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

Pledge of Allegiance

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

Approval of the Minutes - July 18, 2019

Ms. Vargo Heffner made the following motion:

Be It Moved By the Northampton County Council that the minutes of the July 18, 2019 meeting shall be approved.

Ms. Zrinski seconded the motion.

The minutes were approved by voice acclamation with Mrs. Ferraro abstaining.

Presentation of a Proclamation

Ms. Zrinski presented a proclamation to Mr. Sam Benchehib who was running across the United States to raise awareness of plastic waste and its effect on the environment.

Mr. Benchehib stated the City of Easton and the County of Northampton were the first official City and County that he was running through and he was grateful for the efforts the County was taking to reduce single use plastic as it was an extremely serious issue.

Mr. Benchehib advised running 3,000 miles was a crazy feat, but it was an amazing way of getting people’s attention and show that action should be taken today because by 2048 there would be more plastic in the ocean than fish by weight.
Courtesy of the Floor

Ms. Theresa O'Brien, 5220 Vermont Drive, Easton, PA - provided a copy of the statement she read (see Attachment #1) regarding the PennEast Pipeline that was proposed to run one half mile from her home. She also provided an Order Issuing Certificates (see Attachment #2), Governor’s Pipeline Infrastructure Task Force Report (see Attachment #3), documents pertaining to the PennEast Pipeline (see Attachment #4) and Pollution Reduction Plan - Bethlehem Township, Northampton County, Pennsylvania (see Attachment #5).

Mr. Joseph O'Brien, 5220 Vermont Drive, Easton, PA - stated the PennEast Pipeline would deliver no benefits to any of the residents of Northampton County. He further stated some municipalities and residents may receive some compensation from the company, but that money would be spent and the pipeline would remain for decades.

Mr. O'Brien advised it would not take something as dramatic as an explosion to know particularly with freeze/thaw and difficulty in joining the pipes that there could be a release of toxic substances into the environment and communities. He further advised there may be no way to stop the pipeline, but they could ensure all the regulations were being completely complied with and communities were protected.

Mr. O’Brien stated when there was no benefit there could only be things that would be deleterious to society and communities and it was because of that that County Council needed to take advantage of some of the approaches Ms. O’Brien highlighted in her statement.

Mr. O’Brien advised because it was new for pipelines to be running through Counties with the population density of this County it was an opportunity for this County Council to create precedence that would affect policy across the State. He implored County Council to look at the issue very carefully and recognize the power they had to protect its citizens.

In answer to Mr. Cusick’s question as to whether there was an existing Lehigh River Stormwater ordinance or a sample, Ms. O’Brien stated in 2017, County Council adopted the Monocacy Watershed Stormwater Plan under Act 167 so she would like County Council to adopt a similar ordinance for a different region.
Mr. Cusick asked County Council's Solicitor to look into the matter to see if this was something County Council wanted to do.

Ms. O'Brien commented that County Council may want to direct the Conservation District to take this issue seriously.

County Executive Report

Mr. Lamont McClure, County Executive, introduced Lieutenant Ryan Heinrich, Corrections Supervisor, and Dani.

Lieutenant Heinrich advised Dani was trained in narcotics and patrol work. He further advised she had six confirmed finds which led to three criminal prosecutions and they were in the process of getting her trained in more things, one of which is medications.

Ms. Susan Wandalowski, Director of Human Services, stated Mr. Peabody was one of four therapy dogs that came to the Human Services Building every Monday during visit times.

Mr. McClure advised tonight County Council would be considering several contracts for the Forensic Center that he hoped would be completed by the middle of next year.

Mr. McClure stated the roof over the Courthouse had been repaired and the Milides Building would be demolished shortly to make way for a new parking lot.

Mr. McClure advised a bid grant was received by the Commonwealth of Pennsylvania of $250,000 for fair housing. He further advised the Northampton Community College Energy Analysis Team was going to conduct energy audits in two low to moderate income neighborhoods in Bethlehem and Easton.

Mr. McClure stated students from the Career Institute of Technology at Bethlehem Area Vocational Technical School would be building obtainable housing units within their neighborhoods.

Mr. McClure advised there was development of a conservation plan that worked with the historical commissions in Bethlehem and Easton to provide low cost preservation assistance and training. He further advised the goal was to preserve older, historical homes (ten in each community) that were owned by an underserved population. He further noted training would be
provided by the Heritage Home Program and the National Park Service and local lending institutions may be able to provide some low cost assistance.

Mr. McClure stated they received the Arbitrator Award for the arbitration with the Correction Officers and they were very pleased with the decision. He further stated at the table they offered a 4.5% raise for the first year and then 2% and 2% for the subsequent years, as well as offered to immediately bring them into the County's health care plan. He noted these offers were rejected so it went to binding arbitration.

Mr. McClure advised the arbitrator awarded .77% more in wages than offered at the table with the lion share of the raise going to officers who were on the job for 13 years or less and those with more than 14 years would receive less than offered. He further advised this deal was going to cost less because the Correction Officers were not going into the health care plan in 2019.

Mr. McClure stated another parcel of the Chrin property had been sold so the County would be receiving $136,000 for farmland preservation.

Mr. McClure advised in response to Ms. O'Brien's statement the County did not control the Conservation District and had limited ability to affect them administratively.

Public Hearing on the Ordinance Entitled, "AN ORDINANCE AUTHORIZING THE PURCHASE OF APPROXIMATELY 1.4 ACRES, MORE OR LESS, AS DETERMINED BY SURVEY OF REAL PROPERTY BY THE COUNTY OF NORTHAMPTON IN PLAINFIELD TOWNSHIP, PENNSYLVANIA, FROM NORFOLK SOUTHERN RAILWAY COMPANY"

Mr. Heckman stated the following ordinance was introduced by Ms. Zrinski and Mr. Werner at the July 18, 2019 meeting:

AN ORDINANCE AUTHORIZING THE PURCHASE OF APPROXIMATELY 1.4 ACRES, MORE OR LESS, AS DETERMINED BY SURVEY OF REAL PROPERTY BY THE COUNTY OF NORTHAMPTON IN PLAINFIELD TOWNSHIP, PENNSYLVANIA, FROM NORFOLK SOUTHERN RAILWAY COMPANY

WHEREAS, Northampton County Home Rule Charter Section 602(a)(6) provides that the Northampton County Council shall enact an ordinance for any act which conveys, leases, purchases
or authorizes the conveyance, lease or purchase of any real
estate property of the County; and

WHEREAS, on July 9, 2019, the Parks, Recreation and Open
Space Advisory Board provided a recommendation for Northampton
County to purchase (fee simple acquisition) the Norfolk Southern
property in Stockertown, located in Plainfield Township, part of
Two Rivers Area Trail Gap 9A, of approximately 1.4 acres, more
or less, as determined by survey, to be approved by the
Northampton County Council.

