Easton, Pennsylvania                           January 24, 2019

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 (via telephone); Margaret L. Ferraro (via telephone); 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. Heckman led County Council in the pledge of allegiance.

Approval of the Minutes – January 7, 2019

Mr. Cusick made the following motion:

Be It Moved By the Northampton County Council that the minutes of January 7, 2019 meeting shall be approved.

Mr. McGee seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Appointments/Reappointments

Mr. McGee introduced the following resolution:

R. 3-2019   RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their appointments/reappointments as indicated hereafter:

CHILDREN, YOUTH & FAMILIES ADVISORY BOARD

Appointment:                                      Term to Expire:  1/24/21
Maria Dertinger
8541 Delaware Drive
Bangor, PA 18013
Reappointment: Penny S. VanTassel
108 Old Orchard Drive
Easton, PA 18045

Term to Expire: 1/24/21

GENERAL PURPOSE AUTHORITY

Appointment: Kenneth M. Kraft
2030 Chester Road
Bethlehem, PA 18017

Term to Expire: 12/31/24

HOUSING AUTHORITY

Appointment: Donald C. Flad Jr.
231 East Market Street
Bethlehem, PA 18018

Term to Expire: 2/9/21

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment: Marilyn A. Lieberman
1587 Pen Argyl Road
Pen Argyl, PA 18072

Term to Expire: 3/17/24

LEHIGH VALLEY PLANNING COMMISSION

Appointments: Citizen Representative
John E. McGorry
One Bethlehem Plaza, Suite 902
Bethlehem, PA 18018

Term to Expire: 12/31/22

Elected Official
Susan Lawless
1160 Yorkshire Road
Bethlehem, PA 18017

Term to Expire: 12/31/19
Reappointments:  
Citizen Representative  
Charles W. Elliott  
604 Cattell Street  
Easton, PA 18042

Citizen Representative  
Liesel Dreisbach-Williams  
25 Tumble Creek Road  
Easton, PA 18042

Elected Official  
Janell Connolly  
404 Hazen Avenue  
Pen Argyl, PA 18072

Elected Official  
Pamela Pearson  
105 Fern Court  
Easton, PA 18045

OPEN SPACE ADVISORY BOARD

Reappointments:  
Victoria R. Bastidas  
1311 Santee Mill Road  
Bethlehem, PA 18017

R. Michael Topping  
734 Fire Lane  
Bethlehem, PA 18015

PERSONNEL APPEALS BOARD

Appointments:  
Karley Biggs Sebia, Esquire  
205 Bridle Path Road  
Bethlehem, PA 18017

James R. Irwin  
440 Spruce Lane  
Nazareth, PA 18064

Terms to Expire:  12/31/22
Terms to Expire:  12/31/19
Terms to Expire:  3/19/21
Terms to Expire:  2/3/21
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Anthony S. Pristash
1637 Main Street
Northampton, PA 18067

Thomas J. Schlegel
77 W. Broad Street #8
Bethlehem, PA 18018

REVENUE APPEALS BOARD

Appointment: Term to Expire: 12/31/19
Ronald W. Lutes
1540 Lehigh Street
Easton, PA 18042

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

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

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

Courtesy of the Floor

Ms. Peg Church, Bethlehem, PA - stated a few months ago a whale was found with 60 tons of plastic bags inside of it and it bothered her that magnificent ocean life was getting filled with plastic. She further stated there was a video of a turtle that had a plastic straw up its nose that had to be surgically removed. She added she did not know how to deal with this worldwide problem, but the resolution being proposed was a good place to start.

Mr. Dale Sourbeck, Bethlehem Township, PA - advised he agreed with everything Ms. Church stated and that other alternatives were starting to be manufactured such as edible drinking bottles. He further advised he worked for Meals on Wheels and they were looking to obtain plastic ware that would decompose in the landfills. He added he would appreciate County Council passing this resolution.
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Mr. Richard Sherry, Bethlehem, PA – stated he spent more than 20 years paddling the Delaware and Lehigh Rivers. He further stated the Northampton County Junior Conservation School did a two-day trip cleaning up the Delaware River and the biggest items they pulled out were plastic bags so this resolution needed to be passed.

County Executive Report

Mr. Lamont McClure, County Executive, advised he was gratified last year when six collective bargaining units agreed the County’s wage and healthcare proposals were fair and accepted them across the board. He further advised the Deputy Sheriffs had a tentative agreement along the same terms as the other contracts, but they were moving into arbitration with the Correction Officers.

Mr. McClure stated the General Purpose Authority (GPA) and Krieger Construction (Krieger) have not been able to come to terms with regard to the credit amount pertaining to the removal of seven bridges from the P3 Bridge Project (P3). He further stated Krieger suggested it was $2.6 million and the GPA felt it could not negotiate until they had all the necessary information to analysis what the cost per bridge would be so those negotiations had reached an impasse.

