

APRIL 11, 2019

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, CARBON COUNTY ADMINISTRATION BUILDING, JIM THORPE, PENNSYLVANIA.

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

THE COUNTY CONTROLLER, COUNTY SHERIFF, COUNTY TREASURER, HUMAN RESOURCES DIRECTOR, ACTING RECORDER OF DEEDS, PRESIDENT JUDGE NANOVIC, AND THE ASSISTANT COURT ADMINISTRATOR WYNN WERE ALSO PRESENT.

COMMISSIONER O'GUREK WAS ABSENT.

**MOMENT OF SILENCE:**

A MOMENT OF SILENCE WAS OBSERVED.

**PRAYER:**

THE VICE 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 APRIL 4, 2019.

BOARD POLLED:	GERHARD	YES
	NOTHSTEIN	YES

**GUESTS (CONCERNING COUNTY BUSINESS AS PER COUNTY POLICY #2012-01GOV):**

THE CHAIRMAN REMINDED EVERYONE THAT THE COUNTY HAS A POLICY ON THE CONDUCT OF REGULAR AND SPECIAL MEETINGS WHICH WAS APPROVED MAY 31, 2012. HE OUTLINED THE RULES AND REGULATIONS, NOTING THE TIME ALLOCATED FOR EACH SPEAKER SHALL BE THREE (3) MINUTES.

MIKE SHORTEN, JIM THORPE RE: ADDRESSED THE LETTER SENT TO ANDREA MCDONALD, PA STATE HISTORIC PRESERVATION OFFICE, REGARDING THE SUSQUEHANNA STREET PROJECT; CANCELLATION OF PRIME CONTRACTS

THE CHAIRMAN RESPONDED TO THE CONCERNS OF MR. SHORTEN.

JOHN DRURY, JIM THORPE RE: UPDATE ON SOS (SAVE OUR SANCTUARIES) COMMITTEE; SUSQUEHANNA STREET PROJECT

MARK REITZ, JIM THORPE RE: SOUTHEAST CEMETERY AT ST. MARK'S CHURCH; SUSQUEHANNA STREET PROJECT



APRIL 11, 2019

CDBG FUND	\$	4.59
CAPITAL PROJECTS FUND	\$	171,443.22
TAX CLAIM FUND	\$	<u>384,536.57</u>
TOTAL:	\$	893,050.24

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 APRIL 1, 2019 TO APRIL 5, 2019 REPORTING BALANCES AS FOLLOWS:

**BALANCES AS OF APRIL 5, 2019:**

GENERAL FUND CHECKING ACCOUNT	\$	4,171.99
GENERAL FUND SP NOW	\$	4,739,747.30
OPERATING RESERVE FUND	\$	964,163.51
RENTAL PROPERTY FUND	\$	187,209.41
COUNTY PARKING FUND	\$	983,009.75
LIQUID FUELS TAX FUND	\$	527,164.22
AREA AGENCY ON AGING FUND	\$	204,654.64
CHILDREN & YOUTH FUND	\$	480,417.49
HUMAN SERVICE AGENCY FUND	\$	12,713.71
DOMESTIC RELATION IV-D FUND	\$	69,247.64
WORKFORCE INVESTMENT ACT	\$	18,518.12
PARKS & RECREATION FUND	\$	131,768.86
CARBON TRANSPORTATION SYSTEM FUND	\$	219,353.70
9-1-1 FUND	\$	1,376,321.78
HAZMAT RESPONSE FUND	\$	135,658.49
OFFENDER SUPERVISION FUND	\$	513,552.27
ADULT ELECTRONIC MONITORING FUND	\$	191,812.43
FARMLAND PRESERVATION FUND	\$	39,551.16
HUMAN SERVICE DEVELOPMENT FUND	\$	27,017.61
HOMELESS GRANT FUND	\$	13,907.80
CENTRALIZED BOOKING FUND	\$	118,359.25
VICTIM/WITNESS FUND	\$	12,445.01
RECORDER OF DEEDS IMPROVEMENT FUND	\$	38,044.33
COUNTY RECORDS IMPROVEMENTS FUND	\$	19,488.37
JUVENILE SUPERVISION FEE FUND	\$	33,737.69
COMMUNITY SERVICE FEE FUND	\$	8,750.14
PROTHONOTARY AUTOMATION FUND	\$	80,959.94
AFFORDABLE HOUSING FUND	\$	289,021.94
CLERK OF COURTS AUTOMATION FUND	\$	3,156.86
REGISTER OF WILLS AUTOMATION FUND	\$	10,643.76
JUVENILE ELECTRONIC MONITORING FUND	\$	6,163.65
VITAL STATS IMPROVEMENT FUND	\$	44,594.76
SUBSTANCE ABUSE EDUCATION	\$	137,947.79
LIQUID FUELS/ACT 44	\$	451,235.92
HIGHWAY BRIDGE IMPROVEMENT ACT 13	\$	522,745.66
VICTIMS SERVICES FUND	\$	45,979.07
HOTEL ROOM EXCISE TAX FUND	\$	19,456.19