WHEREAS, on July 15, 2019, Northampton County Council was
requested to authorize the County Executive to enter into an
Agreement of Sale with Norfolk Southern Railway Company to
purchase approximately 1.4 acres, more or less, as determined by
survey, of real property located in Plainfield Township, County
of Northampton, Commonwealth of Pennsylvania, as more fully
described in a Deed recorded in the Office of the Recorder of
Deeds of Northampton County, Pennsylvania (Deed Book Volume
2003-1 Page 434,659) also known as Northampton County Parcel
Number H8 17 1 in consideration of One Hundred and Fifty
Thousand and 00/100 dollars ($150,000) per acre based on number
of acres determined by the survey. Earnest Money is required to
bind the Agreement of Sale in the amount of Twenty-Five Thousand
and 00/100 dollars ($25,000), which shall be credited toward the
total price at closing. The Total Purchase Price shall not
exceed Two Hundred and Twenty-Five Thousand and 00/100 dollars
($225,000).

NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the
Northampton County Council that it does hereby authorize the
County Executive to enter into an Agreement of Sale to purchase
approximately 1.4 acres, more or less, as determined by the
survey, located in Plainfield Township, as not to exceed
$225,000, from Norfolk Southern Railway Company in accordance
with the Agreement of Sale which is attached hereto and made a
part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective
twenty days after the date of enactment.

Public Hearing

Mr. Heckman asked if there were any questions or comments
from the public.
There were no respondents.

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

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

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

Consideration of a Personnel Request Resolution: County Council - Deputy Clerk

Mr. McGee introduced the following resolution:

R. 79-2019  IT IS HEREBY RESOLVED by the Northampton County Council that the one (1) full time position of Clerical Specialist, pay grade CS-17-2B, salary $37,955 in the Office of County Council, be eliminated effective August 1, 2019.

IT IS HEREBY FURTHER RESOLVED by the Northampton County Council that the one (1) full time position of Deputy Clerk to Council, pay grade CE-1-1-A, salary $45,723 be created in the Office of County Council, effective August 1, 2019.

Mr. Werner advised he had observed the workings of the County Council office for the eight plus years he was a County Council member and he found they worked as a team and responded effectively and quickly to any requests. He further advised the environment itself had led to a group of dedicated personnel who were not concerned about titles or competition.

Mr. Werner stated this situation could change rapidly if a new job description was introduced as people may be concerned about their positions. He further stated the existing staff had done a great job and as far as a legacy plan, there was no guarantee that this person wouldn’t be ousted by a new Council so he would be opposing this request.

Mr. Dietz advised he agreed with Mr. Werner, noting he never had any issue having any research completed or receiving data he requested. He further advised the justification that it was preparing for succession belied the fact there was no
succession as every County Council decided who they wanted in the office.

Mr. Dietz stated if someone had to step in for Mrs. Zembo, the first few meetings may not be perfect, but there was no urgency in creating this position.

Mrs. Ferraro advised she understood the legacy idea, but she had been through a lot of changes. She further advised the Polyscience portion of the educational requirements was not necessary because County Council’s job was the budget.

Mrs. Ferraro stated when former Clerk to Council Frank Flisser took ill Mrs. Zembo stepped in and did the job so she really did not think it was necessary to upset the status quo and come in with job titles.

Ms. Zrinski advised that Polyscience was not a mandatory requirement. She further advised a new person in a role with a new title should not threaten the other staff in the office.

Ms. Zrinski stated no one was upset with the functions of the office or felt it was not adequate, but this clarification of the role brought more definition to the position so there was a legacy. She further stated discussions had been held regarding other departments pertaining to the fact there was only one person in a particular position who could do that job.

Ms. Zrinski advised she did not feel people should be threatened by change and the office required another person so this provided the opportunity for County Council to make this change so she was going to vote in favor of the request.

In response to Ms. Vargo Heffner’s question as to whether the manpower individual would be able to stay until this position was filled since a position was being eliminated, Mr. Spadoni replied they would be allowed to stay as they were hired on a temporary basis.

Mr. McGee stated he did not rush this request through and talked to most of the people on County Council regarding it. He further stated this resolution did not indicate that the current staff was doing a bad job and he did not have a problem with their work.
Mr. McGee advised this was a succession plan because many times he had heard there were issues with succession in different departments. He further advised he had been in the personnel field for a long time and felt this was an appropriate request. He added he did not want this to become a political issue and was hoping for full County Council support.

In answer to Mr. Cusick’s question as to the procedure that would be used to fill the position if the resolution were adopted, Mr. Heckman stated the Home Rule Charter only specified the Clerk to Council and Solicitor to Council positions. He further stated the President, Vice President, Chair of the Personnel Committee and the Clerk to Council would conduct the interviews.

Ms. Ferraro advised she did not like using the word political because any vote she made was not political. She further advised once elected the party designation had to go away to allow everyone to work for the benefit of the County.

Mr. Heckman stated some of the concern was Mr. McGee was hearing that there was someone sitting and waiting for this position, but he was not aware of anyone.

Mr. Heckman commented he felt Mr. McGee took some flack, but for approximately 35 years Council’s plan and procedure was Mr. Flisser and when he left Council was fortunate that Mrs. Zembo could take over.

Mr. Heckman advised it was up to five members of County Council to decide who was to be hired, but he would not support any plan that would change the pay or position of the current staff.

Ms. Zrinski stated this proposed a good solution to a problem that Mr. McGee observed and no one should feel threatened by it. She further stated the fact that Mrs. Zembo would have a chance to be in on the selection made her a stakeholder in the legacy.

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

The resolution was adopted by a vote of 5-4.

