Easton, Pennsylvania February 6, 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; Margaret L. Ferraro (via telephone) Thomas A. Giovanni; Kevin Lott (via telephone); 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.

Pledge of Allegiance

Ms. Vargo Heffner led County Council in the pledge of allegiance.

Approval of the Minutes - January 23, 2020

Mr. McGee made the following motion:

Be It Moved By the Northampton County Council that the minutes of the January 23, 2020 meeting shall be approved.

Mr. Myers seconded the motion.

The minutes were approved by voice acclamation.

Courtesy of the Floor

Ms. Sandra Pizzolatto, 58 Oak Lane, Northampton, PA - stated she had been the Judge of Elections in Allen Township since 2001 and they had 3700 registered voters in November 2019. She further stated with the State changing the deadline to register to vote to 15 days before the election the electronic poll books (e-poll books) were necessary because they could facilitate the update of numerous last minute changes.

Ms. Pizzolatto advised by contrast the paper poll books would have to be printed ahead of time and be accompanied by numerous additional sheets of information that would have to be checked by the inspectors significantly increasing the sign-in time. She further advised the Judge of Elections would not have to contact the Elections Office to find out why a voter's name

was not in the paper poll book because the e-poll book would inform the worker of the reason.

Ms. Pizzolatto stated the mail-in ballot deadline was also changed to 8:00 p.m. on Election Day so the e-poll books would allow for immediate updating as the ballots arrived. She further stated with the e-poll books the absentee and no-excuse mail-in ballots could be counted during the day at the Elections Office.

Ms. Pizzolatto advised if the e-poll books were not used, the mail-in ballots could not be counted until all the pages from all paper poll books were scanned to see if someone voted twice thereby resulting in the final count not being obtained promptly.

Ms. Pizzolatto stated she had spoken to poll workers in Lehigh County where the e-poll books have been used for six years and they all felt they were a vast improvement over the paper poll books. She then recommended County Council approve the funding for the e-poll books which would increase the efficiency and productivity of the voting process.

Ms. Gail Saunders, 1327 Woodland Circle, Bethlehem, PA - advised she supported the Election Commission's decision not to use the e-poll books given the fiasco with the new voting machines and the disaster of the Iowa caucuses. She further advised it was obvious to her that introducing more electronics at the polls was not the way to go.

Ms. Saunders stated it was County Council's responsibility to provide a means for obtaining an accurate vote count and it would be a dereliction of duty to approve the use of e-poll books and not support the decision of the Election Commission.

Mr. Don Moore, 5610 Berhel Road, Easton, PA - advised he was a former member of the Plainfield Township Environmental Advisory Council. He further advised there was unanimous opposition, except for one person, to Synagro being located in Plainfield Township and various environmental groups, community activists and concerned citizens supported this opposition.

Mr. Moore stated at an October 2018 Plainfield Township Board meeting, a representative of Green Knight indicated the sludge was safe and had been tested, but it was tested and only for a few substances. He further stated even though they

indicated they would test for any additional substances when required, he was not sure this was being done.

Mr. Moore advised during this project and pushback, they discovered there was State pressure to approve this facility because something had to be done with bio-solids. He further advised the Department of Environmental Protection (DEP) management encouraged Plainfield Township officials to approve this project, which was completely inappropriate.

Mr. Moore stated in November 2018, the Environmental Protection Agency (EPA) issued a report indicating they found 352 unregulated pollutants including 61 that were "currently unregulated and were considered acutely hazardous, hazardous or priority pollutants in other EPA programs".

Mr. Moore advised he was talking about this as he wanted County Council to support HB 535. He also urged County Council to adopt the ordinance being presented regarding the agreement between Monroe County and Northampton County.

Mr. Ethan Habrial, 100 A Street, Pen Argyl, PA - stated he worked in the computer industry and had serious concerns about the e-poll books especially with the fiasco that took place in November and going to them at this time should seriously be out of the question.

Ms. Maudeana Hornik, 3082 Eldrige Avenue, Palmer, PA - advised she was the Chair of the Elections Commission. She further advised last year when she discussed with Mr. Charles Dertinger, Director of Administration, the ES&S voting system they both agreed at that time they did not want e-poll books.

Ms. Hornik stated on October 31, 2019, Act 77 was passed. She further stated from November 7, 2019 to December 3, 2019, the members of the Elections Commission were asking to convene a meeting to discuss the November election and plans for the upcoming elections.

Ms. Hornik advised a meeting was held on December 19, 2019, by which time Ms. Amy Cozze, Registrar of Elections, received three quotes for e-poll books. She further advised she would have appreciated that information being relayed to them at that time because then she would have known that Mr. Dertinger planned to implement them at the next election.

Ms. Hornik stated a few days before their January 23, 2020 meeting they noticed the e-poll books were on the agenda. She further stated she was only one of five commissioners, but she did not want the e-poll books to be used in the next election.

Ms. Hornik advised after that meeting, she reached out to Counties that were in a similar situation and to the State Department of Elections. She further advised she learned from the State Department of Elections that only six Counties used e-poll books with Lehigh being the largest County.

Ms. Hornik stated Philadelphia County purchased them last year, but did not use them in the last election claiming they failed in testing and did not work. She further stated 60 Counties in the State were planning to use paper poll books for the upcoming election.

