bangor Area School District, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of this Ordinance 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 Upper Mount Bethel Township 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

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

There were no respondents.

Mr. McGee made a motion to change City of Bethlehem under Definitions to Upper Mount Bethel Township.

Mr. Dietz seconded the motion.


The motion passed by a vote of 9-0.

Mr. Kraft called for the vote on the following amended ordinance:

AN ORDINANCE BY NORTHAMPTON COUNTY COUNCIL CONCURRING WITH THE UPPER MOUNT BETHEL TOWNSHIP AND THE BANGOR AREA SCHOOL DISTRICT, AND PROVIDING FOR PROPERTY TAX EXEMPTION FOR CERTAIN DETERIORATED PROPERTY AS DEFINED IN ORDINANCE 2017-04 OF THE UPPER MOUNT BETHEL TOWNSHIP - PURSUANT TO ACT 76 OF 1977, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, AS AMENDED (72 P.S. 4722 ET SEQ.)

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

WHEREAS, the Board of Supervisors of Upper Mount Bethel Township (Township) recognize the need to encourage development in certain deteriorated areas of the Township and believe that adopting this Ordinance is in the best interests of the Township and its residents; and

WHEREAS, the Township is a "municipal governing body" within the meaning of LERTA and the Board of Supervisors of the Township proposes to establish an area within the boundaries of the Township as an area in which such tax exemption (Tax Exemption) may be granted by the Local Taxing Authorities (as hereinafter defined); and

WHEREAS, the Board of Supervisors of the Township held a public hearing on October 30, 2017, for the purpose of determining the boundaries of the area in which the Tax Exemption may be granted by the Local Taxing Authorities; and

WHEREAS, the Board of Supervisors of the Township, with due consideration having been given to the recommendations and comments made at such public hearing and as subsequently approved and adopted on December 11, 2017 by Township Ordinance 2017-04, determined that the area hereinafter designated meets the criteria under LERTA for the Tax Exemption.

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

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 Township which Upper Mount Bethel Township 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.).

(3) "Deteriorated property" means any industrial, 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 Upper Mount Bethel Township, the Bangor Area School District, the County of Northampton, or any other governmental entity having the authority to levy real property taxes within Upper Mount Bethel Township.

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

II. ELIGIBLE AREAS

The Northampton County Council hereby determines that the following areas of the Upper Mount Bethel Township, Northampton County Pennsylvania, shown on Exhibit "A" attached hereto and identified by the tax parcel numbers
listed in “Exhibit B” attached hereto as those areas in which Improvements are eligible for the Tax Exemption by the Local Taxing Authorities in accordance with this Ordinance.

III. **EXEMPTION AMOUNT**

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

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

IV. **EXEMPTION SCHEDULE**

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

A. **New Construction Improvements**

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

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

3. For the third year immediately following the date upon which the improvement becomes assessable, 80% of the eligible assessment shall be exempted.
(4) For the fourth year immediately following the date upon which the improvement becomes assessable, 70% of the eligible assessment shall be exempted.

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

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

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

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

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

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

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

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

B. Substantial Rehabilitation Improvements

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

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

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

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(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 TOWNSHIP ORDINANCE NO.2017-04, 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 Upper Mount Bethel Township and must be filed with the Township 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 Upper Mount Bethel Township 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 Township 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 Upper Mount Bethel Township.
(6) Any or all such additional information the Township 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 Bangor Area School District by the Township. Upon completion of the improvement, the taxpayer shall notify the Township 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 Township 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 Township 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 Chairperson of Upper Mount Bethel Township Board of Supervisors 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 Township Manager of the Upper Mount Bethel Township, the Director of Fiscal Affairs of the County of Northampton and the Business Administrator of the Bangor Area School District, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of this Ordinance 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 Upper Mount Bethel Township 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.

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

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

Public Hearing on the Ordinance Entitled, "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV. FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA"

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

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV. FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA

BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that:

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

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the November 6, 2018 General Election. Said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.
B. The proposed question is: "Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter Article IV, Controller, so as to provide for the following amendment: During his term of office, the County Controller shall devote full time to the office commencing with the Controller’s term of office which begins January, 2020."