Consideration of a Resolution Approving the Fiscal Year 2019 to 2023 Consolidated Plan and Fiscal Year 2019 Community Development Block Grant Annual Action Plan

Mr. McGee introduced the following resolution:

R. 80-2019

A RESOLUTION APPROVING THE FISCAL YEAR 2019 TO 2023 CONSOLIDATED PLAN AND FISCAL YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE COUNTY OF NORTHAMPTON

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development (HUD) is authorized to extend financial assistance to communities in the prevention or elimination of slums or urban blight, activities which will benefit low and moderate income persons or other urgent community development needs; and

WHEREAS, under the HOME Investment Partnership Program (HOME Program) created by the National Affordable Housing Act of 1990, as amended, the Secretary of HUD is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; and

WHEREAS, HUD has advised the County of Northampton that under Fiscal Year 2019 (FY 2019), the County is eligible to apply for an entitlement grant under the Community Development Block Grant (CDBG) Program in the amount of $2,103,140 and HOME Program in the amount of $568,799; and

WHEREAS, the County of Northampton’s Department of Community and Economic Development has prepared a Five-Year Consolidated Plan and FY 2019 Annual Action Plan which proposes how the entitlement grant funds will be expended to address the housing and community development needs identified in the County’s Five-Year Consolidated Plan; and

WHEREAS, drafts of the FY 2019-2023 Five-Year Consolidated Plan and FY 2019 Annual Action Plan were on public display from July 1, 2019 through July 31, 2019 and the County held a series of public meetings and hearings on the said Plans and the
comments of various agencies, groups and citizens were taken into consideration in the preparation of the final plans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

1. That the FY 2019-2023 Consolidated Plan and FY 2019 Annual Action Plan are hereby approved.

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

3. That the County Executive is authorized to execute and file the financial assistance application with HUD which has indicated its willingness to make available funds to carry out the CDBG Program in the amount of two million one hundred three thousand one hundred forty dollars ($2,103,140), HOME Program in the amount of five hundred sixty eight thousand seven hundred ninety nine ($568,799) and is further authorized to act as the authorized representative of the County of Northampton to sign any and all documents in regard to these programs.

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

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


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

Consideration of a Resolution Approving the Acceptance of a Grant Award from the Pennsylvania Housing Finance Agency

Mr. McGee introduced the following resolution:
A RESOLUTION APPROVING THE ACCEPTANCE OF A GRANT AWARD FROM THE PENNSYLVANIA HOUSING FINANCE AGENCY

WHEREAS, the County of Northampton, Department of Community & Economic Development (DCED) has partnered with the cities of Bethlehem and Easton to submit an application to the Pennsylvania Housing Finance Agency; and

WHEREAS, DCED had prepared and submitted an application from the notice of funding availability under the Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE) authorized under Act 10 of the 2010 (the PHARE Fund) and the Realty Transfer Tax (the PHARE/RTT Fund), pursuant to Act 58 of 2015 (the Act); and

WHEREAS, the program Conserve, Preserve and Revitalize Northampton County was awarded two hundred fifty thousand dollars ($250,000); and

WHEREAS, the County of Northampton will be the lead agency and work in cooperation with our collaborating partners, the cities of Bethlehem and Easton, towards the goal of implementing these programs within Northampton County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

1. That the County Executive is hereby authorized to accept the award of two hundred fifty thousand dollars ($250,000) and execute any agreements necessary.

2. That the County Executive is authorized to execute and file any financial assistance reporting requirements to the Pennsylvania Housing Finance Agency for the funding request and is further authorized to act as the authorized representative for the County of Northampton to sign any and all documents in regard to this program.

3. That the County Executive is hereby authorized to provide assurances and/or certifications as required by the Pennsylvania Housing Finance Agency and also provide any additional documents that may be requested.

As there were no questions or comments, Mr. Heckman called for the vote.
The vote: McGee, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Zrinski, "yes"; Cusick, "yes"; Dietz, "yes"; Ferraro, "yes"; Heckman, "yes" and Lott, "yes".
The resolution was adopted by a vote of 9-0.

Consideration of a Resolution Approving the Submittal of an Application for Funding to the U.S. Department of Housing & Urban Development Office of Lead Hazard Control and Healthy Homes

Mr. McGee introduced the following resolution:

R. 82-2019

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR FUNDING TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

WHEREAS, the County of Northampton, Department of Community & Economic Development (DCED) has partnered with the cities of Bethlehem and Easton to form the BEN Lead Paint Coalition that was awarded funding from the Office of Lead Hazard Control and Healthy Homes; and

WHEREAS, DCED has prepared an application from the notice of additional funding availability that the Office of Lead Hazard Control and Healthy Homes issued. The application will cover the period to March 31, 2024, any matching requirements will come from existing programs; and

WHEREAS, the purpose of preparing this application for additional funding will be to reduce elevated lead levels in children ages one (1) to six (6) years old. The application will address Northampton County homes that have been identified to contain a lead based paint hazard; and

WHEREAS, the County of Northampton will be the lead agency and work in cooperation with our collaborating BEN Lead Paint Coalition partners towards the goal of reducing lead levels in very young children within Northampton County. The application will provide the necessary funding to remove these lead paint hazards that pose a risk to very young children. This application contains supporting documentation to meet the high priority threshold level of existing pre-1940 housing stock and contains a plan on how to meet the needs of
income qualified households in removing this risk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Northampton:

1. That the County Executive of the County of Northampton is hereby authorized to execute and file an application to the Office of Lead-Based Paint Hazard and Healthy Homes for two million dollars ($2,000,000).

2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of Lead-Based Paint Hazard Control with Federal financial assistance.

3. That the County Executive is authorized to execute and file the financial assistance application with the U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes for the funding request, and is further authorized to act as the authorized representative of the County of Northampton to sign any and all documents in regard to these programs.

4. That the County Executive is hereby authorized to provide assurances and/or certifications as required by the U.S. Department of Housing and Urban Development and also provide any additional documents that may be requested.

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

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

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

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Sordoni Construction Services, Inc. - General Construction Services

Mr. Werner introduced the following resolution:

R. 83-2019 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 July 31, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $6,050,000, with Sordoni Construction Services, Inc., for general construction services for the new Forensic Center.

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 Sordoni Construction Services, Inc., for general construction services for the new Forensic Center.

Mr. Cusick advised he heard about the situation at the current Coroner's Office since 2006 so he would be supporting these contracts.

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

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

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

Wind Gap Electric - Electrical Construction Services

Mr. Werner introduced the following resolution:

R. 84-2019 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 July 31, 2019 the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $737,700, with Wind Gap Electric for electrical construction services for the new Forensic Center.

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 Wind Gap Electric for electrical construction services for the new Forensic Center.

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

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

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

JBM Mechanical - HVAC

Mr. Werner introduced the following resolution:

R. 85-2019 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 July 31, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $1,011,000, with JBM Mechanical for HVAC for the new Forensic Center.

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 JBM Mechanical for HVAC for the new Forensic
As there were no questions or comments, Mr. Heckman called for the vote.

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

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

Mr. Werner wanted it to be noted in the record that all of the contractors attended the Special Finance Committee meeting that was held before this meeting to answer questions.

