

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENED THIS DATE AT 10:33 A.M. IN THE COMMISSIONER'S MEETING ROOM, CARBON COUNTY ADMINISTRATION BUILDING, JIM THORPE, PENNSYLVANIA.

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

THE COUNTY CONTROLLER, COUNTY TREASURER, PROTHONOTARY, SHERIFF, CLERK OF COURTS, AND THE COURT ADMINISTRATOR 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 FEBRUARY 28, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**GUESTS (CONCERNING COUNTY BUSINESS):**

CHRIS LUKASEVICH, JIM THORPE	RE: REVENUE BONDS FOR PALMERTON AND GNADEN HUETTEN HOSPITALS; FEBRUARY 28 <sup>TH</sup> APPOINTMENT APPROVED FOR THE PLANNING COMMISSION; COMMENTS ON CAMPAIGN CONTRIBUTIONS AND PETITIONS
HEATHER CASSIDY, JIM THORPE	RE: COST OF SUSQUEHANNA STREET PROJECT
LISA GAUGLER, JIM THORPE	RE: AMOUNT OF MONEY SPENT ON SUSQUEHANNA STREET PROJECT AS OF THIS DATE
JOHN DRURY, JIM THORPE	RE: SUSQUEHANNA STREET PROJECT

JAY WENGER, SUSQUEHANNA GROUP ADVISORS, WAS PRESENT AND ANSWERED QUESTIONS RAISED CONCERNING OUTSTANDING BOND ISSUES.

ATTORNEY PETER EDELMAN, STEVENS & LEE, WAS ALSO PRESENT.

MARCH 07, 2019

**PROCLAMATIONS:**

**#19-121      MS AWARENESS WEEK:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING PROCLAMATION FOR MS AWARENESS WEEK – MARCH 10-16, 2019:

**PROCLAMATION #2019-02**  
**2019 MS AWARENESS WEEK**

**WHEREAS**, MULTIPLE SCLEROSIS (MS) IS A NEUROLOGICAL DISEASE OF THE CENTRAL NERVOUS SYSTEM, AFFECTING 2.3 MILLION PEOPLE WORLDWIDE; AND

**WHEREAS**, THE NATIONAL MULTIPLE SCLEROSIS SOCIETY – PENNSYLVANIA REPORTS IN OUR STATE MORE THAN 24,000 PEOPLE ARE LIVING WITH MS, AND THE DISEASE GENERALLY STRIKES PEOPLE IN THE PRIME OF LIFE, BETWEEN AGES 20 THROUGH 50, AND THE CAUSE AND COURSE OF THE OFTEN DEBILITATING SYMPTOMS OF MS REMAIN UNKNOWN AND NO CURE CURRENTLY EXISTS; AND

**WHEREAS**, THE NATIONAL MULTIPLE SCLEROSIS SOCIETY HAS BEEN COMMITTED FOR 73 YEARS TO A WORLD FREE OF MS, HEIGHTENING PUBLIC KNOWLEDGE ABOUT AND INSIGHT INTO THE DISEASE; AND

**WHEREAS**, SINCE 1946 THE NATIONAL MULTIPLE SCLEROSIS SOCIETY HAS BEEN A DRIVING FORCE OF MS RESEARCH, RELENTLESSLY PURSUING PREVENTION, TREATMENTS AND A CURE, AND HAS INVESTED MORE THAN \$1 BILLION IN GROUNDBREAKING RESEARCH; AND

**WHEREAS**, FUNDS RAISED THROUGH THE NATIONAL MULTIPLE SCLEROSIS SOCIETY FUEL \$34 MILLION, FUNDING 320 RESEARCH PROJECTS AT THE BEST MEDICAL CENTERS, UNIVERSITIES AND OTHER INSTITUTIONS THROUGHOUT THE U.S. AND ABROAD, LEADING TO MANY BREAKTHROUGHS IN THE TREATMENT OF MS; AND

**WHEREAS**, STOPPING MS IN ITS TRACKS, RESTORING WHAT HAS BEEN LOST, AND ENDING MS FOREVER IS THE MISSION OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY AND ONE THAT ALL AMERICANS AND PENNSYLVANIANS SHOULD SUPPORT; AND

**WHEREAS**, THE STATE OF PENNSYLVANIA RECOGNIZES THE IMPORTANCE OF FINDING THE CAUSE AND CURE OF MS AND EXPRESSES ITS APPRECIATION FOR THE DEDICATION THAT THE NATIONAL MULTIPLE SCLEROSIS SOCIETY – PENNSYLVANIA HAS SHOWN TOWARD CREATING A WORLD FREE OF MS.