Mr. McClure advised for this program to be successful those seven bridges must come out and that credit must be significantly more than the $2.6 million figure. He further advised that Pennsylvania Department of Transportation (PennDOT) officials, who were responsible for implementation of the P3 statewide, have agreed to help the GPA mediate with Krieger.

Public Hearing on the Magisterial District Justice Temporary Lease Ordinance (Matos Gonzalez)

Mr. Heckman stated the following ordinance was introduced by Ms. Vargo Heffner and Ms. Zrinski at the January 7, 2019 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO TEMPORARILY LEASE OFFICE SPACE IDENTIFIED AS 301 BROADWAY, SUITE MEZ 101 AND ROOMS IN MEZ 100, BETHLEHEM, PENNSYLVANIA FROM SYCAMORE HILL
FARM DEVELOPMENT LP, BETHLEHEM, PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.14 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.14 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves the terms of the purchase/sale/lease."; and

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

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to enter into an interim or temporary lease, from Sycamore Hill Farm Development LP, Bethlehem, Pennsylvania, office space identified as 301 Broadway, Suite MEZ 101 and rooms in MEZ 100, Bethlehem, Pennsylvania, for an initial rent of $3,000.00 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty 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.
Mr. Cusick advised last year a lease was approved for this Magisterial District Justice (MDJ) at an extraordinarily high rate. He further advised he was concerned about this lease because it was considered temporary, but if the MDJ did not get into the other space by May 30, 2019, the lease could renew on a month to month basis and he did not see a termination date.

Ms. Melissa Rudas, Northampton County Solicitor, stated when this MDJ had to get out of the space she was in a new lease was negotiated with the prior Administration, but it was later discovered the retrofit would not be done in time and the City of Bethlehem was passing an ordinance not allowing them to have first floor offices.

Ms. Rudas advised unbeknownst to the Administration, the Judiciary took it upon themselves to find a place and negotiate the lease. She further advised some things occurred last summer that gave them the leverage to inform the lessor they were not going to honor that lease and renegotiated a permanent lease.

Ms. Rudas stated the term of the permanent lease was going to be half of what was previously negotiated and the price was reduced significantly, noting the cost of this temporary lease was significantly less than what was in the previous temporary lease. She further stated having no termination date was beneficial to the County as it would allow the MDJ to occupy the space until the permanent lease was in place and the retrofit was complete while providing the option for the County to get out of it.

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

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

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

Consideration of Article XIII Contract Approval Resolution: a) Lehigh Valley Workforce Investment Board, Inc. dba Workforce Board Lehigh Valley

Mr. Heckman advised consideration of this resolution was being moved up on the agenda due to unforeseen circumstances.
Mr. Werner introduced the following resolution:

R. 4-2019  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 December 20, 2019, 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 $1,101,033 with Lehigh Valley Workforce Investment Board Inc. dba Workforce Board Lehigh Valley for Career Service Training and Support for the term of February 1, 2019 to June 30, 2022.

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 Lehigh Valley Workforce Investment Board Inc. dba Workforce Board Lehigh Valley for Career Service Training and Support.

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.

Consideration of Personnel Request Resolutions: a) Office of the District Attorney; b) Department of Fiscal Affairs – Geographic Information Systems

Office of the District Attorney

Mr. McGee introduced the following resolution:
R. 5-2019  IT IS HEREBY RESOLVED by the Northampton County Council that one (1) part time position of Assistant District Attorney, pay grade RS-7, step 1-A, salary $50,292, shall be eliminated and one (1) full time position of Assistant District Attorney, pay grade CE-3, step 1-A, salary $60,266, shall be created in the Office of the District Attorney, effective January 24, 2019.

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

The vote: McGee, "yes"; Lott, "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.

Department of Fiscal Affairs – Geographic Information Systems

Mr. McGee introduced the following resolution:

R. 6-2019  IT IS HEREBY RESOLVED by the Northampton County Council that the one (1) full time position of Geographic Information Systems (GIS) Technician II, pay grade RU-23, salary $44,489, shall be upgraded to one (1) full time position of GIS Specialist, pay grade RU-25, salary $46,678, in the Department of Fiscal Affairs – Geographic Information Systems, effective January 24, 2019.

