

SEPTEMBER 19, 2019

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENEED THIS DATE AT 10:33 A.M. IN THE COMMISSIONERS' 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, COUNTY SHERIFF, POCONO COUNTIES WORKFORCE INVESTMENT DIRECTOR, CLERK OF COURTS, 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 SEPTEMBER 12, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

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

CHRIS LUKASEVICH, JIM THORPE	RE: MEETING POLICY REGARDING GUESTS; SCHEDULED ELECTION BOARD MEETINGS; ANIMAL SHELTER BUDGET AMOUNT FOR FOOD; ITEM # 19-441 SUSQUEHANNA STREET RELEASE & SETTLEMENT
WALLACE PUTKOWSKI, MAHONING TOWNSHIP	RE: THANKED THREE (3) COMMISSIONERS INDIVIDUALLY FOR YEARS OF SERVICE AND GOOD WORK
JERRY STRUBINGER, JIM THORPE	RE: QUESTIONED IF COUNTY WAS BALANCED AT END OF FISCAL YEAR

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 SEPTEMBER 19, 2019.

BOARD POLLED: O'GUREK YES
 GERHARD YES
 NOTHSTEIN YES

SUPPLEMENTAL APPROPRIATION:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE THE SUPPLEMENTAL APPROPRIATION AS LISTED ON TRANSMITTALS DATED SEPTEMBER 19, 2019.

BOARD POLLED: O'GUREK YES
 GERHARD YES
 NOTHSTEIN YES

EXPENDITURE APPROVAL:

PAYROLL FUND CHECKING ACCOUNT:

APPROVAL OF PAYROLL CHECK NUMBERS 71721 THROUGH 71762 AND DIRECT DEPOSIT CHECK NUMBERS 6012389 THROUGH 6012812 FOR THE PAYROLL PAID THROUGH THE PAYROLL FUND CHECKING ACCOUNT FOR ALL COUNTY FUNDS TOTALING \$564,724.21 (PAYROLL DATED SEPTEMBER 13, 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 208319 THROUGH 208466 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 147,445.50
RENTAL PROPERTY FUND	\$ 127.55
COUNTY PARKING FUND	\$ 2,794.05
LIQUID FUELS FUND	\$ 31.98
AREA AGENCY ON AGING FUND	\$ 33,937.29
CHILDREN & YOUTH FUND	\$ 81,966.12
HUMAN SERVICE AGENCY FUND	\$ 38.03
DOMESTIC RELATIONS FUND	\$ 3,932.86
WORKFORCE INVESTMENT ACT FUND	\$ 19.80
PARKS & RECREATION FUND	\$ 4,638.26
9-1-1 FUND	\$ 100,710.98
VICTIM/WITNESS FUND	\$ 432.12
AFFORDABLE HOUSING FUND	\$ 11,818.45
CDBG FUND	\$ 6,432.74
CAPITAL PROJECTS FUND	\$ 251,083.76
FRINGE BENEFIT PAYMENT FUND	\$ 1,288.14

TAX CLAIM FUND	\$ 1,331.53
TOTAL:	\$ 648,029.16

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 THE TIMES NEWS, BLUE RIDGE COMMUNICATIONS, AND PENTELEDATA, 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 STATING 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

09/19/2019

TREASURER'S REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT DATED SEPTEMBER 9, 2019 TO SEPTEMBER 13, 2019 REPORTING BALANCES AS FOLLOWS:

BALANCES AS OF SEPTEMBER 13, 2019:

GENERAL FUND CHECKING ACCOUNT	\$ 10,232.29
GENERAL FUND SP NOW	\$ 11,727,370.22
OPERATING RESERVE FUND	\$ 973,085.12
RENTAL PROPERTY FUND	\$ 190,571.16
COUNTY PARKING FUND	\$ 1,161,135.86
LIQUID FUELS TAX FUND	\$ 541,458.40
AREA AGENCY ON AGING FUND	\$ 185,866.61
CHILDREN & YOUTH FUND	\$ 1,093,068.25
HUMAN SERVICE AGENCY FUND	\$ 8,830.88
DOMESTIC RELATION IV-D FUND	\$ 89,198.94
WORKFORCE INVESTMENT ACT	\$ 22,768.89
PARKS & RECREATION FUND	\$ 191,608.68
CARBON TRANSPORTATION SYSTEM FUND	\$ 264,235.15
9-1-1 FUND	\$ 1,110,686.42
HAZMAT RESPONSE FUND	\$ 151,672.74
OFFENDER SUPERVISION FUND	\$ 391,416.39
ADULT ELECTRONIC MONITORING FUND	\$ 206,124.21
FARMLAND PRESERVATION FUND	\$ 66,802.44
HUMAN SERVICE DEVELOPMENT FUND	\$ 12,711.12
HOMELESS GRANT FUND	\$ 6,904.91
CENTRALIZED BOOKING FUND	\$ 149,400.94
VICTIM/WITNESS FUND	\$ 10,511.29
RECORDER OF DEEDS IMPROVEMENT FUND	\$ 38,328.39
COUNTY RECORDS IMPROVEMENTS FUND	\$ 11,117.68
JUVENILE SUPERVISION FEE FUND	\$ 40,618.77
COMMUNITY SERVICE FEE FUND	\$ 9,310.79
PROTHONOTARY AUTOMATION FUND	\$ 87,774.13
AFFORDABLE HOUSING FUND	\$ 329,402.66
CLERK OF COURTS AUTOMATION FUND	\$ 3,916.24
REGISTER OF WILLS AUTOMATION FUND	\$ 12,648.71
JUVENILE ELECTRONIC MONITORING FUND	\$ 6,220.68
VITAL STATS IMPROVEMENT FUND	\$ 40,907.12
SUBSTANCE ABUSE EDUCATION	\$ 151,041.66
LIQUID FUELS/ACT 44	\$ 486,135.03
HIGHWAY BRIDGE IMPROVEMENT ACT 13	\$ 644,133.36
VICTIMS SERVICES FUND	\$ 58,793.18
HOTEL ROOM EXCISE TAX FUND	\$ 4,302.26
CDBG FUND	\$ 6,475.97
DEBT SERVICE FUND	\$ 1,192,256.67
CAPITAL PROJECTS FUND	\$ 16,612,706.06
FRINGE BENEFIT PAYMENT FUND	\$ 533,966.80
PAYROLL FUND	\$ 180,010.41
TAX CLAIM FUND	\$ 495,258.40

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

THE CHAIRMAN RECESSED THE REGULAR MEETING AT 10:49 A.M. IN ORDER TO CONVENE A SPECIAL MEETING OF THE SALARY BOARD.

