Easton, Pennsylvania  September 20, 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 September 6, 2018 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Appointments

Mr. McGee introduced the following resolution:

R. 112-2018  RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments as indicated hereafter:

GENERAL PURPOSE AUTHORITY

Appointments:  Term to Expire: 12/31/21
Ronald Donchez
915 Wafford Lane
Bethlehem, PA  18017

Anne Baum  Term to Expire: 12/31/20
3621 Hickory Hill Road
Bethlehem, PA  18015
JAIL ADVISORY BOARD

Appointment:                      Term to Expire: 12/31/19
Marvin Boyer
1304 South Howard Lane
Easton, PA 18045

In answer to Mr. Heckman’s question as to how she felt about an authority redacting information from requested documents, Ms. Baum stated she believed in transparency and would only agree with information being redacted if there was an issue of confidentiality. She further stated she felt it was important that an authority and County officials work together.

In response to Mr. Heckman’s question as to whether an authority should monetize itself and sell its ideas across the state or country without discussing it with the County, Ms. Baum advised that was such a loaded question and she did not have enough information to answer it.

Mr. Kraft stated the purpose tonight was to approve Ms. Baum’s appointment on her merits and not question her about the actions of previous members.

Ms. Zrinski advised she previously met Ms. Baum and believed she was going to do a good job on the General Purpose Authority.

Mr. Cusick stated at one time the Airport Authority was a disaster and after new members were appointed it had improved so he hoped it happened with the General Purpose Authority.

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


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

Ms. Sandra Newman, 801 Riverton Road, Lower Mount Bethel Township, PA - Ms. Newman advised at the September 13th General Purpose Authority meeting there was an unanimous vote to remove Bridges #78 and #132 from the list. She further advised Krieger Construction indicated they were not interested in replacing bridges that were not in need of replacement so she wanted to know if there were any updates.

Mr. Kraft informed her County Council did not have any updates.

Ms. Lynn Gerber, Gracedale resident - stated she wanted to express her thanks for the cracker barrel in the game room. She further stated the gardens at Gracedale were beautiful, but they should replace the walkway because it was uneven and hard to get around.

Ms. Gerber advised when the mowers mow the grass they go too fast and just push the grass down, but it pops back up. She further advised sticks and branches were not picked up when they mowed.

Ms. Gerber stated they were going to do a fundraiser to get songbooks for the chapel because they needed approximately 50 more and they cost $11 a piece.

Ms. Gerber advised there was an aide who had trouble with some of the residents and was let go, but was now working in the kitchen and had access to those residents. She further advised there was another aide that just read magazines and only handled the easy residents.

Mr. Bud Struble, Gracedale resident - stated the gardens were no longer beautiful because the Parks Division did not do anything. He further stated the hedges have not been trimmed in the last four years and there were vines growing up the building and across the windows.

Mr. Struble advised years ago lawn mowers were not allowed to go across the bridges or paved paths, but now they went everywhere. He further advised the pavilions were falling apart because no one was taking care of them.
County Executive Report

Mr. Lamont McClure, County Executive, stated the prison passed its inspection. He further stated there were some minor deficiencies, but they would be cleared up very quickly.

Mr. McClure advised there were three Bank of America accounts that were magistrate accounts, which his Administration did not control.

In response to Mr. Cusick’s question as to whether a property that was in arrears in taxes could remain in a tax advantage program, Mr. Mark Hartney, Deputy Director of the Department of Community and Economic Development, stated he believed the question pertained to the Dixie property that received a Keystone Opportunity Zone (KOZ) designation. He further stated property owners did not receive any benefits until a capital improvement was made and if they met the requirements for making a capital improvement, they had to apply for the benefit and it would require them to be current on all their taxes.

In answer to Mr. Werner’s question as to whether the KOZ designation could be rescinded, Mr. Hartney advised if the designation was withdrawn, it would be harder to get someone to do something with the property, noting the value in having such a designation was for the property and not the owner. He further advised the designation for the Dixie property was approved in 2013 and would end in 2023, however, the owner would still be responsible for any taxes.

Mr. McClure stated Courtroom #1 was closed for mold, but it was at a level that would not cause anyone to be sick and they were working on getting it remediated. He further stated it had its own air handler and was not sharing ventilation with the rest of the building.

Mr. McClure advised it appeared the temperature in the room was set at fifty degrees and as it was not well insulated the interaction of the outside air and fifty degrees caused condensation that laid in the ductwork and mold developed. He further advised once it was determined what the proper temperature should be it would be set at that temperature to avoid problems in the future.
Mr. McClure announced Mr. Gordon Heller would be retiring after serving many years on County Council and then as Parks Superintendent and Mr. Bryan Cope, Open Space Coordinator, was selected as his replacement.

Mr. McClure stated he wanted to acknowledge the passing of previous Parks Superintendent Bill Mineo, who dedicated his life to ensuring everything was done to keep the County green and reinforced the importance of preserving those areas.

Mr. McClure advised the Elections Office was now located on the first floor of the Courthouse near Courtroom #1. He further advised the Milides Building was going to be torn down to provide more parking.

In response to Mr. Heckman's question as to what was going to be done with regard to the Gracedale gardens, Mr. McClure stated that Mr. Michael Emili, Director of Public Works, would look into the matter.