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 the Pennsylvania Act 106 Compliance Resolutions: a) Appointment of Risk Manager; b) Form and Content
Appointment of Risk Manager

Mr. McGee introduced the following resolution:

R. 7-2019  WHEREAS, on November 23, 2011, Act 106 became immediately effective, authorizing Counties to obtain individual bonds, blanket bonds or crime insurance covering County officers and employees, replacing prior requirements that certain individual officers of the County have separate bonds; and

WHEREAS, pursuant to sub-section 1130(a) of the Act which requires County Council, as the governing body of the County of Northampton, to establish a procedure by which it "shall annually determine the form and required amount of required security that will be reasonably sufficient to protect against the risks of loss in compliance with this subchapter;" and

WHEREAS, sub-section 1130(b) of the Act permits the County Council to appoint a risk manager to "compile and submit information relevant to the determination of an amount of required security under subsection (a);" and

WHEREAS, section 1129 of the Act requires that "the form and contents of a bond and insurance obtained in compliance with this subchapter shall be approved by the governing body of the County, after review by the County Solicitor and consultation with the County risk manager...;".

THEREFORE IT IS HEREBY RESOLVED that the County shall hereby adopt the following procedure for compliance with the provisions of the Act:

1. County Council is designating the Director of the Department of Administration, or his/her designee to serve as "risk manager" for purposes of this Act.

2. The Director of Administration or his/her designee is hereby designated to compile and submit information to County Council prior to close of every calendar year as to the amount of security that the risk manager recommends that the County maintain during the succeeding year and otherwise to provide the information as set forth below to enable County Council to place into force the bond and insurance required by the Act for the succeeding year.
3. In the course of performing the duties assigned under above, the Department of Administration and the Solicitor shall confer to determine the form and content of the bond and insurance would comply with the provisions of the Act.

4. At least two weeks prior to the close of every calendar year the Department of Administration shall present to County Council for its consideration and approval the form and amount of the required security, together with a recommendation as to the bond or policy satisfying the criteria set forth in the Act.

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.

Form and Content

Mr. McGee introduced the following resolution:

R 8-2019 Whereas, on November 23, 2011, Act 106 became immediately effective, authorizing counties to obtain individual bonds, blanket bonds or crime insurance covering County officers and employees, replacing prior requirements that certain individual officers of the County have separate bonds; and

Whereas, pursuant to sub-section 1130(a) of the Act which requires County Council, as the governing body of the County of Northampton, to establish a procedure by which it "shall annually determine the form and required amount of required security that will be reasonably sufficient to protect against the risks of loss in compliance with this subchapter;" and

Whereas, sub-section 1130(b) of the Act permits the County Council to appoint a risk manager to "compile and submit information relevant to the determination of an amount of required security under subsection (a);" and
WHEREAS, section 1129 of the Act requires that "the form and contents of a bond and insurance obtained in compliance with this subchapter shall be approved by the governing body of the County, after review by the County solicitor and consultation with the County risk manager...;" and

WHEREAS, Northampton County Council Resolution 71-2013, enacted on September 5, 2013 designated the Director of the Department of Administration or his/her designee to serve as "risk manager" for the purposes of Act 106; and

WHEREAS, prior to the close of every calendar year the amount of security that the risk manager recommends that the County maintain during the succeeding year and otherwise to provide the information as set forth below to enable County Council to place into force the bond and insurance required by the Act for the succeeding year; and

WHEREAS, following a review by the County’s Solicitor, the Director of Administration is recommending that County Council approve the following levels of security as provided under the County’s insurance policy through the County Commissioners Association of Pennsylvania (CCAP) and its Pennsylvania Counties Risk Pool (PCoRP) program and additional security though bonds that are required by law.

THEREFORE IT IS HEREBY RESOLVED that the County shall hereby accept the following level of security to cover public officials including members of County Council and the County Executive:

1. Crime coverage through the County’s insurance policy with PCoRP, which covers all County officials and employees for fraud, embezzlement, theft, forgery and other criminal acts up to $1 million per occurrence.

2. A Wire Transfer Bond in the amount of $4 million, which provides additional security above the maximum of $1 million crime coverage under PCoRP for certain County employees authorized to initiate wire transfers.

3. A Treasurer’s Bond in the amount of $72,000 which is coverage required by the state based on revenue collection levels, and is still required since Act 106 does not apply to County Treasurers acting as tax
collectors as provided in Section 4 of the Local Tax Collection Law.

4. A Magisterial District Justice Bond in the amount of $55,000 per Magisterial District Justice since Act 106 does not apply to those officials.