**NOW, THEREFORE**, THE CARBON COUNTY BOARD OF COMMISSIONERS DOES HEREBY PROCLAIM MARCH 10-16, 2019, AS MS AWARENESS WEEK, AND COMMENDS THIS OBSERVANCE TO ALL OF OUR CITIZENS, ENCOURAGING ALL CARBON COUNTY RESIDENTS TO LEARN MORE ABOUT MULTIPLE SCLEROSIS AND WHAT THEY CAN DO TO SUPPORT INDIVIDUALS WITH MS AND THEIR FAMILIES.

**ADOPTED** BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 7<sup>TH</sup> DAY OF MARCH, 2019.

**CARBON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

BOARD POLLED:    O'GUREK    YES  
                             GERHARD    YES  
                             NOTHSTEIN    YES

COMMISSIONERS O'GUREK COMMENTED ON THE OBSERVANCE OF MULTIPLE SCLEROSIS AWARENESS WEEK AND INTRODUCED MS. GINA LISELLA OF SUMMIT HILL, MS ADVOCATE/ACTIVIST, GOVERNOR'S RELATIONS COUNCIL, WHO WAS PRESENTED THE PROCLAMATION.

**#19-122      PA 4-H WEEK:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING PROCLAMATION FOR 4-H WEEK, MARCH 17 - 23, 2019:

**PROCLAMATION #2019-03**  
**"4-H WEEK" MARCH 17-23, 2019**

**WHEREAS**, THE YOUTH OF CARBON COUNTY IS ONE OF THE COUNTY'S MOST VALUABLE RESOURCES; AND

**WHEREAS**, 4-H MEMBERS CONTRIBUTE TO ENVIRONMENTAL IMPROVEMENT, COMMUNITY SERVICE, FOOD PRODUCTION AND PARTICIPATE IN PROGRAMS THAT AID IN YOUTH DEVELOPMENT, HEALTH, NUTRITION, HOME IMPROVEMENT AND FAMILY RELATIONSHIPS; AND

**WHEREAS**, AS A RESULT OF INTERNATIONAL COOPERATION WITH MANY COUNTRIES, 4-H IS ALSO CONTRIBUTING TO WORLD UNDERSTANDING; AND

**WHEREAS**, IN THE PROCESS, 4-H YOUTH APPLY LEADERSHIP SKILLS, ACQUIRE A POSITIVE SELF-CONCEPT AND LEARN TO RESPECT AND GET ALONG WITH PEOPLE; AND

**WHEREAS**, THROUGHOUT THE STATE OF PENNSYLVANIA THE WEEK OF MARCH 17 THROUGH 23 HAS BEEN PROCLAIMED "4-H WEEK IN PENNSYLVANIA";

**NOW, THEREFORE**, THE CARBON COUNTY BOARD OF COMMISSIONERS PROCLAIM THE WEEK OF MARCH 17-23, 2019, AS "4-H WEEK IN CARBON COUNTY" AND URGE ALL CITIZENS TO GIVE RECOGNITION TO THE PEOPLE INVOLVED IN THE 4-H PROGRAM.

GIVEN UNDER OUR HAND AND THE SEAL OF THE COUNTY OF CARBON THIS 7TH DAY OF MARCH, 2019.

**CARBON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO GRANT PERMISSION TO FLY THE 4-H FLAG UNDER THE AMERICAN FLAG AT THE COURTHOUSE.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

THE COMMISSIONERS PRESENTED THE PROCLAMATION TO THE 4-H PROGRAM MEMBERS AND AMBASSADORS ATTENDING, ALONG WITH GEORGIA A. FARROW, 4-H PROGRAM ASSISTANT, PENN STATE EXTENSION. SEVERAL GROUP LEADERS AND PARENTS WERE ALSO IN ATTENDANCE.