SEPTEMBER 19, 2019

THE BOARD RECONVENED THE REGULAR MEETING AT 10:51 A.M.

PERSONNEL REPORT:

DATE OF RESIGNATION CORRECTION:

CRYSTEL L. CARR, LEHIGHTON, PA - DOMESTIC RELATIONS SPECIALIST II, DOMESTIC RELATIONS -
EFFECTIVE SEPTEMBER 13, 2019.

RESIGNATIONS:

AMANDA C. MCMAHON, BREINIGSVILLE, PA - 911 OPERATOR, COMMUNICATIONS CENTER - EFFECTIVE
OCTOBER 6, 2019.

ZACHARY A. KINDT, SUMMIT HILL, PA - PART-TIME CORRECTIONS OFFICER, CORRECTIONS - EFFECTIVE
SEPTEMBER 10, 2019.

EMPLOYMENT SEPARATION:

DIANE RUFF, LEHIGHTON, PA - PART-TIME DISTRICT JUSTICE SECRETARY I, DISTRICT JUSTICE - WEATHERLY
- EFFECTIVE SEPTEMBER 12, 2019.

CHANGE OF STATUS:

JESSICA A. TIRPAK, BROCKTON, PA
FROM: PART-TIME CORRECTIONS OFFICER, CORRECTIONS
TO: PART-TIME CORRECTIONS OFFICER/TEAMSTERS, CORRECTIONS
EFFECTIVE: SEPTEMBER 23, 2019

HIRE:

KACEY A. SPENCE, ALBRIGHTSVILLE, PA - PART-TIME DISPATCHER TRAINEE, COMMUNICATIONS CENTER -
EFFECTIVE SEPTEMBER 23, 2019.

SEMINAR/TRAINING REQUESTS:

AREA AGENCY ON AGING

DAVID SLINGER

SUSAN ZEIGLER

2019 PROTECTIVE SERVICES CONFERENCE

GETTYSBURG, PA

COST: LODGING, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

SUSAN ZEIGLER

MATP BROKER PROGRAM

HARRISBURG, PA

COST: MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

CLERK OF COURTS

CARLA FRITZ

MICHELLE ANTIGA

CPCMS NEW USER CRIMINAL CASE PROCESSING

MECHANICSBURG, PA

CLERK OF COURTS/BUREAU OF COLLECTIONS

JODI SONON

2019 JUSTICE SYSTEM AND COMMUNITY RESOURCES LEARNING SERIES:
CORRECTIONS AND PRISON PROGRAMS
BOWMANSTOWN, PA

VARIOUS OFFICES

JASON SHELLHAMMER - GIS
JUSTIN MARKELL - COMMUNICATIONS CENTER
KATHY MCGUIRE - TAX ASSESSMENT
NECORE GIS GROUP QUARTERLY MEETING
STROUDSBURG, PA

COURTS SEMINAR/TRAINING REQUEST ACKNOWLEDGEMENTS:

DISTRICT JUSTICES - LANSFORD

DONNA PECK
MDJS - PHYSICAL CASE FILE DESTRUCTION WEBINAR
LANSFORD, PA

JUVENILE PROBATION

SHAWN JONES
KIMMY MULIK
JANELLE ONDRUS
2019 JAMES E. ANDERSON PENNSYLVANIA CONFERENCE ON JUVENILE JUSTICE
HARRISBURG, PA
COST: CONFERENCE FEE \$300 EACH, LODGING, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PERSONNEL REPORT DATED
SEPTEMBER 19, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

CORRESPONDENCE:

MINUTES RECEIVED: JULY 12, 2019 MEETING OF THE CARBON COUNTY PARKS AND RECREATION
COMMISSION.

AUDIT REPORTS RECEIVED: CARBON COUNTY FINANCIAL STATEMENTS AND SINGLE AUDIT SUPPLEMENT
FOR THE YEAR ENDED DECEMBER 31, 2018.

COMMUNICATIONS WERE RECEIVED REGARDING THE FOLLOWING PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION PERMIT APPLICATIONS:

EAST PENN TOWNSHIP BOARD OF SUPERVISORS
(CARBON ENGINEERING INC., SUMMIT HILL, PA)
BWM-GP-7 GENERAL PERMIT FOR MINOR ROAD CROSSING
PROJECT: GOLDEN TRAIL CULVERT INSTALLATION PROJECT, EAST PENN TOWNSHIP, PA
PHASE III ENVIRONMENTAL, LLC, PALMERTON, PA
(RICHARD PARRISH, IMPACT ENVIRONMENTAL CONSULTING, BOHEMIA, NY)
NPDES PERMIT RENEWAL
FORMER NEW JERSEY ZINC SITE, PALMERTON, PA
***COUNTY LAND USE LETTER REQUEST**

CORRESPONDENCE WAS RECEIVED FROM THE PENNSYLVANIA PUBLIC UTILITY COMMISSION REGARDING
THE APPLICATION OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE APPROVAL TO

ALTER THE PUBLIC AT-GRADE CROSSING BY THE INSTALLATION OF NEW AUTOMATICALLY OPERATED FLASHING-LIGHT CROSSING WARNING SIGNALS WHERE STATE ROUTE 1005 (TANNERY ROAD) CROSSES THE TWO TRACKS OF THE READING, BLUE MOUNTAIN AND NORTHERN RAILROAD (DOT NO. 361 400 N) IN KIDDER TOWNSHIP, CARBON COUNTY ALL IN ACCORDANCE WITH THE FEDERAL GRADE CROSSING PROGRAM AND THE ALLOCATION OF COSTS INCIDENT THERETO.

