

Easton, Pennsylvania

August 20, 2020

The 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; Thomas A. Giovanni; Kevin Lott; William B. McGee; Kerry L. Myers; Tara M. Zrinski; Linda M. Zembo, Clerk to Council; Alene M. Shafnisky, Deputy Clerk to Council and Christopher T. Spadoni, Solicitor to Council. Absent was Margaret L. Ferraro.

Pledge of Allegiance

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

Approval of the Minutes - August 6, 2020

Ms. Vargo Heffner made the following motion:

Be It Moved By the Northampton County Council that the minutes of the August 6, 2020 meeting shall be approved.

Ms. Zrinski seconded the motion.

The minutes were approved by voice acclamation.

Presentation of Proclamations

Ms. Vargo Heffner presented proclamations to Northampton County Council of Democratic Women Officers Ms. Susanne Bobei and Ms. Pam Pearson; Pennsylvania Federation of Democratic Women, Inc. Board Ms. JoAnne Messenlehner and Ms. Sandra Vulcano and Pennsylvania Federation of Democratic Women, Inc. Region 8 Director Linda Woleslagle in honor and celebration of the 100th anniversary of the passage and ratification of the 19th Amendment.

Executive Session

Mr. Myers made a motion for County Council to enter into an Executive Session to discuss possible litigation.

Mr. McGee seconded the motion.

Mr. Heckman stated County Council entered into an Executive Session at 6:39 p.m. to discuss possible litigation and returned at 6:58 p.m.

Confirmation of Appointments/Reappointments

Mr. McGee introduced the following resolution:

R. 78-2020 **RESOLVED**, by the Northampton County Council that the following individuals shall be confirmed in their appointments/reappointments as indicated hereafter:

AREA AGENCY ON AGING ADVISORY COUNCIL

Reappointments:

Terms to Expire: 7/2/22

Carol J. Durka
2835 Greenleaf Court
Bethlehem, PA, 18017

Frances Greene
32 Edinburgh Drive
Easton, PA 18045

Ann Marie Panella
15 Marc Lane
Easton, PA 18045

Lachlan P. Peeke
2380 Peeke Lane
Hellertown, PA 18055

WORKFORCE BOARD LEHIGH VALLEY

Appointment:

Term to Expire: 6/30/23

William Reilley
1386 Jefferson Street
Hellertown, PA 18055

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

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

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

Courtesy of the Floor

As no one signed up for Courtesy of the Floor, Mr. Heckman asked if there were any questions or comments from the public.

There were no respondents.

County Executive Report

Mr. Lamont McClure, County Executive, provided documents with regard to the Coordinated Health test site (see Attachment #1). He advised in order to help rebuild the County's economy they had to get this virus under control, which was difficult because of the County's interconnectivity with three of the world's highest Coronavirus spots: New York City, New Jersey and the Philadelphia area. He further advised some of the first deaths in the County were people exposed in New York and New Jersey.

Mr. McClure stated in an attempt to curb the virus County Council gave him the ability to move forward with emergency powers to take the action they took. He further stated County employees have been back to work for more than three months and to his knowledge not one had been diagnosed with COVID-19, which he contributed to the aggressive masking policies, temperature screenings and new travel policies.

Mr. McClure advised they were not only keeping the employees safe, but also the residents first through their collaboration with Easton Hospital that had a 6% positivity rate when it ended on June 26, 2020 and then through the current collaboration with Coordinated Health - Lehigh Valley Hospital that showed a positivity rate of 3.2%. He further advised when a person tested positive, Lehigh Valley Hospital in association with the Pennsylvania Department of Health conducted contact tracing so besides quarantining the person who was positive the people they were in contact with, as well as the people those people were in contact with, were quarantining and that was helping to bring down the numbers.

Mr. McClure stated the citizens of the County were doing a good job wearing masks, which was the main driver in the positivity numbers coming down, but it was also critical to use the Coronavirus Aid, Relief and Economic Security (CARES) Act funding for this site. He further stated the school districts were recently informed of this site and that it was available to them to help them go back to school with greater safety.

Mr. McClure advised the average time period from collection to results was 73 hours and for receipt in laboratory until results was 65 hours. He further advised most results had been received within two to four days and over the last ten days, a majority of results were reported in one to two days.

Mr. McClure stated as leaders in the community it was important to emphasize the wearing of masks and testing because if the County could get the virus under control it could get its economy rolling again.

Mr. McClure advised under the Pandemic Protection Plan, County Council funded 302 businesses with grants up to \$15,000 for a total of \$3,990,243. He further advised after fulfillment of the municipality requests there would be \$5 million that could be used to provide grants to an additional 358 businesses for a grand total of \$8,748,640.91.

Mr. McClure stated no inmates, Corrections Officers or support staff in the Jail were positive; however, one resident at Gracedale was positive. He further stated they had not had a reportable COVID-19 related death at Gracedale since July 24, 2020.

Ms. Vargo Heffner advised she was told that they were still considered a red County by some standards and the data that was used was John Hopkins which presents aggregate data every week so she wondered where the other numbers were coming from because obviously they were not using the County's numbers.

Mr. McClure stated most of all the positive numbers were coming out of long-term care facilities and they were being tested almost exclusively at the hospitals. He further advised the County's color coding system was influenced by more than simply health metrics.

In answer to Ms. Vargo Heffner's question as to whether any of the entities were collaborating to get the County united, Mr. McClure stated there was no national strategy so it was difficult to have a Commonwealth-wide strategy.

In response to Mr. Lott's question as to whether Coordinated Health could do more to inform people of this site, Mr. McClure advised they would do that, but less people were experiencing symptoms now.

Mr. Myers stated his friend's 100 year old mother at Gracedale had COVID-19 and survived and he wanted to thank the staff at Gracedale for taking good care of her.

Ms. Zrinski advised she received an e-mail with regard to Department of Human Services (DHS) employees that asked if they could telecommute because of children returning to school in a hybrid model.

Mr. McClure stated the employees that were represented by Pennsylvania Social Services Union should be asking them that question over the bargaining table, but he was not inclined to do it. He further stated he had empathy for them, but he had a sworn obligation to make sure the vulnerable children who were in abusive homes were taken care of and they needed to be at work to do that, adding there were no positive COVID-19 cases in the DHS Building.

Ms. Zrinski advised her concern was that if these individuals were not given some sort of allowance they were going to have to leave their positions and that could lead to a mass exodus.

Mr. McClure asked if the threat of mass exodus was made to her if he did not allow them to telecommute because he had to put the abused children first and that was what he was going to do.

Mr. Heckman stated the school districts had to step up and be responsible for their employees and students.

In answer to Mr. McClure's comment that if they were helping their children with their Zoom schooling how would they be able to help the children that were being abused, Ms. Zrinski advised they suggested working on the weekends.

Mr. McClure stated if they were Career Services employees, they should go through the appropriate channels and if they were union represented employees, they should talk to their representatives.