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

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

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

Consideration of County Commissioners Association of Pennsylvania (CCAP) Priorities Resolution

Mr. Cusick introduced the following resolution:

R. 9-2019

A RESOLUTION OF THE COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, SUPPORTING THE 2019 PRIORITIES OF THE COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA

WHEREAS, Pennsylvania Counties have selected six priority issues that will be the focal point of Counties' proactive agenda for 2019; and

WHEREAS, these priorities showcase Counties' commitment to the core services they provide to the people and communities of Pennsylvania; and

WHEREAS, achieving these six County priorities underscore the critical need to redefine, reinvigorate and emphasize the State-County partnership in service delivery; and

WHEREAS, the top priority for Pennsylvania Counties in 2019 is election equipment and voting systems; and
WHEREAS, Northampton County has the utmost confidence in the security and accuracy of its voting machines, while also recognizing they are reaching the end of their useful life and seeking reasonable timelines for replacement based on funding, market, equipment availability and training needs; and

WHEREAS, Counties will need State and Federal government to work closely with them to meet the settlement of Federal litigation requiring all voting machines to have a voter verifiable paper trail by the April 2020 primary; and

WHEREAS, a chief objective under this priority is obtaining full funding for voting systems, since every dollar Counties must invest in replacing election equipment to meet this mandate is a local property tax dollar; and

WHEREAS, Counties’ second priority is forensic services for seriously mentally ill County inmates, to allow more options for care and treatment of individuals with untreated mental illness and developmental disabilities outside the prison system, thus breaking the cycle of admissions and readmissions to County jails; and

WHEREAS, there is a critical need to address the mental health system as a whole, building on the strong partnership between Counties and the Department of Human Services to continue to expand services for all individuals; and

WHEREAS, human services funding and system reform is Counties’ third priority, addressing the daily challenge of serving the ever-growing needs of our residents amid increasing mandates and steadily declining State and Federal funding; and

WHEREAS, for example, Northampton County has experienced approximately a 50% percent increase in referrals to its child welfare agency following nearly 30 new child welfare laws enacted in 2015; and

WHEREAS, Counties also seek a partnership with the State on program reform, including efforts for better planning and integration of services; and

WHEREAS, Counties have chosen rural broadband expansion as their fourth priority, emphasizing the immediate need for infrastructure that is critical to economic vitality and personal quality of life; and
WHEREAS, Northampton County has a small number of residents that do not have reliable internet service, missing opportunities to access educational tools, health care, emergency services and other key parts of their everyday lives; and

WHEREAS, sharing and promoting tools and best practices that can help Counties ensure their assessment systems are transparent, uniform and accurate for all property owners is Counties’ fifth priority; and

WHEREAS, Northampton County further supports additional legislative efforts to improve data collection, education and training in the 2019-2020 session; and

WHEREAS, Counties will continue to address the opioid epidemic as well as use and misuse of heroin, alcohol and other drugs through their final priority to prevent substance abuse; and

WHEREAS, in 2018, caseloads related to substance abuse increased substantially in Northampton County; and

WHEREAS, Counties will continue to work in partnership with the Commonwealth to ensure coordination of local and Statewide strategies and comprehensive solutions to this public health crisis.

IT IS, THEREFORE, HEREBY RESOLVED that Northampton County stands ready to work with the County Commissioners Association of Pennsylvania and Counties throughout the Commonwealth in support of these priorities for 2019.

IT IS FURTHER RESOLVED that these priorities emphasize the important role Northampton County plays in improving our communities and the well-being of our residents.

IT IS FURTHER RESOLVED that Northampton County calls upon the General Assembly and the Administration to work together in partnership with Counties to jointly determine the most effective ways to continue meeting the needs of Pennsylvanians.

IT IS FURTHER RESOLVED collaboration between County government and the Commonwealth on these priorities will lead to solutions that improve stewardship of taxpayer dollars, reduce cost, increase local flexibility and assure the quality of services Counties provide.
IT IS FURTHER RESOLVED that a copy of this resolution be sent to the Northampton County legislative delegation, to Governor Wolf and to the County Commissioners Association of Pennsylvania.

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

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

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

Consideration of the Codification Resolution for the Period Ending December 31, 2018

Ms. Zrinski introduced the following resolution:

R. 10-2019 WHEREAS, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law and of the Charter, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the attached codification, for the period ending December 31, 2018, shall be adopted this 24th day of January 2019.

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

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

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

Consideration of the Adoption of the Northern Tier Trail Feasibility Plan Resolution

Ms. Zrinski introduced the following resolution:
R. 11-2019  WHEREAS, the County of Northampton adopted Ordinance No. 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 Northern Tier Trail Feasibility Study was conducted to make an east-west trail corridor connection in Northampton County’s northern municipalities; and

WHEREAS, the Northern Tier Trail will serve bicyclists, walkers, the physically challenged and other non-motorized and motorized users, both local residents and long-distance travelers; and

WHEREAS, the Northern Tier Trail, by offering tourists and shoppers access to natural, cultural and historical sites, will bring economic benefits to municipalities and businesses along the route; and

WHEREAS, the plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-21-239.

