

A meeting of the Lehigh County Board of Commissioners was held at 7:30 p.m. on this date in Alburtis Borough Hall, with Percy H. Dougherty presiding as Chairman.

Present: Commissioners Percy Dougherty, George Laughlin, **Grayson** McNair, Joseph **Maher**, Joseph Pascuzzo, Sterling Raber, Roger Reis, and Linda Rosenfeld. Commissioner John McHugh was absent.

Others: Rick Klotz, Director of Administration; Ed Sweeney, Director of Corrections; Bob Korp, Director of Planning; Ken Mohr, Director of Development; Judy Johnston, Executive Administrator; Bill Berndt, Deputy Court Administrator; Gloria Zimmerman, Cedarbrook Nursing Homes Administrator; Donna Kuba, Director of Nursing; Brian Kahler, Supervisory Accountant; Ed Fedock, Stevens & Lee; Christopher Christman, Legislative Aide; John Servis, Deputy Solicitor; reporters Corrine **Durdock** and Dan Hartzell; and David Barilla, Clerk to the Board.

The Minutes of the Board of Commissioners' Meeting and the Public Hearing on the Sacony Creek Watershed Plan held September 12, 2001 were approved upon the motion of Commissioners McNair and Rosenfeld and a unanimous voice vote, with Commissioner Pascuzzo abstaining. Under Executive Sessions, the clerk said there were none held since the last meeting of the Board of Commissioners.

Under Citizens Input, Commissioner Dougherty introduced Ron Delaco, Mayor of Alburtis, and asked that he introduce the members of Borough Council in attendance. Delaco welcomed the Board of Commissioners to Alburtis. He said this is a new facility since the last meeting of the Commissioners in Alburtis. He said it is on the same site as the previous facility. He introduced Steve Hill, Borough Council President and Councilmen Bob Mader and Bob **Tobias**.

Tom Christman said he is a former Lehigh County employee and he would like the Commissioners to consider some type of health plan and prescription plan for retirees. He said when he was working, he met with Mr. Mohr and he was going to look into this, but it was dropped when Mohr was no longer administrator. He said he would like the Commissioners to study this and try to come up with some type of health plan.

Under the Chair's Review, the clerk said the next meeting of the Trexler-Lehigh County Game Preserve Advisory Board will be held on October 1st beginning at 7:00 p.m. at the Game Preserve. He said pending approval of a motion this evening, the next meeting of the Board of Commissioners will be held on Wednesday, October 10th at the Whitehall Township Municipal Building beginning at 7:30 p.m.

Under Annointments, the clerk announced the following appointment to the position of Lehigh County Fiscal Officer:

Brian L. Kahler
1300 Walnut Lane
Macungie, PA 18062

Commissioner **Maher** said the Intergovernmental & Appointments Committee met on September 12 and it was the unanimous recommendation of the committee that the appointment of Brian Kahler to the position of Lehigh County Fiscal Officer be approved by the full Board of Commissioners. Commissioner Dougherty said a number of nice things were said about Brian Kahler during the committee meeting. Upon the motion of Commissioners **Maher** and McNair and a unanimous voice vote, the appointment of Brian Kahler to the position of Lehigh County Fiscal Officer was unanimously approved.

Under Old Business, the clerk announced Commissioner Bill 2001-1 00: Approving a Professional Services Agreement with E. J. Balliet, III, VMD (sponsored by Commissioners Rosenfeld, McNair, and **Maher**), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Development Committee on September 5th. Commissioner Rosenfeld said Dr. Balliet has been the vet at the Game Preserve. She said there is no change in compensation with this agreement from the last one. She said compensation shall not exceed \$27,000. She said payments during normal hours are \$80.00 per hour and \$120.00 per hour after normal hours. She said this is a one-year contract, with two one-year options. With no further discussion, Commissioner Bill 2001-100 was approved by the following vote: Commissioners Laughlin - yes; McNair - yes; **Maher** - yes; Dougherty - yes; Pascuzzo - yes; Raber - yes; Reis - yes; and Rosenfeld - yes.

Refer to the Ordinance Book for County of Lehigh Ordinance 2001 - No. 199.

Re: Approving a Professional Services Agreement a Professional Services Agreement with E. J. Balliet, III VMD.