**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 FOR 2018 AND 2019 AS LISTED ON TRANSMITTALS DATED MARCH 7, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**SUPPLEMENTAL APPROPRIATIONS:**

MARCH 07, 2019

THERE WERE NO SUPPLEMENTAL APPROPRIATIONS.

**EXPENDITURE APPROVAL:**

**PAYROLL FUND CHECKING ACCOUNT:**

APPROVAL OF PAYROLL CHECK NUMBERS 70864 THROUGH 70897 AND DIRECT DEPOSIT CHECK NUMBERS 6006551 THROUGH 6006949 FOR THE PAYROLL PAID THROUGH THE PAYROLL FUND CHECKING ACCOUNT FOR ALL COUNTY FUNDS TOTALING \$559,513.01 (PAYROLL DATED MARCH 1, 2019).

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY PAYMENT OF THE PAYROLL CHECKS AS LISTED ABOVE.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**GENERAL FUND CLEARING ACCOUNT:**

APPROVAL OF CHECK NUMBERS 204324 THROUGH 204410 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 101,066.84
RENTAL PROPERTY FUND	\$ 290.97
COUNTY PARKING FUND	\$ 55.59
AREA AGENCY ON AGING FUND	\$ 5,909.60
CHILDREN & YOUTH FUND	\$ 46,052.12
DOMESTIC RELATIONS FUND	\$ 254.70
PARKS & RECREATION FUND	\$ 1,235.89
9-1-1 FUND	\$ 8,691.13
HAZ-MAT RESPONSE FUND	\$ 29.97
CAPITAL PROJECTS FUND	\$ 36,798.70
FRINGE BENEFIT PAYMENT FUND	<u>\$ 469,937.80</u>
TOTAL:	\$ 670,323.31

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 STATED, "YES, WITH THE EXCEPTION OF THE BILLS FOR BLUE RIDGE COMMUNICATIONS, PENTELEDATA, AND THE TIMES NEWS, TO WHICH I ABSTAIN BECAUSE I AM A PART-TIME EMPLOYEE OF THE TIMES NEWS WHICH IS A SISTER COMPANY OF BLUE RIDGE COMMUNICATIONS AND PENTELEDATA."

**ETHICS COMMISSION COMPLIANCE:**

COMMISSIONER O'GUREK PRESENTED THE FOLLOWING MEMORANDUM LISTING HIS POTENTIAL CONFLICT OF INTEREST WITH PENCOR RELATED COMPANIES AS PER THE ADVICE OF THE STATE ETHICS COMMISSION:

**MEMORANDUM**

SECTION 1103(J) OF THE ETHICS ACTS PROVIDES AS FOLLOWS:

VOTING CONFLICT-WHERE VOTING CONFLICTS ARE NOT OTHERWISE ADDRESSED BY THE CONSTITUTION OF PENNSYLVANIA OR BY ANY LAW RULE REGULATION ORDER OR ORDINANCE, THE FOLLOWING PROCEDURE SHALL BE EMPLOYED. ANY PUBLIC OFFICIAL OR PUBLIC EMPLOYEE WHO IN THE DISCHARGE OF HIS OFFICIAL DUTIES WOULD BE REQUIRED TO VOTE ON A MATTER THAT WOULD RESULT IN A CONFLICT OF INTEREST SHALL ABSTAIN FROM VOTING AND PRIOR TO THE VOTE BEING TAKEN PUBLICLY ANNOUNCE AND DISCLOSE THE NATURE OF HIS INTEREST AS A PUBLIC