ADULT PROBATION:

#19-425 CJAB/GRANT APPLICATION:

A REQUEST WAS RECEIVED FROM THE CHIEF ADULT PROBATION OFFICER FOR APPROVAL OF A GRANT APPLICATION THROUGH THE COUNTY COMMISSIONERS ASSOCIATION AND PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY, REQUESTING \$2,000.00 IN FUNDING TO ASSIST THE COUNTY CRIMINAL JUSTICE ADVISORY BOARD (CJAB) IN UPDATING THE CURRENT STRATEGIC PLAN, INCLUDING MISSION AND VISION STATEMENTS.

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

ADVERTISING REQUEST:

#19-426 ELECTIONS:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE ADVERTISEMENT OF ALL LEGAL NOTICES RELATIVE TO THE 2019 MUNICIPAL ELECTION.

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

* MR. O'GUREK STATED, "I ABSTAIN SINCE THE ADVERTISEMENT WILL BE PLACED IN THE TIMES NEWS WHERE I AM A PART-TIME EMPLOYEE."

BID AWARD:

#19-427 FOOD SERVICE/CCCF:

A RECOMMENDATION WAS RECEIVED FROM THE WARDEN AND PURCHASING MANAGER TO AWARD THE BID RECEIVED FOR FOOD SERVICE AT THE CARBON COUNTY CORRECTIONAL FACILITY (CCCF) TO TRINITY SERVICES GROUP, OLDSMAR, FLORIDA, FOR A THREE (3) YEAR TERM AT THEIR TOTAL BID OF \$1,037,238.44 (BASED ON ESTIMATED ANNUAL COUNT). THE COST OF MEAL PER YEAR AS FOLLOWS: YEAR 1 - \$1.330/MEAL; YEAR 2 - \$1.3566/MEAL; YEAR 3 - \$1.3905/MEAL.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AWARD THE CONTRACT FOR FOOD SERVICE AT THE CORRECTIONAL FACILITY TO TRINITY SERVICES GROUP, FOR A THREE (3) YEAR TERM AT THEIR TOTAL BID OF \$1,037,238.44.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

BID REJECTION:

#19-428 CDBG PROJECTS:

A COMMUNICATION WAS RECEIVED FROM THE OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDING THE BIDS FOR THE FOLLOWING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS BE REJECTED:

SUMMIT HILL BOROUGH: PARKS & RECREATION/PARK IMPROVEMENT
GINDER FIELD REHABILITATION
(FY 2016 & FY 2017)

FRANKLIN TOWNSHIP: WATER/SEWER IMPROVEMENTS/CULVERT RECONSTRUCTION & DRAINAGE IMPROVEMENTS PHASE 1- RED HILL ROAD
(FY 2015 & FY 2016)

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO REJECT THE BIDS FOR THE SUMMIT HILL AND FRANKLIN TOWNSHIP CDBG PROJECTS AS LISTED.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

CHILDREN & YOUTH:

#19-429 AGREEMENT:

A FY 2019/2020 PURCHASE OF SERVICE/IN-HOME SERVICE PROVIDER AGREEMENT WAS SUBMITTED FOR THE FOLLOWING:

CARBON COUNTY RIGHT FROM THE START

JIM THORPE, PA

<u>PROVIDER:</u>	<u>FY 19-20</u>
COUNSELING-ANNUALLY	\$ 20,000.00

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND EXECUTE THE AGREEMENT AS LISTED.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

JUVENILE COURT:

#19-430 GRANT IN AID:

THE FY 2019/2020 GRANT-IN-AID APPLICATION/AGREEMENT WITH THE JUVENILE COURT JUDGES' COMMISSION FOR SALARY REIMBURSEMENT OF THE JUVENILE COURT OFFICE FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2020, WITH AN ESTIMATED REVENUE OF \$69,300.00, WAS SUBMITTED FOR APPROVAL.

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

PLANNING & DEVELOPMENT:

#19-431 CDBG/2015 COMPLETION EXTENSIONS:

A REQUEST WAS RECEIVED FROM THE OFFICE OF PLANNING & DEVELOPMENT FOR APPROVAL AND EXECUTION OF PROJECT ACTIVITY COMPLETION EXTENSION REQUESTS TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR EXTENSIONS OF COMPLETION DATES FOR THE FOLLOWING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FFY 2015 CONTRACT

#C000063981PROJECTS:

FRANKLIN TOWNSHIP – WATER IMPROVEMENTS/RED HILL ROAD
FROM 11/29/19 TO 07/27/20

LEHIGHTON BOROUGH – PARKS/RECREATION, BAER MEMORIAL POOL
FROM 10/01/19 TO 05/27/20

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE EXTENSION REQUESTS.

BOARD POLLED: O’GUREK YES
GERHARD YES
NOTHSTEIN YES

HOME PROGRAM:

#19-432 CHANGE ORDER:

A COMMUNICATION WAS RECEIVED FROM THE OFFICE OF PLANNING AND DEVELOPMENT ENCLOSING A CHANGE ORDER TO THE FOLLOWING CONTRACT WITH THE SERVICE TEAM, LEHIGHTON, PENNSYLVANIA FOR THE HOME REHABILITATION PROGRAM:

#RS 42-62-137: GENERAL CONTRACT DECREASE \$425.00; INCREASE - \$445.00

ORIGINAL CONTRACT PRICE: \$12,050.00; NEW CONTRACT PRICE: \$12,070.00

*HOMEOWNER WILL PAY \$70.00 DIFFERENCE

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE AND EXECUTE THE CHANGE ORDER TO CONTRACT # RS 42-62-137 WITH THE SERVICE TEAM.