Mr. Myers advised he sympathized with these employees, but the County could not neglect its responsibilities and there were a lot of employees facing the same situation that were not able to telecommute.

Public Hearing on the Ordinance Entitled, "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, SECTION 807. JOB DISCRIMINATION"

Mr. Heckman stated Messrs. Cusick and Myers introduced the following ordinance at the July 2, 2020 meeting at which time it was tabled:

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER: SECTION 807. JOB DISCRIMINATION

WHEREAS, the Northampton County Home Rule Charter, Section 807 states "No individual shall be favored or disfavored with respect to any position or office because of age, sex, race, color, religion, national origin, political opinions or affiliations, or lawful activity in any employee organization."

BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council as follows:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER SECTION 807

A. A proposed amendment to the Northampton County Home Rule Charter Section 807 shall be prepared for presentation as a referendum question at the May 2021 Primary Election, said referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI, and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter, Section 807, entitled Job Discrimination to read as follows: No individual shall be favored or disfavored with respect to any position or office because of age, sex, race, color, religion, national origin, political opinions or affiliations, sexual orientation, gender identity or lawful activity in any employee organization?

SECTION II - Effective Date

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

Mr. Cusick made a motion to remove this ordinance from the table.

Mr. Myers seconded the motion.

Mr. Heckman called for the vote on the motion.

The vote: Cusick, "yes"; Myers, "yes"; Heckman, "yes"; Lott, "yes"; McGee, "yes"; Vargo Heffner, "yes"; Zrinski, "no" and Giovanni, "yes".

The ordinance was removed from the table by a vote of 7-1.

Mr. Cusick advised earlier this year, the Supreme Court ruled that someone seeking employment could not be discriminated against based on their sexual orientation or sexual identity and it came to his attention that the Home Rule Charter (Charter) did not include that language as it was based on the 1964 Civil Rights Act. He further advised he felt since it was part of the County's policies it was important to add it to the Charter so it could be in line with the County policies and the Supreme Court decision.

Mr. Myers stated this question would appear on the May 2021 Primary ballot and he did not think it was a threat to anyone and they had to put faith in the people of the County.

Ms. Zrinski advised she talked to Corinne Goodwin from the Eastern PA Trans Equity Project, Mr. Adrian Shanker from the Bradbury Sullivan LGBT Center and members of the Human Relations Commission and they all agreed this would not be advantageous to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community because it could fail. She further advised there was no reason why the Supreme Court decision should be affirmed by individuals as it was the law of the land and the voters did not get to have a second pass at what had already been deemed by the Supreme Court.

Ms. Zrinski stated Mr. Shanker gave her a draft ordinance that did not require the affirmation by a vote of the electorate, but guaranteed exactly what Mr. Cusick would like to have done and had been brought up in Lehigh County.

Ms. Zrinski made a motion to table this ordinance until County Council had the opportunity to review Mr. Shanker's ordinance.

The motion failed due to a lack of a second.

Mr. Lott advised if this was voted down, the Supreme Court decision would still stand and it would still be in the County's policies so it was a symbolic gesture to indicate County Council believed it was so important that it was putting it in the Charter.

Mr. Spadoni stated the Supreme Court was the law of the land. He further stated Mr. Cusick contacted him a few weeks ago and he drafted this ordinance to have the Charter reflect the Supreme Court decision.

Ms. Vargo Heffner remarked to not have faith in the people of the County was underestimating them. She advised she reached out to several constituents who were members of the LGBT community, but did not belong to any organizations and were of the older generation and they were fine with it being put on the ballot. She further advised when she asked how they would feel if it got voted down, they indicated they would not be disenfranchised because they knew where they lived and knew not everyone supported them.

Ms. Vargo Heffner stated she was going to trust the will of the people in this County and it behooved them to work harder to make sure they got people out to support it.

Ms. Zrinski advised she felt this was tantamount to taking a poll of how people in the County felt about this human rights issue. She further advised it did not change the Supreme Court decision, but she listened to these communities tell her how wrong it was to make it a referendum.

Ms. Zrinski stated she could not, in good conscience, vote for this especially since she was given an alternative and she wished County Council would consider it before moving forward on this ordinance. She further stated she would like to invite Ms. Goodwin and Mr. Shanker, as spokespeople for their communities, to a meeting to talk to County Council about why they felt this was wrong.

Mr. Myers advised Mr. John Lewis said "sometimes you have to get in good trouble" and with all the hate out there, this community was the most giving community he had ever been around and they needed to have faith in it. He further advised nothing was going to change if it was voted down because it was the law of the land and all it was doing was making the Charter in line with the law of the land.

Ms. Zrinski stated no one ever had to vote on whether someone could be black or white, but for County Council to say whether someone could vote on whether or not someone could be subjected to this kind of discrimination was very different because it was a referendum on being gay or straight. She further stated she did not think that was right and they should not be putting people in a situation where this could get voted down when there was an alternative.

Ms. Zrinski advised there was no rush to vote on this as it was going on the May 2021 Primary ballot so she would like to hold off on the vote to give County Council an opportunity to review Mr. Shanker's ordinance and make their decision after having all the information in front of them.

Mr. Cusick stated he understood what she said about having an ordinance, but then the Charter would still be inconsistent. He further stated this was about getting the Charter consistent with the Supreme Court decision and he also had faith in the voters of the County that they would agree that job discrimination for gender identity or sexual orientation was wrong and the Supreme Court was correct in their decision.

Mr. Heckman advised he reached to out to five people that were around his age and felt comfortable discussing this issue and they indicated growing up was a difficult time, but they were comfortable where they were at today regardless of what anyone said. He further advised if this was put on the ballot and voted down he would be more than willing to sign on as a co-sponsor to an ordinance or resolution denoting that he disagreed with the voters of the County and it should be put into the County's laws somewhere.

Mr. Heckman stated he did not see the harm in going to the people and asking if they want this in the Charter. He further stated the people he spoke with were not public activists, but in their own and very brave way forged the paths for today's activists.

Mr. Heckman advised he understood where Ms. Zrinski was coming from, but he did not have the same passion for the argument because he had faith this was going to pass and it was going to be a tremendous statement on behalf of the County.

Mr. McGee stated he would be supporting this ordinance, but he wanted to make it clear that his vote was not indication of non-support of these groups.

Ms. Zrinski advised this was a tactic to undermine the Supreme Court ruling and letting the public affirm the Supreme Court ruling did nothing but provide a barometer about how people around here felt about this issue. She inquired why put people who were gay or transgender through this when there was another ordinance that could be passed that would affirm the Supreme Court ruling and make it so the County had that kind of equity and justice for the LGBTQ community.

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

The vote: Cusick, "yes"; Myers, "yes"; Lott, "yes"; McGee, "yes"; Vargo Heffner, "yes"; Zrinski, "no"; Giovanni, "yes" and Heckman, "yes".