Article IV, Controller, Section 401., Titles and Status, shall be amended to read as follows:

Section 401. Titles and Status

The Controller shall be the official of the County responsible for the internal control of the fiscal transactions of the County.

During his term of office, the County Controller shall devote full time to the office.

SECTION II - EFFECTIVE DATE

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

Public Hearing

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

There were no respondents.

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


The ordinance was adopted by a vote of 9-0.
Public Hearing on the Ordinance Entitled, "AN ORDINANCE PROVIDING FOR COMPENSATION OF THE ELECTED OFFICIALS OF THE COUNTY OF NORTHAMPTON"

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

AN ORDINANCE PROVIDING FOR COMPENSATION OF THE ELECTED OFFICIALS OF THE COUNTY OF NORTHAMPTON

WHEREAS, Northampton County Home Rule Charter Section 106. Compensation provides that, "The County Council shall have the power by ordinance to set the salary of each elected official. No ordinance shall increase or decrease the salary of an elected official during his term of office. No ordinance which increases or decreases the salary of an elected official shall take effect less than one (1) year after its date of enactment."

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

I. Effective January 1, 2022, the County Executive of the County of Northampton shall be compensated on a per annum basis in the amount of ninety-five thousand dollars ($95,000.00).

II. Effective January 1, 2020, the members of the Northampton County Council shall be compensated on a per annum basis in the amount of ten thousand five hundred dollars ($10,500.00). The President of County Council shall receive an additional five hundred dollars ($500.00) per annum as compensation for his/her responsibilities as presiding officer.

III. Effective January 1, 2020, the County Controller of the County of Northampton shall be compensated on a per annum basis in the amount of seventy-five thousand dollars ($75,000.00).

IT IS FURTHER ORDAINED AND ENACTED that the Northampton County Council shall review the salaries of all Northampton County elected officials within four years of the effective date of this ordinance.
Public Hearing

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

There were no respondents.

Mr. Cusick made a motion to remove Number II, Number III and the last paragraph from the ordinance.

Mr. Dietz seconded the motion.

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

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

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

Mr. Kraft called for the vote on the following amended ordinance:

AN ORDINANCE PROVIDING FOR COMPENSATION OF THE ELECTED OFFICIALS OF THE COUNTY OF NORTHAMPTON

WHEREAS, Northampton County Home Rule Charter Section 106. Compensation provides that, "The County Council shall have the power by ordinance to set the salary of each elected official. No ordinance shall increase or decrease the salary of an elected official during his term of office. No ordinance which increases or decreases the salary of an elected official shall take effect less than one (1) year after its date of enactment."

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

Effective January 1, 2020, the County Controller of the County of Northampton shall be compensated on a per annum basis in the amount of seventy-five thousand dollars ($75,000.00).

Mr. Kraft advised when they advertised for a Controller only three individuals responded and he felt that it was due to
the salary.

Mr. Heckman stated he was not opposed to the salary, but he could not support it as he was concerned with the process.

Mr. McGee advised he thought a decision was made to put the salaries on the ballot, which he felt was the right way to handle them, so he could not support it.

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

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

Introduction of an Ordinance Entitled, "An Ordinance Providing for an Amendment to the Northampton County Home Rule Charter, Article VII Finance

Messrs. Dietz and Cusick introduced the following ordinance:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE VII FINANCE

BE IT HEREBY ORDAINED AND ENACTED, by the Northampton County Council that:

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

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

B. The proposed question is:

Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter Article VII Finance to require voter approval for the County to incur certain types of debt.
Article VII Finance, Section 709. Voter Approval to Incur Certain Types of Debt, shall read as follows:

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

SECTION II - EFFECTIVE DATE

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

Mr. Kraft advised the public hearing, debate and possible vote would be held at the April 5, 2018 meeting.

Consideration of Personnel Requests Resolutions: a) Court Administration; b) Department of Fiscal Affairs; c) Department of Human Services

Court Administration

Mr. McGee introduced the following resolution:

R. 36-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Pretrial Officer, pay grade CP25 1A, salary $47,857, shall be created in the Department of Court Administration, effective March 15, 2018.