Mr. McClure advised that Mr. Kenneth Brown was being considered for the Director of Court Services position tonight so he wanted to say with the administrative experience he garnered from the work he did at Shiloh Manor combined with his political experience serving on the Easton City Council from 2003 he would be a great asset to this Administration.

Public Hearing on the Ordinance Entitled, "AN ORDINANCE REPEALING ORDINANCE NO. 499-2009, AN ORDINANCE ENTITLED, 'AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF'"

Mr. Kraft stated the following ordinance was introduced by Mr. Dietz and Ms. Vargo Heffner at the September 6, 2018 meeting:
AN ORDINANCE REPEALING ORDINANCE NO. 499-2009, AN ORDINANCE ENTITLED, "AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF"

WHEREAS, Ordinance No. 499-2009 was enacted on February 17, 2009, to read as follows:

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE NORTHAMPTON COUNTY GAMING REVENUE AND ECONOMIC REDEVELOPMENT AUTHORITY PURSUANT TO THE ECONOMIC DEVELOPMENT FINANCING LAW, FOR THE PURPOSE OF EXERCISING ANY AND ALL PURPOSES AND POWERS PERMITTED BY THAT LAW AND THE PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT, FIXING THE AUTHORITY'S TERM OF EXISTENCE, AND AUTHORIZING APPROPRIATE COUNTY OFFICIALS TO TAKE SUCH ACTION AS IS REQUIRED TO EFFECTUATE THE CREATION THEREOF

WHEREAS, Northampton County Council anticipates that a licensed gaming entity known as Sands Casino Resort Bethlehem will begin operation in the City of Bethlehem, County of Northampton, in accordance with the provisions of the Pennsylvania Race Horse Development and Gaming Act, (Title 4 Pa. C.S.A. Section 1101, et. seq.); and

WHEREAS, Northampton County Council also anticipates that the operation of that licensed gaming entity will generate gross terminal revenue, a portion of which is required by law to be distributed to Northampton County for the purpose of making municipal grants within the County in accordance with Title 4 Pa. C.S.A. Section 1403(c)(2)(iii)(D.1); and

WHEREAS, said gross terminal revenue is required to be used to fund grants to the municipality in which the licensed facility is located; the County in which
the licensed facility is located; and, to the municipalities which are contiguous to the municipality in which the licensed facility is located and which are located within the County. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, these grants are required to be administered by Northampton County through an economic development or redevelopment authority. See Title 4 Pa. C.S.A. Section 1403(c)(2)(v); and

WHEREAS, there does not presently exist within Northampton County an entity which falls strictly within the definition of an economic development or redevelopment authority; and

WHEREAS, Northampton County Council has determined that it is most beneficial for the residents of Northampton County for County Council to create an economic development authority for any and all purposes which may be permitted by the Economic Development Financing Law, (Title 73 P.S. Section 371, et. seq.) and the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1403(c)(2)(v)) in order to administer the grants funded by the gross terminal revenue.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Council of the County of Northampton as follows:

I. STATEMENT OF INTENT

Northampton County Council hereby signifies its intent and desire to organize an authority under the provisions of the Economic Development Financing Law (Title 73 P.S. Section 371, et. seq.), the Pennsylvania Race Horse Development and Gaming Act (Title 4 Pa. C.S.A. Section 1101, et. seq.), and the Home Rule Charter of Northampton County for the purpose of exercising any and all powers conferred upon such an authority by those laws.

II. AUTHORIZATION

The County Executive and the Clerk to County Council are authorized and directed to execute, on behalf of the County, Articles of Incorporation for
such Authority in form consistent with the Economic Development Act for the purposes herein above set forth, and naming as the initial Board of that Authority, persons to be appointed by Northampton County Council by separate enactment.

III. PUBLICATION

The County Executive and the Clerk to County Council are authorized and directed to cause notice of the adoption of this Ordinance to be published as required by the law.

IV. FILING OF PROOF

The County Executive and the Clerk to County Council are authorized and directed to cause Articles of Incorporation for the Authority created hereby to be prepared upon appointment of the initial Board of Authority, and thereafter, together with necessary proofs of publication to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate to effect the incorporation of the Authority, including payment of any fee necessary in connection therewith.

V. REASON FOR ENACTMENT

The enactment of this Ordinance is deemed necessary for the benefit and preservation of the public health, and general welfare of and is expected to increase the prosperity of the citizens of Northampton County.

VI. TERM

The initial term of this Authority shall be fifty (50) years and for such further periods as shall be specified from time to time in the manner permitted by the provisions of the Authorities Act.

VII. REPEALER

All Ordinances or parts of Ordinances, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.
NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 499-2009 is hereby repealed.

EFFECTIVE DATE: This ordinance shall become effective thirty (30) 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.

Mr. Kraft asked if there were any questions or comments from the members of County Council.

There were no respondents.