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

Public Hearing on the Ordinance Entitled, "AN ORDINANCE AUTHORIZING PREPARATION AND SUBMISSION OF A DECLARATION OF TAKING AND RELATED DOCUMENTATION FOR A PORTION OF THE LANDS OF ERICA L. BUSCH AND FOR A PORTION OF THE LANDS OWNED BY ARLING J. KIEFER JR., AND PEAPACK-GLADSTONE BANK, CO-TRUSTEES OF THE FRANCIS E. KIEFER RESIDUARY TRUST AND FOR A PORTION OF THE DEPARTMENT OF AGRICULTURE'S CONSERVATION EASEMENT"

Mr. Heckman stated Messrs. McGee and Cusick introduced the following ordinance at the August 6, 2020 meeting:

AN ORDINANCE AUTHORIZING PREPARATION AND SUBMISSION OF A DECLARATION OF TAKING AND RELATED DOCUMENTATION FOR A PORTION OF THE LANDS OF ERICA L. BUSCH AND FOR A PORTION OF THE LANDS OWNED BY ARLING J. KIEFER JR., AND PEAPACK-GLADSTONE BANK, CO-TRUSTEES OF THE FRANCIS E. KIEFER RESIDUARY TRUST AND FOR A PORTION OF THE DEPARTMENT OF AGRICULTURE'S CONSERVATION EASEMENT

WHEREAS, Northampton County Council has determined that it is necessary and appropriate to acquire a Permanent Right of Way Easement and a Temporary Construction Easement for a project involving replacement, repair and/or maintenance of Bridge No. 195 & 210 for the safety of the traveling public for the below stated property owners and Easement holders; and

WHEREAS, a description of the property condemned from owners Erica L. Busch sufficient for its identification is set forth in Exhibit "1" being part of the same premises more particularly described in the Office of the Recorder of Deeds in and for Northampton County Deed Book Volume 2009-1, Page 149230 located in Lower Mount Bethel Township, Northampton County, Pennsylvania also identified as Tax Parcel No. G10-3-13-0317F (Busch property); and

WHEREAS, Condemnor, Northampton County condemns a Permanent Right of Way Easement of 1,209.44 square feet and a Temporary Construction Easement of 3,743.97 square feet from the Busch property. A copy of the plot plan showing the entire property and portion of land condemned and legal description of the condemned land is attached as Exhibit "1"; and

WHEREAS, a description of the property condemned from owner Arling J. Kiefer Jr., and Peapack-Gladstone Bank, Co-Trustees of the Francis E. Kiefer Residuary Trust sufficient for its identification is set forth in Exhibit "2" being part of the same premises more particularly described in the Office of the Recorder of Deeds in and for Northampton County Deed Book Volume 2012-1, Page 18549 located in Lower Mount Bethel Township, Northampton County, Pennsylvania; also identified as Tax Parcel No. F11-7-10-0110F (Francis E. Kiefer Residuary Trust); and

WHEREAS, Condemnor, Northampton County, condemns a Temporary Construction Easement of 917.93 square feet from the Kiefer Property. A copy of the plot plan showing the entire property and a portion of land condemned and the legal description of the land condemned are attached as Exhibit "2"; and

WHEREAS, a description of the property condemned from easement holder, Commonwealth of Pennsylvania sufficient for its identification is set forth in Exhibit "3" being part of the same Agricultural Conservation Easement more particularly described in the Office of the Recorder of Deeds in and for Northampton County Deed Book Volume 2009-1, Page 149230 located in Lower Mount Bethel Township, Northampton County Pennsylvania. A small portion of the Commonwealth's Agricultural Conservation Easement encumbers and overlaps the part of the lands to be condemned currently owned by Erica L. Busch (DBV 2009-1, Page 149230) and lands owned by Arling J. Kiefer Jr., and Peapack-Gladstone Bank, Co-Trustees of the Francis E. Kiefer Residuary Trust (DBV 2012-1, Page 18549) in the same acreage amounts; and

WHEREAS, Condemnor will condemn the Commonwealth of Pennsylvania's Conservation Easement encumbering the Busch lands for a Permanent Right of Way of 1,209.44 square feet and a Temporary Construction Easement for 3,743.97 square feet. For the Conservation Easement encumbering the Francis E. Kiefer Residuary Trust lands, Condemnor, Northampton County will condemn the Conservation Easement encumbering the Francis E. Kiefer Residuary Trust lands a Temporary Construction Easement of 917.93 square feet. A copy of the plot plan showing the entire easement and a portion of the easement condemned and legal description of condemned land is attached as Exhibit "3"; and

WHEREAS, Northampton County is permitted to acquire land and interests in land by Eminent Domain pursuant to the Eminent Domain Code, 26 Pa. C.S.A. Section 302 et seq. as amended.

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

1. All "Whereas" clauses are hereby incorporated into this Ordinance.

2. That the County Solicitor's office, is hereby authorized and directed to prepare, and the proper officers to execute, a Declaration of Taking and Notice of Condemnation in accordance with the provisions of the Pennsylvania Eminent Domain Code of 2006, as amended.

3. That the Northampton County Solicitor is hereby authorized and directed to file the Declaration of Taking in the office of the Prothonotary of Northampton County.

4. That the Northampton County Solicitor is authorized and directed to record the Notice.

5. That Northampton County, acting by and through Northampton County Council and the Northampton County Executive and/or the Northampton County Solicitor's office, is hereby authorized and directed to pay, or to offer to pay, within sixty days from filing of the herein above mentioned Declaration of Taking, just compensation to each Condemnee as provided for and pursuant to Section 307 of the Eminent Domain Code.

6. That the Northampton County Solicitor's office is hereby authorized and directed to send the Notice required by Section 305 of the Eminent Domain Code to the record owner of the property or

interest in property to be condemned by certified mail per Section 305(b) of the Eminent Domain Code.

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: McGee, "yes"; Cusick, "yes"; Myers, "yes"; Vargo Heffner, "yes"; Zrinski, "yes"; Giovanni, "yes"; Heckman, "yes" and Lott, "yes".

