

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENED THIS DATE AT 10:30 A.M. IN THE COMMISSIONER’S MEETING ROOM, COURTHOUSE ANNEX, JIM THORPE, PENNSYLVANIA.

PRESENT WERE COMMISSIONERS NOTHSTEIN, GERHARD, AND O’GUREK, CHIEF CLERK/COUNTY ADMINISTRATOR AHNER, SOLICITOR MISCAVIGE, AND EXECUTIVE SECRETARY MARIANNE BUTRIE.

THE COUNTY CONTROLLER, COUNTY TREASURER, COUNTY SHERIFF, COURT ADMINISTRATOR AND THE ELECTIONS DIRECTOR WERE ALSO PRESENT.

MOMENT OF SILENCE:

A MOMENT OF SILENCE WAS OBSERVED.

PRAYER:

THE CHAIRMAN OFFERED THE PRAYER.

PLEDGE OF ALLEGIANCE:

THE MEETING OPENED WITH THE PLEDGE OF ALLEGIANCE.

OFFICIAL ACTIONS OF THE CARBON COUNTY BOARD OF COMMISSIONERS:

MINUTES:

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD APRIL 7, 2016.

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	ABSTAIN*

*DUE TO ABSENCE AT APRIL 7TH MEETING.

GUESTS (CONCERNING COUNTY BUSINESS):

THERE WERE NO GUESTS CONCERNING COUNTY BUSINESS.

EXECUTIVE SESSIONS:

THE CHAIRMAN REPORTED THAT THERE WERE NO EXECUTIVE SESSIONS HELD.

DEPARTMENT REPORTS:

CHIEF CLERK/COUNTY ADMINISTRATOR:

BUDGET TRANSFERS:

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE THE BUDGET TRANSFERS AS LISTED ON TRANSMITTALS DATED APRIL 14, 2016.

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

SUPPLEMENTAL APPROPRIATIONS:

THERE WERE NO SUPPLEMENTAL APPROPRIATIONS.

EXPENDITURE APPROVAL:

GENERAL FUND CLEARING ACCOUNT:

APPROVAL OF CHECK NUMBERS 123905 THROUGH 124137 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 203,942.71
RENTAL PROPERTY FUND	\$ 1,063.65
COUNTY PARKING FUND	\$ 1,771.19
AREA AGENCY ON AGING FUND	\$ 21,822.02
CHILDREN & YOUTH FUND	\$ 108,494.65
HUMAN SERVICE AGENCY FUND	\$ 29.70
DOMESTIC RELATIONS FUND	\$ 3,761.79
WORKFORCE INVESTMENT ACT FUND	\$ 288.89
PARKS & RECREATION FUND	\$ 7,722.81
CARBON TRANSPORTATION FUND	\$ 71,879.00
9-1-1 FUND	\$ 6,674.65
VICTIM/WITNESS FUND	\$ 132.41
AFFORDABLE HOUSING FUND	\$ 14.93
CDBG FUND	\$ 4.34
CAPITAL PROJECTS FUND	\$ 13,541.99
TAX CLAIM FUND	\$ <u>585,815.63</u>
TOTAL:	\$ 1,026,960.36

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE PAYMENT OF THE CHECK NUMBERS AS LISTED ABOVE.

BOARD POLLED:	O'GUREK	YES*
	GERHARD	YES
	NOTHSTEIN	YES

* MR. O'GUREK VOTED YES WITH THE EXCEPTION OF BILLS FOR THE TIMES NEWS AND PENTELEDATA, HE ABSTAINED.

TREASURER'S REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT DATED APRIL 8, 2016 REPORTING BALANCES AS FOLLOWS:

BALANCES AS OF APRIL 8, 2016:

GENERAL FUND CHECKING ACCOUNT	\$ 487.47
PAYROLL CHECKING ACCOUNT	\$ 6,754.01
GENERAL FUND SP NOW	\$ 7,106,684.60
OPERATING RESERVE	\$ 932,742.91
RENTAL PROPERTY	\$ 214,272.20
PARKING FUND	\$ 1,164,213.65
LIQUID FUELS	\$ 443,939.32
AREA AGENCY ON AGING	\$ 609,970.83
CHILDREN & YOUTH	\$ 1,044,824.57
HUMAN SERVICES AGENCY	\$ 15,717.19