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

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

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

Introduction of an Ordinance Entitled, "AN ORDINANCE OF NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF CERTAIN PROCEDURES RELATED TO THE SOLICITATION AND AWARD OF PUBLIC CONTRACTS WITHIN NORTHAMPTON COUNTY; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR PUBLIC CONTRACTORS; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR SUBCONTRACTORS TO PUBLIC CONTRACTS; PROVIDING FOR PUBLIC CONTRACT REVIEW PROCESSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE"

Mr. Kraft advised adoption of this ordinance would concurrently adopt a resolution that addresses the challenges set forth in the ordinance and its terms will be incorporated in their entirety as material terms of this ordinance.
Mr. Dietz and Ms. Zrinski introduced the following ordinance:

AN ORDINANCE OF NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF CERTAIN PROCEDURES RELATED TO THE SOLICITATION AND AWARD OF PUBLIC CONTRACTS WITHIN NORTHAMPTON COUNTY; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR PUBLIC CONTRACTORS; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR SUBCONTRACTORS TO PUBLIC CONTRACTS; PROVIDING FOR PUBLIC CONTRACT REVIEW PROCESSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Northampton County (County) is duly empowered to enact certain laws needed to protect its proprietary and financial interests relating to major investments made by the County, as well as those relating to the public health, safety, and welfare for the citizens of the County; and

WHEREAS, the County has particular concerns regarding the challenges it faces in planning and executing public works construction projects, especially those relating to its ability to ensure the use of properly qualified contractors and subcontractors and adequate numbers of craft personnel who have industry recognized training in the respective skills and trades needed for future projects; and

WHEREAS, County Council concurrently adopts the resolution, as provided in Exhibit A, resolving to address the above-referenced challenges through appropriate procurement and contracting legislation as embodied in this ordinance and wishes to incorporate the terms of this resolution in their entirety as material terms of this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of Northampton County, Commonwealth of Pennsylvania, repeals County Ordinance 639 and enacts in its place as follows:
SECTION 1

§1. Purpose

Northampton County recognizes that there is a need to ensure that all work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

To effectuate the purpose of selecting responsible contractors for public contracts and to protect the County's investments in such contracts, prospective contractors and subcontractors, should be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, including requirements and criteria concerning technical qualifications, competency, experience, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.

Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor and imminent craft labor skill shortages, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs as a condition of bidding, for the purpose of both promoting successful project delivery and ensuring future workforce development.

Therefore, the County shall require compliance with the provisions of this ordinance by business entities seeking to provide services to the County as specified herein. The requirements of this ordinance are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this ordinance conflict with any law, public policy or contracting documents of the County of Northampton this act shall prevail.
§2. Responsible Contractor Requirements

(a) All contractors and subcontractors of any tier that perform work valued at over $250,000.00 on any public facility or public works project, including construction, demolition, alteration, renovation, repair and contract service or contract maintenance work, shall meet the requirements of this ordinance.

(b) All firms engaged in contracts covered by this ordinance shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics.

§3. Contractor Responsibility Certifications

(a) As a condition of performing work on a public works contract subject to this ordinance, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a Contractor Responsibility Certification.

(b) The Contractor Responsibility Certification shall be completed on a form provided by the County and shall reference the project for which a bid is being submitted by name and contract or project number.

(c) In the Contractor Responsibility Certification the construction manager, general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

(1) The firm and its employees have all valid, effective licenses, registrations or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations or certificates required to: (a) do business in the designated locale; and (b) perform the contract work it seeks to perform. These shall include, but not limited to, licenses, registrations or certificates for any type of
construction or maintenance trade work or specialty work which
the firm proposes to self-perform.

(2) The firm meets the bonding requirements for the
contract, as required by applicable law or contract
 specifications and any insurance requirements, as required by
applicable law or contract specifications, including general
liability insurance, workers compensation insurance and
unemployment insurance.

(3) The firm has not been debarred or suspended by
any federal, state or local government agency or authority in
the past three years.

(4) The firm has not defaulted on any project in the
past three years.

(5) The firm has not had any type of business,
contracting or trade license, registration, or other
certification revoked or suspended in the past three years.

(6) The firm and its Principals/owners have not been
convicted of any crime relating to the contracting business in
the past ten years.

(7) The firm has not within the past three years been
found in violation of any law applicable to its contracting
business, including, but not limited to, licenses laws, tax
laws, prompt payment laws, wage and hour laws, prevailing wage
laws, environmental laws or others, where the result of such
violation was the payment of a fine, back pay damages or any
other type of penalty in the amount of $1,000 or more.

(8) The firm will pay all craft employees that it
employs on the project the current wage rates and fringe
benefits as required under applicable federal, state or local
wage laws.

(9) All craft labor that will be employed by the firm
for the project have completed at least the OSHA 10 hour
training course for safety established by the U.S. Department of
Labor, Occupational Safety & Health Administration.

(10) The firm will employ craft employees in all
classifications and individual trades required to successfully
perform the work related to this project.
(11) The firm participates in a Class A Apprenticeship Program or an equivalent training program for the past three years, at a minimum, for each separate trade or classification in which it employs craft employees and shall continue to participate in such program or programs for the duration of the project.

This apprenticeship requirement assures that workers in each trade or craft employed are graduates of an apprenticeship and training program in each trade or craft in which their services are utilized, which has been in continuous existence for no fewer than five (5) years prior to the commencement of the subject project. This apprenticeship requirement must be continuously registered with a State or Federal Government Agency for no fewer than five (5) years prior to the commencement of the subject project or otherwise deemed qualified by appropriate training such as military service in that trade or craft.

(A) For purposes of this section, a Class A Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five years. This may an apprenticeship program that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. ("ERISA"), or a non-ERISA program.

(B) To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a Class A Apprenticeship Program or an equivalent training program for each trade or classification listed.

(12) The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will obtain same through the use of qualified, responsible subcontractors.

(13) The firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.