The clerk announced Commissioner Bill 2001-101: Amending the 2001-2005 Lehigh County Capital Plan to Include Velodrome **Rainshed** Replacement (sponsored by Commissioner McNair), and the deputy solicitor provided a summary. Commissioner Dougherty said this was forwarded by the Planning Committee from their meeting on September 12th. Commissioner McNair said this is to do a similar type of arrangement to the top portion of the track, as was done to the lower portion of the track a couple years ago. He said this will provide a permanent connection to provide a rain shield, so rain will not get under the racing track surface and cause buckling or breaking. He said it is currently a maintenance problem and a crack has opened up. He said this is a serious concern to a County asset. Commissioner Pascuzzo asked if there was a temporary fix which is being utilized now. Commissioner McNair said yes, a sealant has been used for a number of years. Commissioner Dougherty said this is a very important County-owned facility. He said we need to have the best possible maintenance.

With no further discussion, Commissioner Bill 2001-101 was approved by the following vote: Commissioners McNair - yes; **Maier** - yes; Dougherty - yes; Pascuzzo - yes; Raber - yes; Reis - yes; Rosenfeld - yes; and Laughlin - yes.

Refer to the Ordinance Book for County of Lehigh Ordinance 2001 - No. 200.

Amending the 2001-2005 Lehigh County Capital Plan to Include Velodrome **Rainshed** Replacement.

The clerk announced Commissioner Bill 2001-102: Approving a Professional Services Agreement with Snyder Appraisal Associates, LLC (sponsored by Commissioners Raber and McNair), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Planning Committee in their meeting on September 12th. Commissioner Raber said this was discussed at our last meeting and he has no further comments. Commissioner McNair said this bill and the companion Bill 2001-103 provide for either appraiser to be called upon when an appraisal is necessary. He said this ensures timely responses. With no further discussion, Commissioner Bill 2001-102 was approved by the following vote: Commissioners **Maier** - yes; Dougherty - yes; Pascuzzo - yes; Raber - yes; Reis - yes; Rosenfeld - yes; Laughlin - yes; and McNair - yes.

Refer to the Ordinance Book for County of Lehigh Ordinance 2001 - No. 201

Approving a Professional Services Agreement with Snyder Appraisal Associates, LLC.

The clerk announced Commissioner Bill 2001-103: Approving a Professional Services Agreement with Mid Atlantic Farm Credit (sponsored by Commissioners Raber and McNair), and the deputy solicitor provided a summary. Commissioner Dougherty said this was also forwarded by the Planning Committee in their meeting on September 12th. Commissioner Dougherty asked for any further comments. Commissioner **Maier** said the only difference between this bill and the last one is that each appraisal under this contract can be up to \$1,600 versus \$1,500. With no further discussion, Commissioner Bill 2001-103 was approved by the following vote: Commissioners Dougherty - yes; Pascuzzo - yes; Raber - yes; Reis - yes; Rosenfeld - yes; Laughlin - yes; McNair - yes; and **Maier** - yes.

Refer to the Ordinance Book for County of Lehigh Ordinance 2001 - No. 202.

Approving a Professional Services Grant with Mid Atlantic Farm Credit.

The clerk announced Commissioner Bill 2001-104: Approving a Professional Services Agreement with Stevens & Lee, a Professional Corporation (sponsored by Commissioners Reis, **Maier**, McHugh, McNair, and Raber), the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Administrative Committee during its meeting on September 12th.

Commissioner Reis said this bill was recommended for approval by the Administrative Committee. He said Stevens & Lee is a well established firm that will provide legal advice and documentation for the bond issue that is being discussed. He said the contract will not exceed \$37,000. Commissioner **Maher** said once again, we are able to hire a local professional group and they have an excellent reputation in the legal community. Commissioner McNair said under this agreement, they could provide advice to the County on the issuance of bonds for new projects and the refunding of old bonds. With no further discussion, Commissioner Bill 2001-104 was approved by the following vote: Commissioners Pascuzzo - yes; Raber - yes; Reis - yes; Rosenfeld - yes; Laughlin - yes; McNair - yes; **Maher** - yes; and Dougherty - yes.

Refer to the Ordinance Book for County of Lehigh Ordinance 2001 - No. 203.

Approving a Professional Services Agreement with Stevens & Lee, A Professional Corporation.

Under New Business, Commissioner McNair made the following motion: that the Wednesday, October 10, 2001 meeting of the Lehigh County Board of Commissioners be held at the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, beginning at **7:30** p.m. The motion was seconded by Commissioner Reis and approved by a unanimous voice vote.