CDBG FUND	\$	6.68
DEBT SERVICE FUND	\$	1,020,829.19
CAPITAL PROJECTS FUND	\$	7,755,173.65
FRINGE BENEFIT PAYMENT FUND	\$	525,941.65
PAYROLL FUND	\$	1,727.95
TAX CLAIM FUND	\$	1,047,214.08

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

THE CHAIRMAN RECESSED THE REGULAR MEETING AT 10:45 A.M. IN ORDER TO CONVENE THE MONTHLY SALARY BOARD MEETING.

THE BOARD RECONVENED THE REGULAR MEETING AT 10:48 A.M.

**PERSONNEL REPORT:**

**CHANGES OF STATUS:**

**SHELLY A. KURDZIEL**, LEHIGHTON, PA

FROM: SECOND DEPUTY, RECORDER OF DEEDS

TO: ACTING FIRST DEPUTY, RECORDER OF DEEDS

EFFECTIVE: APRIL 12, 2019

**PIERRE J. GUICHARDAN**, DRUMS, PA

FROM: DOMESTIC RELATIONS DIRECTOR

TO: DOMESTIC RELATIONS ASSISTANT DIRECTOR

EFFECTIVE: APRIL 15, 2019

**BRIDGET M. JOHNSTON**, JIM THORPE, PA

FROM: DOMESTIC RELATIONS ASSISTANT DIRECTOR

TO: DOMESTIC RELATIONS DIRECTOR

EFFECTIVE: APRIL 15, 2019

**LEAVE OF ABSENCE EXTENSION:**

**SHERIFF**

**MICHEL S. HATCHER**

SPECIAL DEPUTY SHERIFF

FROM: APRIL 4, 2019

TO: OCTOBER 14, 2019

**SEMINAR/TRAINING REQUESTS:**

**CORRECTIONS**

**TIMOTHY L. FRITZ**

**RYAN R. LONG**

PRISON RISK MANAGEMENT WORKSHOP

HERSHEY, PA

**COURTS SEMINAR/TRAINING REQUEST ACKNOWLEDGEMENTS:**

**ADULT PROBATION**

**JILLIAN C. MCGINLEY**

MANDATED REPORTING AND HUMAN TRAFFICKING TRAINING

APRIL 11, 2019

JIM THORPE, PA

**MATTHEW J. KIMMEL**

2019 PENNSYLVANIA PRETRIAL SERVICES ASSOCIATION FALL FORUM

STATE COLLEGE, PA

COST: CONFERENCE FEE \$234, LODGING, MEALS

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE PERSONNEL REPORT  
DATED APRIL 11, 2019.

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

**CORRESPONDENCE:**

MINUTES RECEIVED: OCTOBER 23, 2018 MEETING OF THE CARBON COUNTY RAILROAD COMMISSION;

AUDIT REPORT RECEIVED: AUDIT OF TWENTY-THREE CARBON COUNTY TAX COLLECTORS' COUNTY TAX  
DUPLICATES FOR THE YEAR 2018 RECEIVED FROM THE COUNTY CONTROLLER.