(14) The firm shall notify the County within seven days of any material changes to all matters attested to in this certification.
(15) The firm understands that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(d) Execution of the Contractor Responsibility Certification required by this ordinance shall not establish a presumption of contractor responsibility and the County may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including technical qualifications, financial capacity or other resources and performance capabilities. The County may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.

(e) The submitting firm shall stipulate in the Contractor Responsibility Certification that, if it receives a Notice of Intent to Award Contract, it will provide a Subcontractor List and required subcontractor information as specified in Section 5 of this ordinance.

(f) If the submitting firm has ever operated under another name or is controlled by another company or business entity or in the past five years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach a separate statement to its Contractor Responsibility Certification that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

(g) If a firm fails to provide a Contractor Responsibility Certification required by this section, it shall be disqualified from bidding. No action of any nature shall lie against the County because of its refusal to accept a bid for failing to provide information required by this section.

§4. Notice of Intent to Award Contract

(a) After it has received bids for a project, the County shall issue a Notice of Intent to Award Contract to the firm offering the lowest responsible bid.
(b) Such Notice shall be issued immediately or as soon as practicable after bids are opened and Notice of Intent to Award Contract. The Notice shall stipulate that the contract award is conditioned on the issuance of a written Contractor Responsibility Determination, as required by Section 5 and any other conditions deemed appropriate by the County.

§5. Subcontractor Lists, Subcontractor Responsibility Certifications

(a) A prospective awardee shall submit to the County a Subcontractor List containing the names of any subcontractors that will be used for the referenced project, their addresses and a description of the work each listed subcontractor will perform on the project.

(b) At the time a perspective awardee submits the Subcontractor List it shall also submit Subcontractor Responsibility Certifications for all listed subcontractors to the County. Subcontractor Responsibility Certifications shall be executed by the respective subcontractors on forms prepared by the County and shall contain the same information and representations required in Contractor Responsibility Certifications, including verification of apprenticeship qualifications as required by Section 3(c)(11), for each trade or classification of craft workers it will employ on the project.

(c) Subcontractor Responsibility Certifications shall be executed by person having sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete and accurate.

§6. Contractor Responsibility Review and Determination

(a) After a Notice of Intent to Award Contract has been issued, the County shall undertake a review process to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this ordinance and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract. The time of the review process shall be as determined necessary by the County.
(b) As part of this review process, the County shall ensure that the Contractor Responsibility Certification, the Subcontractor List and the Subcontractor Responsibility Certifications, as required by this ordinance, have been submitted and properly executed.

(c) The County may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the County may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

(d) If at the conclusion of the review process the County determines that all responsibility certifications have been properly completed and executed and if it concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its Subcontractor List are satisfactory, it may issue a formal written Contractor Responsibility Determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be non-responsible, the County shall proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, rebid the project.

(e) A Contractor Responsibility Determination may be issued after the conclusion of the review process under Section 5. A Responsibility Determination may be revoked or revised in any manner at any time if the County obtains relevant information warranting any such revocation or revisions.

§7. Subcontractor Responsibility Review Requirements

(a) A construction manager, general contractor or other lead or prime contractor shall not be permitted to use a subcontractor on any work performed for the County unless it has identified the subcontractor on its Subcontractor List and provided a Subcontractor Responsibility Certification in accordance with the requirements of Section 5.
(b) A subcontractor listed on a firm's Subcontractor List shall not be substituted unless written authorization is obtained from County and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.

(c) In the event that the County determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this Section, it may, after informing the prospective awardee, exercise one of the following options:

(1) permit the awardee to substitute a qualified, responsible, subcontractor in accordance with the requirements of this section;

(2) require the awardee to self-perform the work in question if the firm has the required experience, licenses and other qualifications to perform the work in question; or

(3) disqualify the prospective awardee.

(d) In the event that a subcontractor is disqualified under this ordinance, the general contractor, construction manager or other lead or prime contractor shall not be permitted to make any type of contractual claim against the County the basis of a subcontractor disqualification.

§8. False or Misleading Responsibility Certifications

(a) If the County determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the County for a period of three years and shall be subject to any other penalties and sanctions, including contract termination, available to the County under law. A contract terminated under these circumstances shall further entitle the County to withhold payment of any monies due to the firm as damages.
§9. Execution of Final Contract

(a) A contract subject to this ordinance shall not be executed until all requirements of this ordinance have been fulfilled and until Contractor and Subcontractor Responsibility Certifications have been issued by the County under Section 6(d). Upon completion of all requirements under this ordinance, the County may execute a final contract based upon the Notice of Intent.

(b) Prior to the execution of a final contract under this Section, the County shall publicly post the Notice of Intent to Award, Contractor and Subcontractor Responsibility Certifications, Subcontractor Lists and Contractor Responsibility Determination on the County website for public inspection for a period of five (5) calendar days after the issuance of the Contractor Responsibility Determination.

SECTION 2

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, County Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, enforceable or unconstitutional portion, part or provision of this ordinance.