The clerk announced Resolution 2001 - No. 33: Honoring the Dexter and Dorothy Baker Foundation Upon Receiving the 2001 Patron of the Year Award Through the Governor's Awards for the Arts (sponsored by Commissioner Dougherty). Commissioner Dougherty said this is a well deserved citation for the Bakers. He said they are receiving the Governor's Award for meritorious contribution to the arts in the state. He said he hopes to see Commissioners at Symphony Hall on October 3rd where the awards will be given. He said there will also be a reception at the Art Museum. With no further discussion, Resolution **2001-** No. 33 was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolution 2001 - No. 33.

Honoring the Dexter and Dorothy Baker Foundation Upon Receiving the 2001 Patron of the Year Award Through the Governor's Awards for the **Arts**.

The clerk announced Resolution 2001 - No. 34: Authorizing the Offering of a Parcel of County Land in Allentown for Lease as an Advertising Billboard (sponsored by Commissioner Raber), the deputy solicitor provided a summary. Commissioner Dougherty said this was reviewed by the General Services Committee earlier this evening. Commissioner Raber said the General Services Committee unanimously recommended approval of this resolution. He said this has been leased to Adams for a number of years. He said in this case, you can not go out for bids for lease. Commissioner McNair said the current lease, and we are assured that any new lease, would contain the right to review any ads that are placed on the billboard. He said if any

objection is raised, they could be required to remove them within 10 days. He said we also describe certain things that are prohibited. He said there is very little other use for this piece of small property. Commissioner Dougherty said he has been opposed to this when it has come up in the past as sponsoring the equivalent of pollution. He said he knows that is a minority view in the state on billboards. With no further discussion, Resolution 2001- No. 34 was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolution 2001 • No. 34.

Re: Authorizing the Offering of a Parcel of County Land in Allentown for Lease as an Advertising Billboard.

The clerk announced Resolution 2001 - No. 35: Joining the National Association of Counties and the County Commissioners Association of Pennsylvania in Condemning the Terrorist Attacks of September 11, 2001 and Urging all Citizens to Contribute to Relief Efforts (sponsored by the Board of Commissioners). Commissioner Dougherty asked for any Commissioner comments. Commissioner Laughlin said this resolution is self-explanatory. Commissioner **Maher** said he understands that from the past, the Commissioners usually do not get involved with national issues. He said this resolution may break with past precedent, but the events of two weeks ago also break with precedent. He said the outpouring of the American people and the people of Lehigh County has been enormous. He said he hopes the public involvement in growing together continues. Commissioner Dougherty said many resolutions in the past from **NACo** have been related to controversial social issues. He said that is why this Board has shied away from supporting many of the **NACo** resolutions. He said he agrees that this resolution deserves our support.

Commissioner Pascuzzo said this has touched the Lehigh Valley and Lehigh County with victims in our backyard. He said this is certainly appropriate. Commissioner **McNair** thanked Commissioner **Maher** for the suggested changes that were incorporated to recognize the heroic efforts on the fourth hijacked plane. He said whoever was responsible for diverting that plane from its intended target has his deepest admiration. Commissioner Reis said he would like to point out that Lehigh County's Emergency Management Coordinator, John Conklin, was in New York Tuesday evening and served with an urban search and rescue team. He said there was a ceremony at the Government Center today to welcome him back. With no further discussion, Resolution 2001- No. 35 was approved by a unanimous voice vote.

Refer to the Resolution Book for County of Lehigh Resolution 2001 • No. 35.

Re: Joining the National Association of Counties and the County Commissioners Association of Pennsylvania in Condemning the Terrorist Attacks of September 11, 2001 and Urging all Citizens to Contribute to Relief Efforts.

The clerk announced Commissioner Bill 2001-92: Approving a Professional Services Agreement with Anchor Consulting (sponsored by Commissioner Reis), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Judiciary & Corrections Committee meeting this evening. Commissioner Reis said this company will provide web-page design services. He said this was deferred due to some questions with the wording of the legislation, rather than any concerns with the company. He said those concerns have been ironed out to satisfaction. He said this was discussed this evening by the Judiciary & Corrections Committee and recommended for approval. With no further discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on October 10, at 7:30 p.m. in the Whitehall Township Municipal Building, 32 19 MacArthur Road, Whitehall.

