

A meeting of the Lehigh County Board of Commissioners was held at 7:30 p.m. on this date in Macungie Borough Hall, 21 Locust Street, Macungie with Jane R. Ervin presiding as Chairwoman.

Present: Commissioners John Cooney, Percy Dougherty, Jane Ervin, Josephine **Kraft**, George Laughlin, John McHugh, **Grayson** McNair, Sterling Raber and Linda Rosenfeld.

Others: Rick Klotz, Director of Administration; Sue Schellenberg, Court Administrator; Bill Berndt, Deputy Court Administrator; Robert Korp, Director of Planning; Peter Waldron, Director of Development; Gloria Zimmerman, Cedarbrook Nursing Homes Director; Carol Olenek, Director Cedarbrook-Fountain Hill; Henry **Perkin**, County Solicitor; Judy Johnston, Executive Administrator; Janice Nisbet, Human Resources Director; Michelle Griffin, Public Affairs Manager; Christopher Christman, Legislative Aide; Deputy Solicitor Barbara Kern; David Barilla, Clerk to the Board; and reporters Corrine **Durdock** and Dan Hartzell.

Under Executive Sessions, the clerk said the Parks Committee met in Executive Session on July 29 to discuss potential real estate acquisitions.

Upon the motion of Commissioners Laughlin and McNair and a unanimous voice vote, the Rules of the Board were suspended to bring forward Resolution **1999-No. 80**. The Rules of the Board were reinstated upon the motion of Commissioners Laughlin and McNair and a unanimous voice vote.

The clerk announced Resolution 1999-No. 80: Honoring The Lower Macungie Junior Legion Baseball Team on Winning The Pennsylvania State Junior Legion Tournament (sponsored by Commissioners Ervin and Dougherty), and the deputy solicitor read the resolution for the record. Upon the motion of Commissioners McNair and Laughlin and a unanimous voice vote, the entire Board of Commissioners added their names as sponsors. Commissioner Ervin said she would like to congratulate the team members on their tremendous accomplishment. She said as a former President of the East Penn Youth Association, which is now the Lower Macungie Youth Association, she knows how difficult it is to win the Junior Legion State Championship. She said this team represented Lehigh County extremely well and she wants them to know how proud we are of their accomplishments. Commissioner Dougherty said as a resident of Lower Macungie Township, he is very proud of the honor the players and coaches have brought to the township. Commissioner McNair said as a Lower Macungie Township resident, he wants to offer his congratulations on a great job. Lance Mueller, head coach, thanked the Board of Commissioners for this recognition of these young men and their accomplishments. Resolution **1999-No. 80** was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolutions 1999 • No. 80.

Re. Honoring The Lower Macungie Junior Legion Baseball Team on Winning The Pennsylvania State Junior Legion Tournament

Under Citizens Input, Elena Steidinger said she is a resident of Germansville and is here in regards to the resolution for the Lehigh-Northampton Airport Authority to purchase and assume operations of the Flying M Aerodrome on the Mountain Road in Germansville. She said she and her husband purchased their property, which runs parallel to the Flying M 11 years ago. She said when we purchased the home, we were aware of the airstrip. She said however, the air traffic was minimal and the vintage aircraft flying overhead were a novelty. She said the aircraft has increased within the past ten years and we certainly did not expect when we purchased the home that someday the Lehigh Valley International Airport Authority would purchase the strip. She said her concerns include safety, there have been times when airplanes land and depart in the darkness without lights. She said due to her home's location to the airstrip, she has concerns about accidents occurring in proximity to her home, especially with three young children. She said she does have reasonable cause to be concerned. She said in 1994 two aircraft accidents occurred in less than a year. She said she has environmental concerns, the area that runs parallel to the airport is known as the Kittatiny Ridge, where thousands of migratory birds pass through each year. She said an increase in air traffic along this corridor would be detrimental to the migratory habits of the birds. She said she believes that before any sale to the Lehigh-Northampton Airport Authority, an environmental impact study should be performed to assess the affects along this corridor. She said her most serious concern is the future potential of this airstrip. She said presently, the airstrip is grass, it has been reported that the Lehigh-Northampton Airport Authority is considering diverting small **aircraft** to Flying M. She said all successful businesses and business units that look to the future, look for potential. She said once the airport authority takes control of the strip, there would be nothing to prevent them from then upgrading it to a macadam strip. She said this would significantly increase the air traffic in the area. She said presently, the air strip is in the possession of a private individual regulated by the government. She said should it become a property of the airport authority, this government related agency has limitless potential to seize land under eminent domain clauses.

Forrest Wessner said he is here to speak on the same issue. He said he is a farmer in Heidelberg Township, not far from the airport, and his concerns are safety and enhancing the airport itself. He said he does not see where there is room to do it. He said there is a preserved farm on one end of the landing strip. He said at the other end of the landing strip, which includes Mr. Solt's property, there are two stop signs. He said that tells him there is not enough land there for a really good airstrip. He said another concern is that this is along the Blue Mountain and there are a number of deer in the area. He said he questions what the facilities are at the airport. He said he questions what kinds of restroom facilities are there, what kinds of parking facilities are there. He said he does not know if there is even a telephone there. He said this will be starting from base one. He said some cost/benefit analysis needs to be done. He said Flying M is a recreational airport for a few flyers. He said if you are going to expand it, what you are going to do with the preserved farm land on one end that limits it. He said the Mountain Road has increased traffic and all of these things must be looked at before any enhancement. He said once it gets beyond the Commissioners, his faith in the airport authority is not as great. He said he has more faith in the Board of Commissioners. He said he appreciates the Board of Commissioners taking comments.