SECTION 4

This ordinance shall become effective thirty (30) days after enactment.
WHEREAS, many states and local jurisdictions in the U.S., faces critical contracting needs, including those for infrastructure projects, that must be addressed and will require it to plan, manage and oversee major capital investments in both the short and long term; see President’s Council of Economic Advisors, Economic Benefits and Impacts of Expanded Infrastructure Investment 3, (2018) (estimating $4.6 trillion in infrastructure investment is needed between 2016 and 2025); and

WHEREAS, in undertaking its infrastructure and other public works projects, the Northampton County seeks to utilize efficient procurement procedures that will help ensure that its projects are delivered with reasonable certainty and in a safe, timely manner, in accordance with applicable industry codes and standards and quality specifications that represent the best overall value; and

WHEREAS, securing successful delivery of projects in the construction industry is particularly difficult due to the unique, complex, unpredictable and inherently dangerous nature of the industry, wherein errors in project planning or execution can result in serious health and safety risks to project workers and/or the general public, significant and avoidable cost overruns, flawed or inferior projects, and disruptions in performance schedules that delay the availability and use of critical government facilities; Maureen Conway & Allison Gerber, Aspen Institute, Workforce Strategic Initiatives, Construction Pre-Apprenticeship Programs: Results from a National Survey 6-7 (2009)(discussing complicating factors in successful delivery of construction projects and the risks of using poorly trained workers); and

WHEREAS, to protect its financial and proprietary interests in these projects, and to offset performance risks inherent to public works contracting, Northampton County must utilize efficient procurement procedures that adequately protect and promote these interests, including clearly defined, pre-established evaluation criteria to address the unique challenges of capital construction and result in the selection of qualified, reputable contractors and subcontractors that are committed Northampton County’s goals of safe, timely, cost-effective project delivery; and
WHEREAS, to establish efficient procurement procedures, the Northampton County specifically seeks to require that its public works contracts are performed by qualified "responsible" contractors and subcontractors that meet essential performance criteria, including: (a) satisfactory records of past performance, including compliance with applicable laws and industry regulations; and (b) adequate present performance capabilities, including contractor and subcontractor competency and availability of skilled craft personnel; and

WHEREAS, effective contracting procedure must recognize and address unique challenges relating to procurement in the construction industry, including the following:

(a) construction is a transient industry, which requires a careful review of a firm's past performance, as well as its current capabilities;

(b) construction is an inherently dangerous industry that requires craft personnel to receive proper safety training; National Institutes of Health, Accid Anal Prev., 39(6), Costs of Occupational Injuries in Construction in the United States Construction (2007), 1258-1266 (2008) (construction is a high risk industry and accounts for disproportionate share of work-related injuries); Fatalities in the Construction Industry, Bureau of Labor Statistics, Monthly Labor Review (July 2014) (industry accounts for 40% of all fatal work-related falls;

(c) under virtually any market conditions, construction projects require assurances of a reliable supply of well-trained craft personnel because it is a highly skilled, labor intensive industry; and

(d) the construction industry is currently facing acute, worsening skill shortages and such conditions pose major risks to the planning and execution of capital construction projects; Construction Labor Market Analyzer, Construction Users RoundTable (CURT), The Long-Term Outlook for Construction, 6 (2017)(estimating an impending deficit of 1.5 million skilled workers through 2022 in the construction industry); David H. Bradley & Stephen A. Herzenberg, Construction Apprenticeship and Training in Pennsylvania 3 (2002)(describing “free rider" market failure that incentivizes employers to under-train construction workers in the absence of apprenticeship programs); and
WHEREAS, leading organizations in the construction industry, including trade associations representing project owners, such as CURT, have repeatedly issued strong recommendations to parties purchasing construction services for large capital projects that, due to shortages in the supply of skilled craft personnel, contractors and subcontractors should be required to prove their participation in skill training programs as a pre-qualification standard in order to protect the project owner’s financial and proprietary interests by ensuring that such firms provide skill training to construction craft personnel and have an adequate supply of trained, skilled construction workers to perform their projects; CURT, Skilled Labor Shortage Risk Mitigation, WP-1101 (January 2015) (recommending that, to address skill challenges, project owners require contractors to provide skills training as a condition of bidding projects); Matt Helmer & Dave Altsstadt, Aspen Institute, Workforce Strategies Initiative, Apprenticeship: Completion and Cancellation in the Building Trades 8-9 (2013) (proposing a requirement that all contractors participating in publicly funded projects participate in registered apprenticeship programs); Robert Lerman et al., Benefits and Challenges of Registered Apprenticeship: Sponsors’ Perspective ii (2009) (finding that 97% of employer-sponsors of registered apprenticeship programs would recommend the program to others and that over 80% of sponsors cited filling the demand for skilled workers as a "very important" benefit of apprenticeship); CURT, Confronting the Skilled Workforce Shortage (June 2004) (recommending all owners prequalify contractors on the basis of craft training); and

WHEREAS, in seeking to ensure the adequate development of trained, skilled personnel for the construction industry, as well as other industries, the United States Congress passed the Fitzgerald Act, Pub. L. No. 75-308, 50 Stat. 664, H.R. Rep. No. 75-945, which created a system in which workers could be properly trained in construction skills and safety procedures through organized, formally registered apprenticeship training programs that meet established quality, safety and performance standards and that such programs are approved and monitored by the U.S. Department of Labor and state labor agencies, including the Pennsylvania State Apprenticeship Council; and