Ms. Hornik advised there were rumors that NTS, who was the printer for Northampton County, as well as five other Counties, was going to pull out of the State so the Administration did have time to find an alternative. She further advised neither Dauphin County nor Lancaster County were considering using e-poll books at this time, but were going to pull the pdf as late as they could from the Statewide Uniform Registry of Electors (SURE) system, put it on a disk and drive it to a reserved printer. She noted Berks County was going to print in house and use supplemental lists.

Ms. Hornik stated she called Minuteman Press and found they were already contracted with the County so she would like Mr. Lamont McClure, County Executive, to review that contract and amend it so they could print the paper poll books.

Ms. Hornik advised she talked to Ms. Terri Harkins, Deputy Chief Clerk, Registration and Elections for Lehigh County, who indicated she loved the e-poll books from Tenex, but there was a lot of work to them and they have had their share of setbacks.

Ms. Hornik stated by law, even if the County used e-poll books there had to be a paper list at the polls. She further stated Ms. Harkins informed her there were also costs for extra equipment so she wanted County Council to make sure those costs were covered in the contract and they had to update the Wi-Fi in their office and purchase special computers for the software.

Ms. Hornik advised Mr. McClure claimed that verifying two separate lists would substantially slow down the lines at the polls and cause confusion, but Act 77 gave the voters more choices with the no-excuse mail-in ballot and to establish election offices throughout the County.

Ms. Hornik stated as far as not having the results on Election night, she believed making sure an election was right was much more important than the speed of reporting the results. She further stated as a taxpayer she felt this was an expensive purchase and Act 77 only provided money for mandated equipment and e-poll books were not mandated.

Ms. Hornik advised she did not want to give the voters another piece of electronic equipment after the last disaster and would like to have a successful run with the voting machines and Act 77 before introducing something else.

Ms. Lisa Gaydos, 2405 Hillside Avenue, Wilson, PA - urged County Council to not support the e-poll books and use the paper books.

Mr. Louis Shupe, Allentown, PA - stated four years ago he was involved in the recount in Lehigh County where he discovered how bad the tabulator machine was at that time and he had been a poll worker since then. He then held up a Cantenna, which was an amplified antenna used for Wi-Fi connections and claimed that by using two of them he could create a targeted Wi-Fi network between two points, noting Bluetooth worked on the same frequency.

Mr. Shupe advised he worked in computer security and he felt if he was given unfettered access to one of the ES&S machines he could be playing Tetris on it in about an hour. He further advised Bluetooth e-poll books operated at 2.4 gigahertz, which was an unlicensed spectrum mandated by the Federal Communications Commission, so anyone could use that frequency range for such items as microwave ovens, wireless cameras, baby monitors and walkie-talkies.

Mr. Shupe stated with his Wi-Fi antenna hypothetically speaking he could connect it to a power source and create a denial of service condition of an e-poll book much like what happened two years ago in Macungie even though he did not know what happened with that poll book.

Mr. Shupe advised the reason it failed was because all Bluetooth poll books operated under Part 15 of the FCC Rules, which stated "This device complies with part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation".

Mr. Shupe stated he was working with other machines to see if it was possible to create some type of denial of service condition inside the voting machine itself by aiming it at an unshielded machine, noting a majority of the voting machines he had seen were not shielded.

Mr. Shupe advised e-poll books were a bad idea and questioned why they could not just print poll books in house. He further advised ES&S was not the most reputable company so the County should get rid of the e-poll books and voting machines and go back to paper.

Ms. Karen Frey - stated the Morning Call indicated other Counties had been using iPads for the last six years with few issues, but did not specify them. She further stated it had been implied these systems could be hacked or subject to errors and with Act 77 adding more chaos for this election and the possibility of fraud, she found them suspect.

Ms. Frey asked why changes had to be made this year or why more temporary people could not be hired to help the Elections Office staff to make things go smoother. She advised there were going to be longer lines whether the County used iPads or paper poll books given the fact this was a Presidential election so that was really not an issue.

Ms. Frey stated there were many questions regarding the use of no-excuse mail-in ballots such as where the drop-off boxes were going to be located and if someone would be present at them. She also wondered who and how they were going to be transported and if there was going to be a paper trail as to who transported and received them.

Ms. Frey stated she had done some investigation and found ES&S to be a suspect company in many States so she was concerned about the process used to contract with them. She asked if the voters could receive in writing the process that was used because unless there was a detailed needs assessment and a

problem solving bi-partisan effort the voters would perceive this as a voter suppression effort.

Ms. Frey advised the voters' confidence in the voting machines was fragile and now they wanted to introduce e-poll books. She further advised Pennsylvania has extra registrants in voting polls in several Counties which are being investigated so she wanted the election to be done right and keep Northampton County off the books.

Mr. Jerry Pritchard, 4280 Cashew Drive, Lehigh Township, PA - stated he was a Committee Captain and his father was a Committee Captain for more than 30 years. He further stated this was the first time there was mass confusion because of machines and now the County wanted to go down the same road with the iPads.

Mr. Pritchard asked what would be the answer if they did not work. He advised if the e-poll books were not used there would be no one pointing fingers if there was a problem and County Council had the power to make that decision tonight.

Ms. Rachel Rosenfeld, Upper Macungie Township, PA - stated she was the Community Outreach Coordinator for the Sierra Club Pennsylvania and read from the attached letter (see Attachment #1).