As there were no 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.
Department of Fiscal Affairs

Mr. McGee introduced the following resolution:

R. 37-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Payroll Administration Supervisor, pay grade CS-25-2B, salary $53,779, shall be created in the Department of Fiscal Affairs - Payroll Division, effective March 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.

Department of Human Services

Mr. McGee introduced the following resolution:

R. 38-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Caseworker 2, pay grade PS-35, salary $39,466, shall be created in the Department of Human Services, Early Intervention Division, effective March 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.

Mr. McGee introduced the following resolution:

R. 39-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Clerk Typist 2, pay grade PS-27, salary $28,024, shall be eliminated in the
Department of Human Services, Mental Health/Early Intervention & Developmental Programs Division, effective March 15, 2018.

**IT IS FURTHER RESOLVED** by the Northampton County Council that one (1) full-time position of Fiscal Assistant, pay grade PS-29B, salary $29,451, shall be created in the Department of Human Services, Mental Health/Early Intervention & Developmental Programs Division, effective March 15, 2018.

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

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

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

Mr. McGee introduced the following resolution:

R. 40-2018 **IT IS HEREBY RESOLVED** by the Northampton County Council that one (1) part-time position of Clerical Technician III, pay grade CS-15, salary $15,238, shall be eliminated in the Department of Human Services, Gracedale Nursing Home - Nursing Administration, effective March 15, 2018.

**IT IS FURTHER RESOLVED** by the Northampton County Council that one (1) part-time position of Clerical Technician II, pay grade CS-13, salary $14,808, shall be eliminated in the Department of Human Services, Gracedale Nursing Home - Nursing Administration, effective March 15, 2018.

**IT IS FURTHER RESOLVED** by the Northampton County Council that one (1) full-time position of Clerical Specialist, pay grade CS-17-1-A, salary $35,608, shall be created in the Department of Human Services, Gracedale Nursing Home - Nursing Administration, effective March 15, 2018.

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

The vote: McGee, "yes"; Dietz, "yes"; Ferraro, "yes"; Heckman, "yes"; Kraft, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Zrinski, "yes" and Cusick, "no".
The resolution was adopted by a vote of 8-1.

Mr. McGee introduced the following resolution:

R. 41-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of Accountant I, pay grade HS-35, salary $40,622, shall be created in the Department of Human Services, effective March 15, 2018.

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

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

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

Mr. McGee introduced the following resolution:

R. 42-2018 IT IS HEREBY RESOLVED by the Northampton County Council that one (1) full-time position of MR Program Specialist I, pay grade HS-39, salary $48,443, shall be created in the Department of Human Services, effective March 15, 2018.

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

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

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

Consideration of Funding for the Northampton County Easter Egg Hunt Resolution

Mr. Heckman introduced the following resolution:
R. 43-2018  IT IS HEREBY RESOLVED that Northampton County Council approves the allocation of $800.00 from the Department of Administration’s 2018 Budget to the Northampton County Sheriff’s Department to be used for the Northampton County Easter Egg Hunt, which will be held on March 24, 2018.

Deputy Sheriff Jill Kirchgressner commented that the Easter Egg Hunt had been a tradition for ten years and was well attended.

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


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

Consideration of the Minsi Lake Improvements Projects Resolution

Ms. Zrinski introduced the following resolution:

R. 44-2018  WHEREAS, the County of Northampton implemented the Northampton County Open Space Initiative enacting the Northampton County Open Space Ordinance #423-2004 on November 5, 2004; and

WHEREAS, Minsi Lake was a 117 acre lake built in 1970 by the Pennsylvania Boat and Fish Commission as a local and regional destination for fishing and boating surrounded by 194 acres that was leased to Northampton County in 1975 as part of its parks system; and

WHEREAS, the current focus was improving the 20 acres of active visitor areas by replacing, renovating and rebuilding decades-old park amenities and infrastructure; building new recreation and park facilities; improving fish habitat and fishing success and making Minsi Lake an accessible recreation area for everyone, regardless of physical abilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED that Northampton County Council supports using $500,000 from the Open Space Initiative and Act 13 Marcellus Shale Legacy Fund to be used as
matching dollars for grants from the Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnership Program; Pennsylvania Department of Community and Economic Development Greenways, Trails and Recreation Program; Community Development Block Grants; Monroe County Local Share Account; Lehigh Valley Community Foundation and other private foundations.