WHEREAS, in recognizing the value created by apprenticeship training and the significant return-on-investment apprenticeship programs produce for employers, the Executive Branch has taken steps through Executive Orders and the creation of a task force devoted to apprenticeships to support and encourage the
expansion of apprenticeship training programs nationwide in conjunction with private and public entities; Exec. Order No. 13845, 83 Fed. Reg. 35,099 (July 24, 2018) (creating a National Council for the American Worker to promote apprenticeship and training programs as a means of addressing the skills crisis facing the nation); Task Force on Apprenticeship Expansion, Final Report to the President of the United States 15 (2018) (estimating that every dollar spent by employers on apprenticeship programs yields a return of $1.47); and

WHEREAS, research from both government and industry underscore the need to expand the use of apprenticeship training across the economy, especially in construction, as a means for promoting skills training to address current and future workforce development needs; such reports include a joint report issued by various agencies of the federal government—U.S. Departments of Labor, Commerce, Educ., and Health and Human Res., What Works in Job Training: A Synthesis of the Evidence 8 (2014); Workforce Training and Educ. Coordinating Bd., Workforce Training Results 2015 5, 47-49 (2015) (showing that, compared to other worker training programs in Washington state, apprenticeship training was "very successful" and ranked first in: increased annualized earnings for workers, net participant benefits, net public benefits, and present value of net returns to taxpayers); U.S. Department of Commerce, Economics and Statistics Administration and Case Western Reserve University, The Benefits and Costs of Apprenticeship: A Business Perspective (showing apprenticeship programs are unanimously supported by participating employers and highly cost-effective due to numerous factors, including higher productivity of trained workers, improved safety, improved project quality, more reliable project staffing, and reduction in employee turnover); Council of Econ. Advisors, Addressing America’s Reskilling Challenge 7-8 (2018)(showing that Federal, state, and local governments in the U.S. spend "far less" on retraining and reskilling than other advanced economies); Federal Executive Order promoting greater use of apprenticeship programs to train the U.S. workforce: Exec. Order No. 13801, 82 Fed. Reg. 28,229 (June 20, 2017); and

WHEREAS, the courts have consistently recognized that states and local jurisdictions seeking to protect substantial financial and proprietary interests have the right to enact contracting and procurement legislation and/or to impose contract bid specifications designed to ensure the performance capabilities of prospective contractors and subcontractors and their employees, including apprenticeship training requirements

WHEREAS, Northampton County finds that apprenticeship training programs which are registered with and approved by federal or state agencies, and maintained in accordance with regulations issued pursuant to the Fitzgerald Act, provide the most reliable means for securing a reliable supply of qualified craft labor for capital projects and further recognizes that essential levels of work quality, safety and cost-efficiency on its public works projects will be better achieved by requiring the use of contractors and subcontractors that participate in bona fide apprenticeship programs with a proven record of graduating apprentices and providing effective skill training in the construction industry; U.S. Dep’t of Labor Emp’t and Training Admin., Registered Apprenticeship Fact-Sheet 1 (2000) (workers that complete apprenticeships are more motivated, more productive, and have lower worker compensation costs because of training programs’ emphasis on safety); Paul M. Goodrum, Construction Industry Craft Training in the United States and Canada (2000) (finding that for a single capital construction project, each dollar invested in craft training yields a return of $1.30 to $3.00); Debbie Reed et. al., An Effectiveness Assessment and Cost-Benefit Analysis of Registered Apprenticeship in 10 States xiv (2012) (finding that the social benefit of an individual completing an apprenticeship training program exceeds the social costs by $49,000); and

WHEREAS, Northampton County wishes to revise its procurement standards for public works construction to address these findings and considerations, limit project delivery risks and protect its financial and proprietary interests, and better ensure efficient procurement and successful delivery of these projects.

NOW, THEREFORE, BE IT RESOLVED that the Council of Northampton County, Commonwealth of Pennsylvania, is committed to addressing the challenges it faces relating to public works projects by enacting necessary and appropriate procurement legislation to protect its proprietary and financials interests
and create adequate safeguards to ensure the successful delivery of such projects to the fullest extent possible.

Mr. Kraft stated the public hearing, debate and possible vote would be held at the October 4, 2018 meeting.

Consideration of Appointment of Director of Court Services Resolution

Mr. McGee introduced the following resolution:

R. 113-2018  RESOLVED, by the Northampton County Council that Kenneth Brown shall be confirmed in his appointment as Director of Court Services, at Pay Grade Group IV, Step 3-C, salary $77,566, effective September 20, 2018.

In answer to Mr. Werner's question as to whether there was any conflict with Mr. Brown continuing to serve on the Easton City Council, Ms. Melissa Rudas, County Solicitor, advised they reviewed the County and the City of Easton Home Rule Charters and determined there was no conflict.

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

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

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

Mr. Brown thanked County Council for their confidence and stated he was looking forward to beginning a new career and working with the County Executive and his cabinet.

Consideration of a Personnel Request Resolution: Department of Human Resources

Mr. McGee introduced the following resolution:

R. 114-2018  IT IS HEREBY RESOLVED by the Northampton County Council that the one (1) full time position of Pension and Retirement Benefits Administrator, pay grade CS 22-1A,
salary $44,827, shall be upgraded to one (1) full time position of Pension, Retirement and Tech Administrator, pay grade CS 23-2B, salary $49,050, in the department of Human Resources, effective September 20, 2018.