Dan **Kunkle** said he is the President of the Wildlife Information Center which has its' office in Slatington. He said our major research concern is the Kittatiny **Raptor** Migration Corridor, which is an internationally important and famous migration corridor for hawks, eagles, falcons, and ospreys. He said last year our volunteers spent 500 hours at Bake Oven Knob and we counted 13,000 migrating raptors. He said we look right down on the Flying M Ranch from Bake Oven Knob, it is in the flyway. He said in addition to the migrating birds, there are also a lot of red tail hawks and turkey vultures. He said a kettle is a swirling flock of birds rising up in a thermal air current. He said he has often seen kettles of over 30 turkey vultures flying in the area right around and over the Flying M Ranch. He said he has wondered about the safety of the airport right now, let alone with an expansion and an increase in air traffic. He said the migration corridor is not just the mountain. He said the land adjacent to the ridge is very critical to these migrating raptors. He said any diminishment of that land along the corridor is a concern to us. He said we have an internationally important resource. He said last year we had 74 endangered Bald Eagles that passed, 18 endangered Peregrine Falcons and 61 Golden Eagles. He said when you have endangered species flying through the area, that should give you cause for concern.

Kunkle said the rural nature of the northern part of Lehigh County is very valuable to the residents and very important to wildlife. He said he believes that the increase in air traffic and the increase therefore, in automobile traffic and other facilities that will be needed will be detrimental to the rural character of these areas. He said this should be thought about long and hard. He said there will be a lot of negative impact to a proposal like this. He said it needs a lot of study and he agrees with the first speaker that an environmental impact study is in order.

Tom Latsko said he lives in Heidelberg Township and he is the property owner to the east of Glenn Court. He said the current owner of the Flying M Ranch has been in a very antagonistic position to him as a home owner for more than a decade. He said he has owned his property from more than twenty years. He said when he decided to build his home, he tried to have his deed rescinded and took him to court. He said that did not work and he then tried to have his property condemned so that he could get the property. He said he then told him he would buy him out at a reduced rate. He said when Resolution 5-90 in Heidelberg Township passed, he thought this resolution gave him some power relative to home owners in the area. He said the situation has remained antagonistic.

Latsko said the runway is 300 feet off of the road. He said he has asked that the planes be staged on the runway, they do not need the whole runway to take off. He said all of the planes back up on the dirt road and blow dust all over the road. He said other neighbors have been made to cut part of their trees down, all under the legal blanket of having this ordinance in place. He said at the same time he was told that one way or another he would get his property. He said with the airport authority on his side, he feels that he has the powerful position to come at people like the Solts, eventually coming after people like him, and talking to Heidleberg Township to have Blanch Court changed. He said he has photographs and films of planes landing on the road. He said they are supposed to be fifteen feet off the road at that point. He said the three crashes that were

talked about were on his property. He said at no point did he come to him with anything at all about those. He said he had to introduce all actions towards him in terms of those crashes. He said there was a crash on his brother's property that still has legal proceedings open. He said that is the kind of operation that is.

John Lychak said he represents Claude and Florence Solt. He said they are now in legal action against Mr. Maniscalco who is the adjoining property owner. He said they had leased some land to him so he could extend the strip that he uses there. He said he hopes the Board takes a very hard look at this matter. He said this is a very serious matter that will have a direct impact on the Solt's life. He said they may very well lose their farm. He said they have been there since 1962 and they hope to leave the farm to their daughter. He said if Mr. Maniscalco is able to enlist the help of the authority by allowing the authority to expand it's powers and take over the Flying M, that is exactly what we fear is going to happen. He said they will acquire that right, they will expand the airport, they will take the Solt's land, they will affect the environment there and the community, and they will have a profound impact on everyone's lives there. He said no one wants that and he thinks that is why all of these people are here. He said we have a petition signed by 148 people in Heidelberg Township who oppose this. He said he hopes that the Board will take a long hard look at this before they give the airport authority almost unlimited power to expand itself

Lychak said he would also encourage the Commissioners to go up there. He said this is a grass strip, it is a derelict air strip, there are a couple of decrepit hangars, by all accounts maybe ten to eighteen planes use this facility. He said he would also urge the Commissioners to take a look at the regional plan. He said a lot of the information contained in that is in his opinion erroneous, the number of planes up there, the cost of expanding this facility in the millions of dollars. He said the expansion of this will come out of all our pockets through state and federal grant money. He said we will all pay for in effect condemning the Solt's property. He said you have to look at who is going to win and who is going to lose. He said the environment, the Solts and the community are going to lose. He said the only winners are going to be Mr. Maniscalco, a few people who have their planes there as a hobby, and he supposes the airport authority. He said he urges the Commissioners to look at all of this information before this matter is voted on.