Mr. Alan Brau, Vice-Chair of the Election Commission - advised the members of the Election Commission were dedicated, smart, brought a lot of different things to the table and did their research. He further advised Ms. Marion Snyder, President of the Verified Voting Association, informed him there were some printers who could print quickly enough where supplemental lists would not be needed.

Mr. Brau asked if the County was not planning to use a paper poll backup in case the iPads crashed. He stated he believed things got contentious because the Election Commission voted the way they thought they should vote. He further stated they took a scientific approach, communicated with each other and there was no bias or motive except to serve the voters of the County so if everyone would work together, a better solution could be reached.

County Executive Report

Mr. McClure advised he would yield his time to Ms. Cozze because while people were entitled to their opinions, she would provide the facts regarding the e-poll books.

Ms. Cozze stated she spoke to the other Counties that used NTS and Dauphin County indicated they were going to send pdf files to a local printer. She further stated a Tier 2 person at the Department of State indicated while they did send Dauphin County the pdf files they also sent a sample so they could find a local printer that was capable of printing those files and at that point they were to apply with the Department of State to get access to the SURE system so they could print Microsoft Access Database (MDB) files like every other printing company was required to do by State law.

Ms. Cozze advised other Counties may want to play fast and quick with the guidelines the State put forward, but Northampton County was under a microscope so she was going to follow the State guidelines.

Ms. Cozze stated Mr. Randall Wenger, Chief Clerk, Board of Elections for Lancaster County, informed her today that they were in the process of trying to acquire the high speed SURE printers because that would be his office's best chance of getting the poll books printed as they could not find a printer that could print anything other than the pdf files and was not willing to use a file system that was not approved by the Department of State.

Ms. Cozze advised Minuteman Press was happy to print a 14x11 spiral bound book, but they had never printed poll books before, did not have access to the SURE system and did not have the ability to print MDB format.

Ms. Cozze stated a paper back-up was required by law; however, there did not have to be one for each location. She further stated Lehigh County had runners, just like Northampton County for each zone, and each of them was given a copy or two of lists printed from the SURE system that they carried along with them so if there was an issue, a runner would bring that paper back-up to that precinct.

Ms. Cozze advised they were aware that satellite offices could be set up to accept ballots, but moving into this election they already did not have enough staff to accommodate the

Elections Office. She further advised their priorities were to implement the five new State laws first, make sure the voter machines operated properly and the voter rolls were up-to-date and after that they could consider the satellite offices.

Ms. Cozze stated it was indicated other Counties were not concerned about releasing their results on the night of the election and that was fine, but that was not Northampton County's standard. She further stated they were told by the Department of State to get the equipment they needed to get the results election night and that was why they were looking for approval for the e-poll books so they could ensure people did not vote twice in a timely manner.

With regard to hiring temporary people, Ms. Cozze advised even if they could hire all the people in the world there was no room for them in the Elections Office.

Ms. Cozze stated the issue Lehigh County had with its e-poll books was that the previous election was not erased from them so people were not allowed to vote.

In answer to Mr. Cusick's question as to whether there were any reimbursements from the State, Ms. Cozze advised she could not confirm or deny what the State was going to decide as the County still had not received any confirmation on what it would be given for the equipment already purchased. She further advised she knew for certain the State would not be reimbursing them for paper poll books.

Mr. Cusick stated bashing the Election Commission when your party had the majority was counterproductive to having an election outcome that was satisfactory.

Discussion and Consideration of Article XIII Contract: Tenex Software Solutions

Ms. Vargo Heffner introduced the following resolution:

WHEREAS, Northampton County Administrative Code Article XIII entitled Procurement and Disposition of County Property, at 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, the Northampton County Home Rule Charter Article X entitled Authorities, Boards and Commissions, at Section 1007. Election Commission states (a) Functions. "The Election Commission shall administer the system of elections and the registration of voters under applicable law"; and

WHEREAS, the Northampton County Administration, the Election Commission Solicitor and the Registrar of Elections have advised that printed poll books are available for the Primary Election to be held on April 28, 2020 and electronic poll books are necessary to conduct a timely and legal primary; and

WHEREAS, on February 3, 2020, Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $311,150 with Tenex Software Solutions, Inc. for the purchase ePollbooks with support services.

NOW, THEREFORE, BE IT RESOLVED that Northampton County Council does hereby authorize the County Executive, as set forth in the attached documentation to approve a contract with Tenex Software Solutions, Inc. for the purchase of ePollbooks with support service.

Mr. Spadoni advised there was an error in paragraph three of the resolution wherein it should read "…are not available" instead of "…are available".

Mr. Heckman made a motion to make this correction.

Ms. Zrinski seconded the motion.

Mr. Heckman called for a vote on the motion.

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

The motion was passed by a vote of 9-0.

Ms. Zrinski asked if there was an urgency to vote on this today or could they be afforded more time to reflect on the information that was received today because she did not want to make a hasty decision given the decision that was made with regard to the voting machines for the last election.

Ms. Cozze stated it would take six weeks to receive the e-poll books and a week for staff training, which would take them close to the date of the election.

In response to Ms. Zrinski's question as to what would happen if they did not go with the e-poll books, Ms. Cozze advised it would be messy.

Mr. Heckman stated the County did not have a printer and it was Ms. Cozze's judgement that a printer could not be found so there would be no printed poll books.

Ms. Cozze advised her job was to figure out how to conduct a clean election and a permanent fix could not be found with paper under Act 77 and its time frame.