NOW, THEREFORE, IT IS HEREBY RESOLVED that Northampton County supports and adopts the planning, goals and recommendations of the Northern Tier Trail Feasibility Study and that:

1. The project was completed in accordance with the Grant Agreement.

2. All project expenditures have been made and were in accordance with the Grant Agreement.

3. The plan and related materials are acceptable to Northampton County.

4. The plan and related materials will be used to guide future recreation and conservation decisions.

5. The reimbursement of the $30,000 grant will be placed in the Act 13 - Marcellus Shale account.
As there were no questions or comments, Mr. Heckman called for the vote.

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

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

Consideration of a Resolution Establishing the Provisions for a Ban of Single-Use Plastic Bags and Straws

Ms. Zrinski introduced the following resolution:

A RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL
ESTABLISHING THE PROVISIONS FOR A BAN OF SINGLE-USE PLASTIC BAGS AND STRAWS

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, the purpose of this resolution is to reduce the use of a single-use carry-out plastic bags and single-use plastic straws by commercial establishments within the County of Northampton; curb litter on the streets, in the parks and on the trails; protect the local streams, rivers and waterways and other aquatic environments; reduce greenhouse gas emission and solid waste generation; promote the use of reusable, compostable and recyclable materials within the County of Northampton and to preserve the natural, scenic, historic, and aesthetic values of the County of Northampton; and

WHEREAS, the use of all single-use shopping bags and plastic straws have severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, ground-level ozone formation, atmospheric acidification, water consumption and solid waste generation; and
WHEREAS, there are numerous commercial retail establishments within Northampton County which provide single-use, carry-out bags and single-use straws to their customers; and

WHEREAS, the majority of single-use, carry-out bags and single-use straws are made from plastic or other material that does not readily decompose; and

WHEREAS, approximately 100 Billion (100,000,000,000) single-use plastic bags are used and discarded by United States consumers annually and in Northampton County, such bags are not readily recyclable in our single-stream recycling process; and

WHEREAS, approximately 5 hundred million (500,000,000) single-use plastic straws are discarded by the United States consumers every day and in Northampton County, such straws are not readily recyclable; and

WHEREAS, numerous studies have documented the prevalence of single-use plastic carry-out bags and single-use straws littering the environment, blocking storm drains, entering local waterways and becoming stuck in or upon natural resources and public property; and

WHEREAS, the use of single-use paper bags result in greater (GHG) emissions, atmospheric acidification, water consumption and ozone production than single-use plastic bags; and

WHEREAS, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single-use plastic carry-out bags for a source of food resulting in injury and death to birds and marine animals; and

WHEREAS, the Northampton County taxpayers must bear the brunt of the costs related to the clean-up of single-use plastic carry-out bags and plastic straws from the roadways, trees, sewers, waters and parks within Northampton County; and

WHEREAS, from an overall environmental and economic perspective, the best alternative to single-use plastic carry-out bags is a shift to reusable, compostable or recyclable paper bags and the best alternative to single-use plastic straws is reusable straws, recyclable paper straws or straws made from other natural products; and
WHEREAS, there are several alternatives to single-use plastic carry-out bags and single use plastic straws readily available in and around Northampton County; and

WHEREAS, an important goal of the Northampton County is to procure and use sustainable products and services; and

WHEREAS, it is the desire of Northampton County to conserve resources, reduce the amount of GHG emissions, waste, litter and marine pollution and to protect the public health and welfare as well as to protect wildlife, all of which activities increase the quality of life for the Northampton County residents and visitors; and

WHEREAS, studies have documented that placing a mandatory charge on single-use plastic carry-out bags and banning single-use plastic straws will dramatically reduce the use of both types of bags; and

WHEREAS, several municipalities in the United States have implemented single-use plastic straw and bag bans, including Boston, MA; Long Beach, NJ; Atlantic City, NJ; New York, NY; Washington, D.C.; San Francisco, CA; Los Angeles, CA; Austin, TX; Chicago, IL; Seattle, WA; Boulder, CO and Portland, ME; and

WHEREAS, several municipalities in Pennsylvania have implemented single-use plastic straw and bag ban most recently including Narbeth’s ordinance passed on the 17th day of October 2018 and Lancaster’s resolution passed on the 10th day of July 2018.

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

1. The above "WHEREAS" clauses are incorporated herein by reference and are made a material part of this resolution.

2. Northampton County Council recommends that any commercial establishment that distributes a single-use plastic carry-out bag shall sell the bag for no less than $0.10 per bag and all monies collected in this regard shall be retained by the commercial establishment.

3. This resolution shall not preclude any commercial establishment from making reusable bags, recyclable paper bags or compostable plastic bags available to customers for sale or otherwise.
BE IT FURTHER RESOLVED that the Northampton County Council recommends that nothing in this resolution shall be read to alter the obligations of any commercial establishment under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et, seq.

1. This resolution shall not be used to cause undue hardship to the commercial establishment either because the commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws or, if compliance with the requirements herein recommended would deprive a commercial establishment of a legally protected right.