BOARD POLLED: O’GUREK YES
GERHARD YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

#19-433 AML FUND/RESOLUTION:

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO ADOPT THE FOLLOWING RESOLUTION SUPPORTING REAUTHORIZATION OF SURFACE MINING CONTROL AND RECLAMATION ACT (SMCRA) TITLE IV FEES BY CONGRESS FOR AT LEAST 15 ADDITIONAL YEARS:

RESOLUTION #19-030

ABANDONED MINE LAND FUND

WHEREAS, SUBSTANTIAL COAL MINING HAS OCCURRED IN PENNSYLVANIA FOR MORE THAN 130 YEARS, AND INDUSTRY HAS BEEN A SIGNIFICANT EMPLOYER OF OUR CITIZENS FOR MOST OF THESE YEARS; AND

WHEREAS, ABANDONED MINES POSE HAZARDS IN PENNSYLVANIA OF DANGEROUS SHAFTS, MOUNTAINS OF BLACK WASTE, SCARRED LANDSCAPES, ACIDIC DRAINAGES POLLUTING MORE THAN 5,500 MILES OF OUR STREAMS AND OTHER HAZARDS THREATENING HUMAN HEALTH AND SAFETY AND DEPRESSING LOCAL ECONOMIES; AND

WHEREAS, AT LEAST 44 OF PENNSYLVANIA’S 67 COUNTIES ARE AFFECTED BY ABANDONED COAL MINES; AND

WHEREAS, AT LEAST 1.4 MILLION PENNSYLVANIAS LIVE WITHIN ONE MILE OF ABANDONED MINE LANDS AND PENNSYLVANIA’S ESTIMATED CLEANUP COST IS \$15 BILLION; AND

WHEREAS, ABANDONED MINES AND ABANDONED MINE LANDS CREATE NEGATIVE IMPACTS ON LOCAL ECONOMIES BY DESTROYING RECREATIONAL OPPORTUNITIES, LOWERING LAND VALUES, LEAVING DESOLATE COMMUNITIES ONCE THE MINES ARE EXHAUSTED AND RUINING SITES FOR FURTHER

RESIDENTIAL, FORESTRY, COMMERCIAL OR AGRICULTURAL USES, AND THREATEN THE HUMAN HEALTH AND SAFETY OF PEOPLE LIVING IN OUR COAL FIELD COMMUNITIES; AND

WHEREAS, RECLAMATION OF ABANDONED MINE SITES CAN ADD TO THE ECONOMY BY CREATING JOBS, INCREASING COMMUNITY PRIDE, INCREASING PROPERTY VALUES, DECREASING STRESS-RELATED COSTS THROUGH STREAM-BASED RECREATION, RESTORING THE HEALTH OF THE ENVIRONMENT AND PROVIDING FUTURE SITES FOR COMMERCIAL OR INDUSTRIAL ENDEAVORS; AND

WHEREAS, CONGRESS ESTABLISHED THE ABANDONED MINE RECLAMATION FUND UNDER TITLE IV OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 TO RECLAIM AREAS ABANDONED BEFORE 1977 AND THE MODERN ENVIRONMENTAL STANDARDS REQUIRING MINE OPERATORS TO RECLAIM THEIR SITES; AND

WHEREAS, THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 IMPOSED ON COAL OPERATORS A FEE OF 35 CENTS PER TON ON SURFACE MINED COAL, 15 CENTS PER TON ON UNDERGROUND MINED COAL, AND 10 CENTS ON LIGNITE TO PROVIDE A SOURCE OF REVENUE FOR THE ABANDONED MINE RECLAMATION FUND TO HELP FINANCE THE RECLAMATION AND REMEDIATION OF LANDS MINED PRIOR TO 1977;

WHEREAS, THE SCOPE OF THE ABANDONED MINE PROBLEM CONTINUES TO OUTPACE AVAILABLE RESOURCES; AND

WHEREAS, IN 2006, THE CONGRESS OF THE UNITED STATES RE-AUTHORIZED THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 TO EXTEND FEE COLLECTION THROUGH 2021, INCREASE THE "SET ASIDE" FOR ACID MINE DRAINAGE FROM 10% TO 30%, AND PROVIDE FOR MANDATORY DISTRIBUTION OF AML FUNDS; AND

WHEREAS, THE FEES COLLECTED AND DEPOSITED INTO THE FEDERAL AML FUND ARE DERIVED FROM A PER-TON FEE ASSESSED ON EACH TON OF COAL MINED BY THE ACTIVE MINING INDUSTRY AND CAN ONLY BE USED FOR PURPOSES AUTHORIZED UNDER TITLE IV OF THE SURFACE MINING CONTROL AND RECLAMATION ACT. THE AML FUND IS NOT DERIVED FROM A TAX AND IS NOT FUNDED FROM THE USTREASURY; AND

WHEREAS, THE COLLECTION OF FEES ON MINED COAL APPLIED TO ABANDONED MINE RECLAMATION FUND UNDER TITLE IV OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 IS SET TO EXPIRE IN 2021; AND

WHEREAS, PENNSYLVANIA HAS RELIED UPON THE ABANDONED MINE RECLAMATION FUND AS A PRIMARY SOURCE OF MONEY TO CLEAN UP TOXIC MINE WATER IN OUR WATER SUPPLIES, RESTORE LAND, EXTINGUISH MINE FINES AND ELIMINATE OTHER DANGEROUS ABANDONED MINE HAZARDS.

NOW THEREFORE BE IT RESOLVED: CARBON COUNTY URGES CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE COLLECTION OF FEES ON MINED COAL AT THE RESTORED 1977 LEVELS OF 35 CENTS PER SURFACE MINED, 15 CENTS DEEP MINED, AND 10 CENTS ON MINED LIGNITE; AND

FURTHER: THAT THE COLLECTION OF FEES BE FOR AT LEAST 15 ADDITIONAL YEARS AND THROUGH 2036; AND

FURTHER: THE SMCRA TITLE IV GRANTS SHOULD BE EXEMPT FROM SEQUESTRATION AND ALL TITLE IV SEQUESTERED FUNDS SHOULD BE GIVEN BACK TO THE STATES, RETROACTIVE TO FY 2013; AND

FURTHER: THAT THE MANDATORY DISTRIBUTION FOR MINIMUM PROGRAM STATES BE RAISED TO \$5 MILLION; AND

FURTHER: THAT A DIRECT LINE ITEM FOR EMERGENCY PROJECTS BE ESTABLISHED IN OSMRE'S BUDGET TO REFLECT THE NEED FOR REMEDIATING AML EMERGENCIES IN ALL STATES AND TRIBES; AND

FURTHER: THE MANDATORY DISTRIBUTION OF FUTURE ALLOCATED RECLAMATION FEES CONTINUE FOR THE INTENDED PURPOSE OF CLEANING UP ABANDONED MINE PROBLEMS; AND