RECORD IN A WRITTEN MEMORANDUM FILED WITH THE PERSON RESPONSIBLE FOR RECORDING THE MINUTES OF THE MEETING AT WHICH THE VOTE IS TAKEN PROVIDED THAT WHENEVER A GOVERNING BODY WOULD BE UNABLE TO TAKE ANY ACTION ON A MATTER BEFORE IT BECAUSE THE NUMBER OF MEMBERS OF THE BODY REQUIRED TO ABSTAIN FROM VOTING UNDER THE PROVISIONS OF THIS SECTION MAKES THE MAJORITY OR OTHER LEGALLY REQUIRED VOTE OF APPROVAL UNATTAINABLE THEN SUCH MEMBERS SHALL BE PROVIDED TO VOTE IF DISCLOSURES ARE MADE AS OTHERWISE PROVIDED HEREIN. IN THE CASE OF A THREE-MEMBER GOVERNING BODY OF A POLITICAL SUBDIVISION WHERE ONE MEMBER HAS ABSTAINED FROM VOTING AS A RESULT OF A CONFLICT OF INTEREST AND THE REMAINING TWO MEMBERS OF THE GOVERNING BODY HAVE CAST OPPOSING VOTES THE MEMBER WHO HAS ABSTAINED SHALL BE PERMITTED TO VOTE TO BREAK THE TIE VOTE IF DISCLOSURE IS MADE AS OTHERWISE PROVIDED HEREIN.

ACCORDINGLY, TO COMPLY WITH THIS SECTION OF THE ETHICS ACT, I AM SUBMITTING THIS MEMORANDUM AS A MEANS OF PROVIDING FULL DISCLOSURE OF A CONFLICT OF INTEREST, STATING THAT I AM ABSTAINING TODAY ON ANY ACTIONS RELATING TO PAYING BILLS TO, ADVERTISING WITH, ACCEPTING PROPOSALS FROM AND/OR ENTERING CONTRACTS WITH TIMES NEWS, LEHIGHTON, PA, BECAUSE I AM A PART-TIME EMPLOYEE THERE, AS WELL AS ITS SISTER COMPANIES, INCLUDING BLUE RIDGE COMMUNICATIONS, PENTELEDATA, THE PALMERTON TELEPHONE COMPANY AND PENCOR HOSE AND FITTING, AND ANY OTHER PENCOR SERVICES' AFFILIATES.

/S/ WILLIAM J. O'GUREK, MEMBER

03/07/2019

**TREASURER'S REPORT:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT DATED FEBRUARY 25, 2019 TO FEBRUARY 28, 2019 REPORTING BALANCES AS FOLLOWS:

**BALANCES AS OF FEBRUARY 28, 2019:**

GENERAL FUND CHECKING ACCOUNT	\$ 3,028.38
GENERAL FUND SP NOW	\$ 5,164,893.98
OPERATING RESERVE FUND	\$ 962,324.55
RENTAL PROPERTY FUND	\$ 194,872.56
COUNTY PARKING FUND	\$ 980,619.08
LIQUID FUELS TAX FUND	\$ 526,385.76
AREA AGENCY ON AGING FUND	\$ 216,463.33
CHILDREN & YOUTH FUND	\$ 132,174.61
HUMAN SERVICES AGENCY FUND	\$ 4,649.41
DOMESTIC RELATIONS IV-D FUND	\$ 58,484.93
WORKFORCE INVESTMENT ACT	\$ 22,546.97
PARKS & RECREATION FUND	\$ 112,841.55
CARBON TRANSPORTATION SYSTEM FUND	\$ 629.44
9-1-1 FUND	\$ 1,453,221.39
HAZMAT RESPONSE FUND	\$ 132,252.08
OFFENDER SUPERVISION FUND	\$ 465,246.69
ADULT ELECTRONIC MONITORING FUND	\$ 190,496.13
FARMLAND PRESERVATION FUND	\$ 48,726.11
HUMAN SERVICES DEVELOPMENT FUND	\$ 27,105.91
HOMELESS GRANT FUND	\$ 14,112.90