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

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

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

Consideration of the Minsi Lake Recreational Rehabilitation Project Resolution

Ms. Zrinski introduced the following resolution:

R. 45-2018 WHEREAS, Northampton County desires to undertake the Minsi Lake Recreational Rehabilitation Project; and

WHEREAS, Northampton County desires to apply to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Grant Agreement Signature Page"; and

WHEREAS, Northampton County understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and DCNR if the applicant is awarded a grant; and

WHEREAS, Northampton County will have available the required $250,000.00 matching funds and will receive reimbursement from Pennsylvania DCNR as a grant award at the completion of the project.
NOW THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council:

1. The Northampton County Council hereby approves the Minsi Lake Recreational Rehabilitation Project grant application to the Pennsylvania DCNR. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County Livable Landscapes Program, or his/her designee, is directed to take any and all steps necessary to administer and complete Northampton County’s obligations in this project.

2. The “Signature Page for Grant Application and Grant Agreement” may be signed on behalf of the applicant by the official who, at the time of signing, has the title of Superintendent of Parks & Recreation.

3. If this official signed the “Signature Page for Grant Application and Grant Agreement” prior to the passage of this resolution, this grant of authority applies retroactively to the date of signing.

4. If the applicant is awarded a grant, the “Signature Page for Grant Application and Grant Agreement,” signed by the above official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.

5. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the official who, at the time of signing of the amendment, has the title specified in paragraph 2 and the grantee will be bound by the amendment.

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

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

The resolution was adopted by a vote of 9-0.
Consideration of the Minsi Lake Conservation Corridor Plan Resolution

Ms. Zrinski introduced the following resolution:

R. 46-2018 WHEREAS, Northampton County desires to undertake the project; and

WHEREAS, Northampton County desires to apply to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Grant Agreement Signature Page"; and

WHEREAS, Northampton County understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and DCNR if the applicant is awarded a grant; and

WHEREAS, Northampton County will have available the required $75,000.00 matching funds and will receive reimbursement from Pennsylvania DCNR as a grant award at the completion of the project.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council:

1. The Northampton County Council hereby approves the Minsi Lake Conservation Corridor Plan project grant application to the Pennsylvania DCNR. Further, the Northampton County Executive, through the office of the Program Administrator of the Northampton County Livable Landscapes Program, or his/her designee, is directed to take any and all steps necessary to administer and complete Northampton County’s obligations in this project.

2. The "Signature Page for Grant Application and Grant Agreement" may be signed on behalf of the applicant by the official who, at the time of signing, has the title of Superintendent of Parks & Recreation.
3. If this official signed the “Signature Page for Grant Application and Grant Agreement” prior to the passage of this resolution, this grant of authority applies retroactively to the date of signing.

4. If the applicant is awarded a grant, the “Signature Page for Grant Application and Grant Agreement,” signed by the above official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.

5. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the official who, at the time of signing of the amendment, has the title specified in paragraph 2 and the grantee will be bound by the amendment.