Myco Mechanical, Inc. – Plumbing/Fire Protection

Mr. Werner introduced the following resolution:

R. 86-2019  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 July 31, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $496,300, with Myco Mechanical, Inc. for plumbing and fire protection construction services for the new Forensic Center.

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 Myco Mechanical, Inc. for plumbing/fire protection construction services for the new Forensic Center.

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

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

Wind Gap Electric - Solar Construction Services

Mr. Werner introduced the following resolution:

R. 87-2019  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 July 31, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $293,770, with Wind Gap Electric for solar construction services for the new Forensic Center.

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 Wind Gap Electric for solar construction services for the new Forensic Center.

In response to Ms. Zrinski's question from the Special Finance Committee meeting, Mr. Charles Dertinger, Director of Administration, stated it was 115.5 kilowatts and the cost was $2,547 per kilowatt.

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

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

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

Wind Gap Electric - Low Voltage Security Construction Services

Mr. Werner introduced the following resolution:
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 July 31, 2019 the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $112,976, with Wind Gap Electric for low voltage security construction services for the new Forensic Center.

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 Wind Gap Electric for low voltage security construction services for the new Forensic Center.

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

The vote: Werner, "yes"; Heckman, "yes"; Lott, "yes"; McGee, "yes"; Vargo Heffner, "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 stated at the Human Services Committee meeting earlier this evening a presentation was received from the Information, Referral and Emergency Services and information was provided on how the referrals for Children, Youth and Families were handled.

Ms. Vargo Heffner advised Mr. Jon Rubin, Director of Human Services for Bucks County, explained how their office was working since they removed themselves from the Civil Services hiring process, but further discussion would be held as there were some questions regarding human resources procedures.
Airport Authority Liaison Report

Ms. Zrinski stated that Escalator No. 11 had been repaired and the rest would either be repaired or replaced over a period of time. She further stated there was a discussion regarding the new airport runway and Hangar No. 11.

In answer to Mr. Werner’s question as to how Braden Airpark was doing, Ms. Zrinski advised there was nothing new to report, but things were going well.

Mr. Dietz stated more signage was added and mailers were sent out to nearby aircraft owners to try to get them to come in at least for maintenance.

Ms. Zrinski advised on August 17, 2019, a movie night would be held at the airpark.

In response to Mr. Heckman’s question as to whether they had a flight school, Mr. Dietz stated they did, but it was smaller than before.

Lehigh Valley Planning Commission (LVPC) Comprehensive Plan

In answer to Mr. Heckman’s question as to whether LVPC was bringing forth their comprehensive plan, Mr. McClure advised they were in the comment period at this time and he would be sharing their comments with County Council before that because they had to ensure it was on parallel tracks with what the County wanted to do.

County Commissioners Association of Pennsylvania (CCAP) Liaison Report

Mr. Cusick stated he participated in the CCAP Executive Director interview process and they have narrowed the field down to two candidates. He further stated they would be presented to CCAP’s Executive Board this weekend and hopefully there would be a newly appointed Executive Director to replace Mr. Doug Hill.
Wesley Methodist Church Backpack Drive

Mr. Dietz advised County Council had granted funds to the Wesley United Methodist Church, 2540 Center Street, Bethlehem for their Backpack Drive so he wanted to let everyone know that it would be taking place starting at 8:00 a.m. on August 17, 2019.

Adjournment

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

Mr. Werner seconded the motion.

The motion to adjourn passed unanimously by acclamation.

______________________________
Linda M. Zembo
Clerk to Council
NORCO meeting three-minute public comment (edited for time)

My name is Theresa O’Brien. I live at 5220 Vermont Drive, and I’m commenting on the PennEast natural gas pipeline proposed to run ½ mile from my house.

1. FERC authorization of PennEast pipeline project was a blanket authorization based on FERC’s opinion, as a national regulator, that benefits to customers in NY and NJ would outweigh damages to PA residents’ properties and quality of life.

   Northampton County has nothing to gain from this pipeline.

2. Pennsylvania DEP has not approved the project in its currently proposed form, and is waiting for PennEast to correct more than 300 deficiencies in its submission to DEP.

3. Every pipeline approved by Pennsylvania DEP in the past five years has repeatedly violated PA law. DEP even halted Mariner East 2 (after more than $12 million in fines) and Revolution (after an explosion in Beaver County). I spoke with DEP project manager Mike Luciani (who is in charge of reviewing PennEast’s application) two days ago, and he told me:
   a. “Do I expect violations to happen? I hope not.”
   b. “We’re trying to avoid that kind of thing [landslides] anymore.”
   c. “[Reviewing pipelines] is a ‘learn as we go’ kind of thing.”
   d. “Atlantic Sunrise went very well considering the weather we had over the past nine months, with all the rain.” [see NoV docs for details]

Violations on Atlantic Sunrise—which Luciani believes has gone well—included diesel fuel releases into soil, drilling fluid releases into soil, and unauthorized use of Horizontal Directional Drilling.
4. The home rule charter gives Northampton County Council the power to pass ordinances and levy taxes.

Pipeline infrastructure projects are an emerging area of regulation in PA. What Northampton County does now will set precedents for future projects.

Do we really want to let private companies, without any benefit for Northampton County residents or businesses, turn Northampton County into Carbon County?

The Lehigh River is already listed as impaired from storm sewer and urban runoff.

Northampton County Conservation District has jurisdiction over the Erosion and Sediment Control Permit applications from pipeline operators. According to Nick DiPaolo, the county has completed its first technical review of the application submitted in December 2018, and PennEast has until Labor Day to submit a revised application with corrections to the deficiencies noted by the county. This pipeline’s presence in our county is not a “done deal.” We still have a chance to stop it—and stop the decrease in our home values—not just get payments to municipalities in exchange for markedly decreasing residents’ quality of life.
Stand up for the residents of this county.

-> Pursuant to Pennsylvania Act 167, pass a Lehigh River stormwater ordinance that forbids drilling or excavation (other than routine road maintenance) within any HUC-12 watershed contiguous with the Lehigh River, within 100 feet of storm sewers, and within 100 feet of any BMP area in a municipal pollutant reduction plan already submitted to DEP.