MARCH 07, 2019

CENTRALIZED BOOKING FUND	\$	116,000.09
VICTIM/WITNESS FUND	\$	5,301.20
RECORDER OF DEEDS IMPROVEMENT FUND	\$	36,370.85
COUNTY RECORDS IMPROVEMENTS FUND	\$	18,383.92
JUVENILE SUPERVISION FEE FUND	\$	31,532.93
COMMUNITY SERVICE FEE FUND	\$	8,684.92
PROTHONOTARY AUTOMATION FUND	\$	78,928.36
AFFORDABLE HOUSING FUND	\$	284,470.64
CLERK OF COURTS AUTOMATION FUND	\$	2,791.50
REGISTER OF WILLS AUTOMATION FUND	\$	10,149.02
JUVENILE ELECTRONIC MONITORING FUND	\$	6,151.89
VITAL STATS IMPROVEMENT FUND	\$	44,509.70
SUBSTANCE ABUSE EDUCATION	\$	134,954.76
LIQUID FUELS/ACT 44	\$	450,375.27
HIGHWAY BRIDGE IMPROVEMENT ACT 13	\$	521,748.62
VICTIMS SERVICES FUND	\$	44,676.04
HOTEL ROOM EXCISE TAX FUND	\$	4,067.72
CDBG FUND	\$	6.65
DEBT SERVICE FUND	\$	1,014,790.29
CAPITAL PROJECTS FUND	\$	7,802,657.48
FRINGE BENEFITS PAYMENT FUND	\$	501,357.76
PAYROLL FUND	\$	26,382.67
TAX CLAIM FUND	\$	1,103,872.54

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

THE CHAIRMAN RECESSED THE REGULAR MEETING AT 11:03 A.M. IN ORDER TO CONVENE THE MONTHLY SALARY BOARD MEETING.

THE BOARD RECONVENED THE REGULAR MEETING AT 11:05 A.M.

**PERSONNEL REPORT:**

**SHERIFF APPOINTMENT:**

MOLLIE J. WATTS, LEHIGHTON, PA – CIVIL PROCESS CLERK - EFFECTIVE MARCH 11, 2019.

**HIRE:**

BRYNN M. MASTEN, JIM THORPE, PA - PART-TIME DISPATCHER TRAINEE, COMMUNICATIONS CENTER - EFFECTIVE MARCH 11, 2019.

**SEMINAR/TRAINING REQUESTS:**

**AREA AGENCY ON AGING/HUMAN SERVICES**

SUSAN E. ZEIGLER

CINDY K. BIZARRE

KIMBERLY M. SOLT

AAA FINANCIAL TRAINING

HARRISBURG, PA

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

**BUILDINGS & GROUNDS**

LORENZO P. CINICOLA

PETER J. BOCHICCHIO

COG – STREET SWEEPER TRAINING  
LEHIGHTON, PA

**COMMISSIONERS**

**COLLEEN A. KLEIN**  
COUNTY PROPERTY AND LIABILITY RISK MANAGEMENT  
HARRISBURG, PA

**CORRECTIONS**

**TIMOTHY L. FRITZ**  
CARBON COUNTY INTERAGENCY AND FAMILY COLLABORATIVE BOARD  
TENTH ANNUAL HUMAN SERVICES PRIORITIES BRUNCH  
JIM THORPE, PA  
COST: CONFERENCE FEE \$15

**HUMAN RESOURCES**

**DAWN M. BOWMAN**  
2019 SCHRPP REGIONAL DISCUSSION FORUM  
HARRISBURG, PA  
COST: CONFERENCE FEE: \$25

**RECORDER OF DEEDS**

**ANITA M. DIETRICH**  
18<sup>TH</sup> LANDEX USERS CONFERENCE  
STATE COLLEGE, PA  
COST: MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO ACCEPT THE PERSONNEL REPORT DATED MARCH 7, 2019.

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**CORRESPONDENCE:**

MINUTES RECEIVED: JANUARY 15, 2019 MEETING OF THE CARBON COUNTY SAFETY COMMITTEE.

THE FEBRUARY 2019 MONTHLY REPORT WAS RECEIVED FROM THE CARBON COUNTY REGISTER OF WILLS.

FEBRUARY 2019 REPORT, PREPARED MARCH 3, 2019, TO CARBON COUNTY STAKEHOLDERS REGARDING THE PENNEAST/UGI PIPELINE PROJECT WAS RECEIVED FROM SAVE CARBON COUNTY.

COMMUNICATIONS WERE RECEIVED FROM THE LEHIGHTON AREA MEMORIAL LIBRARY, PANTHER VALLEY PUBLIC LIBRARY, PENN KIDDER LIBRARY THANKING THE COMMISSIONERS FOR THEIR DONATION AND SUPPORT.