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

Introduction of an Ordinance Entitled, "AN ORDINANCE AMENDING THE 2020 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; DEPARTMENT OF FISCAL AFFAIRS; ADMINISTRATION; OFFICE OF DISTRICT ATTORNEY; COURTS SERVICES; COURT ADMINISTRATION; DEPARTMENT OF CORRECTIONS; DEPARTMENT OF PUBLIC WORKS AND DEPARTMENT OF HUMAN SERVICES"

Ms. Vargo Heffner and Mr. Myers introduced the following ordinance:

AN ORDINANCE AMENDING THE 2020 NORTHAMPTON COUNTY BUDGET: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; DEPARTMENT OF FISCAL AFFAIRS; ADMINISTRATION; OFFICE OF DISTRICT ATTORNEY; COURTS SERVICES; COURT ADMINISTRATION; DEPARTMENT OF CORRECTIONS; DEPARTMENT OF PUBLIC WORKS AND DEPARTMENT OF HUMAN SERVICES

2020				
BUDGET AMENDMENT				
KEY ORG	ACCOUNT	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET

C&ED - Community Development Grants				
31100	41621 PHFA COVID	0	1,102,500	1,102,500
	71227 PHFA COVID	0	1,102,500	1,102,500
Fiscal Affairs - Balancing of Budget				
31300	46010 Budgetary Fund Balance	4,566,942	447,875	5,014,817
Administration - Conduct of Elections				
43700	41111 CARES Act	0	148,513	148,513
	41130 Federal	0	173,312	173,312
	50050 Overtime Wages	35,000	10,000	45,000
	50150 Salaries Part Time	65,000	40,000	105,000
	62999 Pooled Communications	121,500	350,800	472,300
	63999 Pooled Admin Supplies	15,000	2,800	17,800
	65999 Pooled Transportation	900	1,300	2,200
	66999 Pooled Professional Services	30,000	118,300	148,300
	67999 Pooled Purchased Service	30,600	29,400	60,000
	68999 Pooled Program Operating Cost	294,200	197,400	491,600
Administration - Task Force Equipment				
44107	41130 Federal	30,000	53,500	83,500
	63999 Pooled Admin Supplies	21,000	6,200	27,200
	64999 Pooled Operating Supplies	9,000	20,500	29,500
	75250 Equipment	0	26,800	26,800
District Attorney				
10000	41600 PCCD	0	165,500	165,500
	63999 Pooled Admin Supplies	73,500	59,700	133,200
	75250 Equipment	0	5,800	5,800
	75300 Furniture & Fixtures	0	100,000	100,000
Courts Services - Orphans' Court				
46100	67999 Pooled Purchased Service	8,000	19,700	27,700
Court Administration - Magisterial District Judges				
71700	41380 Court Reimbursement	0	38,800	38,800
	63999 Pooled Admin Supplies	120,000	5,700	125,700
	75350 Improv Other Than Building	0	33,100	33,100

Department of Corrections				
71900	41130 Federal	0	58,000	58,000
	63999 Pooled Admin Supplies	196,200	18,000	214,200
	64999 Pooled Operating Supplies	1,661,800	40,000	1,701,800
Public Works - Bridges P3				
40605	42460 County Cost Reimbursement	0	347,200	347,200
	68999 Pooled Program Operating Cost	125,000	347,200	472,200
Public Works - Parks and Recreation				
40700	41393 DCNR Grant	0	1,470	1,470
	64999 Pooled Operating Supplies	44,600	1,470	46,070
Public Works - Act 13 Environmental Initiative				
40740	41634 Shale Gas Impact Grant	220,000	37,480	257,480
	66999 Pooled Professional Services	175,729	37,480	213,209
Public Works - Operations & Maintenance				
41700	41599 PCoRP	0	20,000	20,000
	75150 Building Renovations	29,300	20,000	49,300
Human Services - Veterans Affairs				
42700	41360 Commonwealth	0	20,000	20,000
	44010 Interest on Investment	0	100	100
	69999 Pooled Subcontracted Services	0	20,100	20,100
Human Services - Homeless Assistance				
50600	41111 CARES Act	0	173,000	173,000
	41488 HS Block Grant	428,300	(27,000)	401,300
	44010 Interest on Investment	800	100	900
	69999 Pooled Subcontracted Services	429,100	146,100	575,200
Human Services - Development Fund				
51100	41488 HS Block Grant	656,200	735,000	1,391,200
	44010 Interest on Investment	700	200	900
	69999 Pooled Subcontracted Services	656,900	735,200	1,392,100
Human Services - Mental Health				
57400	41488 HS Block Grant	14,484,500	(342,300)	14,142,200

58100	69999 Pooled Subcontracted Services	7,410,700	(342,300)	7,068,400
Human Services - Developmental Programs				
59400	41130 Federal	0	214,700	214,700
	41488 HS Block Grant	2,544,600	(489,700)	2,054,900
60600	69999 Pooled Subcontracted Services	937,700	(275,000)	662,700
Human Services - Early Intervention				
60905	41130 Federal	0	10,300	10,300
	41400 Early Intervention	2,882,600	57,300	2,939,900
	41550 Medical Assistance	128,600	28,000	156,600
	45030 Miscellaneous	1,500	300	1,800
60915	69999 Pooled Subcontracted Services	1,811,800	95,900	1,907,700
Human Services - Gracedale				
63000	41575 Misc. Intergovernmental	0	2,415,685	2,415,685
63500	68999 Pooled Program Operating Cost	14,400,000	850,000	15,250,000
68900	50250 Salaries Union Part Time	370,800	392,300	763,100
69100	50200 Salaries Union Full Time	1,227,700	1,173,385	2,401,085
Summary - Budget Amendment			5,389,835	

Effective Date:

In accordance with Northampton County Home Rule Charter 705 (e) this ordinance shall become effective upon the date of enactment.

Mr. Heckman advised the public hearing, debate and possible vote would be held at the September 3, 2020 meeting.

Introduction of an Ordinance Entitled, "AN ORDINANCE PROVIDING FOR THE LEASE WITH THE PENNSYLVANIA FISH AND BOAT COMMISSION FOR MINSI LAKE, UPPER MOUNT BETHEL TOWNSHIP, PENNSYLVANIA"

Ms. Zrinski and Mr. Giovanni introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE LEASE WITH THE
PENNSYLVANIA FISH AND BOAT COMMISSION FOR MINSI LAKE IN
UPPER MOUNT BETHEL TOWNSHIP, PENNSYLVANIA

WHEREAS, the Pennsylvania Fish and Boat Commission has requested an update to the original Lease Agreement with the County of Northampton for the +/-308 acres of land surrounding Minsi Lake located in Upper Mount Bethel Township from 1975; and

WHEREAS, Minsi Lake is only one of two public lakes located within Northampton County; and

WHEREAS, Northampton County, under the Department of Public Works, Division of Parks and Recreation, has provided environmental and recreational improvements and long-term maintenance and management of the property, known as Minsi Lake Park; and

WHEREAS, Northampton County, under the Department of Public Works, Division of Parks and Recreation, will continue to provide environmental and recreational improvements and long-term maintenance and management of the property, known as Minsi Lake Park on the +/-308 acres of land for the next 25 years.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that it does hereby agree to the lease of said property until September 1, 2045 in accordance with the Lease Agreement which is attached hereto and made a part hereof as Exhibit "A".

Mr. Heckman stated the public hearing, debate and possible vote would be held at the September 3, 2020 meeting.