DOMESTIC RELATIONS	\$	9,916.74
WORKFORCE INVESTMENT ACT	\$	7,047.26
PARKS & RECREATION FUND	\$	191,499.47
CARBON TRANSPORTATION	\$	71,901.28
911 FUND	\$	1,190,374.35
HAZMAT FUND	\$	112,667.71
OFFENDER SUPERVISION	\$	645,902.59
ADULT ELECTRONIC MONITORING	\$	176,771.49
FARMLAND PRESERVATION	\$	96,640.99
HUMAN SERVICES DEVELOPMENT	\$	12,375.06
HOMELESS GRANT	\$	7,113.50
CENTRALIZED BOOKING	\$	70,434.05
VICTIM WITNESS	\$	15,190.75
RECORDER OF DEEDS	\$	31,877.21
RECORDS IMPROVEMENTS	\$	28,923.15
JUVENILE SUPERVISION FEE	\$	20,339.04
COMMUNITY SERVICE FEE	\$	12,294.08
PROTHONOTARY AUTOMATION	\$	29,033.55
AFFORDABLE HOUSING	\$	313,411.17
CLERK OF COURTS	\$	4,890.28
REGISTER OF WILLS	\$	9,870.38
JUVENILE ELECTRONIC MONITORING	\$	4,618.68
VITAL STATISTICS	\$	43,687.46
SUBSTANCE ABUSE EDUCATION FUND	\$	87,235.81
LIQUID FUELS/ACT 44 FUND	\$	179,612.85
ACT 13 BRIDGE IMPROVEMENT FUND	\$	253,382.85
VICTIMS SERVICE FUND	\$	41,972.18
HOTEL EXCISE TAX FUND	\$	19,919.74
CDBG FUND	\$	12.91
DEBT SERVICE	\$	1,739,315.53
CAPITAL PROJECTS	\$	226,544.08
FRINGE BENEFITS	\$	579,636.39
TAX CLAIM	\$	796,271.49

BOARD POLLED: O'GUREK YES
 GERHARD YES
 NOTHSTEIN YES

PERSONNEL REPORT:

RESIGNATION:

SEAN T. DOWD, EFFORT, PA – DEPUTY SHERIFF, SHERIFF'S OFFICE – EFFECTIVE APRIL 12, 2016.

COURT APPOINTMENT:

RICHMOND S. PARSONS, DOUGLASSVILLE, PA – CHIEF ADULT PROBATION OFFICER TRAINEE, ADULT PROBATION – EFFECTIVE APRIL 18, 2016.

CHANGE OF STATUS:

DEENA L. FITAL, LEHIGHTON, PA

FROM: AGING CARE MANAGER I, AREA AGENCY ON AGING
 TO: AGING CARE MANAGER II, AREA AGENCY ON AGING
 EFFECTIVE: APRIL 14, 2016

SEMINAR/TRAINING REQUESTS:

AREA AGENCY ON AGING

CONNIE LYNN

NATIONAL CORE INDICATORS-AGING AND DISABILITIES (NCI-AD) WEBINAR
PALMERTON, PA

CORONER

GERALD JONES

MERI JONES

KELLY JANNER

DONNA KEMMERLE

CAROLE LESLIE

EDWARD SMITH

JOHN TURCMANOVICH

“NEW CORONER & CHIEF DEPUTY CORONER ORIENTATION”

STATE COLLEGE, PA

COST: CONFERENCE FEE \$75 PER PERSON, LODGING, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

DISTRICT ATTORNEY

SETH E. MILLER

SEARCH & SEIZURE

HARRISBURG, PA

COST: CONFERENCE FEE \$50, MEALS

WORKFORCE TRAINING

JULIE WALKER

32ND ANNUAL EMPLOYMENT, TRAINING AND EDUCATION CONFERENCE

HERSHEY, PA

COST: CONFERENCE FEE \$365, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

COURTS SEMINAR/TRAINING REQUEST ACKNOWLEDGEMENT:

COURT ADMINISTRATION

EDWARD PENETAR

BRIDGE THE GAP FOR PENNSYLVANIA

WAYNE, PA

COST: CONFERENCE FEE \$100, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

ED PENETAR

BENCH BAR CONFERENCE

PALMERTON, PA

JUVENILE COURT

KIMMY MULIK

JANELLE BALLIET

TRAUMA AND VICTIMS

LEHIGHTON, PA

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PERSONNEL REPORT DATED
APRIL 14, 2016.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

CORRESPONDENCE:

MINUTES RECEIVED: MARCH 11, 2016 MEETING OF THE CARBON COUNTY PARKS AND RECREATION COMMISSION; MARCH 14, 2016 MEETING OF SHEPHERD HOUSE, INCORPORATED.

THE MARCH 2016 MONTHLY REPORT WAS RECEIVED FROM THE CARBON COUNTY RECORDER OF DEEDS.