CORRESPONDENCE WAS RECEIVED FROM THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE ANNOUNCING THAT CARBON COUNTY’S 2018-2019 GRANT-IN-AID CONTINUING PROGRAM APPLICATION #13-18-CP FOR THE IMPROVEMENT OF ADULT PROBATION SERVICES HAS BEEN APPROVED IN THE AMOUNT OF \$60,486.00.

A COMMUNICATION WAS RECEIVED FROM THE DIRECTOR, PENNSYLVANIA DEPARTMENT OF AGRICULTURE,

**MARCH 07, 2019**

BUREAU OF FARMLAND PRESERVATION, ADVISING THAT THE STATE BOARD HAS SET A 2019 SPENDING THRESHOLD OF \$38 MILLION DOLLARS, THE HIGHEST SINCE 2007. COUNTY PROGRAMS CERTIFIED \$18.2 MILLION THIS YEAR – THE HIGHEST SINCE 2009.

CORRESPONDENCE WAS RECEIVED FROM THE PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES INFORMING THAT AFTER REVIEW OF THE CHILDREN AND YOUTH SERVICES PLAN AMENDMENT FOR FY 2017-18 (AGENDA #19-052, 1/31/19), FULL APPROVAL IS GRANTED.

**ADVERTISING REQUESTS:**

**#19-123 ELECTION MEETINGS/CANCELLED:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE ADVERTISEMENT REGARDING CANCELLATION OF CARBON COUNTY ELECTION BOARD MEETINGS SCHEDULED FOR THE SECOND THURSDAY OF EACH MONTH FOR THE YEAR 2019.

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

\* MR. O'GUREK STATED, "I ABSTAIN BECAUSE I AM A PART-TIME EMPLOYEE OF THE TIMES NEWS WHERE THE ADVERTISEMENT WILL BE PUBLISHED."

**#19-124 ORDINANCE/HOTEL TAX:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE ADVERTISEMENT REGARDING THE COUNTY'S INTENT TO ENACT AN ORDINANCE AMENDING AND RESTATING THE HOTEL ROOM RENTAL EXCISE TAX ORDINANCE #2006-02 (ADOPTED 12/28/06, AMENDED 9/15/16, 12/01/16, AND 1/11/18).

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

\* MR. O'GUREK STATED, "I ABSTAIN BECAUSE I AM A PART-TIME EMPLOYEE OF THE TIMES NEWS WHERE THE ADVERTISEMENT WILL BE PUBLISHED."

**CORRECTIONAL FACILITY:**

**#19-125 PROPOSAL/FOX TAPPING:**

A PROPOSAL WAS RECEIVED FROM FOX TAPPING, INCORPORATED, WRIGHTSVILLE PENNSYLVANIA, FOR THE INSTALLATION OF A WET TAP VALVE ON THE MAIN WATER LINE TO THE CARBON COUNTY CORRECTIONAL FACILITY AT A COST OF \$4,160.00.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT AND AUTHORIZE EXECUTION OF THE PROPOSAL FROM FOX TAPPING.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**EMERGENCY DECLARATION:**

**#19-126 WATER EMERGENCY:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY ADOPTION AND EXECUTION OF THE FOLLOWING DECLARATION OF WATER EMERGENCY IN CARBON COUNTY ON OR ABOUT MONDAY, MARCH 4, 2019:



**RESOLUTION #19-005**  
**DECLARATION OF WATER EMERGENCY**

**WHEREAS**, ON OR ABOUT MONDAY, MARCH 4<sup>TH</sup>, 2019 A WATER EMERGENCY HAS CAUSED OR THREATENSTO CAUSE INJURY, DAMAGE, AND SUFFERING TO THE PERSONS AND PROPERTY OF CARBON COUNTY; AND

**WHEREAS**, THE WATER EMERGENCY HAS ENDANGERED THE HEALTH, SAFETY AND WELFARE OF A SUBSTANTIAL NUMBER OF PERSONS RESIDING IN THE CARBON OF COUNTY AND THREATENS TO CREATE PROBLEMS GREATER IN SCOPE THAN CARBON COUNTY MAY BE ABLE TO RESOLVE; AND