Commissioner McNair said Lychak mentioned a legal action. He asked what legal action is being pursued. Lychak said Mr. Maniscalco has refused to vacate the property. He said the Solts have refused to renew the lease agreement that they had with him for about 8 10 feet by 160 of the airstrip, approximately three acres. He said consequently, we had to file an eviction complaint with the district justice. Commissioner McNair said there was a newspaper report that at one time they were willing to extend that lease at a slightly higher rate. Lychak said that is not entirely accurate. He said this arrangement has been going on for a number of years and in fact started with the previous owner of the Flying M Ranch. He said although the amount of land that was leased increased, the term stayed the same, it was year to year. He said this went on for a number of years until approximately 1994 or 1995. He said at that time he understands that Mr. Maniscalco received a grant from the state to make improvements to the airstrip. He said part of the condition for obtaining that grant was that he guarantee

that the airport would remain open for ten years. He said it was in his interests to try to get the Solts to enter into a long term lease or sell the property to him. He said they were not interested in doing that. He said this went on for a number of years until there was some negotiation or talk about exchanging pieces of land. He said at that time Mr. Maniscalco wanted to tie this extended lease agreement or putting a restrictive covenant in the deed, a first option to purchase the property. He said they were unable to come to an agreement on that because the Solts did not want it tied to that, they simply wanted to swap the land. Commissioner McHugh asked where Mr. Maniscalco lives. Lychak said New Jersey.

Donald Trexler said he is a Heidelberg Township Supervisor. He said he is here to seek a deferral on the airport issue of the Lehigh Valley Airport Authority take over of the Flying M Airport. He said he does not see a benefit to Heidelberg Township if this should take place. He said the airport does not contribute to the existence of the township, no crop dusting is done from here, no medical flights, no freight deliveries on a regular basis and no commuter flights beyond the personal use of those who have airplanes there. He said the noise level of some of these airplanes when taking off is very irritating. He said township supervisors are urged to maintain the rural atmosphere. He said this is not the first time that neighbors are upset with this airport. He said something that does not make sense to him is that this airport is unmanned. He said the owner lives in New Jersey. He asked who will turn on the lights for the planes to land, who will plow the snow in the winter. He asked if the airport authority will put equipment up there to do that. He asked if a control tower will be needed with more airplanes. He said in four years, three aircraft have crashed missing housing only by several hundred feet or closer. He said if more planes are directed up here because you do not want them at Lehigh Valley International, it stands to reason that the ratio will change in favor of more accidents. He asked when the last small plane crashed at Lehigh Valley International Airport. He said a letter was sent months ago asking that the township get involved in this issue. He said at a township meeting it was unanimous that the township not get involved as it was viewed as a civil matter. He said he does not think it is fair that the airport authority will own this property just to dump off what they don't want, namely other small aircraft. He said there are no facilities there for people. He said if the County is interested in spending money it should be invested in our parks and recreation system where it can be enjoyed by many, rather than this land acquisition that will only benefit a handful of those who can afford expensive toys. He said let's not strive to make Lehigh Valley International Airport little Newark at Heidelberg's expense.

Steve **Bachman** said he lives on Reservoir Road, walking distance from the airport. He said he is here to discuss the Flying M Airport. He said he has a hard time calling it an airport. He said it is more like a gentleman's farm where planes land on a flat field. He said it is a 39 acre parcel, only half of that is in the runway area. He said it is about a 1,600 foot runway. He said he is not sure if that is enough to exist without taking more land, so we have to condemn some other farmland to get this. He said previously, the biggest thing he has read about the County Commission is that it is dedicated to preserving farm land, not airports. He said those two do not coincide. He said when you generate an airport, you will be taking away farmland. He said this does not seem like the right thing for the County to be doing. He said especially in Heidelberg

Township which has a number of ideal farms He said he is asking the Board to reconsider approval of this.

Chris Gittinger said he is the attorney for the Flying M Aerodrome, which is not really before the Board tonight, the Lehigh-Northampton Airport Authority is before the Board. He said obviously, the criticism is directed to the Flying M. He said it has become pretty obvious tonight that this is a matter that is being tried in the press, because every complaint he has heard is rumor. He said there is nothing based in fact about an expansion of the Flying M Aerodrome. He said in fact, the effort and issue is simply to preserve the Flying M Aerodrome. He said the Flying M, despite what many of the neighbors may perceive, is recognized and accredited by the FAA. He said it is on the NOAA low altitude flying charts which are distributed nationwide. He said it is a public airport, it is what is considered a valuable public aviation asset, because it is part of the regional airport plan. He said it is licensed and inspected by the Department of Transportation of Pennsylvania, the Bureau of Aviation. He said it complies in every respect with all federal, state, local and county requirements. He said what the neighbors may forget is that it has been in existence for quite a period of time now. He said the township by ordinance in 1990, dedicated itself to preserving and protecting this airport. He said it is an integral part of the regional plan. He said the most important issue in regards to the regional plan is the one of safety. He said that is the guiding concern of the regional plan. He said if you are looking at safety issues, there is nothing in the ordinance before the Board that adversely impacts safety. He said one of the neighbors had some very serious concerns about the current management. He said although he can not concede the truth of those concerns, if those are legitimate concerns, he should be in favor of the ordinance because the Lehigh-Northampton Airport Authority clearly has those types of safety concerns in mind. He said if it is a personal issue between neighbors, then those neighbors should be in favor of the ordinance because the **Lehigh-Northampton Airport Authority** does not have an adverse interest to any neighbors. He said there is nothing before the Board, the authority, or before the Flying M to expand or change that airport in any way. He said the issue for the Flying M is that they want to preserve the airport the way it has existed for more than ten years and how it is recognized by the township, state and federal government. He said he thinks the ordinance before the Board is appropriate.