The clerk announced Commissioner Bill 2001-105: Setting Forth Funding Allocations from the Economic and Community Development Fund (sponsored by Commissioners Rosenfeld, Dougherty, McHugh, McNair, Maher, Raber and Reis), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed in the Development Committee meeting held September 5th. Commissioner Rosenfeld said on September 5th, the Development Committee heard presentations from four of the organizations, Civic Theater previously made a presentation to the Development Committee. She said at that time we did not have the amounts being presented by the administration, we now do, in the form of an ordinance. Commissioner Maher said he is glad to see the contribution being made to the Wildlands Conservancy. He said they will be building a very unique building that all members of the public should visit. Commissioner Dougherty said we have some disturbing news from the Wildlands Conservancy that the total cost of that building has gone up substantially. He said in committee, we were discussing an \$800,000 project and the total cost has gone over \$1 million. He said some of the "green" building aspects are going to be cut from the project. He said in terms of the other groups, it is great to see the County involved in supporting downtown Allentown.

Jodi Beck Stoudt said on behalf of the Civic Theater, she would like to thank the Board of Commissioners for their consideration of this bill. Bernard Fishman, said on behalf of the Lehigh County Historical Society, he would like to thank the Development Committee, the Board of Commissioners, and the County's administration for considering our project. He said we are very committed to something important in Allentown. He said we hope to proudly display the heritage of Lehigh County in our new facility.

Commissioner Dougherty thanked Bernard Fishman for providing his advice to the County on the house by the Game Preserve. Rick Klotz said since the issue of the house has been raised, with the help of Commissioner Raber, Lynn Township would like some materials from this house to incorporate into a similar structure at Ontelaune Park. He said the larger timbers will help towards their restoration project at Ontelaune park. With no further discussion, the Chair announced the bill's first reading. Second reading,

discussion and vote will be held on October 10, at 7:30 p.m. in the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall.

The clerk announced Commissioner Bill 2001-106: Approving a Professional Services Agreement with Health Network Laboratories, L.P. (sponsored by Commissioner Laughlin), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Cedar-brook Committee on September 12th. Commissioner Laughlin said this bill was approved by the Cedarbrook Committee. He said Health Network Laboratories has provided medical laboratory services at Cedarbrook since June, 1998. He said the Cedarbrook administration is pleased with these services. He said compensation shall not exceed \$25,000 per year. Commissioner Pascuzzo asked if these services were billable to Medicare. Donna Kuba said yes, they directly bill Medicare. Commissioner Laughlin read a portion of the Cedar-brook Committee meeting minutes from September 12th related to Medicare billing. With no further discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on October 10, at 7:30 p.m. in the Whitehall Township Municipal Building, 32 19 MacArthur Road, Whitehall.

The clerk announced Commissioner Bill 2001-107: Approving a Professional Services Agreement with Forensic Pathology Associates, Inc. (sponsored by Commissioner Reis), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Administrative Committee in their meeting held this evening. Commissioner Reis said this bill allows Forensic Pathology to perform autopsies for Lehigh County. He said three medical doctors are affiliated in providing these services. He said they have provided service to Lehigh County for 13 to 15 years. He said they are a local firm and Coroner Scott Grim is pleased with their services. He said last year 200 autopsies were performed and 148 have been performed so far this year. He said Grim also feels that their fees are in line. He said Forensic Pathology also provides services to 14 other counties. He said this bill was recommended for approval by the Judiciary & Corrections committee. With no further discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on October 10, at 7:30 p.m. in the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall.

The clerk announced Commissioner Bill 2001-108: Approving a Professional Services Agreement with Jay H. Gilbert T/A Jay H. Gilbert Services (sponsored by Commissioner Reis), and the deputy solicitor provided a summary. Commissioner Dougherty said this was discussed by the Administrative Committee meeting in their meeting tonight. Commissioner Reis said Jay Gilbert has provided these services for nine years. He said Coroner Scott Grim is pleased with the services provided. He said Gilbert is a licensed funeral director and has the vehicles necessary to provide these transportation services. He said this bill was recommended for approval by the Judiciary & Corrections Committee. With no further discussion, the Chair announced the bill's first reading. Second reading, discussion and vote will be held on October 10, at 7:30 p.m. in the Whitehall Township Municipal Building, 32 19 MacArthur Road, Whitehall.