**WHEREAS**, EMERGENCY MANAGEMENT MEASURES ARE REQUIRED TO REDUCE THE SEVERITY OF THIS DISASTER AND TO PROTECT THE HEALTH, SAFETY AND WELFARE OF AFFECTED RESIDENTS IN CARBON COUNTY;

**NOW, THEREFORE**, WE, THE UNDERSIGNED COMMISSIONERS OF CARBON COUNTY, PURSUANT TO THE PROVISIONS OF SECTION 7501 OF THE PENNSYLVANIA EMERGENCY MANAGEMENT SERVICES CODE, (35 PA CS), AS AMENDED, DO HEREBY DECLARE THE EXISTENCE OF A WATER EMERGENCY IN CARBON COUNTY;

**FURTHER**, WE DIRECT THE CARBON COUNTY EMERGENCY MANAGEMENT COORDINATOR TO COORDINATE THE ACTIVITIES OF THE EMERGENCY RESPONSE, TO TAKE ALL APPROPRIATE ACTION NEEDED TO ALLEVIATE THE EFFECTS OF THIS DISASTER, TO AID IN THE RESTORATION OF ESSENTIAL PUBLIC SERVICES, AND TO TAKE ANY OTHER EMERGENCY RESPONSE ACTION DEEMED NECESSARY TO RESPOND TO THIS EMERGENCY.

**STILL FURTHER**, WE AUTHORIZE OFFICIALS OF CARBON COUNTY TO ACT AS NECESSARY TO MEET THE CURRENT EXIGENCIES OF THIS EMERGENCY, NAMELY: BY THE EMPLOYMENT OF TEMPORARY WORKERS, BY THE RENTAL OF EQUIPMENT, BY THE PURCHASE OF SUPPLIES AND MATERIALS, AND BY ENTERING INTO SUCH CONTRACTS AND AGREEMENTS FOR THE PERFORMANCE OF PUBLIC WORK AS MAY BE REQUIRED TO MEET THE EMERGENCY, ALL WITHOUT REGARD TO THOSE TIME-CONSUMING PROCEDURES AND FORMALITIES NORMALLY PRESCRIBED BY LAW MANDATORY CONSTITUTIONAL REQUIREMENTS EXCEPTED.

THIS DECLARATION SHALL TAKE EFFECT IMMEDIATELY.

**CARBON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

DATE: MARCH 4, 2019

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**#19-127 MUTUAL AID AGREEMENT:**

**PAWARN:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY THE EXECUTION OF A MUTUAL AID AGREEMENT WITH PAWARN, PA WATER/WASTEWATER AGENCY RESPONSE NETWORK, FOR ASSISTANCE AND RESOURCES RELATIVE TO THE WATER EMERGENCY INVOLVING THE EMA/911 CENTER AND THE CARBON COUNTY CORRECTIONAL FACILITY.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**SOLICITOR'S REPORT:**

**GENERAL OBLIGATION BONDS/SERIES 2019:**

**#19-128 ORDINANCE:**

FOR ADOPTION: ORDINANCE AUTHORIZING AND DIRECTING INCURRING OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF ONE OR MORE SERIES OF GENERAL OBLIGATION BONDS OF THE COUNTY IN THE

MARCH 07, 2019

AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT 53 PA.C.S., CHAPTERS 80-82, AS AMENDED (THE "ACT")...TO PROVIDE FUNDS FOR CERTAIN PROJECTS WHICH INCLUDE, AMONG OTHER THINGS: (A) FUNDING THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF NEW BUILDINGS OF THE COUNTY; (B) FUNDING THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS TO THE COUNTY'S EXISTING BUILDINGS AND SYSTEMS; AND (C) THE PAYMENT OF THE COSTS AND EXPENSES OF ISSUING THE BONDS; AND RELATED MATTERS.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT ORDINANCE #2019-01 TO BE TYPED IN ORDINANCE BOOK.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**SUSQUEHANNA STREET PROJECT:**

**#19-129 CONDITIONAL PLAN APPROVAL/JIM THORPE:**

THE CONDITIONAL PLAN APPROVAL AGREEMENT WITH THE BOROUGH OF JIM THORPE FOR THE SUSQUEHANNA STREET PROJECT FINAL LAND DEVELOPMENT PLAN WAS PRESENTED FOR APPROVAL AND EXECUTION.