Introduction of an Ordinance Entitled, "AN ORDINANCE REPEALING ORDINANCE NO. 617-2017, ENTITLED "AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS OWNED BY NORTHAMPTON COUNTY, LOCATED IN LOWER NAZARETH TOWNSHIP, TO THE EASTON SUBURBAN WATER AUTHORITY TO ENABLE THEM TO PROVIDE PUBLIC WATER THROUGH ITS PUBLIC WATER SYSTEM"

Ms. Zrinski and Mr. McGee introduced the following ordinance:

AN ORDINANCE REPEALING ORDINANCE NO. 617-2017, ENTITLED
"AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PERMANENT
AND TEMPORARY EASEMENTS OWNED BY NORTHAMPTON COUNTY,

LOCATED IN LOWER NAZARETH TOWNSHIP, TO THE EASTON SUBURBAN WATER AUTHORITY TO ENABLE THEM TO PROVIDE PUBLIC WATER THROUGH ITS PUBLIC WATER SYSTEM"

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

WHEREAS, Ordinance No. 617-2017 enacted on June 16, 2017 and effective on July 16, 2017 is attached hereto, marked as Exhibit "A" and intended to become a part hereof; and

WHEREAS, County Council represents that it is in the public's best interest and welfare of Northampton County to repeal Ordinance No. 617-2017 in its entirety.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED that Northampton County Council repeals in its entirety Ordinance No. 617-2017, which was enacted on June 16, 2017 and effective on July 16, 2017.

Mr. Heckman advised the public hearing, debate and possible vote would be held at the September 3, 2020 meeting.

Introduction of an Ordinance Entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 648-2018, Entitled, "AN ORDINANCE OF NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF CERTAIN PROCEDURES RELATED TO THE SOLICITATION AND AWARD OF PUBLIC CONTRACTS WITHIN NORTHAMPTON COUNTY; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR PUBLIC CONTRACTORS; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR SUBCONTRACTORS TO PUBLIC CONTRACTS; PROVIDING FOR PUBLIC CONTRACT REVIEW PROCESSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE"

Ms. Vargo Heffner and Mr. Myers introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 648-2018, Entitled, "AN ORDINANCE OF NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF CERTAIN PROCEDURES RELATED TO THE SOLICITATION AND AWARD OF PUBLIC CONTRACTS WITHIN NORTHAMPTON COUNTY; PROVIDING FOR CERTIFICATION REQUIREMENTS FOR PUBLIC CONTRACTORS;

PROVIDING FOR CERTIFICATION REQUIREMENTS FOR SUBCONTRACTORS TO PUBLIC CONTRACTS; PROVIDING FOR PUBLIC CONTRACT REVIEW PROCESSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, on November 4, 2018, Northampton County duly enacted Ordinance No. 648-2018 (hereinafter Responsible Contractor Ordinance (RCO)); and

WHEREAS, the RCO was adopted by Northampton County for the purpose of improving performance and quality control of Northampton County Public Works projects by establishing certain qualification requirements for contractors, subcontractors and construction craft personnel utilized on such projects subject to the RCO; and

WHEREAS, Northampton County Council has determined that the following amendments to the RCO are required and warranted to ensure the effective administration of the RCO in accordance with the stated policy goals and objectives hereinabove referenced.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE NORTHAMPTON COUNTY COUNCIL:

Section I.

Northampton County Council repeals Section 2(a) of Ordinance No. 648-2018 and adopts the following language for Section 2(a) of Ordinance No. 648-2018:

This ordinance shall apply to public works projects undertaken by Northampton County for the construction, demolition, alteration, renovation, modernization, service or maintenance of buildings, structures or facilities, for which the value of the project is valued at or above \$100,000. All contractors and subcontractors that perform on such projects, regardless of the value of individual contracts or subcontracts, shall satisfy the requirements of this ordinance in all respects.

Section II.

Northampton County Council amends Subsection (c)(11) of Section 3 of Ordinance No. 648-2018 deleting the following: "or an equivalent training program".

Mr. Heckman stated the public hearing, debate and possible vote will be held at the September 3, 2020 meeting.

Consideration of a Resolution Waiving Appraisal for the Minsi Lake Lease with Pennsylvania Fish and Boat Commission

Ms. Zrinski introduced the following resolution:

R. 79-2020

A RESOLUTION WAIVING APPRAISAL FOR THE MINSI LAKE LEASE
WITH PENNSYLVANIA FISH AND BOAT COMMISSION

WHEREAS, Northampton County Administrative Code Section 13.14 b. Sealed Appraisals. provides that "the County shall not purchase, sell or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers"; and

WHEREAS, the County of Northampton currently leases +/-308 acres of Pennsylvania Fish and Boat Commission land surrounding Minsi Lake located in Upper Mount Bethel Township; and

WHEREAS, the County Executive has requested that County Council waive the Administrative Code Section 13.14 b. requirement for appraisals; and

WHEREAS, Administrative Code Section 13.14 b. 2. allows for the waiver of the aforementioned appraisal requirement if certain conditions are met.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that it does hereby concur with the County Executive's request to waive the requirement for appraisals for the Minsi Lake Lease Agreement between Northampton County and the Pennsylvania Fish & Boat Commission due to the provisions of Northampton County Administrative Code Section 13.14 b. 1 & 2., which read as follows: "1. The costs of the appraisals are likely to exceed the value of the properties or project to which the appraisals pertain;" and "2. The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise deemed unnecessary."

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

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

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

Consideration of Personnel Requests Resolutions - Department of Human Services: a) Children, Youth and Families Division: 1) Attorney; Legal Assistant; 2) Administrative Assistant 1; Fiscal Technician; Clerk Typist; 3) Social Services Aide 2; 4) County Casework Supervisor; County Caseworker 2; b) Mental Health, Early Intervention and Developmental Programs Division: Fiscal Assistant, Clerk Typist 2; Data Analyst

Children, Youth and Families Division:

Attorney; Legal Assistant

Mr. McGee introduced the following resolution:

R. 80-2020 **IT IS HEREBY RESOLVED** that one (1) full time position of Attorney 2, pay grade HS-45B-1A, salary \$65,955, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

IT IS FURTHER RESOLVED, that one (1) full time position of Legal Assistant 2, pay grade PS-33-1A, salary \$37,246, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

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

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

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

Administrative Assistant 1; Fiscal Technician; Clerk Typist

Mr. McGee introduced the following resolution:

R. 81-2020 **IT IS HEREBY RESOLVED** that one (1) full time position of Administrative Assistant 1, pay grade PS-33-1A, salary \$37,246, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

IT IS FURTHER RESOLVED that one (1) full time position of Fiscal Technician, pay grade PS-33-1A, salary \$37,246, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

IT IS FURTHER RESOLVED that three (3) full time positions of Clerk Typist 2, pay grade PS-27-1A, salary \$29,157 (total \$87,471), shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

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

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

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

Social Services Aide 2

Mr. McGee introduced the following resolution:

R. 82-2020 **IT IS HEREBY RESOLVED** that one (1) full time position of Social Services Aide 2, pay grade PS-27-1A, salary \$29,157, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

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

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

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

County Casework Supervisor; County Caseworker 2

Mr. McGee introduced the following resolution:

R. 83-2020 **IT IS HEREBY RESOLVED** that one (1) full time position of County Casework Supervisor, pay grade HS-38B-1A, salary \$48,466, shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

IT IS FURTHER RESOLVED, that five (5) full time positions of County Caseworker 2, pay grade PS-35-1A, salary \$41,060 (total \$205,300), shall be created in the Department of Human Services - Children Youth and Families Division, effective August 20, 2020.