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 Exoneration of Past Due County Real Estate Taxes to Lower Saucon Township Resolution

Mr. Heckman introduced the following resolution:

R. 115-2018 WHEREAS, Lower Saucon Township, a Municipal body, is the current owner of 0.05 acres of property known as 2551 Quarry Lane located in the Township and further identified as Tax Map Parcel N8-14-8 0719; and

WHEREAS, in 2007, Lower Saucon Township acquired the property from the estate of Francesca Marra in order to remove a nuisance structure; and

WHEREAS, at the time of the Township’s acquisition the property owned delinquent County and School taxes for tax years 1990 to 2005; and

WHEREAS, the total unpaid County taxes from 1990 to 2005 including penalties and interest and miscellaneous fees is $3,915.28; a breakdown of which is provided in attached Exhibit 1; and

WHEREAS, the Saucon Valley School District has forgiven and exonerated the Township from having to pay the school property taxes for tax years 1990 to 2005; and

WHEREAS, Lower Saucon Township has paid the County real estate taxes on the property for tax years 2006 to present; and
WHEREAS, the property has been listed for a tax sale due to the unpaid County taxes for tax years 1990 to 2005 when Lower Saucon Township was not the owner of the property; and

WHEREAS, the Township acquired the property to address a nuisance problem for the health, safety and welfare of its residents and not because it desired be the owner of the property; and

WHEREAS, the Township is requesting that it be exonerated from paying the outstanding real estate taxes owed for tax years 1990 to 2005 in the amount of $3,915.28.

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

1. All "Whereas" clauses are hereby incorporated into this Resolution; and

2. Lower Saucon Township is hereby exonerated from payment of any and all back taxes owed on the property as more fully set forth in Exhibit 1. The Tax Claim Bureau is hereby directed to take necessary steps to exonerate and terminate the past due taxes owed on Tax Map Parcel N8-14-8 0719; and

3. That this Resolution shall take effect immediately.

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

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

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

Consideration of an Amendment to the Listing of County Depositories Resolution

Mr. Heckman introduced the following resolution:

R.116-2018 WHEREAS, Northampton County Administrative Code Section 12.06 a. Depositories of Funds of the County provides that "the County Council, after the evaluation of written proposals, shall by resolution, select a depository or
depositories for County monies."

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the following shall constitute the current and updated listing of County Authorized Depositories (sections marked with **bold underlining** have been added, sections marked with strikeout have been deleted), effective this 20th day of September 2018:

1. BB&T
2. Bank of America
3. Bank of New York Mellon
4. Embassy Bank
5. ESSA Bank & Trust
6. **Fifth Third Bank**
   6⁻ 7. First Commonwealth Federal Credit Union
   7⁻ 8. Fulton Bank
   8⁻ 9. Fulton Financial Advisors
   9⁻ 10. JP Morgan Chase Bank
   10⁻ 11. KeyBank
   11⁻ 12. Lafayette Ambassador Bank
   12⁻ 13. M & T Bank
   13⁻ 14. Merchants Bank of Bangor
   14⁻ 15. PNC Bank
   15⁻ 16. Santander Bank
   16⁻ 17. TD Bank
   17⁻ 18. Wayne Bank
   18⁻ 19. Wells Fargo Bank

BE IT FURTHER RESOLVED that any resolution, or any part thereof, conflicting with the provisions of this resolution, is hereby repealed insofar as the same affects this resolution or is inconsistent with this resolution.

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

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

The resolution was adopted by a vote of 9-0.
Consideration of Monroe County Local Share Account Grant Resolutions: a) Mission of Love Food Bank/Portland Upper Mount Bethel Food Pantry; b) Slate Belt Multi-Municipal Comprehensive Plan

Mission of Love Food Bank/Portland Upper Mount Bethel Food Pantry

Mr. McGee introduced the following resolution:

R. 117-2018 WHEREAS, Northampton County Council does hereby support the request for a Monroe County Local Share Account Grant of $75,000 from the Commonwealth Financing Authority to be used for the purchase of equipment that will support the expansion of the Mission of Love Food Bank and the Portland Upper Mount Bethel Food Pantry in the Slate Belt.

NOW, THEREFORE, BE IT RESOLVED that the applicant does hereby designate the Director of the Department of Community and Economic Development Tina Smith as the official to execute all documents and agreements between the County of Northampton and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

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.

Slate Belt Multi-Municipal Comprehensive Plan

Mr. McGee introduced the following resolution:

R. 118-2018 WHEREAS, Northampton County Council does hereby support the request for a Monroe County Local Share Account Grant of up to $55,300 from the Commonwealth Financing Authority to be used for the creation of the Slate Belt Multi-Municipal Comprehensive Plan involving the following municipalities: Bangor Borough, East Bangor Borough, Lower Mount Bethel Township, Pen Argyl Borough, Portland Borough, Plainfield
NOW, THEREFORE, BE IT RESOLVED that the applicant does hereby designate the Director of the Department of Community and Economic Development Tina Smith as the official to execute all documents and agreements between the County of Northampton and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

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.