In answer to Mr. Myers' question as to whether County Council was legally obligated to follow the Election Commission's recommendation, Mr. Spadoni stated County Council was supreme in budgetary and legislative areas. He further stated the Elections Commission had no authority to appropriate money from the County taxpayers.

In response to Ms. Vargo Heffner's question as to why this was being done now, Ms. Cozze advised this was not a toy they wanted for the office, but Act 77 came down with five major changes to the Election Code. She further advised they cut the voter registration deadline in half and allowed no-excuse mail-in ballots to be submitted up until 8:00 p.m. on Election Day, which required a massive coordination in her office to make sure no one was voting twice and they were keeping accurate records.

Ms. Cozze stated this herculean effort was handed to them under a limited time frame during what would be a historic election year and she was asking for the tools so her office could carry it out successfully.

In answer to Ms. Vargo Heffner's question as to why Act 77 came to be, Ms. Cozze advised Ms. Jill Stein sued the State of Pennsylvania and in the settlement all the Counties were ordered to get new voting equipment before 2020 and they acted in

accordance with that unfunded mandate. She further advised the County had a bumpy election so they had that on top of these five new election laws that were passed as a compromise to get funding for the voting equipment.

In response to Ms. Vargo Heffner's question as to the date of the implementation of the unfunded mandate, Ms. Cozze stated it was by the Primary Election of 2020.

In answer to Mr. Myers' question as to whether the County was mandated to have this electronic equipment, Ms. Cozze advised they were being mandated to implement these five new election laws.

Mr. Myers stated sixty years ago he would not be sitting here if it was not for the right to vote. He further stated people were complaining about machines when people of his generation were beaten, whipped, jailed and hung for the right to vote.

Mr. Myers advised as a black person he was listening to people talk about different things, but was it relevant because what was important was people had to vote. He further advised he read in the newspaper if this was not done, the County could not have an election, but there had to be an election and this problem had to be corrected tonight.

Mr. Myers stated he was six years old when his father was able to vote for the first time and now he sat here as a representative of the people. He further stated people are making a mountain out of a very small issue.

Mr. Myers agreed there were problems with the November election, but everyone had to stop nitpicking and get to the core of the situation. He advised someone talked about voter suppression, but they do not know what voter suppression was because three years ago he went to vote and was asked to show identification and inquired how many people present had to go through that. He further advised it was time to straighten things out and get the election done.

Mr. Heckman stated there had been talk about the time people had to wait in line to vote, but there were people in other countries who would give their eyeteeth to stand in line for 24 hours for the opportunity to vote. He further stated this was about making sure that everything was done so people

would be able to vote and not what peopled liked because he did not know if there was ever a perfect election.

Ms. Zrinski advised people did not understand the amount of pressure this mandate put on the County to get the election right and get the tools that were necessary to implement it. She further advised everyone was trying to make the correct decision and she respected the Election Commission's decision and that one of the concerns was having one election where there were no other variables so there could be a controlled election, but she did not believe the County had the luxury to do that due to the time constraints.

In response to Mr. Myers' question as to whether the iPads could be interfered with as described earlier this evening, Ms. Lena Santiago, Tenex Software Solutions (Tenex), stated her development team assured her that was not possible and the Bluetooth capability within these iPads could be disabled.

In answer to Mr. Myers' statement that he wanted a demonstration that could not happen, Mr. Giovanni advised in the Information Technology world there was nothing that was impossible.

In response to Ms. Vargo Heffner's question as to what was covered under the post-support and maintenance costs, Ms. Santiago stated the post-year one support and maintenance included any enhancements to the software that had to be done and the cost was $125 per unit.

In answer to Mr. Heckman's question as to whether the $125 included the relicensing, any software upgrades, any patches and/or any hardware problems that occur, Ms. Santiago advised it would include everything except the hardware. She further advised the iPads came with a standard manufacturer one year warranty, but there was an additional warranty that could be purchased after that year. She noted after the one year if there was an issue with an iPad, they would supply the County with options to resolve the issue.

In response to Ms. Zrinski's question as to whether the flip and share stand protected the iPad enough if it was dropped, Ms. Santiago stated it would and they have had a very good track record with it.

Ms. Santiago advised as the vendor they were going to do everything possible to make sure Northampton County had a secure and successful election. She further advised there would be a team of individuals available to help in any way they could from the date of implementation.

In answer to Mr. Myers' question as to whether they were planning to do a test run before the election, Ms. Santiago stated they could do that if asked.

In response to Mr. Myers' question as to whether it could be coordinated with the voting machine demonstration, Ms. Cozze advised it could.

In answer to Ms. Zrinski's comment that she thought they were going to have a tour of the voting machines, Ms. Cozze replied that was currently going on and the list of places were on the website.

In response to Ms. Vargo Heffner's question as to whether they could receive the e-poll books earlier than six weeks, Ms. Santiago stated they could ship a partial order so they could start the training process.

In answer to Mr. McGee's question as to how many people they were going to have to help with training and on Election Day, Ms. Santiago advised there would be one person doing the training who had been doing it for many years and then on Election Day and the day after there would be someone on site as well as a whole team of people available to call to handle any issues.

Ms. Zrinski stated all the current election issues have been attributed to configuration problems so she wanted to know how they could assure the quality of the configuration for each e-polling book so there would be no issues on Election Day.

