

JANUARY 18, 2018

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENED THIS DATE AT 10:31 A.M. IN THE COMMISSIONER'S MEETING ROOM, COURTHOUSE ANNEX, JIM THORPE, PENNSYLVANIA.

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

THE COUNTY CONTROLLER, COUNTY TREASURER, AND COUNTY SHERIFF WERE ALSO PRESENT. COMMISSIONER O'GUREK WAS ABSENT.

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. NOTHSTEIN, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD JANUARY 11, 2018.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

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. NOTHSTEIN, TO APPROVE THE BUDGET TRANSFERS FOR 2017 AND 2018 AS LISTED ON TRANSMITTALS DATED JANUARY 18, 2018.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

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SUPPLEMENTAL APPROPRIATIONS:

THERE WERE NO SUPPLEMENTAL APPROPRIATIONS.

EXPENDITURE APPROVAL:

GENERAL FUND CLEARING ACCOUNT:

APPROVAL OF CHECK NUMBERS 135894 THROUGH 136034 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 125,611.15
RENTAL PROPERTY FUND	\$ 1,852.95
COUNTY PARKING FUND	\$ 5,107.74
AREA AGENCY ON AGING FUND	\$ 21,993.88
CHILDREN & YOUTH FUND	\$ 77,138.98
HUMAN SERVICE AGENCY FUND	\$ 288.46
DOMESTIC RELATIONS 4D FUND	\$ 650.51
WORKFORCE INVESTMENT ACT FUND	\$ 99.16
PARKS & RECREATION FUND	\$ 3,448.23
CARBON TRANSPORTATION SYSTEM FUND	\$ 46,556.75
9-1-1 FUND	\$ 132,003.66
HAZ-MAT RESPONSE FUND	\$ 107.81
HUMAN SERVICE DEVELOPMENT FUND	\$ 29.07
HOMELESS GRANT FUND	\$ 75.44
CENTRALIZED BOOKING FUND	\$ 6,533.40
VICTIM/WITNESS FUND	\$ 18.00
HOTEL ROOM EXCISE TAX FUND	\$ 565,560.43
CAPITAL PROJECTS FUND	\$ 244,645.28
TAX CLAIM FUND	\$ <u>571.67</u>
TOTAL:	\$ 1,232,292.57

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

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

TREASURER'S REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE TREASURER'S REPORT DATED JANUARY 12, 2018 REPORTING BALANCES AS FOLLOWS:

BALANCES AS OF JANUARY 12, 2018:

GENERAL FUND CHECKING ACCOUNT	\$ 0.00
PAYROLL CHECKING ACCOUNT	\$ 6,972.63
GENERAL FUND SP NOW	\$ 9,544,031.59
OPERATING RESERVE	\$ 943,141.29
RENTAL PROPERTY	\$ 213,058.23
PARKING FUND	\$ 752,212.74
LIQUID FUELS	\$ 475,147.56
AREA AGENCY ON AGING	\$ 479,912.45
CHILDREN & YOUTH	\$ 1,331,506.94

HUMAN SERVICES AGENCY FUND	\$	15,187.31
DOMESTIC RELATIONS	\$	119,587.85
WORKFORCE INVESTMENT ACT	\$	32,167.79
PARKS & RECREATION FUND	\$	78,878.11
CARBON TRANSPORTATION	\$	46,556.75
9-1-1 FUND	\$	1,623,912.97
HAZMAT RESPONSE FUND	\$	124,245.53
OFFENDER SUPERVISION	\$	528,641.59
ADULT ELECTRONIC MONITORING	\$	176,594.89
FARMLAND PRESERVATION	\$	86,798.22
HUMAN SERVICES DEVELOPMENT	\$	254.15
HOMELESS GRANT	\$	6,911.19
CENTRALIZED BOOKING	\$	113,665.44
VICTIM WITNESS	\$	8,832.06
RECORDER OF DEEDS IMPROVEMENT	\$	32,380.12
COUNTY RECORDS IMPROVEMENTS	\$	18,432.37
JUVENILE SUPERVISION	\$	34,138.59
COMMUNITY SERVICE FEE FUND	\$	11,991.10
PROTHONOTARY AUTOMATION FUND	\$	58,949.57
AFFORDABLE HOUSING FEE	\$	332,502.50
CLERK OF COURTS AUTOMATION FUND	\$	4,047.43
REGISTER OF WILLS	\$	7,626.30
JUVENILE ELECTRONIC MONITORING FUND	\$	5,936.99
VITAL STATISTICS FUND	\$	45,414.98
SUBSTANCE ABUSE EDUCATION FUND	\$	126,234.79
LIQUID FUELS/ACT 44 FUND	\$	351,596.73
ACT 13 BRIDGE IMPROVEMENT FUND	\$	417,555.67
VICTIMS SERVICE FUND	\$	44,603.22
HOTEL EXCISE TAX FUND	\$	626,499.60
CDBG FUND	\$	204.11
DEBT SERVICE FUND	\$	1,323,004.72
CAPITAL PROJECTS FUND	\$	9,200,008.86
FRINGE BENEFITS PAYMENT FUND	\$	496,235.02
TAX CLAIM FUND	\$	496,946.72