George Doughty said he would be happy to respond to any questions. He said he would like to begin with a report this morning that the airport authority has a plan to pave and extend the runway. He said we do not have such a plan. He said we have no plans for that airport because it is not our airport. He said there is a regional system plan that was accumulated by us. He said in that plan there is an acknowledgment that the owner had an interest at some point in time in paving the runway, as well as adding other facilities at the airport. He said he wants to make the point that the airport authority has no plans to do anything at that airport at this time. He said our interest, as he made the point to the Board two weeks ago, is simply to preserve as many existing airports in the region as we can. He said it appears this one is threatened, we are concerned about that. He said he may come to the Board in the future and say this issue is critical to the future of the County, this is not one of those times. He said however, this is important because it is one of many. He said if we lose Flying M, it is probably not a big deal. He said if

we lose Flying M and any of the other small privately owned airports, we begin to see a contraction of available facilities. He said we would rather deal with the issue as early as possible and prevent these airports from going away. He said they serve a useful purpose in accommodating a certain type of aircraft operation. He said we think it is a reasonable thing to be involved in this issue.

Chris Gittinger said he really does not believe that the Solt's want the airport authority to condemn their property and he can assure you that the Flying M does not want the airport authority to condemn its property. Chris Lychak said you may leave them no choice, that is what is going to end up happening. Gittinger said that may be the decision between the parties. He said clearly, no one wants to lose their property.

Florence Solt said this man is looking for the Lehigh Valley International Airport to bail him out. She said this is a run down facility. She said he needs help and this is where he is trying to get help from.

The Minutes of the July 28, 1999 meeting were approved on a motion by Commissioners Rosenfeld and Dougherty and a unanimous voice vote. There was nothing under the Chair's Review.

Under Old Business, the clerk announced Commissioner Bill 99-47: Amendment of Articles of Incorporation to Change the Name of Allentown-Bethlehem-Easton International Airport to Lehigh Valley International Airport and Expand The List of Airports Operated by the Authority (sponsored by Commissioners Laughlin, Raber, Dougherty, **Kraft**, Rosenfeld and **McNair**), and the deputy solicitor read a summary for the record. Commissioner Laughlin said this legislation would change the name of the Allentown-Bethlehem-Easton International Airport to the Lehigh Valley International Airport. He said he has no problem with that. He said in addition, it would expand the authority's jurisdiction with the inclusion of the Flying M Airport. He said after listening to the concerns and comments of the people here tonight, he has had second thoughts about supporting this kind of legislation in its present form and he could not support it. He said he will no longer sponsor this piece of legislation. Commissioner Raber said he would like to echo the thoughts of Commissioner Laughlin.

Commissioner Dougherty said this is a good indication of how home rule government operates. He said most of us were in favor of this piece of legislation at our last meeting. He said we did not see all of the aspects, the legal ramifications, the environmental ramifications, farmland preservation aspects, development pressure and all of the other good comments that were brought up tonight. He said that is how our government operates, something is brought up at a meeting and everyone has a chance to come in. He said he now has second thoughts about this legislation and he can not support it in its present form. He said there are parts of this that we need to get through, such as the name change. He said he would like to table this piece of legislation tonight and bring this back in the form of separate pieces of legislation and discuss the Flying M Airport more fully in a committee setting so we can get information from both sides.

Commissioner Dougherty made a motion to table Bill 99-47. The motion was seconded by Commissioner Laughlin. The motion to table Bill 99-47 was defeated four votes in favor and five votes opposed. Commissioners Cooney, Dougherty, **Kraft** and Laughlin supported the motion and Commissioners Ervin, McHugh, McNair, Raber and Rosenfeld dissented.

Commissioner **Kraft** said this evening she heard numerous reasons to question the value of this particular ordinance. She said obviously we will have to recognize the name change. She said the Flying M Airport portion of this needs much more research and some input from other parties. She said it would be irresponsible on her part to vote in favor of this legislation this evening. Commissioner Rosenfeld said she agrees. She said she would prefer to vote this bill down and bring it back to recognize the name change and have a committee meeting on the rest.

Commissioner McNair said he thinks the general aviation regional plan has been well thought out. He said he fully appreciates the condition and the status of that airport. He said he can appreciate the concerns that have been expressed. He said from the information that he has gathered, he views the situation here as a civil matter and a failed business proposition. He said he thinks that should be resolved before we address whether the Lehigh Valley International Airport should become involved. He said before we extend that sort of authority to them, he would like to know the **future** plans of **LVIA** on how they would operate that. He said they could very well ask the current owner to continue the current operation at the airport and you would have no improvement. He said until those types of details come out, he would prefer to vote down this ordinance tonight, and bring forth the change in the name of the Lehigh Valley International Airport. He said whenever the civil action is satisfied, if any agreement could be reached between the Solts and the owner/operator, we then could consider it and have a plan developed by **LVIA** that would accompany the ordinance. He said he would ask his fellow Commissioners to vote no on this bill. He said hopefully, we can then amend the articles for the name change.