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

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

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

Mental Health, Early Intervention and Developmental Programs Division: Fiscal Assistant, Clerk Typist 2; Data Analyst

Mr. McGee introduced the following resolution:

R. 84-2020 **IT IS HEREBY RESOLVED** that one (1) full time position of Fiscal Assistant, pay grade PS-28-1A, salary \$29,899, shall be eliminated and one (1) full time position of Clerk Typist 2, pay grade PS-27-1A, salary \$29,157, shall be created in the Department of Human Services - Mental Health, Early Intervention and Developmental Programs Division, effective August 20, 2020.

IT IS FURTHER RESOLVED that one (1) full time position of Data Analyst 2, pay grade PS-29B-1A, salary \$30,641, shall be eliminated in the Department of Human Services - Program Centralized Data Division, effective August 20, 2020.

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

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

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

Consideration of a Resolution Authorizing the Acceptance of Contributions from Home-Delivered Meal Participants on behalf of the Area Agency on Aging

Ms. Vargo Heffner introduced the following resolution:

R. 85-2020 **WHEREAS**, Northampton County Home Rule Charter Section 202 (10) provides that the County Council shall have, among others, the following powers: "*to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;*" and

WHEREAS, in accordance with the Aging Program Directive 15-03-02 from the Pennsylvania Department of Aging, the Department of Human Services - Area Agency on Aging Division will be requesting contributions from home-delivered meal participants.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Northampton County Council authorizes the Department of Human Services - Area Agency on Aging Division to accept contributions from home-delivered meal participants.

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

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

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

Consideration of a Resolution Setting the Coroner's Fee Schedule

Ms. Vargo Heffner introduced the following resolution:

R. 86-2020 **WHEREAS**, Northampton County Ordinance #17-1979 provides that the fees charged by agencies and offices of Northampton County shall be set by the Northampton County Council by means of a resolution at such times and at such rates as deemed necessary.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Northampton County Council that the Coroner's Fee Schedule shall be amended to read as indicated hereafter, effective August 20, 2020:

	<u>Current</u>	<u>Proposed</u>
Coroner's Report	\$ 50.00	\$100.00 *
Toxicology Report	\$ 50.00	\$100.00 *
Autopsy Report	\$100.00	\$500.00 *
Cremation Permit Fee	\$ 50.00	\$ 50.00 *
Invoiced Cremation Permit Fee	\$ 75.00	\$ 75.00
Slides/Microscopic Studies (Call for availability and number) Each Slide	\$ 25.00	\$ 25.00
Creation of Tissue Slides (Call for availability, time restricted) Plus Cost Per Slide	\$550.00	\$550.00
Body Removal Transportation on Cases Not Requiring Transport for Forensic Testing (Plus any additional cost)	\$325.00	\$350.00
Body Storage	\$ 10.00 per day	
Forensic Supplies/Cleaning Fee		\$120.00
Administration/Shipping Fee (Packaging/Mailing or Transfer Of Specimens or Other Samples to Other Labs for Testing)	\$ 50.00	\$ 50.00
Research Fee	\$ 50.00/hour	\$100.00/hour
Disposition/Appearance	\$200.00/hour	
	\$200.00/hour	
Administrative Processing Fee	\$ 45.00	\$ 45.00
Electronic Device Analysis	\$600.00	\$600.00
Other Forensic Expert Reports not Described Above	\$600.00	\$600.00
Non-Sufficient Funds Check Returned Fee Plus Cost of Collection	\$ 25.00	\$ 25.00
Photographic Documentation if Approved by Coroner (Price per Print)	\$ 25.00	\$ 25.00

The proposed increases are in accordance with newly passed legislation under PA Purdon 16 §1252-B (signed by the Governor on October 24, 2018)

*Maximum Amount Allowed by State Law (Currently)

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

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

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

Consideration of a Resolution of Northampton County Council for
Protecting the Bushkill Creek, its Headwaters and Tributaries

Ms. Zrinski introduced the following resolution:

A RESOLUTION OF NORTHAMPTON COUNTY COUNCIL FOR
PROTECTING THE BUSHKILL CREEK, ITS HEADWATERS AND
TRIBUTARIES

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 must conserve and maintain them for the benefit of all people; and

WHEREAS, the Bushkill Creek Watershed is eighty (80) square miles and the Bushkill Creek is a 22.1-mile-long tributary of the Delaware River in Northampton County; and

WHEREAS, the Bushkill Creek is designated by the Pennsylvania Department of Environmental Protection (PADEP) as a High Quality Coldwater Fishery, Migratory Fishery (HQ-CWF, MF) and the creek has numerous limestone springs along the southern portion downstream including Jacobsburg Environmental Education Center, good existing riparian buffer and an abundant and diverse aquatic life; and

WHEREAS, quarry operations may have had an adverse impact on the karst geology resulting in numerous sinkholes on the surrounding lands of the Bushkill Creek; thus limiting public access to complete local and regional trail connections for the Two Rivers Area Trailway within the Two Rivers Area Greenway and the September 11th National Memorial Trail; and

WHEREAS, during the past twenty-one (21) years, more than fourteen (14) instances of dewatering and/or pump failures associated with quarrying operations have created detrimental environmental effects on the stream ecology including, but not limited to, fish life, macroinvertebrates and other aquatic life; and

WHEREAS, the most recent incident occurred on June 5, 2020, when lightning struck an electrical power line at the Buzzi Unicem USA plant on Hercules Drive, Stockertown, PA, causing an outage in the pumping system which lasted fifteen (15) hours and completely dewatered the Bushkill Creek for three (3) miles south from Stockertown to the Newlins Mill Road bridge; and

WHEREAS, this dewatering of the Bushkill Creek caused the death of thousands of fish, macroinvertebrates and other aquatic life, significantly reducing the water flow in the Easton area; and

WHEREAS, a back-up pumping system should be considered separate from the main electrical source to provide continuous pumping capacity during an electrical outage and an alternate power source for the current dewatering system in time of failure; and

WHEREAS, the Forks of the Delaware Chapter of Trout Unlimited, The Bushkill Stream Conservancy and the Watershed Coalition of the Lehigh Valley agree to form an ADVISORY COUNCIL with Northampton County, Northampton County Conservation District, Lehigh Valley Greenways Conservation Landscape, Lehigh Valley Planning Commission, Brookwood Group and other stakeholders (hereinafter referred to as the "ADVISORY COUNCIL") to protect, preserve and restore the Bushkill Creek Watershed; and

