

DECEMBER 28, 2017

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, CHILDREN & YOUTH DIRECTOR AND STAFF MEMBER, AND THE COURT ADMINISTRATOR WERE ALSO PRESENT.

MOMENT OF SILENCE:

A MOMENT OF SILENCE WAS OBSERVED.

PRAYER:

COMMISSIONER O'GUREK 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 DECEMBER 21, 2017.

BOARD POLLED:	O'GUREK	YES
	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. O'GUREK, TO APPROVE THE BUDGET TRANSFERS AS LISTED ON TRANSMITTALS DATED DECEMBER 28, 2017.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SUPPLEMENTAL APPROPRIATIONS:

THERE WERE NO SUPPLEMENTAL APPROPRIATIONS.

EXPENDITURE APPROVAL:

PAYROLL FUND CHECKING ACCOUNT:

APPROVAL OF PAYROLL CHECK NUMBERS 68635 THROUGH 68661 AND DIRECT DEPOSIT CHECK NUMBERS 5111380 THROUGH 5111734 FOR THE NET PAYROLL PAID THROUGH THE PAYROLL FUND CHECKING ACCOUNT FOR ALL COUNTY FUNDS TOTALING \$328,908.11 (PAYROLL DATED DECEMBER 22, 2017).

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 135491 THROUGH 135667 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 110,601.77
RENTAL PROPERTY FUND	\$ 1,683.10
COUNTY PARKING FUND	\$ 2,107.44
AREA AGENCY ON AGING FUND	\$ 39,746.62
CHILDREN & YOUTH FUND	\$ 122,001.25
DOMESTIC RELATIONS 4D FUND	\$ 187.50
PARKS & RECREATION FUND	\$ 11,646.93
9-1-1 FUND	\$ 779.32
HAZ-MAT RESPONSE FUND	\$ 29.97
AFFORDABLE HOUSING FUND	\$ 29,503.00
CDBG FUND	\$ 85,381.74
CAPITAL PROJECTS FUND	\$ 36,358.19
PAYROLL FUND	\$ 88,652.84
TOTAL:	\$ 528,679.67

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, PENTELEDATA, AND BLUE RIDGE COMMUNICATIONS, HE ABSTAINED.

TREASURER'S REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT
DATED DECEMBER 22, 2017 REPORTING BALANCES AS FOLLOWS:

BALANCES AS OF DECEMBER 22, 2017:

GENERAL FUND CHECKING ACCOUNT	\$ 4,993.50
PAYROLL CHECKING ACCOUNT	\$ 139,679.52
GENERAL FUND SP NOW	\$ 9,604,564.89
OPERATING RESERVE	\$ 942,224.88
RENTAL PROPERTY	\$ 215,649.43
PARKING FUND	\$ 742,193.79
LIQUID FUELS	\$ 485,854.47
AREA AGENCY ON AGING	\$ 408,435.08
CHILDREN & YOUTH	\$ 827,406.43
HUMAN SERVICES AGENCY FUND	\$ 19,964.81
DOMESTIC RELATIONS	\$ 120,786.99
WORKFORCE INVESTMENT ACT	\$ 26,442.99
PARKS & RECREATION FUND	\$ 73,467.79
CARBON TRANSPORTATION	\$ 631.88
9-1-1 FUND	\$ 1,555,556.76
HAZMAT RESPONSE FUND	\$ 124,213.73
OFFENDER SUPERVISION	\$ 528,130.67
ADULT ELECTRONIC MONITORING	\$ 176,423.82
FARMLAND PRESERVATION	\$ 86,713.88
HUMAN SERVICES DEVELOPMENT	\$ 246.96
HOMELESS GRANT	\$ 72.12
CENTRALIZED BOOKING	\$ 114,243.40
VICTIM WITNESS	\$ 9,805.89
RECORDER OF DEEDS IMPROVEMENT	\$ 30,104.56
COUNTY RECORDS IMPROVEMENTS	\$ 16,918.40
JUVENILE SUPERVISION	\$ 33,011.51
COMMUNITY SERVICE FEE FUND	\$ 11,979.46
PROTHONOTARY AUTOMATION FUND	\$ 57,383.76
AFFORDABLE HOUSING FEE	\$ 355,161.79
CLERK OF COURTS AUTOMATION FUND	\$ 4,043.58
REGISTER OF WILLS	\$ 7,364.14
JUVENILE ELECTRONIC MONITORING FUND	\$ 5,931.22
VITAL STATISTICS FUND	\$ 43,370.85
SUBSTANCE ABUSE EDUCATION FUND	\$ 126,112.72
LIQUID FUELS/ACT 44 FUND	\$ 351,261.71
ACT 13 BRIDGE IMPROVEMENT FUND	\$ 417,149.95
VICTIMS SERVICE FUND	\$ 44,560.22
HOTEL EXCISE TAX FUND	\$ 614,382.87
CDBG FUND	\$ 90,377.79
DEBT SERVICE FUND	\$ 1,313,298.13
CAPITAL PROJECTS FUND	\$ 8,327,303.27
FRINGE BENEFITS PAYMENT FUND	\$ 487,437.96
TAX CLAIM FUND	\$ 584,211.32