FURTHER: THAT THE ANNUAL DISTRIBUTION OF FUNDS CONTINUE TO BE FORMULATED TO ADEQUATELY ADDRESS THE ABANDONED MINE PROBLEMS OF ALL STATES AND TO ALLOW THE STATES WITH THE MOST PROBLEMS TO CORRECT THE MUCH MORE QUICKLY; AND

FURTHER: THAT THE CURRENT DEFINITIONS OF RECLAMATION PRIORITIES BE MAINTAINED TO ADEQUATELY CORRECT ALL LAND AND WATER PROBLEMS CREATED BY ABANDONED MINES INCLUDING WATER POLLUTED BY ACID MINE DRAINAGE; AND

FURTHER: THAT FUTURE ALLOCATIONS FROM THE ABANDONED MINE RECLAMATION FUND BE USED BY THE STATES IN WAYS THAT PROMOTE RECLAMATION, LEVERAGE PRIVATE INVESTMENT, AND

SEPTEMBER 19, 2019

ENCOURAGE DEVELOPMENT WHERE APPROPRIATE, AND TO BE USED TO COMPLEMENT OR MATCH OTHER FUNDS AVAILABLE FOR REDEVELOPMENT OF ABANDONED MINE LAND SITES; AND

FURTHER: THAT TRANSFER OF INTERESTS GENERATED ON THE FUND BE MAINTAINED TO THE COMBINED BENEFIT FUND TO DEFRAY HEALTH COSTS FOR RETIRED MINERS AND THEIR DEPENDENTS WHOSE COMPANIES HAVE BANKRUPT OR ARE NO LONGER IN BUSINESS; AND

FURTHER: THAT THE SMCRA 30% SET-ASIDE OPTION BE MAINTAINED.

NOW, THEREFORE BE IT RESOLVED THAT CARBON COUNTY SUPPORTS REAUTHORIZATION OF SMCRA TITLE IV FEES BY CONGRESS.

ADOPTED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 19TH DAY OF SEPTEMBER, 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

EMERGENCY OPERATIONS & TRAINING CENTER:

#19-434 LSA GRANT/RESOLUTION:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE ALL DOCUMENTS RELATIVE TO SUBMISSION OF A MONROE COUNTY LOCAL SHARE ACCOUNT (LSA) GRANT APPLICATION, IN THE AMOUNT OF \$750,000, TO THE COMMONWEALTH FINANCING AUTHORITY FOR THE EMERGENCY OPERATIONS AND TRAINING CENTER PROJECT:

RESOLUTION #19-031

EMERGENCY OPERATIONS & TRAINING CENTER

BE IT RESOLVED, THAT THE COMMISSIONERS OF CARBON COUNTY HEREBY REQUEST A MONROE COUNTY LOCAL SHARE ACCOUNT GRANT OF \$750,000 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR PHASE 1B OF THE DEVELOPMENT AND CONSTRUCTION OF A NEW CARBON COUNTY EMERGENCY OPERATIONS AND TRAINING CENTER IN THE BOROUGH OF NESQUEHONING.

BE IT FURTHER RESOLVED, THAT THE APPLICANT DOES HEREBY DESIGNATE WAYNE E. NOTHSTEIN, CHAIRMAN AS THE OFFICIAL TO EXECUTE ALL DOCUMENTS AND AGREEMENTS BETWEEN THE CARBON COUNTY COMMISSIONERS AND THE COMMONWEALTH FINANCING AUTHORITY TO FACILITATE AND ASSIST IN OBTAINING THE REQUESTED GRANT.

I, ELOISE K. AHNER, DULY QUALIFIED COUNTY ADMINISTRATOR/CHIEF CLERK OF THE COMMISSIONERS OF CARBON COUNTY, PENNSYLVANIA, HEREBY CERTIFY THAT THE FORGOING IS TRUE AND CORRECT COPY OF A RESOLUTION DULY ADOPTED BY A MAJORITY VOTE OF THE BOARD OF COMMISSIONERS AT A REGULAR MEETING HELD ON THE 19TH DAY OF SEPTEMBER, 2019, AND SAID RESOLUTION WILL BE RECORDED IN THE MINUTES OF THE BOARD OF COMMISSIONERS AND REMAINS IN EFFECT OF THIS DATE.

IN WITNESS THEREOF, I AFFIX MY HAND AND ATTACH THE SEAL OF CARBON COUNTY THIS 19TH DAY OF SEPTEMBER, 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 AUTHORIZE EXECUTION AND FILING OF THE GRANT APPLICATION.

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

KOEZ/RESOLUTION:

#19-435 KIDDER TOWNSHIP:

A RESOLUTION WAS PRESENTED TO EXTEND THE TERM OF THE KOEZ DESIGNATION FOR BLUE RIDGE REAL ESTATE COMPANY PROPERTY (SOUTH SIDE OF SR 940) LOCATED IN KIDDER TOWNSHIP, WEATHERLY SCHOOL DISTRICT, CARBON COUNTY.

UPON DCED’S APPROVAL, THE KOEZ DESIGNATION WOULD BE EXTENDED EFFECTIVE JANUARY 1, 2020 THROUGH DECEMBER 31, 2029. BOTH THE TOWNSHIP AND THE WEATHERLY SCHOOL DISTRICT HAVE APPROVED SAID EXTENSION.

MR. BRUCE BEATY AND MR. CRAIG HARAHAUS, BLUE RIDGE REAL ESTATE COMPANY, WERE PRESENT.

MR. HARAHAUS SAID THE NEW RESOLUTION WAS NEEDED DUE TO WORDING CHANGES FROM DCED.