BOARD POLLED: GERHARD YES
 NOTHSTEIN YES

PERSONNEL REPORT:

RESIGNATIONS:

LORI J. ROTH, SLATINGTON, PA – COUNTY CASEWORKER II, CHILDREN & YOUTH SERVICES – EFFECTIVE FEBRUARY 2, 2018.

BRIAN R. HAY, COALDALE, PA – PART-TIME CORRECTIONS OFFICER, CORRECTIONS – EFFECTIVE JANUARY 10, 2018.

ARTHUR L. GUTH, JR., JIM THORPE, PA – SEASONAL PARK MAINTENANCE, PARKS – EFFECTIVE JANUARY 11, 2018.

RICHARD M. ZIMMERMAN, LEHIGHTON, PA – SEASONAL PARK RANGER II, PARKS – EFFECTIVE JANUARY 11, 2018.

SEMINAR/TRAINING REQUESTS:

TAX ASSESSMENT

PAMELA M. BAUCHSPIES

JOLAINE A. HERMAN

KIM A. STEIGERWALT

JANUARY 18, 2018

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICES

JESSUP, PA

COST: CONFERENCE FEE \$160 PER PERSON, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE

DISTRICT ATTORNEY

CYNTHIA DYDRA-HATTON

2018 MID-WINTER MEETING; SEARCHIN' AND SEIZIN'

PHILADELPHIA, PA

COST: CONFERENCE FEE \$430, LODGING, MEALS

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE PERSONNEL REPORT
DATED JANUARY 18, 2018.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

CORRESPONDENCE:

A COMMUNICATION WAS RECEIVED REGARDING THE FOLLOWING PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION PERMIT APPLICATION:

AQUA PENNSYLVANIA WASTEWATER, INCORPORATED

LAKE HARMONY WASTEWATER TREATMENT PLANT

WWTP UPGRADE PROJECT; WATER QUALITY MANAGEMENT PART II PERMIT

KIDDER TOWNSHIP

AGENCY ON AGING:

LINK PROGRAM:

#18-021 AGREEMENT/GENETTI'S:

A REQUEST WAS RECEIVED FROM THE AREA AGENCY ON AGING FOR APPROVAL OF AN AGREEMENT
WITH GENETTI HOTEL & CONFERENCE CENTER, WILKES-BARRE, PENNSYLVANIA, TO RESERVE THE
BALLROOM FROM 7:30 A.M. TO 4:00 P.M. ON JUNE 8, 2018 TO HOLD A SPECIAL EVENT HOSTED BY LINK
(ADRC, NEPA, AGING AND ID CONFERENCE).

THE TOTAL RENTAL IS \$200.00 PLUS \$99.00 PER MICROPHONE, \$15.00 PER SCREEN AND \$7.00 SET UP FEE
FOR VENDOR TABLES; \$100.00 DEPOSIT REQUIRED TO HOLD THE BALL ROOM. BUFFET LUNCH FOR
PARTICIPANTS WILL BE PROVIDED AT AN ADDITIONAL COST.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND EXECUTE THE AGREEMENT.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

AGRICULTURAL EASEMENT PROGRAM:

#18-022 FUNDING RESOLUTION:

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND EXECUTE THE
CERTIFICATION AND ADOPT THE FOLLOWING 2018 AGRICULTURAL CONSERVATION EASEMENT PURCHASE
PROGRAM FUNDING RESOLUTION, TO BE SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF
AGRICULTURE:

RESOLUTION #18-002

FARMLAND PRESERVATION

CARBON COUNTY, PENNSYLVANIA

WHEREAS, A SUBSTANTIAL INTEREST AND PARTICIPATION BY RESIDENT FARMERS IN THE CARBON COUNTY FARMLAND PRESERVATION PROGRAM HAS BEEN EVIDENT;