BE IT FURTHER RESOLVED that the Northampton County Council specifically concludes that compliance with this resolution as to the distribution of single-use, carry-out plastic bags and single-use plastic straws by commercial establishment shall conserve and maintain the environment and as such, our elected municipal leader and Environmental Advisory Councils to examine all of the benefits set forth in this resolution and to consider appropriate action to implement these benefits.

BE IT FURTHER RESOLVED that this resolution will be incorporated into the Municipal Solid Waste Plan Revision (2020-2030) and that the Department of Public Works and the Environmental Services Coordinator shall have any and all support of the Northampton County Council, material or otherwise, to initiate educational programming and produce educational material for the purpose of generating municipal interest and education about the reduction of single-use plastic waste.

BE IT FURTHER RESOLVED that copies of this resolution will be distributed to all municipal leaders and Environmental Advisory Councils within Northampton County and to Pennsylvania’s Governor and State legislators within the General Assembly.

Ms. Zrinski made a motion to remove #2 under the NOW, THEREFORE, section.

When Mr. Cusick called for a point of order and questioned why the resolution that was previously tabled was not just removed from the table, Ms. Zrinski stated the wording was different.
In response to Mr. Dietz’s question as to what wording was different, Ms. Zrinski replied she would have to review the two documents.

Ms. Vargo Heffner seconded the motion.

Mr. Heckman called for the vote on the motion.


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

Ms. Zrinski made a motion to amend the resolution to have #2 under the NOW, THEREFORE, section to read as follows:

2. All charges regarding the sale of plastic bags to consumers who neglect to bring reusable bags and the distribution of these monies collected should be determined by the governing municipality, if any.

The motion failed due to a lack of a second.

Mr. Dietz advised the goals in a vacuum made sense, but there were some flaws and unintended consequences. He further advised he supported the education of consumers on the use and recycling of plastic bags.

Mr. Dietz stated this would affect people of lower income because they use the bags for their trash instead of buying bags and alternative bags would be more costly.

Mr. Heckman agreed with the overall reason for this proposal, but as this was not a function of the County it could only make a show of support. He advised it was not appropriate to include statements regarding studies, but to provide the studies for people to review.

Ms. Zrinski stated they were trying to get people to use biodegradable alternatives that were plant based by raising their consciousness to the damage plastic was causing.

In answer to Mr. Heckman’s question as to where people would learn about and obtain these alternatives, Ms. Zrinski advised that was why there was an educational component placed into the resolution.

As there were no further questions or comments, Mr. Heckman called for the vote on the following amended resolution:
R. 12-2019

A RESOLUTION OF THE NORTHAMPTON COUNTY COUNCIL
ESTABLISHING THE PROVISIONS FOR A BAN OF SINGLE-USE
PLASTIC BAGS AND STRAWS

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, the purpose of this resolution is to reduce the use of a single-use carry-out plastic bags and single-use plastic straws by commercial establishments within the County of Northampton; curb litter on the streets, in the parks and on the trails; protect the local streams, rivers and waterways and other aquatic environments; reduce greenhouse gas emission and solid waste generation; promote the use of reusable, compostable and recyclable materials within the County of Northampton and to preserve the natural, scenic, historic, and aesthetic values of the County of Northampton; and

WHEREAS, the use of all single-use shopping bags and plastic straws have severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, ground-level ozone formation, atmospheric acidification, water consumption and solid waste generation; and

WHEREAS, there are numerous commercial retail establishments within Northampton County which provide single single-use, carry-out bags and single-use straws to their customers; and

WHEREAS, the majority of single-use, carry-out bags and single-use straws are made from plastic or other material that does not readily decompose; and

WHEREAS, approximately 100 Billion (100,000,000,000) single-use plastic bags are used and discarded by United States consumers annually and in Northampton County, such bags are not readily recyclable in our single-stream recycling process; and
WHEREAS, approximately 5 hundred million (500,000,000) single-use plastic straws are discarded by the United States consumers every day and in Northampton County, such straws are not readily recyclable; and

WHEREAS, numerous studies have documented the prevalence of single-use plastic carry-out bags and single-use straws littering the environment, blocking storm drains, entering local waterways and becoming stuck in or upon natural resources and public property; and

WHEREAS, the use of single-use paper bags result in greater (GHG) emissions, atmospheric acidification, water consumption and ozone production than single-use plastic bags; and

WHEREAS, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single-use plastic carry-out bags for a source of food resulting in injury and death to birds and marine animals; and

WHEREAS, the Northampton County taxpayers must bear the brunt of the costs related to the clean-up of single-use plastic carry-out bags and plastic straws from the roadways, trees, sewers, waters and parks within Northampton County; and