THIS PIPELINE WILL BRING NO BENEFIT TO NORTHAMPTON COUNTY, BUT IT WILL BRING HAZARDS, RISKS, AND COSTS. NORTHAMPTON COUNTY COUNCIL SHOULD USE EVERY AVAILABLE MEANS TO OPPOSE IT.
ORDER ISSUING CERTIFICATES

(issued January 19, 2018)

1. On September 24, 2015, PennEast Pipeline Company, LLC (PennEast) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)\(^1\) and Parts 157 and 284 of the Commission’s regulations,\(^2\) requesting authorization to construct and operate a new 116-mile natural gas pipeline from Luzerne County, Pennsylvania, to Mercer County, New Jersey, along with three laterals extending off the mainline, a compression station, and appurtenant above ground facilities (PennEast Project). The project is designed to provide up to 1,107,000 dekatherms per day (Dth/d) of firm transportation service. PennEast also requests a blanket certificate under Part 284, Subpart G of the Commission’s regulations to provide open-access transportation services, and a blanket certificate under Part 157, Subpart F of the Commission’s regulations to perform certain routine construction activities and operations.

2. As explained herein, we find that the benefits that the PennEast Project will provide to the market outweigh any adverse effects on existing shippers, other pipelines and their captive customers, and on landowners and surrounding communities. Further, as set forth in the environmental discussion below, we agree with Commission staff’s conclusion in the Environmental Impact Statement (EIS) that the project will result in some adverse environmental impacts, but that these impacts will be reduced to acceptable levels with the implementation of the applicant’s proposed mitigation and staff’s recommendations, as modified herein, and adopted as conditions in the attached Appendix A of this order. Therefore, for the reasons stated below, we grant the requested authorizations, subject to the conditions discussed herein.

---

\(^1\) 15 U.S.C. § 717f(c) (2012).

(C) A blanket construction certificate is issued to PennEast under Subpart F of Part 157 of the Commission’s regulations;

(D) A blanket transportation certificate is issued to PennEast under Subpart G of Part 284 of the Commission’s regulations;

(E) PennEast shall file a written statement affirming that it has executed firm contracts for the capacity levels and terms of service represented in signed precedent agreements, prior to commencing construction.

(F) PennEast’s initial rates and tariff are approved, as conditioned and modified above.

(G) PennEast is required to file actual tariff records reflecting the initial rates and tariff language that comply with the requirements contained in the body of this order not less than 30 days and not more than 60 days prior to the commencement of interstate service consistent with Part 154 of the Commission’s regulations.

(H) As described in the body of this order, PennEast must file any negotiated rate agreement or tariff record setting forth the essential terms of the agreement associated with the project at least 30 days, but not more than 60 days before the proposed effective date of such rates.

(I) No later than three months after the end of its first three years of actual operation, as discussed herein, PennEast must make a filing to justify its existing cost-based firm and interruptible recourse rates. PennEast’s cost and revenue study should be filed through the eTariff portal using a Type of Filing Code 580. In addition, PennEast is advised to include as part of the eFiling description, a reference to Docket No. CP15-558-000 and the cost and revenue study.

(J) The requests for an evidentiary hearing are denied.

(K) PennEast shall notify the Commission’s environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local
agencies on the same day that such agency notifies PennEast. PennEast shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission. Commissioners LaFleur and Chatterjee are concurring with separate statements attached. Commissioner Glick is dissenting with a separate statement attached.

(SEAL)

Nathaniel J. Davis, Sr.,
Deputy Secretary.
Today’s order denies rehearing of the Commission’s decision to authorize the PennEast Project (Project) under section 7 of the Natural Gas Act (NGA). 1 I dissent from the order because—for several reasons—it fails to comply with our obligations under the NGA and the National Environmental Policy Act (NEPA). 2 First, I disagree with the Commission’s conclusion that the Project is needed, which is based only on the existence of precedent agreements, including contracts with the project developers’ affiliates accounting for 74 percent of the Project’s subscribed capacity. 3 Second, I disagree with the Commission’s conclusion that the Final Environmental Impact Statement (Final EIS) adequately assessed the environmental harms caused by the Project. The Commission, in this proceeding, determined that the Project will be environmentally acceptable even though the record lacks information that is critical to assessing the Project’s environmental impact. The absence of this information should have prevented the Commission from concluding that the Project was in the public interest—a fatal flaw that is not cured merely by designating the certificate “conditional.” Finally, I disagree with the Commission’s assertion that it does not need to consider the harm from the Project’s contribution to climate change. While the Commission quantified the Project’s upstream and downstream greenhouse gas (GHG) emissions, the Commission nonetheless maintains that these emissions are not reasonably foreseeable and that it is not obligated to determine whether the resulting impact from climate change is significant. 4 Today’s order simply is not the product of reasoned decisionmaking.

I. The Commission Fails to Demonstrate That the Project Is Needed

Section 7 of the NGA requires that, prior to issuing a certificate for new pipeline construction, the Commission must find both that the pipeline is needed, and that, on balance, the pipeline’s benefits outweigh its harms. In today’s order, the Commission reaffirms its exclusive reliance on the existence of precedent agreements with shippers to conclude that the Project is needed. 5 While PennEast’s affiliates hold 74 percent of the pipeline’s subscribed

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4 Rehearing Order, 164 FERC ¶ 61,098 at PP 105, 107, 109, 111, 118-121.
5 Rehearing Order, 164 FERC ¶ 61,098 at P 20 ("Where, as here, it is demonstrated that specific shippers have entered into precedent agreements for project service, the Commission places substantial reliance on those agreement to find that the project is needed.").
As I have stated previously, precedent agreements are one of several types of evidence that can be valuable in assessing the market demand for a pipeline. However, contracts among affiliates are less probative of that need because they are not necessarily the result of an arms-length negotiation. Indeed, the Commission itself has recognized that “[u]sing contracts as the primary indicator of market support for the proposed pipeline project also raises additional issues when the contracts are held by pipeline affiliates.” I could not agree more. It does not take much imagination to understand why an affiliate shipper might be interested in contracting with a related pipeline developer for capacity that may not be needed, such as the parent company’s prospect of earning a 14 percent return on equity on an investment, or increased profits earned by an affiliated electric generator if new gas pipeline capacity frees up congestion that has been restraining gas and electric prices in a particular zone.

I agree with the protesting parties that affiliate precedent agreements cannot be sufficient in and of themselves to demonstrate that a pipeline is needed. In such cases, the Commission must review additional evidence in the record. As the Certificate Policy Statement explains, this evidence might include, among other things, “demand projections, potential cost savings to consumers, or comparison of projected demand with the amount of capacity currently serving the market.” Yet, the Commission dismisses any need to consider evidence beyond precedent agreements, stating that it is not current policy to look beyond the “market need reflected by the applicant’s contract with shippers.” That conclusion belies the Commission’s assertion that it evaluates individual projects based on the evidence of need presented in each proceeding. If precedent agreements are the only evidence it seriously considers, it cannot simultaneously claim to have given the record evidence the review it deserves and that the Administrative Procedures

6 Certificate Order, 162 FERC ¶ 61,053 at P 6 (explaining that six of the 12 shippers are affiliates of PennEast Pipeline Company, subscribing to 735,000 dekatherms (Dth) per day, or 74 percent of the 990,000 Dth per day of subscribed capacity).