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

Consideration of Resolution Supporting the Delaware Riverkeeper Network Opposition to the PennEast Pipeline Proposal

Ms. Zrinski introduced the following resolution:

R. 47-2018 WHEREAS, AGL Resources, NJR Pipeline Company, South Jersey Industries, UGI Energy Services and Public Service Electric and Gas are proposing to construct new 30-inch or 36-inch diameter natural gas pipeline infrastructure through Northampton County as part of the PennEast pipeline proposal; and

WHEREAS, there are at least seven pending proposals to build pipelines in the Delaware River Basin, and eleven such proposals have been approved since 2011, threatening the Delaware River and other critical water resources; and

WHEREAS, the proposed PennEast pipeline alignment crosses numerous preserved farms and conservation land; and
WHEREAS, the proposed PennEast pipeline poses a potential safety threat to our neighboring communities in that the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation reports that incidents related to gas transmission lines have caused 41 deaths, 195 injuries, and $1.6 billion in property damage over the past 20 years; and

WHEREAS, the proposed pipeline passes through significant environmentally sensitive properties and passes through historical sites; and

WHEREAS, Northampton County Council’s responsibility is to provide a safe environment for its residents, and this pipeline raises serious safety concerns; and

WHEREAS, the pipeline project involves the destruction of forests, segmentation and destruction of animal habitat, disturbance of natural ground cover that is displaced by invasive species and degradation of rivers, streams and wetlands.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby support the February 15, 2018 petition of the Delaware Riverkeeper Network to the Delaware River Basin Commission (DRBC) asking that the DRBC exercise its jurisdiction over the proposed PennEast pipeline project to prevent a substantial impact to and degradation of the water quality in the Delaware Basin.

In answer to Mrs. Ferraro’s question as to whether this was objecting to the pipeline, Ms. Zrinski replied it was showing County Council’s support for DRBC efforts.

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


The resolution was adopted by a vote of 9-0.
Consideration of Resolution Supporting the Delaware Riverkeeper Network Request for a Rehearing Regarding the Federal Energy Regulatory Commission Certificate for the PennEast Pipeline

Ms. Zrinski introduced the following resolution:

R. 48-2018 WHEREAS, Northampton County Council formally requests the Federal Energy Regulatory Commission (FERC) to hold a rehearing upon its decision to the issuance of a Certificate of Public Convenience and Necessity for the highly controversial PennEast Pipeline project; and

WHEREAS, the certificate was issued with a 4-1 vote, with FERC Commissioner Richard Glick dissenting from the decision questioning the asserted need for the project for the following reasons:

1. Affiliates of PennEast Pipeline hold more than 75 percent of the pipeline’s subscribed capacity.

2. Contracts among affiliates may be less probative of that need because they are not necessarily the result of an arm’s length negotiation.

3. The certification lacks evidence in making the public interest determination.

4. Issuing a conditional certificate comes with significant consequences for landowners whose properties lie in the path of the proposed pipeline.

5. Issuing the certificate means allowing the company to gain access to properties for purposes of collecting the data it needs to support the permit applications.

WHEREAS, before a FERC Certification can be challenged in Federal court, a rehearing request must be submitted and either approved or denied by the agency; and

WHEREAS, the Delaware Riverkeeper Network has submitted to FERC a Motion for Stay to halt construction and any other land disturbance pending the rehearing request, stating "Unless a stay is issued by the Commission, construction of the Project will go forward without the benefit of the meaningful environmental analysis that the National Environmental Policy Act requires"; and
WHEREAS, if built, the PennEast Pipeline would cut through creeks, wetlands, forest and communities in Luzerne County, Carbon County, Northampton County and Bucks County, Pennsylvania and through communities in Mercer and Hunterdon Counties in New Jersey. The 116-mile fracked gas pipeline would include three laterals extending off the mainline, a compression station and appurtenant above ground facilities.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby formally request the FERC to hold a rehearing for the approval of the PennEast Pipeline project because the necessary approvals from New Jersey Department of Environmental Protection, Delaware River Basin Commission or the United States Army Corps of Engineers have not been received.

In response to Mr. McGee’s question as to whether this was forcing them to have a rehearing, Mr. Cusick stated it was just asking them to have a rehearing.

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


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

Human Services Committee Report

Ms. Vargo Heffner advised the Human Services Committee held a meeting earlier in the evening where they received an update on Gracedale. She further advised they also received a report from the Area Agency on Aging on the corrective actions they were taking with regard to the failing grade they received.