WHEREAS, from an overall environmental and economic perspective, the best alternative to single-use plastic carry-out bags is a shift to reusable, compostable or recyclable paper bags and the best alternative to single-use plastic straws is reusable straws, recyclable paper straws or straws made from other natural products; and

WHEREAS, there are several alternatives to single-use plastic carry-out bags and single use plastic straws readily available in and around Northampton County; and

WHEREAS, an important goal of the Northampton County is to procure and use sustainable products and services; and

WHEREAS, it is the desire of Northampton County to conserve resources, reduce the amount of GHG emissions, waste, litter and marine pollution and to protect the public health and welfare as well as to protect wildlife, all of which activities increase the quality of life for the Northampton County residents and visitors; and
WHEREAS, studies have documented that placing a mandatory charge on single-use plastic carry-out bags and banning single-use plastic straws will dramatically reduce the use of both types of bags; and

WHEREAS, several municipalities in the United States have implemented single-use plastic straw and bag bans, including Boston, MA; Long Beach, NJ; Atlantic City, NJ; New York, NY; Washington, D.C.; San Francisco, CA; Los Angeles, CA; Austin, TX; Chicago, IL; Seattle, WA; Boulder, CO and Portland, ME; and

WHEREAS, several municipalities in Pennsylvania have implemented single-use plastic straw and bag ban most recently including Narbeth's ordinance passed on the 17th day of October 2018 and Lancaster's resolution passed on the 10th day of July 2018.

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

1. The above "WHEREAS" clauses are incorporated herein by reference and are made a material part of this resolution.

2. This resolution shall not preclude any commercial establishment from making reusable bags, recyclable paper bags or compostable plastic bags available to customers for sale or otherwise.

BE IT FURTHER RESOLVED that the Northampton County Council recommends that nothing in this resolution shall be read to alter the obligations of any commercial establishment under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

1. This resolution shall not be used to cause undue hardship to the commercial establishment either because the commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws or, if compliance with the requirements herein recommended would deprive a commercial establishment of a legally protected right.

BE IT FURTHER RESOLVED that the Northampton County Council specifically concludes that compliance with this resolution as to the distribution of single-use, carry-out plastic bags and single-use plastic straws by commercial establishment shall conserve and maintain the environment and as such, our elected
municipal leader and Environmental Advisory Councils to examine all of the benefits set forth in this resolution and to consider appropriate action to implement these benefits.

BE IT FURTHER RESOLVED that this resolution will be incorporated into the Municipal Solid Waste Plan Revision (2020-2030) and that the Department of Public Works and the Environmental Services Coordinator shall have any and all support of the Northampton County Council, material or otherwise, to initiate educational programming and produce educational material for the purpose of generating municipal interest and education about the reduction of single-use plastic waste.

BE IT FURTHER RESOLVED that copies of this resolution will be distributed to all municipal leaders and Environmental Advisory Councils within Northampton County and to Pennsylvania's Governor and State legislators within the General Assembly.

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

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

Mrs. Ferraro was disconnected at this time.

Consideration of Article XIII Contract Approval Resolutions: b) Highland Associates, LTD; c) Pennsylvania Department of Transportation - Engineering and Construction Management System; d) Essential Management Solution, LLC; e) TuWay Communications

Highland Associates, LTD

Mr. Werner introduced the following resolution:

R. 13-2019   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 January 7, 2019, 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 $112,500 with Highland Associates, LTD for Architectural/Engineering Services for Jail Cell Renovation (RHU and BHU Areas) for a term of one year.

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 Highland Associates, LTD for Architectural/Engineering Services for Jail Cell Renovation (RHU and BHU Areas).

Mr. Cusick stated he felt the Jail was past renovations and demolition would be a better solution.

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


The resolution was adopted by a vote of 7-1.

Pennsylvania Department of Transportation - Engineering and Construction Management System

Mr. Werner introduced the following resolution:

R.14-2019 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 January 7, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract to be Federally
Funded 80%, which equals $360,000, and County Funded 20%, which equals $90,000, for a total of $450,000 with the Pennsylvania Department of Transportation (PennDOT) for preconstruction activities including but not limited to preliminary engineering, including environmental studies, final design, utility relocation and right-of-way acquisition for replacement of Bridge 15 – Meadows Road Bridge, Lower Saucon Township. PennDOT is to utilize Engineering and Construction Management System for the advertisement and selection of a design consultant on behalf of the County of Northampton.

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 PennDOT for preconstruction activities for the replacement of Bridge 15 – Meadows Road Bridge, Lower Saucon Township.

Ms. Zrinski advised Ms. Priscilla Deleon, President, Lower Saucon Township Council, had concerns that this resolution did not reflect the word renovation.

Mr. Heckman stated he believed it was decided that it had to be replaced.