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

PERSONNEL REPORT:

THERE WAS NO PERSONNEL REPORT.

CORRESPONDENCE:

A COMMUNICATION WAS RECEIVED FROM THE COMMONWEALTH OF PENNSYLVANIA, OFFICE OF THE GOVERNOR, ADVISING THAT GOVERNOR WOLF HAS AUTHORIZED THE RELEASE OF \$250,000 IN REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) FUNDING FOR THE CARBON COUNTY EMERGENCY OPERATIONS & TRAINING CENTER PROJECT.

COURTS/COMPUTER INFO:

#17-528 PENTELEDATA/AGREEMENT:

A REQUEST WAS RECEIVED FROM COURT DATA FOR APPROVAL OF AN EXTENDED SERVICE CONTRACT RENEWAL WITH PENTELEDATA COVERING THE CISCO ASA5510-JMX1314L1U1 (JNET VPN ROUTER), WHICH THE COURTS AND POLICE DEPARTMENTS UTILIZE FOR CONNECTIVITY TO JNET.

THE TERM OF THE AGREEMENT IS ONE (1) YEAR WITH THE TOTAL COST REMAINING \$837.57 (\$523.02 – MAINTENANCE TO 9/30/18; \$314.55 – PTD PLUS SUPPORT).

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

BOARD POLLED: O'GUREK ABSTAIN
GERHARD YES
NOTHSTEIN YES

EMERGENCY MANAGEMENT:

#17-529 EMPG GRANT:

THE 2018 FEDERAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) APPLICATION REQUESTING FUNDING IN THE AMOUNT OF \$62,368.32 TO SUPPORT SALARIES AND BENEFITS OF THE EMERGENCY MANAGEMENT COORDINATOR AND ADMINISTRATIVE ASSISTANT WAS SUBMITTED FOR APPROVAL.

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

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

ORDINANCE/HOTEL TAX:

#17-530 ADVERTISING:

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 AND 12/01/16).

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

RESOLUTIONS:

#17-531 EAGLE SCOUT/JUSINO:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING RESOLUTION RECOGNIZING GABRIEL E. JUSINO, MEMBER OF BOY SCOUT TROOP 555, JIM THORPE, PENNSYLVANIA:

EAGLE SCOUT/JUSNO RESOLUTION NO. # 17-041

WHEREAS, GABRIEL E. JUSINO OF ALBRIGHTSVILLE HAS SUCCEEDED IN ACHIEVING SCOUTING'S HIGHEST HONOR, THE RANK OF EAGLE SCOUT; AND

WHEREAS, GABRIEL E. JUSINO IS A MEMBER OF BOY SCOUT TROOP 555 IN JIM THORPE, PENNSYLVANIA, AND HAS BEEN INVOLVED IN SCOUTING FOR SEVEN YEARS. DURING HIS SCOUTING CAREER, HE HAS EARNED 36 BADGES INCLUDING GEOCACHING, LEATHERWORK, AND SPACE EXPLORATION. GABRIEL HAS SERVED AS CHAPLAIN AIDE, ASSISTANT SENIOR PATROL LEADER, AND SENIOR PATROL LEADER; AND