WHEREAS, the purpose of this Resolution is to form an ADVISORY COUNCIL to study, develop and implement solutions to minimize and/or prevent dewatering events in the Bushkill Creek Watershed; and

WHEREAS, the ADVISORY COUNCIL intends to closely collaborate with the PADEP other State and Federal agencies, local and State legislators, Buzzi Unicem USA, regional organizations and the surrounding municipalities, including but not limited to, Tatamy Borough, Stockertown Borough, Upper Nazareth Township, Lower Nazareth Township, Borough of Nazareth, Palmer Township, Forks Township and the City of Easton; and

WHEREAS, the ADVISORY COUNCIL requests Northampton County to help facilitate the acquisition of all documents related to current quarry operations on the Bushkill Creek, including, but not limited to, the following:

- a) PA DEP Mining Permit
- b) PA DEP Water Discharge Permit
- c) All karst geology and dye tracer studies
- d) Data from Monitoring Wells
- e) Pumping Data
- f) Map of the Zone of Influence
- g) Current and future Quarry Operations Closure Plans.

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

Northampton County Council fully supports the efforts to study, develop and implement solutions to minimize and/or eliminate a future dewatering event at the Bushkill Creek and fully supports the Whereas clauses set forth above.

Ms. Zrinski made a motion to amend the resolution to replace the word "including" in the third paragraph with the word "of".

Mr. Giovanni seconded the motion.

Mr. Heckman called for the vote on the motion.

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

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

R. 87-2020

A RESOLUTION OF NORTHAMPTON COUNTY COUNCIL FOR
PROTECTING THE BUSHKILL CREEK, ITS HEADWATERS AND
TRIBUTARIES

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 must conserve and maintain them for the benefit of all people; and

WHEREAS, the Bushkill Creek Watershed is eighty (80) square miles and the Bushkill Creek is a 22.1-mile-long tributary of the Delaware River in Northampton County; and

WHEREAS, the Bushkill Creek is designated by the Pennsylvania Department of Environmental Protection (PADEP) as a High Quality Coldwater Fishery, Migratory Fishery (HQ-CWF, MF) and the creek has numerous limestone springs along the southern portion downstream of Jacobsburg Environmental Education Center, good existing riparian buffer and an abundant and diverse aquatic life; and

WHEREAS, quarry operations may have had an adverse impact on the karst geology resulting in numerous sinkholes on the surrounding lands of the Bushkill Creek; thus limiting public access to complete local and regional trail connections for the Two Rivers Area Trailway within the Two Rivers Area Greenway and the September 11th National Memorial Trail; and

WHEREAS, during the past twenty-one (21) years, more than fourteen (14) instances of dewatering and/or pump failures associated with quarrying operations have created detrimental environmental effects on the stream ecology including, but not limited to, fish life, macroinvertebrates and other aquatic life; and

WHEREAS, the most recent incident occurred on June 5, 2020, when lightning struck an electrical power line at the Buzzi Unicem USA plant on Hercules Drive, Stockertown, PA, causing an outage in the pumping system which lasted fifteen (15) hours and completely dewatered the Bushkill Creek for three (3) miles south from Stockertown to the Newlins Mill Road bridge; and

WHEREAS, this dewatering of the Bushkill Creek caused the death of thousands of fish, macroinvertebrates and other aquatic life, significantly reducing the water flow in the Easton area; and

WHEREAS, a back-up pumping system should be considered separate from the main electrical source to provide continuous pumping capacity during an electrical outage and an alternate power source for the current dewatering system in time of failure; and

WHEREAS, the Forks of the Delaware Chapter of Trout Unlimited, The Bushkill Stream Conservancy and the Watershed Coalition of the Lehigh Valley agree to form an ADVISORY COUNCIL with Northampton County, Northampton County Conservation District, Lehigh Valley Greenways Conservation Landscape, Lehigh Valley Planning Commission, Brookwood Group and other stakeholders (hereinafter referred to as the "ADVISORY COUNCIL") to protect, preserve and restore the Bushkill Creek Watershed; and

WHEREAS, the purpose of this Resolution is to form an ADVISORY COUNCIL to study, develop and implement solutions to minimize and/or prevent dewatering events in the Bushkill Creek Watershed; and

WHEREAS, the ADVISORY COUNCIL intends to closely collaborate with the PADEP other State and Federal agencies, local and State legislators, Buzzi Unicem USA, regional organizations and the surrounding municipalities, including but not limited to, Tatamy Borough, Stockertown Borough, Upper Nazareth Township, Lower Nazareth Township, Borough of Nazareth, Palmer Township, Forks Township and the City of Easton; and

WHEREAS, the ADVISORY COUNCIL requests Northampton County to help facilitate the acquisition of all documents related to current quarry operations on the Bushkill Creek, including, but not limited to, the following:

- a) PA DEP Mining Permit
- b) PA DEP Water Discharge Permit
- c) All karst geology and dye tracer studies
- d) Data from Monitoring Wells
- e) Pumping Data
- f) Map of the Zone of Influence
- g) Current and future Quarry Operations Closure Plans.

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

Northampton County Council fully supports the efforts to study, develop and implement solutions to minimize and/or eliminate a future dewatering event at the Bushkill Creek and fully supports the Whereas clauses set forth above.

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

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

Consideration of Article XIII Contract Resolutions: a) Wind Gap Electric - Electrical Contractor; Bean Inc. Contractors - General Construction; b) Vision Technologies; c) Grace Industries, Inc.

Wind Gap Electric - Electrical Contractor; Bean Inc. Contractors - General Construction

Ms. Vargo Heffner introduced the following resolution:

R. 88-2020 **WHEREAS**, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.08 Contracts and Agreements e. provides that "In the absence of any acceptable sealed bid after two attempts have been made to receive pricing under the sealed bid procedure, informal bid(s) or quotation(s) shall be obtained, using the applicable specifications, after which the County Executive or his designee shall be authorized to award a contract to the lowest responsible bidder in the best interests of the County"; and

WHEREAS, on July 16, 2020, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a six month contract totaling \$92,688.22 with Wind Gap Electric (electrical construction) and Bean Inc., Contractors (general construction) for the Washington Street Streetscape Project.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to approve a contract with Wind Gap Electric and Bean Inc., Contractors for the Washington Street Streetscape Project.

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

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

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

Vision Technologies

Ms. Vargo Heffner introduced the following resolution:

R. 89-2020 **WHEREAS**, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding \$100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if

Council approval is necessary"; and

WHEREAS, on August 5, 2020, 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 \$193,530.44 with Vision Technologies for computer equipment.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation, to approve a contract with Vision Technologies for computer equipment.

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

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

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

Grace Industries, Inc.

Ms. Vargo Heffner 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"; and**

WHEREAS, on August 7, 2020, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a one year contract totaling \$218,693.45 with Grace Industries, Inc. for the Nor-Bath Trail Project - Phase II.