Ms. Santiago advised during the implementation process they would be going through the entire configuration of the iPads from beginning to end through every screen that could be seen on Election Day, as well as testing. She further advised numerous conference calls with the County would be held during the implementation process to make sure it looked the way it should and reflected the Election laws properly.

Mr. Heckman stated the County had to have an election and he respected the Election Commission's vote, but they did not provide a viable alternative to the e-poll books.

Mr. Cusick advised the reason this was an issue was because Mr. Donald Trump won the election in 2016. He further advised the resolution reads "The Election Commission shall administer the system of elections and the registration of voters under applicable law".

Mr. Cusick stated he had been on County Council during the purchase of three election machines and the Election Commission had always provided a recommendation. He further stated if they were not acting under applicable law, they could be taken to court.

Mr. Cusick advised he would like to have seen the Election Commission have their meeting before this one because if they would have changed their minds, he would have supported them. He further agreed this was not the right time to introduce another piece of technology.

Mr. Cusick stated there were 60 Counties who were using paper poll books and Ms. Cozze had indicated she had not heard back from the printer who was printing the poll books for Philadelphia and Montgomery Counties. He further stated he would have liked to have known if they could have done the job before a vote was taken.

Mr. Cusick advised the financial part bothered him as well because it was implied the County would receive a reimbursement from the State, but now no one was sure if that would happen. He further advised he hoped the County was reimbursed, but from past experiences with the State he was not confident it would happen.

Mr. Cusick stated he wanted a successful election, but he would not be supporting this resolution.

Mr. McGee advised he appreciated everyone's passion regarding this issue and he understood what the duties of County Council, the Election Commission and the Administration were, but there had to be the proper tools to have a functional election. He further advised he was supporting this resolution because he wanted to ensure all the tools were in place so the Elections Office could do their job.

Mr. Heckman stated he was supporting this resolution based on the information he received from the people he had to rely on.

Ms. Vargo Heffner advised the Election Commission was planning to meet after this meeting, but she had a Finance Committee meeting earlier because she felt everyone needed to have the answers regarding the finances so there would not be a delay in the process of allocating the funds.

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

R. 14-2020 **WHEREAS,** Northampton County Administrative Code Article XIII entitled Procurement and Disposition of County Property, at 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, the Northampton County Home Rule Charter Article X entitled Authorities, Boards and Commissions, at Section 1007. Election Commission states (a) Functions. "The Election Commission shall administer the system of elections and the registration of voters under applicable law"; and

WHEREAS, the Northampton County Administration, the Election Commission Solicitor and the Registrar of Elections have advised that printed poll books are not available for the Primary Election to be held on April 28, 2020 and electronic poll books are necessary to conduct a timely and legal primary; and

WHEREAS, on February 3, 2020, Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract in the amount of $311,150 with Tenex Software Solutions, Inc. for the purchase ePollbooks with support services.

NOW, THEREFORE, BE IT RESOLVED that Northampton County Council does hereby authorize the County Executive, as set forth in the attached documentation to approve a contract with Tenex

Software Solutions, Inc. for the purchase of ePollbooks with support service.

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

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

Introduction of an Ordinance Entitled, "AN ORDINANCE ESTABLISHING A BI-COUNTY PARTNERSHIP BETWEEN THE COUNTY OF MONROE AND THE COUNTY OF NORTHAMPTON TO ADVANCE THE LIBERTY-WATER GAP TRAIL IN PENNSYLVANIA"

Ms. Zrinski and Ms. Vargo Heffner introduced the following ordinance:

AN ORDINANCE ESTABLISHING A BI-COUNTY PARTNERSHIP BETWEEN THE COUNTY OF MONROE AND THE COUNTY OF NORTHAMPTON TO ADVANCE THE LIBERTY-WATER GAP TRAIL IN PENNSYLVANIA

WHEREAS, the County of Northampton and the County of Monroe agree to enter into an Intergovernmental Agreement, hereto referred to as "IGA", for a Bi-County Partnership, hereto referred to as the "Partnership", to plan, design and develop the Liberty-Water Gap Trail in Pennsylvania from Portland to Delaware Water Gap, and a section of the September 11th National Memorial Trail, hereto referred to as the "Trail"; and

WHEREAS, the County of Northampton and the County of Monroe will enter into a Partnership in accordance with the Intergovernmental Cooperation Agreement law set forth at 53 Pa. C.S.A. 2303 et.al. and will adopt an ordinance approving or authorizing the execution of this Agreement, per section 53 Pa. C.S.A. 2307 sets forth permitting Intergovernmental Cooperation; and

WHEREAS, the County of Monroe Planning Commission and the County of Northampton Department of Public Works, Division of Parks and Recreation, will cooperate to implement the IGA; and

WHEREAS, the purpose of which is to oversee the implementation of the recommendations identified in the Feasibility Study for Extending the Liberty-Water Gap Trail in

Pennsylvania from Portland to Delaware Water Gap, completed in January 2013, hereto referred to as the "Study"; to extend the Trail in Pennsylvania from the Borough of Portland, Northampton County to the Borough of Delaware Water Gap, Monroe County; and

WHEREAS, the Partnership will work cooperatively to close the final approximate 6-mile trail gap of the 150-mile Liberty-Water Gap Trail connecting two national monuments including the Statue of Liberty to the Delaware Water Gap National Recreation Area; and

WHEREAS, the Partnership will provide technical assistance and project management to the Liberty-Water Gap Trail PA Extension Alliance, hereto referred to as the "Alliance"; and

WHEREAS, the Partnership will oversee funding opportunities and commitments to advance recommendations in the Study including items such as planning, engineering and development; and

WHEREAS, the Partnership understands grant funding may be received and funding commitments may be needed, by each respective County, to implement Study recommendations to acquire, design and build the Trail, as applicable. Funding commitments to be adopted by Resolution; and

WHEREAS, by act of this Agreement, County Council authorizes the County Executive to sign and execute Addendums to the IGA for the Partnership to collaborate on tasks to be performed to advance the recommendations of the Study, given all parties are in agreement; any funding commitments are to be adopted by Resolution.