BID AWARD:

#16-127 CDBG PROJECT:

A RECOMMENDATION WAS RECEIVED FROM THE PLANNING & DEVELOPMENT OFFICE TO AWARD THE CONTRACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT AS FOLLOWS:

EAST SIDE BOROUGH

STREET IMPROVEMENTS/WASHINGTON STREET
CONSTRUCTION OF SWALE (FY2013)

HAZLETON SITE CONTRACTORS
HAZLETON, PA
BID: \$41,097.00

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AWARD THE EAST SIDE BOROUGH CONTRACT TO HAZLETON SITE CONTRACTORS AT THEIR BID OF \$41,097.00.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

CHILDREN & YOUTH:

#16-128 AGREEMENT/FY 2015/16:

A FY 2015/2016 PURCHASE OF SERVICE AGREEMENT/HIPAA BUSINESS ASSOCIATE ADDENDUM, ALONG WITH ADDENDUM RELATIVE TO THE COUNTY RESERVING THE RIGHT TO AMEND THE AGREEMENT TO MATCH RATES RETROACTIVELY, IF SAID RATES EXCEED THE MAXIMUM ALLOWABLE RATES OF STATE AND FEDERAL PARTICIPATION WHEN FINALIZED BY THE DEPARTMENT OF HUMAN SERVICES, WERE SUBMITTED FOR THE FOLLOWING PROVIDER:

PROVIDER: GAUDENZIA COMMON GROUND, HARRISBURG, PA

DRUG & ALCOHOL TREATMENT FOR ADOLESCENT **FY 15-16**
\$178.00/PER DIEM

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND EXECUTE THE AGREEMENT AND ADDENDUM WITH GAUDENZIA.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

FISCAL DATA:

#16-129 SIRIUS/RENEWAL:

A THREE-YEAR RENEWAL AGREEMENT WITH SIRIUS COMPUTER SOLUTIONS, INCORPORATED FOR MAINTENANCE SERVICE COVERING THE IBM AS/400 TAPE DRIVE USED TO BACKUP ALL DATA FOR FINANCIALS AND PAYROLL WAS SUBMITTED FOR APPROVAL.

THE TERM OF THE AGREEMENT SHALL BE 4/08/16 TO 4/07/19. THE TOTAL COST FOR THE 36-MONTH PLAN SHALL BE \$3,614.81.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE AGREEMENT.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

HOTEL TAX:

#16-130 GRANT INITIATIVE:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE RELEASE OF FUNDS UNDER THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY AND THE POCONO MOUNTAIN VISITORS BUREAU TO SUPPORT A GRANT INITIATIVE IN CARBON COUNTY FOR THE FOLLOWING:

JIM THORPE BOROUGH

POLICE BUDGET – 2016 TOURIST ACTIVITIES \$4,000

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

LOSS PREVENTION:

#16-131 PCORP/GRANT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY THE EXECUTION AND SUBMISSION OF AN APPLICATION FOR A \$15,000 PENNSYLVANIA COUNTIES RISK POOL (PCORP) LOSS PREVENTION GRANT TO BE USED FOR A HAVIS PRISONER COMPARTMENT INSERT FOR THE NEW SHERIFF TRANSPORT CARGO VAN. THE COST OF THE INSERT IS \$15,466.50.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

PLANNING & DEVELOPMENT:

#16-132 HOME PROGRAM:

CHANGE ORDER:

A CHANGE ORDER TO HOME PROGRAM CONTRACT #AD 15-103-137 WITH THE SERVICE TEAM, LEHIGHTON, PENNSYLVANIA, WAS SUBMITTED FOR BOARD ACTION.

THE CHANGE ORDER DECREASES THE GENERAL CONTRACT PRICE \$7,465 DUE TO DELETIONS; INCREASES THE PRICE \$2,247 DUE TO ADDITIONS, FOR A NEW CONTRACT TOTAL OF \$10,007. (ORIGINAL CONTRACT - \$15,225).

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND EXECUTE THE CHANGE ORDER TO HOME PROGRAM CONTRACT #AD 15-103-137.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

AGENCY ON AGING:

#16-133 AGREEMENT/STEIER:

A COMMUNICATION WAS RECEIVED FROM THE AREA AGENCY ON AGING ENCLOSING AN AGREEMENT WITH LINDA STEIER, SCOTT TOWNSHIP, PENNSYLVANIA, TO PROVIDE PROFESSIONAL DIETITIAN SERVICES TO THE CARBON COUNTY AREA AGENCY ON AGING AT A RATE OF \$45.00 PER HOUR PLUS MILEAGE. THE TERM OF THE AGREEMENT SHALL BE APRIL 1, 2016 CONTINUING UNTIL MARCH 31, 2017, AND WILL BE RENEWABLE EVERY YEAR, SUBJECT TO FUNDING AVAILABILITY. EITHER PARTY SHALL HAVE THE RIGHT TO TERMINATE THE AGREEMENT UPON THIRTY (30) DAYS WRITTEN NOTICE.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND EXECUTE THE AGREEMENT WITH LINDA STEIER.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

#16-134 BANNER REQUEST:

A BANNER PERMIT REQUEST WAS SUBMITTED FOR THE FOLLOWING:

BACH & HANDEL CHORALE, INCORPORATED
BACH & HANDEL JAZZ CONCERT, MAY 14, 2016
(BANNER REQUEST: 4/25/16 TO 5/15/16)

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE BANNER PERMIT.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

ORDINANCE:

#16-135 CCCOG/ARTICLES OF AGREEMENT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT ORDINANCE #2016-01 ADOPTING THE ARTICLES OF AGREEMENT AMONG THE MEMBER LOCAL GOVERNMENTS OF CARBON COUNTY, PENNSYLVANIA ENTERING INTO THE CARBON COUNTY COUNCIL OF GOVERNMENTS (CCCOG) IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW. ORDINANCE SHALL TAKE EFFECT MAY 14, 2016.