Consideration of a Request for 2018 Monroe County Local Share Account Grant for Minsi Lake Resolution

Ms. Zrinski introduced the following resolution:

R. 119-2018  WHEREAS, the County of Northampton adopted Ordinance #603-2015, titled, "AN ORDINANCE ESTABLISHING "THE LIVABLE LANDSCAPES - AN OPEN SPACE PLAN PROGRAM FOR NORTHAMPTON COUNTY AND FURTHER PROVIDING FOR THE ADMINISTRATION OF THE 21ST CENTURY OPEN SPACE INITIATIVE" on January 7, 2016; and

WHEREAS, the Minsi Lake Conservation Corridor is a planned area within the Livable Landscapes Plan and the Lehigh Valley Greenways Plan; and

WHEREAS, the Minsi Lake Conservation Corridor provides over 1,200 acres of permanently protected lands and the 311-acre Minsi Lake Park, including 117-acre Minsi Lake, that includes areas for boating, hiking, camping, fishing, hunting and environmental education; and

WHEREAS, Northampton County has leased and maintained the lands around Minsi Lake from the Pennsylvania Department of Fish & Boat as a recreational area for all County residents; and
WHEREAS, the Minsi Lake Area is part of the Scenic Wild Delaware River Geotourism Program, one of twenty-four regions internationally branded through National Geographic to promote outdoor recreational opportunities and environmental assets through tourism; and

WHEREAS, Northampton County is working with the Friends of Minsi Lake committee designated under the Northampton County Junior Conservation School to plan and implement the enhancements of in-lake and on-land habitat and recreational improvements to all individuals for fully accessible opportunities; and

WHEREAS, Northampton County has committed $500,000 in funding per Resolution 44-2018 for the improvements in and around Minsi Lake.

NOW, THEREFORE, IT IS HEREBY RESOLVED Northampton County is eligible, willing and able to request a 2018 Monroe County Local Share Account Grant for the Minsi Lake Recreational Rehabilitation Improvements for the amount of $150,000 for the betterment of recreation, tourism, habitat improvement and water quality.

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.


Reynolds Business Systems

Mr. Heckman introduced the following resolution:

R. 120-2018 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 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 August 24, 2018, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract to be funded with Deeds Record Improvement Funds in the amount of $112,687.10 with Reynolds Business Systems for back scanning of over 413,000 documents including Chantell Mortgage Books 1933-1945, Letters of Attorney 1-47 and Mortgage Books 1-558.

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 Reynolds Business Systems for scanning services.

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.

K.C. Mechanical Service, Inc.

Mr. Heckman introduced the following resolution:

R. 121-2018 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and
WHEREAS, on August 8, 2017, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $292,000 with K.C. Mechanical Service, Inc. for high pressure steam line replacement for a term of one year, which they did by Resolution No. 86-2017; and

WHEREAS, on August 30, 2018, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract amendment in the estimated amount of $49,500 with K.C. Mechanical Service, Inc. for additional work to install new waterlines as part of the steam line replacement project.

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 amendment with K.C. Mechanical Service, Inc. for additional work to install new waterlines as part of the steam line replacement project.

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.

Vision Technologies, Inc.

Mr. Heckman introduced the following resolution:

R. 122-2018 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and
WHEREAS, on September 12, 2018, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract, in the estimated amount of $33,676,313.82 with Vision Technologies, Inc. for Managed IT Services – County Wide for a three year base term with options for two additional five year terms.

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 Vision Technologies, Inc. for Managed IT Services – County Wide.

Ms. Zrinski advised that in the best and final offer it indicated the millage rate and overtime hours would be billed as incurred so she wanted to know if those were payments that would be made over and above the $33 million.

Mr. Charles Dertinger, Director of Administration, stated the millage would be incurred because the County had so many places where people would have to travel to and from to take care of the equipment and assist with service. He further stated overtime would be for only emergency circumstances.

In response to Ms. Zrinski’s question as to what all software/hardware support agreement would be billed as incurred entail, Mr. Dertinger advised the County paid for all licenses. He further advised this company partnered with a lot of companies from whom the County purchased equipment and they could not charge more than 4% on top of any cost for obtaining equipment.

In answer to Ms. Zrinski’s question as to whether this was the best company or the cheapest, Mr. Dertinger replied they were both.

Mr. Werner stated the contract had a 30 day out clause so that was a safeguard. He further stated this company was one of the fastest growing companies for the last eight years and was one of the top 50 systems programmers for 2017.

Mr. Dertinger advised the representatives have visited all of the County’s sites and talked with the lead people, as well as the current Information Technology staff who would be remaining. He further advised they would be doing a fresh audit of the County’s current system and address any current issues
and any going forward.

In response to Ms. Zrinski's question as to whether the County was obligated to renew the contract after three years, Mr. Dertinger stated they were not.

As there were no further 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 committee received reports from Gracedale and the Information Referral and Emergency Services Division, as well as received information regarding the Stepping Up Initiative Program that was going to help with mental health issues in the Jail.

Finance Committee Report

Mr. Heckman stated the Finance Committee met yesterday and discussions were held regarding the items presented tonight.

Open Space Advisory Board Liaison/Open Space Committee Reports

Ms. Zrinski advised she attended the Open Space Advisory Board meeting and the items discussed were presented at the Open Space Committee meeting.

Airport Authority Liaison Report

Mr. Dietz stated he and Ms. Zrinski attended the ribbon cutting ceremony at Braden Airpark for the opening of the flight school and the maintenance facility.
Solicitor's Report

Mr. Cusick asked Mr. Spadoni to determine if County Council had to approve the outside legal counsel contract for 911 Fees to which he indicated he would review the matter.

Adjournment

Ms. Vargo Heffner made a motion to adjourn the meeting.

Mr. Dietz seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council