7 Rehearing Order, 164 FERC ¶ 61,098 at P 16 (further explaining that “it is current Commission policy to not look beyond precedent or service agreements to make judgments about the needs of individual shippers”).

8 Certificate Order, 162 FERC ¶ 61,053 (Glick, Comm’r, dissenting); see also Spire STL Pipeline LLC, 164 FERC ¶ 61,085, at 1-4 (2018) (Glick, Comm’r, dissenting); NEXUS Pipeline Company, L.L.C., 164 FERC ¶ 61,054, at 2-4 (2018) (Glick, Comm’r, dissenting); Mountain Valley Pipeline, LLC, 163 FERC ¶ 61,197, at 2-4 (2018) (Glick, Comm’r, dissenting in part).


10 Rehearing Order, 164 FERC ¶ 61,098 at P 34; Rate Counsel’s Request for Rehearing at 9-10.

11 Rate Counsel’s Request for Rehearing at 9-10; New Jersey Conservation Foundation’s Request for Rehearing at 26.


13 Rehearing Order, 164 FERC ¶ 61,098 at P 16.

14 Id. (stating that the Commission “evaluates individual projects based on the evidence of need presented in each proceeding”).
Governor’s Pipeline Infrastructure Task Force (PITF) Report

February 2016
In addition to PUC oversight, the Pennsylvania DEP has regulatory authority over any crossing of a wetland or waterway by a pipeline. Pipeline projects located within Delaware River Basin may be subject to regulatory review by the Delaware River Basin Commission (DRBC) when certain threshold established by the Administrative Manual -- Rules of Practice and Procedure are met.

Municipal governments (cities, boroughs and townships) are authorized by the General Assembly to enact zoning and subdivision regulations which may regulate the siting and environmental impact of pipeline-related surface facilities. Municipalities also have the regulatory responsibility for minimizing conflicts between pipelines and new development on adjacent lands.

Susquehanna County Conservation District xvii presented a chart of the approval process, which elaborates on the state agencies that can be involved in the process.
# Anticipated Permits / Approvals

Permits, Licenses, Approvals, and Certificates
Required for Construction, Operation, and Maintenance of the Constitution Pipeline Project

<table>
<thead>
<tr>
<th>Permit/Approval</th>
<th>Federal Administration Agency</th>
<th>Pennsylvania Administration Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Public Convenience and Necessity</td>
<td>Federal Energy Regulatory Commission</td>
<td>USFWS Pennsylvania Field Office</td>
</tr>
<tr>
<td>PASRGP-3 CWA Section 404 Individual or Nationwide Permits (NY &amp; Buffalo)</td>
<td>Army Corps of Engineers Baltimore District</td>
<td>USFWS New York Field Office</td>
</tr>
<tr>
<td>Army Corps of Engineers New York District</td>
<td></td>
<td></td>
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<tr>
<td>Army Corps of Engineers Buffalo District</td>
<td></td>
<td></td>
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<tr>
<td>Consultation</td>
<td>USFWS Pennsylvania Field Office</td>
<td>USFWS New York Field Office</td>
</tr>
<tr>
<td>Surface Water Withdrawal / Consumptive Use Permits</td>
<td>Susquehanna River Basin Commission</td>
<td></td>
</tr>
</tbody>
</table>

## Pennsylvania State

<table>
<thead>
<tr>
<th>Permit/Approval</th>
<th>Administration Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>CWA 401 Water Quality Certification</td>
<td>PDEP Northeast Regional Office</td>
</tr>
<tr>
<td>Chapter 105 Water Obstruction and Encroachment Permits</td>
<td>Bureau of Watershed Management</td>
</tr>
<tr>
<td>CWA Section 402 NPDES - Hydrostatic Test Water Discharge General Permit (PAG 10) or Individual Permit</td>
<td>PDEP Northeast Regional Office</td>
</tr>
<tr>
<td>Bureau of Water Quality Protection</td>
<td></td>
</tr>
<tr>
<td>CWA Section 402 NPDES Chapter 102 Erosion and Sediment Control General Permit (ESCP-1) for Construction Activities</td>
<td>PDEP Bureau of Watershed Management and</td>
</tr>
<tr>
<td>Bureau of Oil and Gas Management</td>
<td></td>
</tr>
<tr>
<td>Erosion / Sedimentation Control Plan Review</td>
<td>PDEP Bureau of Waterways Engineering</td>
</tr>
<tr>
<td>Submerged Land License Agreement</td>
<td>PennDOT</td>
</tr>
<tr>
<td>Highway Occupancy Permit</td>
<td>PA DCR</td>
</tr>
<tr>
<td>Clearance (Rare Species)</td>
<td>PA Fish and Boat Commission</td>
</tr>
<tr>
<td>Clearance (Rare Species)</td>
<td>PA Game Commission</td>
</tr>
<tr>
<td>Clearance (Cultural Resources)</td>
<td>PA Historic Commission</td>
</tr>
<tr>
<td>Clearance (Rare Species)</td>
<td></td>
</tr>
<tr>
<td>Blasting Permit</td>
<td></td>
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<tr>
<td>Clearance (Cultural Resources)</td>
<td></td>
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</tbody>
</table>

## Pennsylvania Local and County

<table>
<thead>
<tr>
<th>Permit/Approval</th>
<th>Administration Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion &amp; Sedimentation Control Plan Review</td>
<td>Susquehanna County Conservation Districts</td>
</tr>
</tbody>
</table>
County Government Workgroup

Introduction

The County Government Workgroup has prepared 12 recommendations which largely center on communication and cooperation with and between County Government, Municipalities, Citizens and Pipeline Operators. Through their Planning departments, Geographic Information System (GIS) resources and environmental authorities, Counties can play a vital role in the pipeline development process provided they are included in the process. The majority of our group believes that our recommendations will assist not only County and Local Governments and our constituents, but the operators as well.

Counties can often provide mapping and GIS data to operators. Information provided to counties by operators and Federal and State Governments can be shared with our municipalities and citizens. Counties want, and should have more communication with operators and a bigger role in planning how pipelines affect our communities.