(ORDINANCE #2016-01 TO BE TYPED IN ORDINANCE BOOK)

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

PARKS/RECREATION:

#16-136 ACTIVITIES AGREEMENTS:

SPECIAL ACTIVITIES AGREEMENTS FOR USE OF MAUCH CHUNK LAKE PARK WERE SUBMITTED FOR THE FOLLOWING:

*CHILD EVANGELISM FELLOWSHIP OF CARBON & LEHIGH COUNTIES
GOOD NEWS DAY CAMP
JULY 11-15, JULY 18-22, AND JULY 25-28, 2016

JIM THORPE SPORTSMAN'S CLUB
64TH ANNUAL CHILDREN'S FISHING CONTEST
MAY 15, 2016

ST. MARK'S & ST. JOHN'S EPISCOPAL CHURCH
4 MILE & 15K FOOTRACE, JULY 2, 2016
(INCLUDES USE OF SUSQUEHANNA STREET PARKING LOT)

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE SPECIAL ACTIVITIES AGREEMENTS AS LISTED.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SPECIAL COUNSEL:

#16-137 LITIGATION:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ENGAGE THE SERVICES OF ATTORNEY FRANK L. TAMULONIS, JR., ESQUIRE TO SERVE AS SPECIAL COUNSEL TO THE COUNTY OF CARBON FOR COMPENSATION AT A RATE OF \$140/HOUR PLUS EXPENSES.

COMMISSIONER O'GUREK, UNDER THE QUESTION, ASKED THE SOLICITOR IF AND WHEN THE COMPLAINT IS DISMISSED BY THE COURT, WOULD THE COUNTY BE ABLE TO SEEK COMPENSATION OR REIMBURSEMENT FOR COSTS THAT MIGHT BE INCURRED UNDER THIS MOTION TO DEFEND OURSELVES. THE SOLICITOR RESPONDED THAT THE COUNTY MAY STILL BE ABLE TO GET REIMBURSED FROM THE COUNTY'S CARRIER; THE COURT WILL HAVE TO DETERMINE WHETHER OR NOT THERE IS AN ABUSE OF PROCESS OR MISUSE OF PROCESS ACTION, BUT THERE ARE SEVERAL AVENUES AVAILABLE TO US.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

COMMISSIONERS' REPORTS:

COMMISSIONER GERHARD REPORTED ON A TELEPHONE CALL HE RECEIVED FROM BRENT GREEN, CHAIRMAN OF THE LOWER TOWAMENSING TOWNSHIP SUPERVISORS, ADVISING THAT A HATCH, WHICH WAS TORN OFF OF A BUS, WAS FOUND ON THE COVERED BRIDGE AND IT APPEARS THE "HEADACHE BAR" HAS BEEN HIT SEVERAL TIMES.

HE REMINDED EVERYONE THAT DUE TO MAJOR CONCERNS OF RESIDENTS AND BUSINESSES WHEN THE COUNTY CLOSED THE BRIDGE, A JOINT EFFORT WAS MADE TO SAVE THE BRIDGE WITH THE REPAIRS AND RENOVATIONS COSTING APPROXIMATELY \$319,000, SO THE COMMISSIONERS ARE ASKING THAT PEOPLE BE RESPECTFUL OF THE SIGNS, RESPECT THE BRIDGE, AND DRIVE SAFELY.

COMMISSIONER NOTHSTEIN REMINDED THAT THE 7TH ANNUAL HUMAN SERVICES PRIORITIES BRUNCH WILL BE HELD APRIL 15TH. AT WHISPERING PINES, PENN FOREST FIRE COMPANY. SHERIFF ANTHONY HARVILLA, CURRENT CHAIR OF THE CARBON COUNTY RE-ENTRY STRATEGIC PLANNING COALITION, WILL BE PRESENTING THE RE-ENTRY PLAN FOR THE FIRST TIME TO THE PUBLIC.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

APRIL 14, 2016

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 10:42 A.M.

ELOISE K. AHNER,
CHIEF CLERK/COUNTY ADMINISTRATOR

WAYNE E. NOTHSTEIN, CHAIRMAN