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

RESOLUTION #19-032
KIDDER TOWNSHIP/KOEZ

A RESOLUTION EXTENDING THE TERM OF EXEMPTIONS, DEDUCTIONS, ABATEMENTS AND CREDITS FOR REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN KIDDER TOWNSHIP, CARBON COUNTY DESIGNATED AS A KEYSTONE OPPORTUNITY EXPANSION ZONE (“KOEZ”) OR KEYSTONE OPPORTUNITY IMPROVEMENT ZONE (“KOIZ”) IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF KIDDER TOWNSHIP, CARBON COUNTY, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, CARBON COUNTY, PENNSYLVANIA RECOGNIZES THE NEED TO ENCOURAGE INVESTMENT IN A DEFINED GEOGRAPHICAL AREA OF LOCATED IN KIDDER TOWNSHIP, CARBON COUNTY, BOUNDED AS SET FORTH IN ATTACHMENT ‘A’ THAT IS EXPERIENCING DISTRESS CHARACTERIZED BY ONE OR MORE OF THE FOLLOWING: HIGH UNEMPLOYMENT, LOW INVESTMENT OF NEW CAPITAL, BLIGHTED CONDITIONS, UNDERUTILIZED, OBSOLETE OR ABANDONED INDUSTRIAL COMMERCIAL AND RESIDENTIAL STRUCTURES, DETERIORATED TAX BASE; AND

WHEREAS, THE EXTENDED PARCEL CONSISTS OF AN UNOCCUPIED PORTION (S) OF A KOEZ OR KOIZ WITHIN KIDDER TOWNSHIP, CARBON COUNTY WHICH KOEZ OR KOIZ WHICH EXPIRES ON DECEMBER 31, 2023; AND

WHEREAS, THE KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT (ACT OF OCTOBER 6, 1998, P.L. 705, NO. 92), AS AMENDED, HEREINAFTER REFERRED TO AS THE “ACT,” AUTHORIZES POLITICAL SUBDIVISIONS TO APPLY TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) FOR AN EXTENSION OF THE TERM OF THE APPLICABLE BENEFITS WITHIN THE RESPECTIVE UNOCCUPIED PORTION(S) OF THE KOEZ OR KOIZ, GRANTING EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR CREDITS FROM ALL LOCAL TAXES IDENTIFIED IN THE ACT; AND

WHEREAS, APPROVAL OF EXTENDING THE TERM OF THE BENEFITS FOR THE EXTENDED PARCEL AS PROVIDED IN THE ACT WILL RESULT IN IMPROVING THE ECONOMIC, PHYSICAL, AND SOCIAL CONDITIONS WITHIN THE SUBJECT KOEZ OR KOIZ BY STIMULATING EXISTING BUSINESSES EMPLOYMENT, CREATING NEW EMPLOYMENT AND DIMINISHING BLIGHT; AND

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WHEREAS, IT IS EXPECTED THAT INCREASED PRIVATE AND PUBLIC-SECTOR INVESTORS WILL REVERSE THE DISINVESTMENT AND CONDITIONS OF BLIGHT OF THE EXTENDED PARCEL BY THE TERMINATION DATE OF THE EXTENDED TERM.

NOW, THEREFORE, BE IT RESOLVED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THAT EFFECTIVE AS OF THIS DATE SEPTEMBER 19, 2019, CONTINGENT ONLY UPON DCED'S APPROVAL OF THE APPLICATION FOR THE PROPOSED TERM OF THE EXTENDED PARCEL OF THE EXISTING KOEZ OR KOIZ: THE TERM OF THE EXTENDED PARCEL IS EXTENDED FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF OCCUPANCY OF THE EXTENDED PARCEL OR EXPIRATION OF THE KOEZ/KOIZ, WHICHEVER OCCURS FIRST AS DETERMINED BY THE DEPARTMENT.

THE FOLLOWING PROVISIONS SHALL APPLY TO THE EXTENDED TERM ONCE THE EXTENDED PARCEL IS OCCUPIED:

1. REAL PROPERTY TAX ON THE EXTENDED PARCEL IS 100% EXEMPT, SUCH EXEMPTION TO TERMINATE (INSERT TERMINATION DATE).
2. THE FOLLOWING SHALL BE EXEMPT, IN ACCORDANCE WITH THE PROVISIONS AND LIMITATIONS SET FORTH WITHIN THE ACT, RELATIVE TO THE EXTENDED PARCEL:
 - A. BUSINESS GROSS RECEIPTS TAX FOR OPERATIONS CONDUCTED BY A QUALIFIED BUSINESS WITHIN THE EXTENDED PARCEL.
 - B. BUSINESS PRIVILEGE TAX.
 - C. TAX ON THE EARNED INCOME RECEIVED BY A RESIDENT OF THE EXTENDED PARCEL.
 - D. TAX ON THE NET PROFITS OF A QUALIFIED BUSINESS ATTRIBUTABLE TO BUSINESS ACTIVITY CONDUCTED WITHIN THE EXPANSION ZONE
 - E. MERCANTILE LICENSE TAX ATTRIBUTABLE TO BUSINESS ACTIVITY BY A QUALIFIED BUSINESS CONDUCTED WITHIN THE EXTENDED PARCEL.
 - F. TAX ON OCCUPANCY OR USE WITHIN THE EXTENDED PARCEL
 - G. SALES AND USE TAX (FOR PURCHASES USED AND CONSUMED BY A QUALIFIED BUSINESS WITHIN THE EXTENDED PARCEL)

BENEFITS TO BEGIN ON JANUARY 1, 2020 AND TO END ON DECEMBER 31, 2029

3. THE PROVISIONS OF THE ACT NOT HEREIN ENUMERATED, SHALL, NEVERTHELESS, BE INCORPORATED AS PART OF THIS ORDINANCE BY REFERENCE.
4. THIS RESOLUTION SHALL BE EFFECTIVE UPON EXECUTION, CONDITIONED UPON THE APPROVAL OF DCED OF THE APPLICATION.

RESOLVED AND ENACTED BY THE BOARD OF COMMISSIONERS OF CARBON COUNTY, PENNSYLVANIA, THIS 19TH DAY OF SEPTEMBER, 2019.