Finance Committee Report

Mr. Heckman stated the Finance Committee met yesterday where the Controller reviewed some audit reports.
Parks and Open Space Committee Report

Ms. Zrinski advised the Parks and Open Space Committee met earlier in the evening where the items recently voted on were discussed. She further advised Chester County had an interactive pipeline information center and officials from Lower Saucon Township sent a letter requesting the County to have a similar center.

When Mr. Cusick asked if much of the information would be available through the Pennsylvania One Call System that was used to dig, Ms. Zrinski advised not necessarily because they were talking about transmission not distribution lines.

Mr. Kraft stated all that information should be available because someone has to call before they dig anywhere.

Personnel Committee Report

Mr. McGee advised the Personnel Committee met yesterday where they reviewed the appointments/reappointments to authorities, boards and commissions, as well as the personnel requests presented tonight.

Mental Health/Early Intervention and Developmental Program Advisory Board Liaison Report

Ms. Vargo Heffner stated the Mental Health/Early Intervention and Developmental Program Advisory Board met and all the different programs were discussed. She further stated Early Intervention was losing one of their day care programs so they were in the process of looking for new vendors to assist with that. She added they just wanted to make known that they felt very valued and supportive by the new Administration and County Council.

Conservation District Board Liaison Report

Ms. Zrinski advised the Conservation District Education Committee scheduled some teacher workshops and environmental planning programs. She further advised they were applying for a $1,800 grant for Lehigh Valley Greenways. She added they have secured the Blue Valley Farm Show Complex for different educational programs to learn about conservation.
Farmland Preservation Board Liaison Report

Ms. Zrinski stated at the Farmland Preservation Board meeting they had significant discussions regarding bio-solids, the pipeline and dairy farming.

Ms. Zrinski advised they also talked about the Right to Farm Act and its relationship to bio-solids and the spreading thereof in the Slate Belt.

Adjournment

Mr. Cusick made a motion to adjourn the meeting.

Ms. Vargo Heffner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

__________________________
Linda M. Zembo
Clerk to Council
By Jim Zachary, Editor, The Valdosta Daily Times

Open government is not a political platform. It is a basic American right.

The political landscape is more polarized than ever and there seems to be little common ground for conservatives and progressives.

Transparency — keeping the light on the people’s business — ought to be something everyone can agree on.

Instead, conservatives want to reveal the secrets of liberals and liberals want to expose the actions of conservatives.

Openness in government is not a liberal, conservative, Republican, Democrat, independent, Libertarian or Freedom Caucus issue.

It often appears that whatever party is in the minority becomes the champion of transparency right up until the time it is in the majority.

Politicians stump on transparency and are all about open access, until they have something they want to keep secret.

The need for transparency at all levels of government transcends parties and political ideologies.

Checks and balances provide few checks and little balance when officials broker deals behind closed doors and conceal documents that contain information that the public has the right, and often the need, to know.

Northampton County government has a huge impact in the lives of people on a day-to-day basis.

Whether it is in the form of taxes, state-shared dollars or federal or state grants, loans and funding, Northampton County government is taxpayer-funded.
The public has the right to know how its money is being spent.

The decisions being made, the dollars being doled out and the records being kept by Northampton County belong to liberals, conservatives, Republicans, Democrats, Independents, Libertarians and even politically disinterested individuals.

All of us have a stake in open meetings and public records and should care about transparency issues. The lack of and need for true government transparency should be about the most bipartisan cause that exists.

Any elected official who truly cares about public service in a real and meaningful way and fully understands what a representative form of government is all about, should not only champion openness in government, but should be the most effective watchdogs, looking out for the public trust.

Sadly, those kinds of elected officials are hard to find. Citizens need to understand that access to government documents and actions is our right and responsibility.

I urge Northampton County to join this Commonwealth and the borough of Pen Argyl, among others nationwide, and proclaim their commitment to and support of National Sunshine Week, recognized the week of March 11-17, to coincide with the birthday of James Madison on March 16th, and called such in reference to the Federal Sunshine Act of 1976. Pennsylvania followed suit with the Right to Know Act, also known as the Pennsylvania Sunshine Law. 2018 represents the 13th year of National Sunshine Week.

We are watching. We the people.