Commissioner McHugh said he will certainly vote no for half of the package. He said he does not like the way our people are being treated. He said they live with the problem everyday. He said if anyone knows what the problems are and the conditions, it is the people who live around the airport. He said he will vote this down. He said he does a lot of traveling and gave the latest airport nomenclature for his bags to be sent. He said he was informed that could be Livingston Nambia on the Continent of Africa. He said you have to be **careful** that you ask for the Lehigh Valley. He asked George Doughty if he was aware of that. Doughty said he was aware of that. He said there is a very detailed explanation of why that works out that way. Commissioner McHugh said the two issues must be separated. He said if we voted tonight, we would not be doing justice to these individuals or our fine airport. He said this should be voted down.

Commissioner Cooney asked if it was possible to amend this ordinance to delete the Flying M discussion. Henry **Perkin** said to amend the ordinance would be a significant change and would require a new first reading. Commissioner Ervin said she will also vote down this bill. She said she does want to stress that we have to look at the

big picture. She said obviously the Solts and other residents of Heidelberg Township surrounding the Flying M have been treated badly by the current owner. She said it is important to say that our airport is not the bad guy here. She said she thinks they have a very legitimate concern about the overall safety of air **traffic** in Lehigh County. She said she thinks this is an issue that can be resolved. She said this may not be the right way to do it, but it is something that we have to pay attention to. She said there is no excuse for the treatment that the residents of that area have received.

With no **further** discussion, a roll call vote was taken as follows: Commissioners Cooney - no; Dougherty - no; **Kraft** - no; Laughlin - no; Ervin - no; McHugh - no; **McNair** - no; Raber - no; and Rosenfeld - no. The Chairwoman declared the bill's defeat.

The clerk announced Commissioner Bill 99-48: Converting Two Part-Time Registered Licensed Practical Nurse Positions to One Full-Time Registered Nurse Position in the Department of Cedarbrook (sponsored by Commissioners Laughlin, Cooney and Dougherty), and the deputy solicitor read a summary for the record. Commissioner Laughlin said this was thoroughly discussed at our last meeting. He said he thinks everyone realizes that we are having problems hiring **LPNs**. He said we have not had problems hiring **RNs**. Commissioner Cooney said from his experiences at Good Shepherd, **LPNs** are very **difficult** to recruit and also **difficult** to retain. He said this a chance to convert two positions into one with a higher skill level, where this is availability and the opportunity to retain. He said he supports this. Commissioner Dougherty said the tough labor market is forcing this decision. Commissioner McNair said he is not sure if we are doing the right thing here from the standpoint of eliminating two positions. He said there may have been another way to do this without eliminating two positions. Gloria Zimmerman said we are looking to convert two part-time positions into one full-time position. Commissioner McNair said he thinks there was a way to do that without sacrificing the employee count.

Dr. Joe Pascuzzo said he has received a number of phone calls from various employees at Cedarbrook in recent months. He said he also believes that a floor was forced to close recently because of a shortage of staff at Cedarbrook. He said as was published in the press last fall, there was a death at Cedarbrook. He said it was really an unnecessary death. He said he believes there was a delay in the state being notified about that death. He said when the state came out to inspect because of that death, there were found to be a number of problems and discrepancies there. He said in fact, Cedarbrook lost its permanent license for about seven months and had only a provisional license, which was restored about two months ago. He said there are a lot of problems at Cedarbrook. He said it is not that employees are not working hard. He said there are not enough of them, perhaps because of the hiring freeze in the County. He said instead of eliminating a couple of part-time positions and turning them into a full-time position, we need to consider adding **RNs**. He said despite the fact that there is a hiring freeze, we need to hire additional **RNs**, as well as **LPNs** and aides. He said he would encourage the Board to support hiring an increased number of **RNs**.

Commissioner Rosenfeld said these part-time positions have not been filled for quite awhile. Zimmerman said that is correct, for over three years. Commissioner Rosenfeld said we are taking two positions that we have not been able to fill for three years and turn them into an RN position that we will be able to fill. She said in essence we are adding a position. Commissioner McNair said he would like to clarify Dr. Pascuzo's comments about a hiring freeze. He said we are searching for more employees all the time. He said he would like the record to be made clear that the County does not have a hiring freeze right now. He said we are looking for employees at employee fairs. He said we are trying diligently to hire additional employees for Cedarbrook, as well as other departments throughout the County. Zimmerman said we do not have a hiring freeze at Cedarbrook. She said we have over 30 nurses aide positions vacant. She said we have had **difficulty** hiring people for that position. She said we have had four job fairs, one as recently as two weeks ago. She said last week she met with a representative from PIC to see if there was anything else we could do. She said the unemployment rate is low and we are not the only nursing home or hospital in the Lehigh Valley having this problem.

Mary Kachinski asked about the training of the nurses that are there. She said on one day they had three citations on her grandmother. She said they did not meet their own standard of care in their nursing care plan. She said you are looking for nurses, but the nurses that are there are not trained properly.