BOARD OF COMMISSIONERS OF THE COUNTY OF CARBON

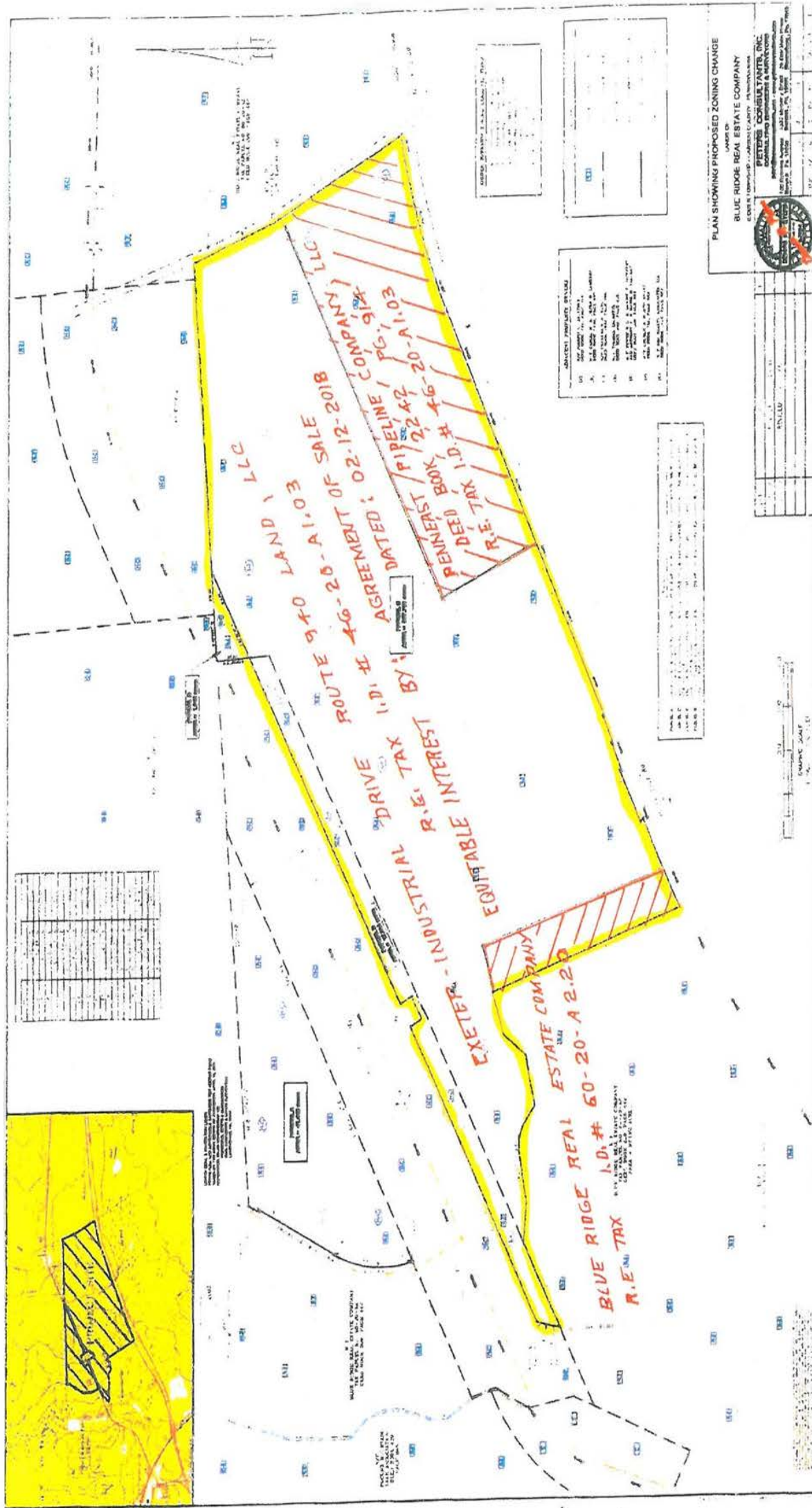
/S/ WAYNE E. NOTHSTEIN, CHAIRMAN

/S/ TOM J. GERHARD, VICE-CHAIRMAN

/S/ WILLIAM J. O'GUREK, MEMBER

ATTEST:

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



SEPTEMBER 19, 2019

BOUNDARY DESCRIPTION
PROPOSED L-I AREA-REVISED
SOUTH SIDE OF S.R. 940
BLUE RIDGE REAL ESTATE
KIDDER TOWNSHIP, CARBON COUNTY
OCTOBER 31, 2008

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE IN THE TOWNSHIP OF KIDDER, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF KRESGE LANE (T-521); SAID POINT BEING THE NORTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED; THENCE THROUGH LANDS NOW OR FORMERLY OF BLUE RIDGE REAL ESTATE COMPANY, N 62° 05' 09" E 2,252.48 FEET TO A POINT, THENCE ALONG LANDS NOW OR FORMERLY OF GEORGE & JUDITH AHART, S 27° 54' 51" E 107.05 FEET TO A POINT; THENCE ALONG THE SAME, N 62° 05' 09" E 175.21 FEET TO A POINT; THENCE ALONG THE SAME, N 27° 54' 51" W 107.05 FEET TO A POINT; THENCE THROUGH LANDS NOW OR FORMERLY OF BLUE RIDGE REAL ESTATE COMPANY, N 62° 05' 09" E 3,371.20 FEET TO A POINT; THENCE ALONG LANDS NOW OR FORMERLY OF OSCAR DOTTER, AND THOUGH LANDS NOW OR FORMERLY OF BLUE RIDGE REAL ESTATE COMPANY, N 85° 53' 47" E 2,094.07 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE BUCKEYE PIPELINE COMPANY RIGHT OF WAY; THENCE THROUGH LANDS NOW OR FORMERLY OF BLUE RIDGE REAL ESTATE COMPANY AND ALONG THE WESTERLY RIGHT OF WAY LINE OF THE BUCKEYE PIPELINE COMPANY, S 21° 38' 43" E 757.29 FEET TO A POINT; THENCE ALONG THE SAME, S 29° 06' 03" E 1,181.04 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 80 WESTBOUND; THENCE ALONG THE SAME THE FOLLOWING 11 COURSES:

1. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4,683.75 FEET, A DELTA ANGLE OF 15° 57' 54", AND AN ARE LENGTH OF 1305.09 FEET TO A POINT;
2. S 64° 30' 09" W 3,058.23 FEET TO A POINT;
3. N 25° 29' 51" W 10.00 FEET TO A POINT;
4. S 64° 30' 09" W 200.00 FEET TO A POINT;
5. N 25° 29' 51" W 10.00 FEET TO A POINT;
6. S 64° 30' 09" W 200.00 FEET TO A POINT;
7. N 25° 29' 51" W 15.00 FEET TO A POINT;
8. S 64° 30' 09" W 375.00 FEET TO A POINT;
9. S 25° 29' 51" E 35.00 FEET TO A POINT;
10. S 64° 30' 09" W 168.15 FEET TO A POINT;
11. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 7,739.49 FEET, A DELTA ANGLE OF 03° 46' 13", AND AN ARE LENGTH OF 509.30 FEET TO A POINT;