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 Grace Industries, Inc. for the Nor-Bath Trail Project Phase - II.

Ms. Zrinski advised in her experience on the Lehigh-Northampton Airport Authority it was noted they had dealt with Grace Industries and there were significant disputes and problems with the quality of work and performance so she would not be voting for this contract and suggested putting out another Request for Proposal.

Mr. Cusick stated he was bothered by the fact there was only one bidder; however, Mr. Bryan Cope, Parks and Receptions Superintendent, did indicate the prices were in line with what they had seen previously. He further stated for the purpose of competitiveness he would like to see additional bids so he would not be supporting this recommendation.

In response to Ms. Vargo Heffner's question as to whether the County had dealt with this company previously, Mr. Emili advised not during his time with the County.

Ms. Zrinski reiterated that the dispute and the quality of the work was significant enough that she would not vote for this, adding there were serious problems.

Mr. Heckman stated this project was broken into three phases so maybe if it was bid as a whole project, it may have generated more bids.

Mr. Emili advised it was broken into three parts because at the time they did not know how much they could accomplish with the funds they had available in their budget.

In answer to Mr. Heckman's question as to whether there was a timeframe when this money had to be spent due to the grant, Mr. Emili replied it was a two year time frame.

Mr. Lott stated Mr. Cope indicated some of the contractors said it was due to the RCO, but he did not think that was correct due to the value of the project. He further stated he heard many stories working construction and when a contractor does a bad job for a public entity, they could not put it out there because they could get sued. He added he had the same impression as Ms. Zrinski mentioned so he would like to see it go out for bid again.

In response to Mr. McGee's question as to how many parts were left, Mr. Emili advised phase one was just completed, this was phase two so there would be an additional phase, which was kept separate because it involved work specifically related to three bridges that were on the Nor-Bath Trail.

In answer to Mr. McGee's question as to what was the value of the third phase, Mr. Emili stated they did not know at this time because they were still in the process of defining that scope in terms of what exactly had to be done on the bridges.

Mr. McClure questioned what County Council would do if no bids were received.

Mr. Lott advised whenever they did a project the more they could lump together the more attractive it was for contractors so he felt because this project was broken into little pieces it was less attractive for people to bid it.

Ms. Zrinski stated Mr. Cope indicated someone else did bid on it, but they lost an employee and was overworked.

With regard to Mr. Lott's comment, Mr. Charles Dertinger, Director of Administration, advised they have seen exactly the opposite because they wound up with too many disciplines on a project that was not of a value that made it worth having many subcontractors. He further advised they had no bidders after several rounds of putting out to bid the Wolf parking lot and only after breaking that job into smaller pieces did they receive bids.

Mr. Dertinger stated the crosswalk project was put out for bid several times and after three rounds, they negotiated with the contractors who did the Wolf parking lot.

With regard to this project, Mr. Dertinger advised they were talking about paving and doing some ancillary work that was not in the interest of some of the paving contractors. He further advised there was also bridge work to be done so now they had to have a contractor who did paving and bridge work and that usually cut down the number of people who responded to the bids.

Mr. Myers stated in answer to Mr. McClure's comment about no bidders, sometimes you just had to bite the bullet because sometimes quality was more important. He further stated hearing this company had trouble he would feel a lot more comfortable if someone else would take a look at it.

Mr. Heckman advised his concern was if this was put out to bid in the exact same format, they may not get anything other than what they received this time. He further advised if this contract was voted down, he would like to hear from Procurement how to proceed going forward.

In response to Mr. McGee's question as to whether the contractor for the first phase performed well, Mr. Emili stated Floyd G. Hersh did a good job and when they were awarded that contract he had never heard of them. He further stated he had never worked with Grace Industries, but they have done business in the Lehigh Valley for quite a long time.

In answer to Mr. McGee's question as to why Floyd G. Hersh did not bid on this phase, Mr. Emili advised the person who handled their bidding left the company and they were not able to submit a bid in time.

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

The vote: Vargo Heffner, "no"; Zrinski, "no"; Cusick, "no"; Giovanni, "no"; Lott, "no"; McGee, "no"; Myers, "no" and Heckman, "no".

The resolution failed by a vote of 0-8.

When Mr. Heckman requested someone from Procurement be at a meeting to discuss this, Mr. Myers suggested having them appear at a special Capital Projects and Operations Committee meeting.

Mr. McClure stated he would have Ms. Kathryn Anderson, Purchasing Manager, come in and explain the process, but it was very well laid out in Article XIII of the Administrative Code.

In response to Mr. McGee's question as to what type of performance bonds were required for these types of projects, Mr. Stephen Barron, Director of Fiscal Affairs, advised it depended on the size of the project.

In answer to Mr. McGee's question as to whether Grace Industries would had to have had a performance bond for this job, Mr. Barron replied they would have.

Personnel Committee Meeting Report

Mr. McGee stated the Personnel Committee met yesterday and reviewed the appointments, reappointments and personnel requests adopted tonight.

Energy, Environment and Land Use Committee Report

Ms. Zrinski advised the Energy, Environment and Land Use Committee met earlier this evening and a discussion was held regarding sinkholes that were appearing around the County and their impact.

Economic Development Committee Report

Mr. Lott stated the sub-committee of the Economic Development Committee met and reviewed the remaining applications of the small businesses who applied for CARES Act funding in the event money became available.

Capital Projects and Operations Committee Meeting

Mr. Myers advised the Capital Projects and Operations Committee met yesterday and an update was provided on all the bridge projects.

Finance Committee Report

Ms. Vargo Heffner stated the Finance Committee met yesterday and reviewed the financial items on tonight's agenda. She further stated they were presented with the year-end and quarter two reports and as the quarter one report would be available for the next meeting in September it was decided to review them all at the same time.

Lehigh and Northampton Transportation Authority (LANTA) Liaison Report

Mr. Myers advised a LANTA zoom meeting was held on Tuesday and they were in the process of purchasing some land on 12th Street to move the paratransit vehicles out of Whitehall and into a garaged area on the other side. He further advised the Easton Coach contract would be ending in 2021-2022.

Lehigh Valley Planning Commission (LVPC) Liaison Report

Mr. McGee stated a LVPC Executive meeting was held today and letters were sent to the Administrations of Lehigh and Northampton Counties with regard to their 2021 budget. He further stated Ms. Becky Bradley, Executive Director of LVPC, made some comments concerning the discussion regarding equity share that was held at the Capital Projects and Operations Committee meeting held yesterday.

Mr. McGee advised that Ms. Bradley indicated she wanted to come to a County Council meeting to present their side of the argument. He further advised she also wanted representatives of the Pennsylvania Department of Transportation to come and speak on the Lehigh Valley Transportation Study.

Adjournment

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

Mr. Cusick seconded the motion.

The motion to adjourn passed unanimously by acclamation.

Linda M. Zembo
Clerk to Council