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

1. All "WHEREAS" Clauses are incorporated and adopted into this ordinance.

2. The roles and responsibilities of both parties agree to:
    a. Cooperate to advance agreed upon recommendations and priorities
    b. Provide guidance, coordination, and technical assistance to the Alliance, Delaware Water Gap National Recreation Area, September 11th National

Memorial Trail, PA Department of Transportation (PENNDOT), and the applicable municipalities

c. Comply with all applicable Federal, State, and local laws

d. Collaborate to execute Addendum(s) related to the IGA, as needed, related to specific project components, identifying roles and responsibilities, and funding commitments by Resolution

e. In each subsequent Addendum, agree upon the appropriate lead County in the Partnership to administer specific project components, contracting, and procurement
   i. Payment system will be determined by the Partnership

3. This Agreement is executed as of the date of the last signature and shall be in effect for a period of not to exceed five (5) years, at which time it will be subject to review, renewal, revision or expiration.

4. Further, the Northampton County Executive, through the office of the Program Administrator of the Division of Parks and Recreation, or designee, is authorized to take any and all steps necessary to administer and complete Northampton County's obligations.

5. Authorizes the Northampton County Executive to sign the Intergovernmental Agreement. Further, the Partnership may only withdraw from this Agreement at the end of the initial agreement period or any renewal term.

6. At least a 60 day notice of intent to withdraw must be presented in writing to the Participating Counties.

7. Authorizes this Agreement may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.

8. By Act of this Agreement, County Council Authorizes the County Executive to sign and execute Addendums to this Agreement for the Partnership to collaborate on tasks to be performed to advance the recommendations of the Study,

given all parties are in agreement. Funding commitments to be adopted by Resolution.

Mr. Heckman stated the public hearing, debate and possible vote will be held at the February 20, 2020 meeting.

Consideration of a Resolution Supporting House Bill 535 (PFAS Action Act)

Ms. Zrinski introduced the following resolution:

R. 15-2020 **WHEREAS**, PFAS Action Act (H.R. 535) is a comprehensive legislative action being considered by the United States House of Representatives; and

WHEREAS, H.R. 535 is a compilation of various legislative bills to address the class of chemicals known as PFAS, Per- and Polyfluoroalkyl substances, which includes known toxic chemicals Perfluorooctanoic Acid (PFOA) and Perfluorooctane sulfonate (PFOS); and

WHEREAS, PFAS has been present in the environment for decades, utilized in household items, clothing and cosmetics, and the United States has long regulated use of particular firefighting foam which contains chemicals in the PFAS family; and

WHEREAS, H.R. 535 requires the United States Environmental Protection agency (EPA) to take regulatory actions to address these potentially toxic chemicals; and

WHEREAS, H.R. 535 sets forth significant provisions including setting a health protective drinking water limit for PFOA and PFOS and designates those chemicals as hazardous under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); and

WHEREAS, H.R. 535 requires the EPA to establish a grant program to aid communities affected by PFAS contaminated drinking water and includes language for monetary funding; and

WHEREAS, in February of 2019, the EPA outlined its PFAS Action Plan to address PFAS in drinking water, identify and clean up PFAS contamination, explore monitoring of PFAS, increase PFAS scientific research and promote effective

enforcement tools; and

WHEREAS, the EPA is currently evaluating proposals to designate PFOA and PFOS as hazardous substances under CERCLA; and

WHEREAS, Counties are directly impacted by such administrative and congressional action; and

WHEREAS, the National Association of Counties has existing policy which support efforts by the EPA and other Federal agencies to study the health and environmental impacts of PFAS.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that:

1. Northampton County Council supports efforts by the EPA and other Federal agencies to study health and environmental impacts of PFAS compounds. Additionally, Northampton County Council urges the Federal Administration to work and consult closely with State and local governments throughout this process.

2. Northampton County Council offers this resolution to ensure and enhance the safety of the County of Northampton and its residents.

3. A copy of this resolution shall be forwarded to the Honorable Tom Wolf, Governor of Pennsylvania, United States Senators the Honorable Robert Casey and the Honorable Patrick Toomey and all Federal and State Representatives serving the residents of Northampton County.

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

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

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

Consideration of Approval to Submit an Application to the Pennsylvania Department of Transportation for a Traffic Signal Resolution

Mr. Myers introduced the following resolution:

R. 16-2020 **BE IT HEREBY RESOLVED** by authority of the County Council of the County of Northampton, Northampton County, and it is hereby resolved by authority of the same, that the Director of Public Works of said County of Northampton is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the County of Northampton.

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

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

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

Consideration of the Codification Resolution for the Period Ending December 31, 2019

Ms. Vargo Heffner introduced the following resolution:

R. 17-2020 **WHEREAS**, Northampton County Charter Section 606(c) requires the Northampton County Council to provide, by resolution, a codification of all ordinances, as amended, having the force and effect of law and of the Charter, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that the attached codification, for the period ending December 31, 2019, shall be adopted this 6th day of February 2020.