Our first recommendation is that Counties continue to be engaged in the implementation of recommendations of the Task Force so that we can provide important resources and be able to respond to our constituents.

The remaining recommendations fall into the categories of Education and Shared Resources, Communication and Transparency, and Safety and Protection. It is likely that some of our recommendations may mirror, or perhaps conflict with, recommendations of other Workgroups: i.e. Siting and Routing, Local Government Group, etc. We would welcome the opportunity to work with those groups to finalize recommendations that make sense for all of the groups.

Some of the challenges in implementing some of our recommendations will be limited resources (personnel and funding), and legislative and/or regulatory action. We also recognize the importance of developing ongoing relationships with pipeline operators which will be needed to achieve many of our recommendations.

While the group believes that we have taken into account the concerns of the industry, our industry member disapproved of the majority of our recommendations. A follow-up e-mail was sent to that member further explaining our commitment to work with the industry to achieve our goals.
County Government Workgroup Recommendation #1

Counties Should Partner in Implementation of Task Force Recommendations

Full recommendation:
Counties must continue to be engaged with the state and the pipeline industry in the implementation of all recommendations pursuant to the release of the Task Force’s report.

Relevant agencies:
County elected officials
County planning agencies
Emergency services agencies
Conservation districts
Other county agencies

Justification:
Counties want to be an ongoing partner as the oil and gas industry evolves, to assure they are able to offer input and resources as appropriate during the development process and able to best provide accurate and timely information to the communities they represent.

Actions that would be required to achieve recommendation:
Ongoing outreach from state agencies and the pipeline industry to counties.

Challenges to achieving recommendation:
None.

Additional supporting material:

Issues to address (such as cost, environmental impacts):
County Government Workgroup Recommendation #2

Counties Should Include Pipelines Development in County Comprehensive Plans

Counties should include information about pipelines and pipeline corridors within their comprehensive plans, and should strongly encourage operators to use best practices, e.g., those provided by Pipelines and Informed Planning Alliance (PIPA).

Full recommendation:
1. Counties should have information about pipelines within their comprehensive plans.
   a. Where pipelines are in the community - mapping of all pipeline corridors and location of gathering lines as available - and types of pipelines should be included.
   b. Counties should implement best practices in communication and safety, such as those provided by PIPA.
   c. Counties should recommend best practices regarding well pad and pipeline siting as it relates to future land use to share with landowners and municipalities – i.e., counties’ concerns relative to preserved land, the environment, future growth and development, impacts to agriculture, etc.
   d. Counties should be able to review and make recommendations in accordance with comprehensive plans similar to other types of development.
2. Develop a model ordinance/guidelines/considerations for municipalities to reference regarding setbacks, standards, environmental considerations (habitats, conservation easements/preserved land) as appropriate.

Relevant agencies:
County planning agencies
Emergency services agencies
Conservation districts
Water resources authorities
Health departments
Department of Community and Economic Development (DCED)

Justification:
Counties want, and should have, more communication with operators, and a bigger role in planning how pipelines affect their communities.

Actions that would be required to achieve recommendation:
Addendum to comprehensive plans in the intervening years, and incorporated into the comprehensive plans at the next update.

Challenges to achieving recommendation:
Acceptance by all counties, particularly those currently not impacted by pipeline infrastructure and development.

Additional supporting material:
PIPA – Partnering to Further Enhance Pipeline Safety In Communities Through Risk-Informed Land Planning
Pipeline Safety Trust – Landowner’s Guide to Pipelines
Chester County Pipeline Notification Protocol

Issues to address (such as cost, environmental impacts):
County Government Workgroup Recommendation #3

Counties Should Make GIS Mapping Available to Operators and Require Them to Provide Their Mapping to Counties and Municipalities

Full recommendation:
1. Make county GIS mapping available to operators and require operators provide their mapping to counties and municipalities.
2. Counties with GIS expertise should be sharing their information with commonwealth agencies that have a role or regulatory oversight in pipeline development, e.g., DEP, PUC and DCNR (Department of Environmental Protection, Public Utility Commission, and Department of Conservation and Natural Resources).

Relevant agencies:
County planning agencies
GIS departments/staff
Conservation districts

Justification:
Counties and municipalities want to make sure operators are using accurate maps, and that state and local governments are using a common mapping picture.

Actions that would be required to achieve recommendation:
Develop data sharing tools (e.g., a tool that provides a common platform) and license agreement templates that could make it easier to exchange the needed data.

Challenges to achieving recommendation:
- Some counties might require funding to generate up-to-date maps.
- A requirement for operators to provide mapping would need state and/or federal legislation.

Additional supporting material:

Issues to address (such as cost, environmental impacts):
County Government Workgroup Recommendation #6

Operators Should Engage in Timely Communication

**Full recommendation:**
Operators should notify counties and municipalities when initiating a project and provide information about proposed routes for transmission lines before the proposed route is finalized.

**Relevant agencies:**
County and municipal governments and agencies

**Justification:**
- Counties can provide input related to environment, land use, mapping and potential for shared rights-of-ways if they are aware of the proposed route.
- Residents will contact counties about the project and this will enable them to provide accurate responses and/or connect with the appropriate operator resource.

**Actions that would be required to achieve recommendation:**
Counties will have to develop relationships with operators to have them participate voluntarily. However, the legislature or a state agency should develop a law or regulation that compels operators to participate in this manner, in a way that does not conflict with operator concerns about confidentiality.

**Challenges to achieving recommendation:**
Operator concerns about confidentiality, lack of requirement for early notification by operators.

**Additional supporting material:**

**Issues to address (such as cost, environmental impacts):**
County Government Workgroup Recommendation #8

Amend Municipalities Planning Code to Empower County Comprehensive Plan

Full recommendation:
1. Amendments to the Municipalities Planning Code to specifically identify pipelines as a land use element.
2. Legislation authorizing counties to enforce consultation zones or other best practices if the county chooses to adopt them.
3. Legislation which provides for county reviews of any new pipelines and associated facilities for consistency with the county comprehensive plan and consideration of county comments/recommendations as part of the pipeline planning process.

Relevant agencies:
General Assembly, in consultation with counties

Justification:
County comprehensive plans should be taken into consideration as part of the pipeline planning process.

Actions that would be required to achieve recommendation:
- Legislative action.
- Addendum to comprehensive plan in the intervening years, and incorporated into the comprehensive plans at the next update.