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

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**#19-130 SPECIAL COUNSEL:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF AN AGREEMENT WITH MCNEES, WALLACE & NURICK LC, OF HARRISBURG, PENNSYLVANIA, FOR PROFESSIONAL SERVICES AT THE RATES OF \$215.00 - \$350.00 PER HOUR, DEPENDENT ON SERVICES PROVIDED, PLUS EXPENSES FOR REPRESENTATION REGARDING SUSQUEHANNA STREET PROJECT.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**TAX CLAIM BUREAU:**

**#19-131 PALMETTO POSTING:**

**AMENDMENT:**

A REQUEST WAS RECEIVED FROM THE TAX CLAIM DIRECTOR FOR APPROVAL OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF CARBON AND PALMETTO POSTING, INCORPORATED OF SOUTH CAROLINA, REGARDING NECESSARY POSTING IN ORDER TO COMPLY WITH THE PENNSYLVANIA REAL ESTATE TAX SALE LAW (RETSL) REQUIREMENTS.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND EXECUTE THE AMENDMENT TO THE AGREEMENT WITH PALMETTO POSTING.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**#19-132 POSTING RESOLUTION:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING RESOLUTION APPOINTING PALMETTO POSTING, INCORPORATED TO PERFORM NECESSARY POSTING AS REQUIRED BY PA REAL ESTATE TAX LAW (RETSL) FOR THE 2019 UPSET TAX SALE AND 2018 NOTICE OF RETURN & CLAIM NOTICES:

**RESOLUTION #19-006**

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARBON APPOINTING A PERSON OR PERSONS TO MAKE PERSONAL SERVICE REQUIRED BY THE TAX SALE LAW FOR THE 2019 UPSET TAX SALE AND FILING WITH THE BUREAU A WRITTEN PROOF OF SERVICE SETTING FORTH THE NAME OF PERSONS SERVED, DATE, TIME, AND PLACE OF SERVICE, AND ATTACHMENT OF COPY OF THE NOTICE WHICH WAS SERVED.

**WHEREFORE**, THE TAX CLAIM BUREAU OF THE COUNTY OF CARBON WILL BE CONDUCTING AN UPSET TAX SALE IN SEPTEMBER OF 2109; AND

**WHEREAS**, THE BUREAU HAS REQUESTED THE COUNTY COMMISSIONERS TO MAKE THE NECESSARY APPOINTMENT OF THE PERSONS FOR PERSONAL SERVICE OF ALL NOTICES AND POSTINGS REQUIRED BY THE APPLICABLE PROVISIONS OF THE TAX SALE LAW.

**NOW, THEREFORE, BE IT RESOLVED**, THAT PALMETTO POSTING INC. IS HEREBY APPOINTED UNDER 72 P.S.5860.601 (A) (3) OF THE TAX SALE LAW AND VESTED WITH ALL DUTIES AND POWERS THERUNDER FOR POSTING AND SERVICE OF ALL DUTIES AND MAKE ALL RETURNS OF SERVICE AS REQUIRED BY THE TAX LAW IN CONTEMPLATION OF SAID SALE.

**THIS RESOLUTION DULY ADOPTED** AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARBON ON THE 7<sup>TH</sup> DAY OF MARCH, 2019.

**CARBON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**COMMISSIONERS' REPORTS:**

COMMISSIONER GERHARD THANKED GINA LISELLA FOR ATTENDING THE MEETING. HE ALSO THANKED GEORGIA FARROW FOR BRINGING IN THE 4-H STUDENTS, AND COMMENDED VOLUNTEERS TONY BOYLE, MONROE CRESSLEY, HANK WILLIAMS AND FORMER COMMISSIONER CHARLES GETZ FOR THEIR MANY, MANY YEARS OF SERVICE AND DEDICATION.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 11:11 A.M.

\_\_\_\_\_  
ELOISE K. AHNER,  
CHIEF CLERK/COUNTY ADMINISTRATOR

\_\_\_\_\_  
WAYNE E. NOTHSTEIN, CHAIRMAN

MARCH 07, 2019