THE MARCH 2019 MONTHLY REPORT WAS RECEIVED FROM THE CARBON COUNTY RECORDER OF DEEDS.

A COMMUNICATION WAS RECEIVED FROM THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE  
ACKNOWLEDGING RECEIPT AND APPROVAL OF CARBON COUNTY'S SINGLE AUDIT REPORT FOR YEAR  
ENDED DECEMBER 31, 2017.

COPY OF CORRESPONDENCE SENT TO ANDREA L. MCDONALD, DIRECTOR AND DEPUTY STATE HISTORIC  
PRESERVATION OFFICER, PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE, REGARDING THE  
SUSQUEHANNA STREET BUILDING PROJECT.

COMMUNICATIONS WERE RECEIVED FROM THE FOLLOWING REGARDING THE SUSQUEHANNA STREET  
BUILDING PROJECT:

ELEVATIONS (SHARON & FAMILY)  
ANITA STONE VAN DINE

NOTIFICATION WAS RECEIVED FROM THE WILDLANDS CONSERVANCY OF THEIR INTENT TO SUBMIT A  
PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR) GRANT TITLE  
"LEHIGH VALLEY AND LEHIGH RIVER WATERSHED LANDOWNER OUTREACH PHASE II."

**CHILDREN & YOUTH:**

**#19-184 CONTRACT AMENDMENT:**

AMENDMENT #1 TO PURCHASE OF SERVICE AGREEMENT DATED JANUARY 17, 2019 WITH AFFINITY  
FORENSIC SERVICES, DBA PENNSYLVANIA FORENSIC ASSOCIATION, READING PENNSYLVANIA, WAS  
SUBMITTED FOR APPROVAL AND EXECUTION.

THE AMENDMENT, EFFECTIVE JULY 1, 2018, ADDS THE FOLLOWING RATES: FOSTER FAMILY  
CLASS-TA - \$164.44/PER DIEM; FOSTER FAMILY CLASS-TC - \$164.45/PER DIEM; FOSTER FAMILY CLASS-TE -  
\$157.02/PER DIEM; CLINICAL POLYGRAPH - \$350/EACH

ALL OTHER PROVISIONS REMAIN IN FULL FORCE AND EFFECT.

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

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

**COURT HOUSE CLOCK TOWER:**

**C&D WATERPROOFING:**

**#19-185 PROPOSAL:**

A PROPOSAL WAS RECEIVED FROM C&D WATERPROOFING CORPORATION, BLOOMSBURG, PENNSYLVANIA, FOR THE REPLACEMENT OF MISSING TERRA COTTA TILES ON THE CLOCK TOWER DUE TO WIND DAMAGE FOR A TOTAL AMOUNT OF \$4,750.00. HIGH LIFT MOBILIZATION WILL BE NEEDED AS WELL AS TRAFFIC CONTROL. APPROVAL WAS RECOMMENDED BY THE COUNTY'S CONSULTANT, JOSEPH JENKINS.

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE PROPOSAL FROM C&D WATERPROOFING AS SUBMITTED.

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

**EMERGENCY MANAGEMENT:**

**#19-186 HMRF GRANT/HMERP REPORT:**

THE 2019-2020 HAZARDOUS MATERIAL RESPONSE FUND (HMRF) GRANT APPLICATION/ HAZARDOUS MATERIAL EMERGENCY RESPONSE PROGRAM (HMERP) REPORT WAS PRESENTED FOR APPROVAL AND EXECUTION TO BE SUBMITTED TO THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA).

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO APPROVE AND AUTHORIZE EXECUTION OF THE HMRF GRANT APPLICATION AND HMERP REPORT.

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

**HUMAN SERVICES:**

**#19-187 STATE FOOD/DISTRIBUTION:**

MOTION BY MR. GERHARD, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE FY 2018/2019 STATE FOOD PURCHASE PROGRAM FOURTH QUARTER DISTRIBUTION REPORT AS SUBMITTED BY SHEPHERD HOUSE, INCORPORATED.