THENCE THROUGH LANDS NOW OR FORMERLY OF BLUE RIDGE REAL ESTATE COMPANY THE FOLLOWING 11 COURSES:

1. N 19° 11' 53" W 1,676.71 FEET TO A POINT;
2. S 73° 00' 42" W 300.03 FEET TO A POINT;
3. S 36° 22' 22" W 235.78 FEET TO A POINT;
4. S 79° 35' 49" W 99.14 FEET TO A POINT;
5. S 77° 10' 14" W 247.49 FEET TO A POINT;
6. N 53° 19' 32" W 171.79 FEET TO A POINT;
7. N 69° 09' 01" W 87.32 FEET TO A POINT;
8. N 89° 59' 17" W 90.31 FEET TO A POINT;
9. S 79° 44' 05" W 341.34 FEET TO A POINT;
10. N 84° 38' 30" W 269.63 FEET TO A POINT;
11. S 62° 05' 09" W 640.94 FEET TO A POINT;

THENCE ALONG THE EASTERLY RIGHT OF WAY LINE KRESGE LAND (T-321) THE FOLLOWING 3 COURSES:

1. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 877.11 FEET, A DELTA ANGLE OF 06° 18' 31", AND AN ARC LENGTH OF 96.58 FEET TO A POINT;
2. N 10° 45' 50" E 27.82 FEET TO A POINT;

3. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 494.65 FEET, A DELTA ANGLE OF 07° 49' 44",
AND AN ARC LENGTH OF 67.59 FEET TO A POINT; THE PLACE OF BEGINNING.

CONTAINING 325.073 ACRES OF LAND.

AS SHOWN AS PARCEL B AND PARCEL C ON THE PLAN SHOWING PROPOSED ZONING CHANGE, PREPARED BY
PETERS CONSULTANTS, INC. 100 ROBBINS AVENUE, BERWICK, PA 18603, LAST REVISIONS DATE 10/31/08.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

LEASE CANCELLATION:

#19-436 MARZEN HARDWARE:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE SOLICITOR TO PROCEED
WITH NOTICE OF CANCELLATION OF LEASE AGREEMENT WITH MARZEN HARDWARE, INCORPORATED
FOR GARAGE RENTAL, FIRST FLOOR OF 314-316 SCHOOL STREET, JIM THORPE, PENNSYLVANIA, EFFECTIVE
OCTOBER 21, 2019. (LEASE APPROVED 3/22/18, AGENDA #18-144)

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

PACKERTON PROPERTY:

#19-437 AGREEMENT/LEHIGHTON BOROUGH:

THE SOLICITOR PRESENTED AN AGREEMENT BETWEEN THE COUNTY AND THE BOROUGH OF
LEHIGHTON TO CONVEY APPROXIMATELY TWENTY-THREE (23) ACRES OF THE PACKERTON PROPERTY
LOCATED IN LEHIGHTON BOROUGH TO THE BOROUGH TO ESTABLISH A RECREATIONAL AREA.

SAID AGREEMENT WILL ALLOW THE BOROUGH TO MOVE FORWARD WITH THE REQUIRED SURVEY,
RIGHT OF WAY AND EASEMENT DEVELOPMENT IN PREPARATION FOR THE BOROUGH'S SUBMISSION OF A
SUBDIVISION PLAN.

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

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

PARKS/RECREATION:

JOSIAH WHITE/AGREEMENT:

#19-438 AMENDMENT/DATE CHANGE:

A REQUEST WAS RECEIVED REGARDING A DATE CHANGE ON THE FOLLOWING SPECIAL ACTIVITIES
AGREEMENT FOR USE OF THE JOSIAH WHITE PARK, ALONG WITH REQUEST FOR GAZEBO:

NEW ENGLAND VALLEY MENNONITE CHURCH, TAMAQUA, PA
STREET MEETING (A CAPPELLA SINGING & BIBLE TEACHING)
FROM SEPTEMBER 28, 2019 (APPROVED 5/16/19) TO SEPTEMBER 22, 2019

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AMEND THE AGREEMENT WITH NEW
ENGLAND VALLEY MENNONITE CHURCH CHANGING THE LAST DATE TO SEPTEMBER 22ND.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

#19-439 GAZEBO REQUEST:

A REQUEST FOR USE OF THE GAZEBO IN THE JOSIAH WHITE PARK WAS SUBMITTED FOR THE FOLLOWING:

JIM THORPE TOURISM AGENCY

JIM THORPE FOLIAGE FESTIVAL – OCTOBER 5, 6, 12, 13, 19, 20, 2019

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

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

MCLP/AGREEMENT:

#19-440 FALL FOLIAGE/PARKING:

A SPECIAL ACTIVITIES AGREEMENT FOR USE OF THE MAUCH CHUNK LAKE PARK WAS SUBMITTED FOR THE FOLLOWING:

JIM THORPE TOURISM AGENCY

JIM THORPE FALL FOLIAGE – 2019 PARKING & SHUTTLE SERVICE

OCTOBER 5, 6, 12, 13, 19, 20, 2019

FEE: \$1,000.00 TO BE PAID ON OR BEFORE OCTOBER 20, 2019

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE ACTIVITIES AGREEMENT AS LISTED.

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

SUSQUEHANNA STREET PROJECT:

#19-441 GENERAL RELEASE & SETTLEMENT:

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO APPROVE GENERAL RELEASES AND SETTLEMENTS WITH THE FOLLOWING CONTRACTORS RELATIVE TO THE FORMER SUSQUEHANNA STREET BUILDING PROJECT:

BRACY CONTRACTING:	\$ 4,284.50
D&M CONSTRUCTION UNLIMITED:	\$ 4,465.00
J&R SLAW, INCORPORATED:	\$ 35,778.75

BOARD POLLED:	O’GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

COMMISSIONERS’ REPORTS:

COMMISSIONER NOTHSTEIN INFORMED THAT A SHORT VIDEO REGARDING THE NEW VOTING EQUIPMENT WILL BE POSTED ON THE COUNTY’S WEBSITE.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

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