Commissioner Cooney said he has first hand experience with two local hospitals, in addition to his recent experience with Cedarbrook. He said all hospitals are shorthanded. He said you have a very difficult time getting **LPNs** or nurse assistants. He said this is a general problem of the medical profession. He said it is not a Cedarbrook problem alone, it is medical care problem in our society. He said we are doing the best we can with job fairs etc. With no further discussion, a roll call vote was taken as follows: Commissioners Dougherty - yes; Laughlin - yes; Ervin - yes; McHugh - yes; McNair - no; Raber - yes; and Rosenfeld - yes; and Cooney -yes. The Chairwoman declared the bill's approval and it now becomes Ordinance 1999 - No. 150.

Refer to the Ordinance Book for County of Lehigh Ordinance 1999 - No. 50.

Re Converting Two Part-Time Registered Licensed Practical Nurse Positions
 to One Full-Time Registered Nurse Position in the Department of
 Cedarbrook.

The clerk announced Commissioner Bill 99-49: Approving a Professional Services Agreement with Trany Grossman for Spanish Interpretation (sponsored by Commissioners McHugh, McNair and Dougherty), and the deputy solicitor read a summary for the record. Commissioner McHugh said because of insurance problems, this legislation can not be brought forward tonight. He said the Judiciary and Corrections committee voted to withdraw this legislation. Upon the motion of Commissioners McHugh and McNair and a unanimous voice vote, Commissioners Bill 99-49 was withdrawn.

Under New Business, the clerk announced Resolution 1999-No. 77: Honoring George J. **Bancroft** for Attaining the Rank of Eagle Scout (sponsored by Commissioner McNair). Commissioner McNair said it is his privilege to again introduce a resolution honoring an scout who has attained the highest rank in scouting, the Eagle Rank. He said George **Bancroft** is a member of Boy Scout Troop 191. He said his service project involved the buildings at the Heller Homestead in Hellertown. Resolution **1999-No. 77** was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolutions 1999 - No. 77.

Re: Honoring George J. **Bancroft** for Attaining the Rank of Eagle Scout.

The clerk announced Resolution 1999-No. 78: Honoring Brett T. Brown for Attaining the Rank of Eagle Scout (sponsored by Commissioner McNair). Commissioner McNair said it is again his privilege to introduce this resolution honoring Brett T. Brown who has attained the highest rank in scouting, the Eagle Rank. He said he is also a member of Boy Scout Troop 191 and his service project involved the repair of two classrooms in his church. Resolution **1999-No. 78** was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolutions 1999 - No. 78.

Re: Honoring Brett T. Brown for Attaining the Rank of Eagle Scout.

Upon the motion of Commissioners McNair and Laughlin and a unanimous voice vote, the Rules of the Board were suspended to bring forward Resolution 1999-No. 79 and Resolution 1999-No. 81. The Rules of the Board were reinstated upon the motion of Commissioners McNair and Laughlin and a unanimous voice vote.

The clerk announced Resolution 1999-No. 79: Honoring the East Penn Croquet Club Upon the Dedication of the Croquet Lawns at the Indian Creek Golf Course (sponsored by Commissioner McNair). Commissioner McNair said the East Penn Croquet Club has worked long and hard and has been very active with an indoor course. He said this is the first outdoor **croquet** lawn course available in the Lehigh Valley. He said this Saturday there will be a dedication ceremony and he thought it was appropriate to recognize their work as this is the first court of its kind in the Lehigh Valley. Resolution **1999-No. 79** was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolutions 1999 - No. 79.

Re: Honoring the East Penn Croquet Club Upon the Dedication of the Croquet Lawns at the Indian Creek Golf Course.

The clerk announced Resolution 1999-No. 81: Establishing a Ban On Open Burning In Lehigh County (sponsored by Commissioners **Ervin**, **Kraft** and Rosenfeld), and the deputy solicitor provided a summary for the record. Commissioner **Kraft** said this is in response to the drought conditions. She said over 24 municipalities have endorsed this ban due to the danger involved to the community. She said in July, the Lehigh County Communications Center received over 105 phone calls reporting small

fires. She said the drought conditions have worsened since July and become increasingly dangerous. Upon the motion of Commissioners McNair and Cooney and a unanimous voice vote, the entire Board of Commissioners added their names as sponsors. Commissioner Dougherty said he has asked questions regarding the enforcement of this and he has been told that the state police can enforce this particular resolution. He said we are down 18 inches in terms of precipitation. Commissioner McNair said he fully supports this. He said he does hate to see some of these exemptions. He said it irks him that careless smoking will often start these types of fires. He asked that Rick Klotz contact the departments that have licensed campgrounds in Lehigh County, send them a copy of this resolution, and ask them to ban open camp fires if they have not already done so. Klotz said he will ask the Office of Emergency Management to handle that. With no further discussion, Resolution **1999-No. 81** was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolutions 1999 • No. 8 1

Re: Establishing a Ban On Open Burning In Lehigh County,

The clerk announced Commissioner Bill 99-50: Approving the 2000-2004 Lehigh County Capital Plan (sponsored by Commissioner Dougherty), and the deputy solicitor read a summary for the record. Commissioner Dougherty said a copy of the capital plan is available for inspection this evening. He said this includes a number of recreation, open space, information technology, public safety and infrastructure improvements that total **\$60,910,000**. He said this was reviewed by the Planning Committee on July 21 and 22 and a public hearing was held this evening. He said there was opportunity for public input at all of those meetings. He said there are several amendments attached to this bill which are the result of the discussions that occurred at those meetings. Commissioner McNair said he would like to compliment the administration on bringing forth business plans for the nursing home and the **Trexler**-Lehigh County Game Preserve. He said he has had his questions answered regarding the nursing home business plan. He said he still needs to get some additional input on the Trexler-Lehigh County Game Preserve so that he would be satisfied with the business plan. Commissioner Cooney said he would like to clarify that the passing of this does not mean that we will spend \$60 million tomorrow to do everything that is in this. He said this is a plan that we have going forward, this is not a commitment for a \$60 million investment. He said it is a plan of where we are headed.