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

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

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

Consideration of a Donation from the Pennsylvania Farmers Union for the Industrial Hemp Symposium Resolution

Ms. Zrinski introduced the following resolution:

R. 18-2020 **WHEREAS,** Northampton County Home Rule Charter Section 202(10) provides that 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, the Pennsylvania Farmers Union is desirous of donating $100.00 for the Hemp Industrial Symposium.

NOW, THEREFORE, IT IS HEREBY RESOLVED by Northampton County Council that it does hereby authorize the County Executive to accept, on behalf of Northampton County, the donation of $100.00 from the Pennsylvania Farmers Union for the Industrial Hemp Symposium.

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

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

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

Consideration of a Resolution Regarding the Purchase of 150 South Union Street, Easton, PA

Ms. Vargo Heffner introduced the following resolution:

R. 19-2020 **WHEREAS,** Northampton County Home Rule Charter Article 602(a)(6) provides that the Northampton County Council shall enact an ordinance for any act which conveys, leases, purchases or authorizes the conveyance, lease or purchase of any real property of the County; and

WHEREAS, the Northampton County Council and Sunblest Holdings, LLC have agreed to the purchase of 150 South Union Street, Easton, Pennsylvania (the "Property") in consideration of eighty-five thousand dollars ($85,000.00); and

WHEREAS, at the January 9, 2020 meeting, Northampton County Council, by a vote of 7-2, authorized the purchase of the Property pursuant to Ordinance No. 681-2019; and

WHEREAS, this purchase was in lieu of a condemnation and taking of the property, as evidenced by Bill No. 766, attached hereto as Exhibit "A", and reflected in Northampton County Council Minutes from November 7, 2019, attached hereto as Exhibit "B".

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Northampton County Council that Ordinance No. 681-2019 be deemed a purchase in lieu of condemnation.

In response to Mr. Cusick's question as to why an amendment was not made to the ordinance, Mr. Spadoni advised there was an issue as to the taxability of the transaction and a resolution was an appropriate way to address the matter.

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

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

The resolution was adopted by a vote of 8-1.

Mr. Heckman left the meeting at this time.

Consideration of a Resolution Regarding the Taxation of Deactivated Mobile Homes

Mr. McGee introduced the following resolution:

R. 20-2020 **WHEREAS**, Northampton County Home Rule Charter Article II, Section 202. Powers, states "The County Council shall have, among others, the following powers: (5) to levy taxes and to determine the subject manner and rates of taxation;"; and

WHEREAS, 68 P.S. 398.10.2 a.1 excludes the purchaser of an abandoned mobile home from paying any outstanding taxes or liens against the mobile home; and

WHEREAS, the County has 38 deactivated mobile homes for which it cannot recover outstanding taxes at the current time and the current owners' whereabouts are unknown; and

WHEREAS, the County is incurring costs to mail out notices to the owners whose current whereabouts are unknown and said real estate taxes are uncollectible from third party purchasers; and

WHEREAS, once the mobile homes are purchased by a third party, the mobile homes will no longer be classified as "abandoned" and prospective taxes can be collected from the third party purchaser from that point forward; and

WHEREAS, a list of deactivated mobile homes with the outstanding tax balances are set forth in "Exhibit 1" attached and incorporated into this resolution by reference.

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

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

2. The deactivated mobile home tax delinquency amounts as set forth in "Exhibit 1" shall hereafter be purged from the Northampton County tax rolls.

3. The County shall submit new tax bills for the mobile homes as designated in Exhibit "1" upon being reactivated as permitted pursuant to the Mobile Home Park Rights Act.

In answer to Mr. Cusick's question as to whether this was communicated to the municipalities, Mr. Stephen Barron, Director of Fiscal Affairs, stated all taxing parties have been notified.

As there were no further questions or comments, Ms. Vargo Heffner called for the vote.

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

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

Consideration of Article XIII Contract: Reynolds Business Systems

Mr. Cusick introduced the following resolution:

R. 21-2020 **WHEREAS,** Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c.(2) requires approval of County Council for "***any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness.***"

WHEREAS, on January 31, 2020, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution endorsing a contract, in the amount of $131,063, with Reynolds Business Systems, for Deed Book Quality Control and Scanning.

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 Reynolds Business Systems for Deed Book Quality Control and Scanning.

As there were no questions or comments, Ms. Vargo Heffner called for the vote.

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

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

Economic Development Committee Report

Mr. McGee advised a report was given by WDIY and the State Theatre. He further advised there was a discussion about a grant the Administration was putting together for funding for Emergency Medical Services groups.

Mrs. Ferraro disconnected at this time.

Capital Projects and Operations Committee Report

Mr. Myers indicated a Capital Projects and Operations Committee meeting would be held on February 19, 2020.

Finance and Human Services Committees Report

Ms. Vargo Heffner stated there would be a Finance Committee meeting on February 19, 2020. She further stated the Human Services Committee meeting would be held on February 20, 2020.

General Purpose Authority Liaison Report

Ms. Vargo Heffner advised Krieger indicated they anticipated having the eight bridges that were outstanding completed by the end of October.

With regard to the Glendon Hotel, Ms. Vargo Heffner stated they would be making an application to the Zoning Board.