Challenges to achieving recommendation:

Additional supporting material:
PIPA – Partnering to Further Enhance Pipeline Safety In Communities Through Risk-Informed Land Planning
Pipeline Safety Trust – Landowner’s Guide to Pipelines
Chester County Pipeline Notification Protocol

Issues to address (such as cost, environmental impacts):
County Government Workgroup Recommendation #12

Require Pipeline Abandonment Plans

**Full recommendation:**
State should establish a requirement (by regulation or statute) for pipeline operators to provide an abandonment plan as part of the pipeline’s development process. The plan at a minimum should include notification to landowners, PA1Call and counties, and disposition plans.

**Relevant agencies:**
General Assembly and/or
PUC

**Justification:**
To limit any exposure for county government for being responsible for abandoned lines (similar to experience with rails to trails).

**Actions that would be required to achieve recommendation:**
Statutory or regulatory development.

**Challenges to achieving recommendation:**

**Additional supporting material:**

**Issues to address (such as cost, environmental impacts):**
POLLUTION REDUCTION PLAN

Bethlehem Township
Northampton County, Pennsylvania

In Compliance with the Pennsylvania Department of Environmental Protection’s National Pollutant Discharge Elimination System Phase II MS4 Program
Permit No. PAI 132214

Prepared For:
Bethlehem Township
4225 Easton Avenue
Bethlehem, PA 18020

Prepared By:
T&M Associates

March 2018
Project No. BHEM 00064
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Foreword

This Pollutant Reduction Plan (PRP) serves to fulfill the requirements of Appendix D of NPDES PAI-132214 for Bethlehem Township.

This plan has been completed using publicly available data and data supplied by Bethlehem Township.

While this plan aims to provide guidance towards the construction and implementation of stormwater quality Best Management Practices (BMPs) to provide pollutant loading reductions, it should be noted that this is a fluid document that will be evaluated and updated yearly as specific proposed locations and types of BMPs are analyzed and designed, as new opportunities for partnerships are realized, and as revised regulations and BMPs are developed and implemented.

Some examples of common BMPs are extended dry detention basins, raingardens, infiltration trenches and stream bank restoration.
Operation and Maintenance (O&M) for the different types of existing BMPs is as follows:

**Dry Basins and Dry Extended Detention Basins**

Maintenance is necessary to ensure proper functionality of the extended detention basin and should take place on a quarterly basis. A basin maintenance plan should be developed which includes the following measures:

- All basin structures expected to receive and/or trap debris and sediment should be inspected for clogging and excessive debris and sediment accumulation at least four times per year, as well as after every storm greater than 1 inch.
- Structures include basin bottoms, trash racks, outlets structures, riprap or gabion structures, and inlets.
- Sediment removal should be conducted when the basin is completely dry. Sediment should be disposed of properly and once sediment is removed, disturbed areas need to be immediately stabilized and revegetated.
- Mowing and/or trimming of vegetation should be performed as necessary to sustain the system, but all detritus should be removed from the basin.
- Vegetated areas should be inspected annually for erosion.
- Vegetated areas should be inspected annually for unwanted growth of exotic/invasive species.
- Vegetative cover should be maintained at a minimum of 95 percent. If vegetative cover has been reduced by 10%, vegetation should be reestablished.

**Surface Infiltration Basin**

The following represents the recommended maintenance for surface infiltration basins:

- Catch Basins and Inlets (upgradient of infiltration basin) should be inspected and cleaned at least 2 times per year and after runoff events.
- The vegetation along the surface of the Infiltration basin should be maintained in good condition and any bare spots revegetated as soon as possible.
- Vehicles should not be parked or driven on an Infiltration Basin and care should be taken to avoid excessive compaction by mowers.
- Inspect the basin after runoff events and make sure that runoff drains down within 72 hours. Mosquitoes should not be a problem if the water drains in 72 hours. Mosquitoes require a considerably long breeding period with relatively static water levels.
- Inspect for accumulation of sediment, damage to outlet control structures, erosion control measures, signs of water contamination/spills, and slope stability in the berms.
- Mow only as appropriate for vegetative cover species.
- Remove accumulated sediment from basin as required. Restore original cross section and infiltration rate. Properly dispose of sediment.

**Subsurface (Underground) Infiltration Basin**

The following represents the recommended maintenance for subsurface infiltration basins:

- All catch basins and inlets should be inspected and cleaned at least 2 times per year.
- The overlying vegetation of subsurface infiltration features should be maintained in good condition and any bare spots revegetated as soon as possible.
- Vehicular access on subsurface infiltration areas should be prohibited and care should be taken to avoid excessive compaction by mowers. If access is needed, use of permeable, turf reinforcement should be considered.
Section E – Select BMPs to Achieve the Minimum Required Reductions in Pollutant Loading

PA DEP Requirement: "Identify the minimum required reductions in pollutant loading" "If the impairment is based on siltation only, a minimum 10% sediment reduction is required."

As stated above, PA DEPs MS4 Requirements Table references "siltation" for the Township’s impaired watercourses. Therefore, the Township’s minimum required sediment reduction is 10%.

Therefore, the Township’s minimum required reduction is:

\[ 3,762,503 \text{ lbs/yr} \times 0.10 = 376,250.3 \text{ lbs/yr (188.1 tons/yr)} \]

Tables 7 lists the BMPs proposed to meet the required reduction. Their locations are shown on Figure 3 attached in the Appendix. The proposed BMPs are as follows:

1. Storm Sewer System Solids Removal
   a. This will consist of vacuum cleaning existing inlets along Township Roads and within Township owned parking lots located within the PRP Planning Area. The Township will document the actual weight of sediment vacuumed during the first year of the permit and the PRP plan will then be updated accordingly.

2. Retrofitting existing Dry Detention Basins into Dry Extended Detention Basins
   a. This consists of converting existing dry detention basins into dry extended detention basins. This will increase the BMP effectiveness from 10% to 60%. If it is determined during the design process that retrofitting a particular basin is not feasible, the PRP will be updated accordingly to achieve the minimum required TSS reduction.
## TABLE 5 - PA DEP MS4 REQUIREMENTS TABLE

<table>
<thead>
<tr>
<th>MS4 Name</th>
<th>NPDES ID</th>
<th>Individual Permit Required?</th>
<th>Reason</th>
<th>Impaired Downstream Waters or Applicable TMDL Name</th>
<th>Requirement(s)</th>
<th>Other Cause(s) of Impairment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northampton County</strong></td>
<td></td>
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**TABLE 5: BETHLEHEM TOWNSHIP - EXISTING STORMWATER MANAGEMENT BMPs**

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**TABLE 6: BETHLEHEM TOWNSHIP - NEW STORMWATER MANAGEMENT BMPs**

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