Win Tweed said he is a Heidelberg Township resident. He said he reviewed the plans he was provided that pertain to the Trexler-Lehigh County Game Preserve. He said he has a concern about a basic weakness he sees in the plan. He said in terms of what the County would like to do at the Game Preserve in its expansion he thinks things are spelled out in a very clear fashion. He said he sees a substantial weakness in access to this revitalized Game Preserve. He said he reviewed the traffic studies that were done. He said in reviewing the plan, in the future 80% of the traffic will come along Route 309 to Game Preserve Road as an access route. He said he has no idea for the other **20%**, he got no indication what other routes might be used. He said it seemed in reading this that it was still under study. He said there is great detail on what the County wants to do with the Game Preserve, but when you get to delivering the visitors, he sees a very significant

weakness. He said he is very concerned about this. He asked if the **traffic** studies will continue. He said that is his largest concern with this.

Shawn Hubler said she is a resident of South Whitehall Township and her grandparents own a property along Jordan Road, adjacent to the Game Preserve. She said she agrees with the issues raised by Win Tweed. She said she is also concerned about water in that area. She said well measurements have been decreasing over time in that area. She said the water use at the Game Preserve will be extreme. She said this is a serious concern. She said she is concerned that with the expansion of the Game Preserve, the game lands themselves will be encroached on as far as uses and excluding certain activities. She said the area will no longer be pristine, it will be commercialized and overrun.

Dr. Joe Pascuzzo said he has a friend who lives adjacent to the Game Preserve who has been approached by a County **official** to potentially purchase their property. He said the proponents of the Game Preserve said that this is not supposed to be an expansion. He said it certainly is financially, and this would make it a geographic expansion if properties are purchased in the surrounding area. He said anyone who lives in the area of Route 309 knows how bad **traffic** is already. He said any additional traffic aggravates an already existing problem, which should be taken care of before any expansion of the Game Preserve. He said it is clear to anybody who lives in that area that we need a Route 309 bypass. He said he would encourage that further study be done on that before the Game Preserve is expanded.

Commissioner McHugh asked Pascuzzo about the County representative approaching someone. Pascuzzo said a County **official** contacted a friend of his who lives adjacent to the Game Preserve and asked them if they would be willing to sell their property. He said an offer was not made, but they were asked if they would be willing to sell their property. He said to him that certainly is an expansion. Commissioner McHugh asked what **official** would do that. Pascuzzo said he will ask that friend of his if he can give that information to you, their name as well as the County **official**. Commissioner Dougherty said he would like to note for the record that any purchase of County property has to come to the Board and be acted upon in a public meeting by ordinance. Pascuzzo asked if funds in the County budget for parks and so forth could be used without the Commissioners approval to purchase property. Commissioner Dougherty said no, it would have to come before the Board.

Hubler said the routes going through the Game Preserve are only one vehicle wide. She asked if there were plans in place to widen those roads to two lanes. She said doing so would require blasting away at the rock which would ruin the ecological beauty of it. She said to disturb the unique fauna and flora there is ridiculous. She said bringing all this **traffic** and commercialization will only make farming in the area that much more **difficult**. She said this is not in the best interests of the area long term.

Commissioner Dougherty said three of our speakers have alluded to access to the Game Preserve and expansion of **traffic** in that area. He said we have to be very careful that we follow the Lehigh Valley Comprehensive Plan which states that this area is not

for wide open development. He said we want to keep that area as pristine as possible. He said by putting in more highways, widening what we have, or putting in a bypass, will aggravate the problem so much more. He said we have to be **careful** what we say about traffic in that area, but access is definitely a problem.

Commissioner Raber said he lives in that area and used to have an extensive livestock operation. He said he is no longer in that business. He said if he had that livestock operation now, with the houses that are going in above him, he would be **fearful** of his well going dry. He said in the Lehigh Valley people love to live in rural areas. He said this has really infringed on farming. He said where he does farming practices, he has a huge problem with cars today.

Commissioner Cooney said we are in the midst of soliciting and receiving input. He said a major concern is the **traffic** issue and we need to take a very close look at that.