WHEREAS, GABRIEL E. JUSINO'S EAGLE SCOUT PROJECT WAS IMPROVING A SECTION OF THE JIM THORPE AREA HIGH SCHOOL'S TRACK AND FOOTBALL FIELD. GABRIEL PLANTED BUSHES AND VARIOUS SEASONAL PLANTS THAT CAN BE ENJOYED YEAR ROUND. HE ALSO ERECTED A SIGN WITH INFORMATION PERTAINING TO THE HISTORY OF THE TOWN OF JIM THORPE TO CREATE AWARENESS OF THE TOWN. THIS PROJECT WILL IMPROVE THE SCENERY BY MAKING THE AREA APPEALING WHILE BEING A SOURCE OF INFORMATION. GABRIEL SPENT 122 HOURS ON THIS PROJECT; AND

WHEREAS, GABRIEL E. JUSINO HAS DEVELOPED THE NECESSARY SKILLS AND DETERMINATION TO ACHIEVE AN HONOR HE WILL VALUE FOR A LIFETIME; AND

WHEREAS, GABRIEL E. JUSINO IS AN INSPIRATION TO YOUNG MEN THROUGH HIS DEDICATION AND LEADERSHIP; AND

WHEREAS, THE BOARD OF COMMISSIONERS OF CARBON COUNTY WISHES TO ACKNOWLEDGE THE ACCOMPLISHMENT OF GABRIEL E. JUSINO.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CARBON COUNTY HEREBY RECOGNIZES THE ACHIEVEMENT OF GABRIEL E. JUSINO AND HEREBY COMMENDS AND CONGRATULATES HIM IN ATTAINING THE RANK OF EAGLE SCOUT.

ADOPTED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 28TH DAY OF DECEMBER, 2017.

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

#17-532 MEDICAL MARIJUANA POLICY:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING RESOLUTION:

AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES FOR EMPLOYEES OF CARBON COUNTY –
MEDICAL MARIJUANA POLICY

RESOLUTION #17-042

AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES FOR EMPLOYEES OF CARBON COUNTY-MEDICAL
MARIJUANA POLICY

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARBON HEREBY ADOPTS A REVISION TO ITS PERSONNEL POLICIES AND PROCEDURES FOR EMPLOYEES OF CARBON COUNTY DRUG POLICY TO ADD THE FOLLOWING:

EFFECTIVE JANUARY 1, 2018, THE COUNTY OF CARBON (HEREINAFTER REFERRED TO AS THE COUNTY) FULLY COMPLIES WITH THE TERMS AND CONDITIONS OF THE PENNSYLVANIA MEDICAL MARIJUANA ACT. IN THIS REGARD, THE COUNTY WILL NOT DISCHARGE, THREATEN, AND REFUSE TO HIRE OR OTHERWISE DISCRIMINATE OR RETALIATE AGAINST ANY EMPLOYEE REGARDING THEIR COMPENSATION, TERMS, CONDITIONS, LOCATION OR PRIVILEGES SOLELY ON THE BASIS OF THEIR STATUS AS AN INDIVIDUAL WHO IS CERTIFIED TO USE MEDICAL MARIJUANA. IT IS THE EMPLOYEE'S RESPONSIBILITY TO NOTIFY THE HUMAN RESOURCES DEPARTMENT AND THE EMPLOYEE'S DIRECT SUPERVISOR, IF HE/SHE HAS BEEN CERTIFIED TO USE MEDICAL MARIJUANA. HOWEVER, THIS PROTECTION SHALL NOT PERTAIN TO ANY COUNTY POSITION OR DEPARTMENT WHICH IS SUBJECT TO FEDERALLY MANDATED, DRUG FREE WORKPLACE PROGRAMS, INCLUDING CDL DRIVERS AND ANY OTHER POSITION THAT MANDATES THE REPORTING OF ALL POSITIVE DRUG TESTS, INCLUDING POSITIVE TESTS FOR MARIJUANA. ADDITIONALLY, THE COUNTY MAY REFUSE TO HIRE A PROSPECTIVE EMPLOYEE OR TERMINATE AN EXISTING EMPLOYEE WHO IS CERTIFIED TO USE MEDICAL MARIJUANA IF THEIR JOB DUTIES INVOLVED THE FOLLOWING CATEGORIES:

1. WORKING WITH CHEMICALS WHICH REQUIRE A PERMIT ISSUED BY THE FEDERAL GOVERNMENT OR STATE GOVERNMENT;
 2. WORKING WITH HIGH VOLTAGE ELECTRICITY OR ANY OTHER PUBLIC UTILITY;
 3. WORKING AT HEIGHTS OR IN CONFINED SPACES;
 4. PERFORMING ANY TASKS WHICH THE COUNTY DEEMS LIFE THREATENING, TO EITHER THE EMPLOYEE OR ANY OF THE EMPLOYEES OF THE COUNTY;
 5. PERFORMING ANY DUTY WHICH COULD RESULT IN A SUBSTANTIAL PUBLIC HEALTH OR SAFETY RISK;
- AND
6. OPERATION OF ANY COUNTY OR PERSONAL VEHICLE TO CONDUCT COUNTY BUSINESS.

THE PENNSYLVANIA MEDICAL MARIJUANA ACT SHALL IN NO WAY LIMIT THE ABILITY OF THE COUNTY TO DISCIPLINE AN EMPLOYEE FOR BEING UNDER THE INFLUENCE OF MEDICAL MARIJUANA IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA WHEN THE EMPLOYEE'S CONDUCT FALLS BELOW THE STANDARD OF CARE NORMALLY ACCEPTED FOR THAT POSITION. AN EMPLOYEE SHALL BE CONSIDERED UNDER THE INFLUENCE IF HE OR SHE HAS A BLOOD CONTENT OF MORE THAN 10 NANOGRAMS OF ACTIVE THC PER MILLILITER OF BLOOD IN SERUM.

THE PROTECTIONS AFFORDED BY THE PENNSYLVANIA MEDICAL MARIJUANA ACT ONLY APPLY TO THOSE INDIVIDUALS WHO HAVE A SERIOUS MEDICAL CONDITION AS CERTIFIED BY A PHYSICIAN AND WHO HAVE OBTAINED A VALID PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF HEALTH. LIKEWISE, AN EMPLOYEE IS NOT PERMITTED TO UTILIZE MEDICAL MARIJUANA ON CARBON COUNTY PROPERTY OR IN THEIR WORKPLACE.

DULY ADOPTED, THIS 28 DAY OF DECEMBER, 2017, AT A REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARBON TO BECOME EFFECTIVE JANUARY 1, 2018.

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

FURTHER BUSINESS:

CCEDC/PMVB:

MARLYN KISSNER, EXECUTIVE DIRECTOR, CARBON COUNTY CHAMBER & ECONOMIC DEVELOPMENT COMMENTED ON THE HOTEL TAX CHANGES.

CHRISTOPHER BARRETT, PRESIDENT/CEO, POCONO MOUNTAINS VISITORS BUREAU (PMVB) WAS ALSO PRESENT AND SPOKE ABOUT THE HOTEL TAX.

CCAP 2018 PRIORITIES:

COMMISSIONER NOTHSTEIN ANNOUNCED THE COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA (CCAP) 2018 COUNTY GOVERNMENT LEGISLATIVE PRIORITIES AS FOLLOWS:

HUMAN SERVICES SYSTEM REFORM AND FUNDING
PREVENTING DRUG OVERDOSE AND SUBSTANCE ABUSE
MAINTAINING THE SHALE GAS IMPACT FEE
INCREASING FORENSIC BED ACCESS FOR COUNTY INMATES WITH MENTAL ILLNESS
SUPPORTING VETERANS SERVICES
FUNDING FOR VOTING SYSTEMS
MANDATE REFORM

COMMISSIONERS' REPORTS:

COMMISSIONER GERHARD ACKNOWLEDGED RECEIPT OF A LETTER FROM BARBARA MCCAULEY, MEMBER OF THE THEODORE BURR COVERED BRIDGE SOCIETY, THANKING THE BOARD FOR THEIR CARE OF THE LITTLE GAP COVERED BRIDGE.

COMMISSIONER NOTHSTEIN NOTED THAT NEXT WEEK'S MEETING WILL BE ON TUESDAY AFTERNOON ALONG WITH THE ANNUAL SALARY BOARD MEETING TO BEGIN AT 1:30 P.M.

THE COMMISSIONERS WISHED EVERYONE A HAPPY NEW YEAR.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 11:02 A.M.

ELOISE K. AHNER,
CHIEF CLERK/COUNTY ADMINISTRATOR

WAYNE E. NOTHSTEIN, CHAIRMAN

DECEMBER 28, 2017