WHEREAS, THESE TRUTHS JUSTIFY AN APPROPRIATION OF COUNTY FUND FOR SUCH A PROGRAM AND ITS BENEFACTORS;

WHEREAS, THIS APPROPRIATION OF COUNTY FUND SHALL BE DULY PROVIDED AS MATCHING FUND AVAILABLE FOR THE SOLE PURPOSE OF PURCHASING AGRICULTURAL CONSERVATION EASEMENTS PURSUANT TO THE AUTHORITY CONTAINED IN THE ACT OF JUNE 30, 1981 (P.L. 128, NO. 43) KNOWN TO BE THE AGRICULTURAL SECURITY LAW, AS AMENDED;

WHEREAS, NO PART OF THIS FUND SHALL BE USED FOR ADMINISTRATIVE COSTS INCURRED BY THE COUNTY TO PURCHASE AGRICULTURAL CONSERVATION EASEMENTS; AND

WHEREAS, THIS FUND SHALL BE COLLECTED BY THE COUNTY AND PLACED IN A SEPARATE, RESTRICTED ACCOUNT ALONG WITH ROLL-BACK TAX PENALTIES COLLECTED THROUGH ACT 319 (LEAN & GREEN) AS REQUIRED BY ACT 156 OF 1998;

THEREFORE, BE IT RESOLVED, CARBON COUNTY SHALL APPROPRIATE A FUND IN THE AMOUNT OF \$25,000.00 PLUS 2014 ACT 319 ROLL-BACK TAXES OF \$1,421.00 FOR A TOTAL OF \$26,421.00 FOR THE FISCAL PERIOD BEGINNING JANUARY 1, 2018, AND ENDING ON DECEMBER 31, 2018.

BE IT FURTHER RESOLVED, THAT ANY PART OF THIS FUND NOT EXPENDED AT THE END OF THE FISCAL PERIOD STATED ABOVE SHALL BE AVAILABLE FOR USE IN THE SUBSEQUENT FISCAL PERIOD FOR THE SAME PURPOSE.

ADOPTED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 18TH DAY OF JANUARY, 2018.

CARBON COUNTY BOARD OF COMMISSIONERS

- /S/ WAYNE E. NOTHSTEIN, CHAIRMAN
- /S/ TOM J. GERHARD, VICE-CHAIRMAN
- /S/ WILLIAM J. O'GUREK, COMMISSIONER

ATTEST:

/S/ ELOISE K. AHNER, COUNTY ADMINISTRATOR/CHIEF CLERK

BOARD POLLED:	GERHARD	YES
	NOTHSTEIN	YES

BOARDS/AUTHORITIES:

HOSPITAL AUTHORITY:

#18-023 APPOINTMENT:

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE APPOINTMENT OF MONROE CRESSLEY TO AN UNEXPIRED TERM ON THE CARBON COUNTY HOSPITAL AUTHORITY EFFECTIVE TO DECEMBER 31, 2020.

BOARD POLLED:	GERHARD	YES
	NOTHSTEIN	YES

#18-024 REAPPOINTMENT:

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE REAPPOINTMENT OF CRAIG ZURN TO AN ADDITIONAL FIVE-YEAR TERM ON THE CARBON COUNTY HOSPITAL AUTHORITY EFFECTIVE TO DECEMBER 31, 2022.

BOARD POLLED:	GERHARD	YES
	NOTHSTEIN	YES

HUMAN SERVICES:

STATE FOOD PROGRAM:

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#18-025 EXPENSE/DATA REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE STATE FOOD PURCHASE PROGRAM SECOND QUARTER EXPENSE AND DATA REPORT FOR FY 2017/2018 TO BE SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE BY SHEPHERD HOUSE, INCORPORATED.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

PLANNING & DEVELOPMENT:

HOME PROGRAM:

#18-026 CHANGE ORDER:

A CHANGE ORDER WAS SUBMITTED FOR THE FOLLOWING CONTRACT WITH THE SERVICE TEAM, LEHIGHTON, PENNSYLVANIA FOR THE HOME REHABILITATION PROGRAM:

#JL 128-15-137: INCREASE - \$2,819.00.
CHANGE IN CONTRACT PRICE FROM \$3,380.00 TO \$6,199.00
*HOMEOWNER WILL PAY THE DIFFERENCE OF \$69.00

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE CHANGE ORDER AS SUBMITTED FOR CONTRACT #JL 128-15-137.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

SERVICE AGREEMENT:

#18-027 VETERANS/STERLING SOLUTIONS:

THE SERVICE AGREEMENT WITH STERLING SOLUTIONS, INCORPORATED, SAVANNAH, GEORGIA, FOR MAINTENANCE AND UPGRADES OF THE VIMS SOFTWARE IN THE VETERANS AFFAIRS OFFICE WAS SUBMITTED FOR BOARD ACTION. THE TERM IS MARCH 1, 2018 TO FEBRUARY 28, 2019 AT A COST OF \$750.00. (PRIOR AGREEMENT \$700.00). THE AGREEMENT WILL CONTINUE UNTIL CANCELLED BY EITHER PARTY.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE AGREEMENT WITH STERLING SOLUTIONS.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

AGENCY ON AGING:

#18-028 AGREEMENT/REDCO:

A LETTER OF AGREEMENT WITH REDCO GROUP BEHAVIORAL HEALTH SERVICES, STROUDSBURG, PENNSYLVANIA, TO CONTINUE TO PROVIDE PSYCHIATRIC OUTPATIENT SERVICES EFFECTIVE UNTIL DECEMBER, 2018, WAS SUBMITTED FOR BOARD ACTION.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND AUTHORIZE EXECUTION OF THE AGREEMENT WITH THE REDCO GROUP.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

CONFLICT COUNSEL:

#18-029 AGREEMENT/KEMMERER/ADDENDUM:

ADDENDUM #2 TO THE AGREEMENT DATED JANUARY 26, 2017 BETWEEN THE COUNTY AND ARLEY KEMMERER, ESQUIRE, LEHIGHTON, PENNSYLVANIA, FOR PROFESSIONAL SERVICES AS CONFLICT COUNSEL IN CRIMINAL AND JUVENILE MATTERS PENDING BEFORE THE CARBON COUNTY COURT OF COMMON PLEAS WAS SUBMITTED FOR APPROVAL. THE ADDENDUM CHANGES THE NAME TO READ KEMMERER LAW FIRM P.C. ALL OTHER TERMS OF THE AGREEMENT REMAIN THE SAME.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND EXECUTE ADDENDUM #2 TO THE AGREEMENT WITH ATTORNEY KEMMERER.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

CORRECTIONAL FACILITY:

#18-030 TRANE PROPOSAL:

A PROPOSAL WAS SUBMITTED BY TRANE FOR LABOR AND MATERIALS TO REPLACE A HEAT EXCHANGER AND GAS VALVE AT THE CARBON COUNTY CORRECTION FACILITY. THE TOTAL COST WILL BE \$3,900.00.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE PROPOSAL AS SUBMITTED BY TRANE.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

OPIOID LITIGATION:

#18-031 AGREEMENT/BERN & PARTNERS:

THE SOLICITOR PRESENTED A CONTINGENT FEE AGREEMENT WITH MARC J. BERN & PARTNERS LLC, TO REPRESENT CARBON COUNTY IN LITIGATION REGARDING THE RECOVERY OF COSTS INCURRED BY THE COUNTY ASSOCIATED WITH THE OPIOID CRISIS AT A PROFESSIONAL FEE OF 25% OF THE GROSS SUM RECOVERED, WHETHER BY SUIT OR SETTLEMENT.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND EXECUTE THE AGREEMENT WITH MARC J. BERN & PARTNERS.

BOARD POLLED: GERHARD YES
NOTHSTEIN YES

PARKS/JOSIAH WHITE:

#18-032 ACTIVITIES AGREEMENTS/BANNERS:

SPECIAL ACTIVITIES AGREEMENTS FOR USE OF THE JOSIAH WHITE PARK, ALONG WITH GAZEBO AND BANNER REQUESTS, WERE SUBMITTED FOR THE FOLLOWING:

JIM THORPE EARTH DAY FESTIVAL (SHELLI HOLLAND, JIM THORPE, PA)
APRIL 21, 2018 (RAIN DATE – APRIL 22)
(BANNER REQUEST: 4/07/18 TO 4/22/18)

2018 WINTER FEST (JIM THORPE TOURIST AGENCY)
FEBRUARY 17 & 18, 2018
(BANNER REQUEST: 2/02/18 TO 2/21/18)

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND AUTHORIZE EXECUTION OF THE AGREEMENTS AS LISTED.

JANUARY 18, 2018

BOARD POLLED: GERHARD YES
 NOTHSTEIN YES

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 10:39 A.M.

ELOISE K. AHNER,
CHIEF CLERK/COUNTY ADMINISTRATOR

WAYNE E. NOTHSTEIN, CHAIRMAN