Tweed said traffic studies were being done on Route 309 as recently as July. He asked why those studies were not done a long time ago. He said the issue of Game Preserve expansion first came up in December 1997. He asked why traffic studies were not included in an earlier phase. Commissioner Rosenfeld said the traffic studies were done under the auspices of Jones and Jones as a total program, traffic, water and utility studies. She said that was Jones and Jones call. Commissioner Dougherty said **traffic** studies have been going on all along through the Lehigh Valley Planning Commission. He said there have been studies done at those major intersections. Commissioner **Kraft** said we recently passed legislation regarding the widening of Pack House Road and Route 309 improvements. She said her knowledge is that various studies have been done on Route 309. She said this one is specific to traffic generated by the Game Preserve. Commissioner Dougherty said that was necessitated by Kids Peace, but the staging of the traffic lights extends up to the Parkland High School area. Commissioner Ervin said the expected increase in traffic relative to the Game Preserve is minimal, relative to the expected increase in traffic for Kids Peace, the new Parkland High School and new housing developments. She said although she understands concerns about Game Preserve traffic and some of them are legitimate, she thinks the far greater concern is increased development in that area. With no **further** discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on August 25, at 7:30 p.m. in the Public Hearing Room of the Lehigh County Government Center.

The clerk announced Commissioner Bill 99-5 1: Transferring Funds For Juvenile Placement Costs (sponsored by Commissioner McHugh), and the deputy solicitor read a summary for the record. Commissioner **McNair** said when we adopted the budget we had a \$1.8 million line item for juvenile maintenance and we had another \$1.8 million in a designated **fund** pending **further** review. He said we are now at the stage of **further** review. He said we are not at the time where we need to transfer from the designated **fund** balance to the line item. With no **further** discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on August 25, at 7:30 p.m. in the Public Hearing Room of the Lehigh County Government Center.

The Committee Reports were given as follows,

Intergovernmental & - Commissioner Cooney said we did not have any business for tonight's meeting. Commissioner McNair said on August 5, the House Finance Committee of the Pennsylvania Legislature met in the Government Center and took testimony on the single sales factor allocation formula to determine corporate net income tax. He said committee members expressed their support, which was our resolution over a year ago urging them to adopt this. He said one of the suggestions was if the County would sponsor recognition of the Governor signing this bill once it has been passed, right here in Allentown. He said we were the only County to have done something like this.

Judiciary and Corrections - Commissioner McHugh said we met this evening and reviewed the items on tonight's agenda.

Planning - Commissioner Dougherty said the regularly scheduled August 17 meeting is canceled. He said we will meet in early September and have a visitor from Harrisburg to review what is available for counties and municipalities in regards to GIS.

Administrative - Commissioner Kraft said the next scheduled meeting is before the September 8 Commissioners' meeting.

Cedarbrook - Commissioner Laughlin said the next meeting will be August 25 at 5:00 p.m.

Development - Commissioner Rosenfeld said the next meeting will be August 25 at 6:00 p.m.

General Services - No report.

Human Services - Commissioner McNair said the committee met on August 3 and received a report from David Ross, Executive Director of the Allentown Boys and Girls Club describing the services that they provide in the their contract with the County. He said Ross described the new teen center on Seventh Street in Allentown and the work that they are doing with the Northern Lehigh School District.

There was no Citizens Input On Committee Reports.

Under Commissioner Announcements, Commissioner McNair said we are having a tremendous series of races at the Velodrome with the EDS National Championships. He said the races continue through Saturday. He said the Velodrome found out yesterday, that they will be the host of the 2001 World Junior Championships. He said

this is the first Velodrome in the United States to host this championship for the second time.

Commissioner Dougherty said he and Commissioners Laughlin and Raber attended sessions at the County Commissioners Association of Pennsylvania Conference last week. He said there is some legislation that we will be exploring further. He said one of the issues deals with watershed planning. He said the counties may have to take on some of the bills of the local municipalities. He said another aspect is problems with the Clean and Green Program. He said all Commissioners have received information on how several counties are having problems with small estates of 10 to 15 acres being set aside as farms and taking advantage of that house exclusion. He said he and Commissioner Raber will be bringing information before the Board in the future. Commissioner Ervin said she attended a land use forum last weekend sponsored by the state. She said this issue was discussed and the state is studying that issue.

Under Citizens Input, Arthur Lockner, Macungie Borough Councilman, asked if the County has any contingency plans if we have to go into water rationing. Rick Klotz said there is state legislation setting up the various agencies. He said there is a drought task force in place with members from across the County. He said they are investigating those issues, along with guidelines if they have to. He said there is a group of people working on the whole issue. Lockner said Dorney Park is using water at a tremendous rate. He asked if this was legal to use all of this water in a drought emergency. Commissioner Ervin said there are exceptions allowed under the drought emergency. She said most of those have to do with commercial operations. She said she does not know the specifics of that, but we can **find** that out.

Patricia Dietz said she is a Lehigh County retiree and she would like to thank whoever was responsible for giving us the list of Lehigh County retirees. She said she would like to know if the Commissioners had the opportunity to discuss the change of the Home Rule Charter. She said she knows that the ballot question could not be placed on the ballot for the general election this fall. She said she would appreciate any information on this issue. Commissioner Ervin said she is glad that they have received the list. Commissioner **Kraft** said a meeting has not been set up to **further** discuss this. She said the next step is to look at the suggestion from the Administrative Committee meeting. She said when that meeting is scheduled, she will contact the retirees. Commissioner Ervin said we recognize there is no immediate hurry since it can not be placed on the ballot until the spring. Commissioner McHugh said some of us have said among ourselves that we will probably discuss it in November. He said he is glad that the retirees got the list.

The meeting adjourned at 9:32 p.m.



David Barilla, Clerk to the Board