In response to Mr. Myers' question as to what was the plan with regard to the Glendon Hotel, Mr. McClure advised the General Purpose Authority was in the process of coming up with one, but they were going to need the consent of the Glendon Borough government.

Adjournment

Mr. Myers made a motion to adjourn the meeting.

Ms. Zrinski seconded the motion.

The motion to adjourn passed unanimously by acclamation.

_____

Linda M. Zembo
Clerk to Council

Attachment #1

February 6, 2020

Northampton County Council
Northampton County Courthouse
669 Washington Street
Easton, PA 18042

SIERRA CLUB
PENNSYLVANIA

Northampton County Councilmembers,

My name is Rachel Rosenfeld and I am the Community Outreach Coordinator for the Sierra Club Pennsylvania Chapter. I am here this evening on behalf of the PA Chapter's 33,000 members (5,000 supporters in Northampton County) to encourage Northampton County Council to pass the resolution before you supporting House Bill 535 -- PFAS Action Act.

For decades, millions of people across the U.S., including many in Pennsylvania, have unknowingly been exposed to drinking water contaminated with per- and polyfluoroalkyl substances, or PFAS. This class of toxic man-made chemicals, found widely in oil and water-resistant consumer products and fire-fighting foams, has been linked to a variety of cancers, impairments in children's growth, endocrine disruption, and immune and thyroid system damage. So far, 610 sites in 43 states, including 17 drinking water systems in Pennsylvania, have been contaminated; particularly in communities near airports, military bases, and industrial sites. I'd like to point out PA two examples.

- The first is the Willow Grove Naval Air Station in Montgomery County, which was found to have PFAS and PFOA contamination as high as 86,000 parts per trillion (ppt) in many of the wells on-base and 1,000 ppt in public wells near the base. These levels far exceed the 70 ppt lifetime health advisory level (LTHA) established by the EPA for two dangerous PFAS substances: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).
- The second is a bit closer to home, Emmaus Borough Public Water in Lehigh County. According to data from the Environmental Working Group, in 2014 they detected 22 ppt for PFNA in their drinking water supply. While lower than the levels found in Montgomery County, even in these lower concentrations, PFAS have been found to have health impacts. The EWG recommends a limit as low as 1 ppt to be safe.

The full extent of PFAS contamination in Pennsylvania remains unknown, but based on levels detected in other states like Michigan, Vermont, California, and New Jersey, we expect additional wells and ground water near airports, fire training centers, and industrial sites to be contaminated. As PFAS chemicals cause people to live in fear over the safety of their drinking water and how it puts them and their families at risk, we believe it is time the federal government put the safety of people ahead of polluters and regulate these hazardous substances while holding the corporations responsible accountable.

Thankfully, the U.S. House of Representatives took decisive action on January 10, 2020 to address this national contamination crisis with the passage of the PFAS Action Act (H.R. 535), which aims to protect people and their families from these dangerous substances. Now the

Senate must pass this package of common sense legislation and the President must sign it into law. These bills will take a critical first step in regulating PFAS by:

1. Requiring the EPA to deem new PFAS as presenting "an unreasonable risk of injury to health or the environment"
2. Designating all PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), or Superfund
3. Setting maximum contaminant levels for certain PFAS chemicals in drinking water

It is also worth mentioning that there are several bills currently held up in the PA state legislature dealing with generating funds for cleanup and environmental monitoring, listing PFAS as a hazardous substance under the Hazardous Sites Cleanup Act (HSCA), and setting a PA state maximum contaminant level (MCL) in drinking water. If PA continues to stall these bills, H.R. 535 is a hopeful step towards meaningful action.

So you ask, why is it important at the county and local levels to support this legislation? Because the most common sources of exposure are from PFAS-contaminated drinking water and food. While the main sources are manufacturing sites that produce PFAS and/or use them in their products and industrial processes, over decades of unregulated wastewater discharges, illegal disposal, and air emissions they have seeped into surface water and groundwater, polluting private wells and public drinking water supplies nationwide. Additional pathways for water and food contamination include disposal in landfills, aqueous fire-fighting foams used to extinguish emergency blazes on military bases and airports, and PFAS-tainted sewage sludge (or biosolids) spread on farms. We have a lot of farmland in Northampton County and Governor Wolf's PFAS Action Team Initial Report 2019 (pg. 7) indicates that "state regulators suspect biosolids may contain PFAS and research indicates that it may be a source of contamination on farms where this material has been applied".

We know that sewage sludge, a residual, semi-solid byproduct of wastewater treatment plants, has been found to contain human pathogens, radioactive substances, microplastics, pharmaceuticals, and per-and polyfluoroalkyl substances (PFAS), which puts the health of local residents and the environment is at stake!

Moreover, these compounds can persist in the environment and people's bodies indefinitely. According to the Center for Disease Control, 99.7% of us have them in our blood -- is that not a significant health concern? If Michigan and New Jersey, among other states, have MCLs less than 14 ppt, PA needs to stop dragging its feet, and Northampton County has a chance to lead the way by stepping up to protect its residents through this resolution. We all need assurance that our drinking water is safe. Please consider the impacted communities in PA and around the country and address the serious public health risks posed by PFAS contamination by supporting the resolution for H.R. 535 -- PFAS Action Act.

Thank you for your consideration of this resolution,

Rachel Rosenfeld
Community Outreach Coordinator
Sierra Club, Pennsylvania