Mr. McClure advised it was almost certain the bridge was going to be replaced because it could not be repaired. He further advised PennDOT indicated a historical evaluation had previously been done and it was found not to be historical because it had manhole covers.

Ms. Zrinski stated Ms. Deleon believed the historical study had not been completed so there was a possibility it could be renovated and her concern was if language indicating renovation was not in the resolution then there was no possibility of that occurring.

Mr. Heckman advised this resolution was not legally binding and was just a resolve by County Council at this time to agree with the information presented.

Ms. Vargo Heffner stated this bridge needed to be done because it had been closed for too long.
Mr. Lott advised the PennDOT was going to look at the functionality of it, noting it was a single lane bridge and traffic was an issue.

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

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

The resolution was adopted by a vote of 8-0.

Essential Management Solution, LLC

Mr. Werner introduced the following resolution:

R. 15-2019 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 January 11, 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 $90,000 with Essential Management Solution, LLC for 911 Regionalization and Consolidation Management Services for a term of twelve months.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation to approve a contract with Essential Management Solution, LLC for 911 Regionalization and Consolidation Management Services.

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

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

The resolution was adopted by a vote of 8-0.
TuWay Communications

Mr. Werner introduced the following resolution:

R. 16-2019  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 January 11, 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 $72,000 with TuWay Communications to provide mission-critical, configuration, 7x24x365 network support, monitoring and management for the CAD network, wireless network and ESInet network within Northampton County Emergency Management Services for a term of 12 months.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation to approve a contract with TuWay Communications to provide mission-critical, configuration, 7x24x265 network support, monitoring and management for the CAD network, wireless network and ESInet network within Northampton County Emergency Management Services.

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

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

The resolution was adopted by a vote of 8-0.

Committee/Liaison Structure

Mr. Heckman stated the Committee/Liaison Structure list was sent out to County Council and if there were any questions, to contact him.
Economic Development Committee Report

Mr. McGee announced that at 5:00 p.m., on January 30, 2019, the Economic Development Committee would be meeting and a presentation would be given by DaVinci.

Airport Authority Liaison Report

Ms. Zrinski advised she attended the Business Development Committee meeting and they discussed several improvements that were made on the main terminal and the pavement rehabilitation. She further advised they also discussed the Transportation Security Administration workers and there would be a food drive called "Fill the Bus" starting tomorrow from 8:00 a.m. to 4:30 p.m. at the drive-up roadway.

When Ms. Zrinski stated a letter should be sent to the legislators to end the Federal shutdown, Mr. Heckman instructed her to draft a letter that the members of County Council could sign if they chose to do so.

Human Services Committee Report

Ms. Vargo Hefner advised the committee received reports from Mental Health, Developmental Programs and Early Intervention. She further stated a brief report was provided regarding Gracedale due to time restrictions, but the February meeting would be devoted entirely to Gracedale.

Ms. Vargo Heffner advised Mental Health was focusing predominantly on the forensic issue, which was one of CCAP’s priorities.

Capital Projects and Operations Committee Report

Mr. Werner stated the committee received an update regarding the capital projects and Gracedale generators were up and operating.
Finance Committee Report

Mr. Werner advised a discussion was held regarding the situation with the General Purpose Authority and he hoped reports would be made periodically.

Gracedale Advisory Board Liaison Report

Ms. Vargo Heffner stated they reviewed the survey and discussions were held regarding hiring and the transition. She further stated the survey results were from the work done under Premier's management.

General Purpose Authority Liaison Report

Ms. Vargo Heffner advised they were now fully staffed and new officers were elected. She further advised Mr. Paul Anthony was elected Chair, King Spry and Associates was selected as their solicitor and Lafayette Ambassador would provide banking services.

Ms. Vargo Heffner stated they reviewed the Controller's audit regarding the P3 Bridge Project and it was disheartening, but they were trying to resolve some of those issues.

Ms. Vargo Heffner advised the Benesch Engineering representative was very helpful and it appeared there would much more collaboration in the future.

Friends of Gracedale

Mr. Werner stated they were now able to receive donations online at Friends of Gracedale.org and they were working to receive industry donations.

Lehigh Valley Economic Development Corporation Liaison Report

Mr. McGee advised they met at The Factory in Southside Bethlehem, which was an impressive place and noted they took companies to the next level and encouraged them to stay in the area.
Mr. McGee stated they were doing some population and demographic research in trending that he would be reporting on as it progresses.

Solicitor’s Report

Mr. McGee asked Mr. Spadoni to report on the difference between voting “present” and “no” and the reason it was allowed.

Mr. Spadoni advised some municipalities enacted resolutions and ordinances that required a member’s vote unless there was a conflict of interest.

Adjournment

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

Mr. Cusick seconded the motion.

The motion to adjourn passed unanimously by acclamation.

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Linda M. Zembo
Clerk to Council