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES

**SOLICITOR'S REPORT:**

**COST ALLOCATION:**

**#19-188 AMENDMENT/MAXIMUS:**

THE SOLICITOR PRESENTED AN AMENDMENT TO THE ORIGINAL AGREEMENT, DATED JULY 23, 2015, WITH MAXIMUS, INCORPORATED, HARRISBURG, PENNSYLVANIA, TO EXERCISE THE OPTION TO INCLUDE THE YEARS 2018, 2019, AND 2020 FOR COST ALLOCATION PLAN SERVICES AT THE QUOTED PRICE OF \$8,200 PER FISCAL YEAR.

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

BOARD POLLED: GERHARD YES  
NOTHSTEIN YES



**(#19-085) GENERAL CONSTRUCTION (BP02):**

BRACY CONTRACTING INC.	BASE BID: \$4,862,000.00
4240 TILGHMAN STREET	ALT. #3: (-) \$65,800.00
ALLENTOWN, PA	ALT. #6: (+) \$7,480.00
	TOTAL: \$4,803,680.00

**(#19-086) ROCK REMOVAL (BP03):**

D&M CONSTRUCTION UNLIMITED INC.	BASE BID: \$1,099,622.73
1513 UPPER FORDS POND ROAD	ALT. #2: (+) \$65,840.00
CLARKS SUMMIT, PA	TOTAL: \$1,165,462.73

**(#19-087) ELEVATOR CONSTRUCTION (BP04):**

SCHINDLER ELEVATOR CORPORATION	BASE BID: \$79,500.00
6330 HEDGEWOOD DRIVE, SUITE 210	NO ALT.
ALLENTOWN, PA	

**(#19-088) FIRE PROTECTION (BP05):**

DAVIS-ULMER SPRINKLER COMPANY, INC.	BASE BID: \$217,900.00
D/B/A BEACH LAKE SPRINKLER	NO ALT.
P.O. BOX 37	
BEACH LAKE, PA	

**(#19-089) PLUMBING CONSTRUCTION (BP06):**

JBM MECHANICAL INC.	BASE BID: \$396,000.00
3273 GUN CLUB ROAD	NO ALT.
NAZARETH, PA	

**(#19-090) MECHANICAL CONSTRUCTION (BP07):**

TRI-COUNTY MECHANICAL, INC.	BASE BID: \$706,000.00
P.O. BOX 100	NO ALT.
EAST TEXAS, PA	

**(#19-091) ELECTRICAL CONSTRUCTION (BP08):**

ORLANDO DIEFENDERFER	BASE BID: \$1,338,500.00
P.O. BOX 88	NO ALT.
ALLENTOWN, PA	

BOARD POLLED:	GERHARD	YES
	NOTHSTEIN	YES

THE SOLICITOR, IN ANSWER TO THE INQUIRY EARLIER REGARDING THE CANCELLATION OF THE BID AWARDS, EXPLAINED THAT UNDER THE LAW THE COUNTY, ONCE THE BIDS ARE AWARDED, HAS A CERTAIN PERIOD OF TIME TO EXECUTE THE CONTRACTS WITH THE PRIME CONTRACTORS.

IN THIS CASE, WHEN THE LAND DEVELOPMENT APPEAL WAS FILED, AND AS IS PROPER, ALL OF OUR COMMON PLEAS JUDGES HAVE RECUSED THEMSELVES. THEREFORE, IT HAS BEEN REFERRED TO THE ADMINISTRATIVE OFFICE OF THE PENNSYLVANIA COURTS (AOPC) TO APPOINT AN OUTSIDE JUDGE TO HEAR THE CASE.

AS OF THIS DATE, THE AOPC HAS NOT APPROVED OR APPOINTED AN OUTSIDE JUDGE TO HEAR THE LAND DEVELOPMENT AND DISPOSE OF THAT APPEAL. IN ORDER TO BE FAIR TO THE CONTRACTORS WHO ARE NOT ONLY COMMITTING THEIR RESOURCES BUT ALSO COMMITTING THEIR EMPLOYEES, AND NOT TO PUT THE EMPLOYMENT OF THESE INDIVIDUALS AT RISK BY ANY DELAYS IN THIS PROJECT, THE COUNTY BELIEVES IT IS IN ITS' BEST INTEREST, AS WELL AS THE PRIME CONTRACTORS AND THEIR EMPLOYEES, TO CANCEL THE BID AWARDS AT THIS TIME UNTIL SUCH TIME AS THE JUDGE IS ASSIGNED AND WE CAN MAKE A DETERMINATION AS TO THE APPROPRIATE TIME TABLE FOR THE LAND DEVELOPMENT BEING DISPOSED OF.