The Committee Reports were given as follows:

- Development - Commissioner Rosenfeld said there was no meeting since the last meeting of the Board of Commissioners. She said we will meet before October 1 0th.
- General Services - Commissioner Raber said we met tonight and approved Resolution 2001-34.
- Human Services - Commissioner **McNair** said the Human Services Committee will meet on October 2nd at 1:00 p.m.
- Intergovernmental & Appointments - Commissioner **Maher** said he has no report. He said he does anticipate meeting on October 10th.
- Judiciary & Corrections - Commissioner Reis said the committee met tonight and approved Bill 2001-92.
- Planning - Commissioner Pascuzzo said the report should be given by the Vice Chair. Commissioner **Maher** said a public hearing on the Sacony Creek Watershed Plan was held on September 12th. Commissioner Pascuzzo said the committee will meet on October 17th at 7:30 p.m. and the Coalition for Alternative Transportation will be making a presentation.
- Administrative - Commissioner Reis said Bills 200 1-1 07 and 108 were approved by the committee tonight and had a first reading before the full Board.
- Cedar-brook - Commissioner Laughlin said at the last Board of Commissioners' meeting, Certified Nurses Aides **from** Cedarbrook were in attendance and asked a number of questions. He said the Chairman of the Board asked that he arrange for a meeting between the **CNAs** and the Cedarbrook administration. He said they met this afternoon. He said when a summary of that meeting is available, he will provide it to all Commissioners. He thanked Gloria Zimmerman and Donna Kuba for attending the meeting, as well as Commissioners Dougherty and **Maher**.

Commissioner Dougherty thanked Commissioner Laughlin for running a very good meeting. He said the best ways to solve a problem is to have interaction between the parties. He said there was a very lively exchange. He thanked Commissioner Laughlin for following-up on the charge that was assigned at the last meeting. He said he feels that a step forward was made through this meeting. Commissioner **Maher** said he would also like to thank Commissioner Laughlin for serving as a facilitator. He said he did a very good job of controlling the flow of the meeting. Commissioner Dougherty said he is glad that Commissioner **Maher** brought up facilitating. He said as a legislative body, we can not go to Cedarbrook and make rules and regulations. He said we can serve as a facilitator.

There was no Citizens Input On Committee Reports.

Under Commissioner Announcements, Commissioner McNair said the United Way Campaign had its kick off in the Government Center. He said Cedarbrook will have their kick off this week. He said once again, he will be contacting elected officials about contributing to the United Way. He said the goal will be to have 100% contribution from the elected **officials** in Lehigh County.

Commissioner McNair said all Commissioners have received invitations to a symposium being held on Monday, October 1st concerning Lehigh County's Task Force on Youth, Crime and Violence. He said the discussion will be on SHOCAP, serious habitual offender community action program. He said a speaker will be here from the Justice Department to discuss the program. He said we have encountered the confidentiality requirements that prevent the sharing of information among departments, even agencies with the same goal. He said that will be part of the discussion. He said the task force has started a number of implementations and they will be discussed during the symposium. He said the luncheon speaker will be a representative from the Boston Police Department, who will discuss the services that they provide on staff, rather than referring individuals to another agency. He said there will be workshop to a limited number of invitees following the symposium to deal with Senator's Dent legislation that is pending in Harrisburg concerning confidentiality.

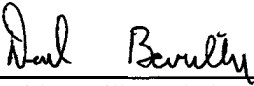
Commissioner **Maier** said in the aftermath of the events of September 11th, he would like to thank the Lehigh County employees who joined with he and Commissioner McNair in giving blood on August 29th. He said he attended a meeting of the airport authority today. He said there was a lengthy discussion on security. He said you can no longer park within a football field length of the building and security has been heightened. He said increased security has led to increased manpower and overtime costs. He said there was a long discussion about the possibility of increasing the rates charged to airlines for landing. He said there is a definite budgetary concern. He said he commends the authority for taking a very cautious approach. He said nothing was passed today and they do not want to add to the airlines' burden in light of these tragic events.

Commissioner Pascuzzo said this is his first meeting back since the terrorist attacks. He said he was away during that time. He said his 17 year old daughter sent him an **email** expressing her feelings. He said she expressed to him how united people were at home. He said he was very glad to hear that. He said he was pleased to hear the involvement of Lehigh County employees in giving blood and volunteering. He said he would ask employers in the Lehigh Valley to be tolerant of employees in the military, those who may be activated in the guard or reserves. He said he would be interested in Lehigh County employees who are activated in the guard or reserve. He said Lehigh County may want to consider setting an example for employers of the Lehigh Valley. He said he would like to thank the many people who called his wife while he was away on military duty. He said many people called since he got back and he would like to thank them.

Bill Bemdt said three judicial employees are on the Keystone Crisis Intervention Team. He said Paul Werrell is in New York now and two employees will probably be leaving within the next week. He said they serve a tour of 5 to 8 days.

There was no Citizens Input at this time.

The meeting adjourned at **8:29** p.m.



David Barilla, Clerk to the Board