APRIL 11, 2019

DEMOLITION OF THE OLD ARCHIVES BUILDING WILL GO FORWARD AS SCHEDULED.

**FURTHER BUSINESS:**

**CCCF/WATER LINE ISSUE:**

THE CHAIRMAN READ A LETTER RECEIVED FROM R. MICHAEL TIRPAK, CARBON ENGINEERING INCORPORATED, REGARDING THE WATER LINE ISSUE AT THE CARBON COUNTY CORRECTIONAL FACILITY (CCCF) IN CONJUNCTION WITH THE WORK BEING DONE FOR THE EMERGENCY OPERATIONS CENTER PROJECT.

MR. TIRPAK INDICATED THAT GIVEN THE CHAIN OF EVENTS LEADING UP TO THE LOSS OF WATER AT THE PRISON, WHICH INCLUDED SEVERAL BELOW FREEZING COLD SPELLS, IT IS HIS OPINION THAT DAMAGES INCURRED DUE TO THE WATER LINE FREEZING WERE NOT THE FAULT OF THE CONTRACTOR WORKING ON THE TRAINING CENTER PROJECT.

**COMMISSIONERS' REPORTS:**

COMMISSIONER GERHARD REPORTED ON THE FOLLOWING:

- ACKNOWLEDGED CORRESPONDENCE FROM DANIELLE SHAPIRO, SENIOR STUDENT AT JIM THORPE HIGH SCHOOL, REGARDING A TALENT SHOW THAT SHE, ALONG WITH JILLIAN SALTZ AND BRIELLE LONG, HELD ON MARCH 21<sup>ST</sup> AS THEIR SENIOR PROJECT TO RAISE MONEY TO DONATE TO THE CARBON COUNTY ANIMAL SHELTER. A CHECK IN THE AMOUNT OF \$675.00 WAS ENCLOSED, TO BE USED FOR SPAYING AND NEUTERING OF THE DOGS.
- ADDRESSED JIM DULCY'S COMMENTS BROUGHT UP AT THE LAST COMMISSIONERS' MEETING REGARDING THE WATER PROBLEM AT THE PRISON, NOTING THAT CHAIRMAN NOTHSTEIN WAS ONSITE AT THE PRISON WITH BEN STEMRICK OF TV 13, AND THE COUNTY MAINTENANCE DEPARTMENT, AND THEY FOLLOWED THE RESOURCE LIST OF VENDORS. VOGAL FARMS WAS NOT ON THE LIST
- LACK OF RESPECT FOR THE BOARD AND THE COUNTY SOLICITOR

COMMISSIONER NOTHSTEIN COMMENTED ON THE FOLLOWING:

- SHORTAGE OF EMERGENCY MEDICAL SERVICES VOLUNTEERS AND FIRE PERSONNEL
- SENATE RESOLUTION 6
- COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA (CCAP) CREATED A TASK FORCE TO BRING TOGETHER BOROUGH COUNCIL, TOWNSHIP SUPERVISORS, PENNSYLVANIA DEPARTMENT OF HEALTH, AND OTHER STAKEHOLDERS TO FIND SOLUTIONS FOR RECRUITMENT, RETENTION, FINANCES, AND SERVICE DELIVERY RELATIVE TO EMERGENCY SERVICES
- TRAINING CENTER, WHICH WILL BE USED FOR ALL TRAINING, INCLUDING ACTIVE SHOOTER TRAINING FOR SHERIFF'S DEPARTMENT, ETC.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 11:13 A.M.

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ELOISE K. AHNER,  
CHIEF CLERK/COUNTY ADMINISTRATOR

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WAYNE E. NOTHSTEIN, CHAIRMAN