

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENEED THIS DATE AT 10:31 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, AND COURT ADMINISTRATOR ARMSTRONG 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 SEPTEMBER 22, 2016.

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 SEPTEMBER 29, 2016.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**SUPPLEMENTAL APPROPRIATIONS:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE THE SUPPLEMENTAL APPROPRIATION AS LISTED ON TRANSMITTAL DATED SEPTEMBER 29, 2016.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**EXPENDITURE APPROVAL:**

**GENERAL FUND CLEARING ACCOUNT:**

APPROVAL OF CHECK NUMBERS 125681 THROUGH 125804 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 887,468.67
RENTAL PROPERTY FUND	\$ 457.95
COUNTY PARKING FUND	\$ 1,448.59
AREA AGENCY ON AGING FUND	\$ 199,944.43
CHILDREN & YOUTH FUND	\$ 56,688.02
HUMAN SERVICE AGENCY FUND	\$ 2,539.15
DOMESTIC RELATIONS 4D FUND	\$ 14,377.47
WORKFORCE INVESTMENT ACT FUND	\$ 9,026.25
PARKS & RECREATION FUND	\$ 10,369.99
CARBON TRANSPORTATION SYSTEM FUND	\$ 290,112.00
9-1-1 FUND	\$ 20,976.97
HAZ-MAT RESPONSE FUND	\$ 164.97
FARMLAND PRESERVATION FUND	\$ 36,472.50
CENTRALIZED BOOKING FUND	\$ 14.15
VICTIM/WITNESS FUND	\$ 102.95
FRINGE BENEFIT PAYMENT FUND	\$ <u>1,212.56</u>
TOTAL:	\$ 1,531,376.62

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 PENTELEDATA, HE ABSTAINED.

**TREASURER'S REPORT:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT DATED SEPTEMBER 23, 2016, REPORTING BALANCES AS FOLLOWS:

**BALANCES AS OF SEPTEMBER 23, 2016:**

GENERAL FUND CHECKING ACCOUNT	\$ 1,332.44
PAYROLL CHECKING ACCOUNT	\$ 36,991.79
GENERAL FUND SP NOW	\$ 14,787,350.95
OPERATING RESERVE	\$ 934,108.42
RENTAL PROPERTY	\$ 192,462.60
PARKING FUND	\$ 686,884.38

LIQUID FUELS	\$ 408,534.16
AREA AGENCY ON AGING	\$ 466,110.30
CHILDREN & YOUTH	\$ 1,344,484.41
HUMAN SERVICES AGENCY	\$ 21,530.96
DOMESTIC RELATIONS	\$ 148,506.94
WORKFORCE INVESTMENT ACT	\$ 20,073.00
PARKS & RECREATION FUND	\$ 216,592.31
CARBON TRANSPORTATION	\$ 290,207.18
911 FUND	\$ 1,322,814.28
HAZMAT FUND	\$ 114,374.15
OFFENDER SUPERVISION	\$ 469,454.04
ADULT ELECTRONIC MONITORING	\$ 178,605.74
FARMLAND PRESERVATION	\$ 137,982.91
HUMAN SERVICES DEVELOPMENT	\$ 12,509.30
HOMELESS GRANT	\$ 6,842.37
CENTRALIZED BOOKING	\$ 80,764.93
VICTIM WITNESS	\$ 4,218.41
RECORDER OF DEEDS	\$ 32,668.89
RECORDS IMPROVEMENTS	\$ 11,311.52
JUVENILE SUPERVISION FEE	\$ 26,436.02
COMMUNITY SERVICE FEE	\$ 12,633.59
PROTHONOTARY AUTOMATION	\$ 36,145.88
AFFORDABLE HOUSING	\$ 316,462.58
CLERK OF COURTS	\$ 2,486.06
REGISTER OF WILLS	\$ 11,760.91
JUVENILE ELECTRONIC MONITORING	\$ 4,733.78
VITAL STATISTICS	\$ 47,496.72
SUBSTANCE ABUSE EDUCATION FUND	\$ 103,369.62
LIQUID FUELS/ACT 44 FUND	\$ 206,177.24
ACT 13 BRIDGE IMPROVEMENT FUND	\$ 337,725.51
VICTIMS SERVICE FUND	\$ 49,459.25
HOTEL EXCISE TAX FUND	\$ 37,643.89
CDBG FUND	\$ 28.33
DEBT SERVICE	\$ 2,043,279.84
CAPITAL PROJECTS	\$ 887,523.19
FRINGE BENEFITS	\$ 590,253.93
TAX CLAIM	\$ 416,563.71

BOARD POLLED: O'GUREK YES  
 GERHARD YES  
 NOTHSTEIN YES

**PERSONNEL REPORT:**

**HIRE:**

**JENNIFER A. BOGER, JIM THORPE, PA – TEMPORARY CLERK, ARCHIVES – EFFECTIVE OCTOBER 3, 2016.**

**SEMINAR/TRAINING REQUESTS:**

**AREA AGENCY ON AGING**

**RENEE SCHOCH**

**LORI NOTHSTEIN**

**OMBUDSMANAGER PREREQUISITE WEBINAR**

**PALMERTON, PA**

**RENEE SCHOCH**

**LORI NOTHSTEIN**

LONG-TERM CARE OMBUDSMAN – OMBUDSMANAGER TRAINING (FY 16-17)

HARRISBURG, PA

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

**PUBLIC DEFENDER**

**GREGORY L. MOUSSEAU**

GUN LAW IN PENNSYLVANIA

SCRANTON, PA

COST: CONFERENCE FEE \$349

**WORKFORCE INVESTMENT ACT**

**JOSEPH SEBELIN**

2016 WORKFORCE DEVELOPMENT BOARD SYMPOSIUM

STATE COLLEGE, PA

COST: CONFERENCE FEE \$275, LODGING, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

**COURT SEMINAR/TRAINING REQUEST ACKNOWLEDGEMENT:**

**JUVENILE COURT**

**KIMMY MULIK**

**CRYSTAL SMITH**

**JOSEPH GRECEO**

2016 JAMES E. ANDERSON PENNSYLVANIA CONFERENCE ON JUVENILE JUSTICE: EMERGING ISSUES IN JUVENILE JUSTICE

HARRISBURG, PA

COST: CONFERENCE FEE \$300 (J. GRECO ONLY; OTHERS ARE FREE), LODGING (J. GRECO ONLY; OTHERS ARE FREE), MEALS

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PERSONNEL REPORT DATED SEPTEMBER 29, 2016.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

**CORRESPONDENCE:**

A NOTICE WAS RECEIVED FROM THE DELAWARE RIVER BASIN COMMISSION LISTING PROJECT APPLICATIONS RECEIVED, INCLUDING VOGAL FARM AND BROAD MOUNTAIN SPRING WATER COMPANIES, PACKER TOWNSHIP FOR RENEWAL OF AN EXISTING GROUND WATER WITHDRAWAL.

A COMMUNICATION WAS RECEIVED FROM THE FEDERAL COMMUNICATIONS COMMISSION REGARDING SECTION 106 FILING BY FULLERTON ENGINEERING CONSULTANTS FOR A NEW TOWER SUBMISSION PACKET FOR STONEY MOUNTAIN TOWER, EAST OLD STAGE ROAD, ALBRIGHTSVILLE, PA

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

HAZLETON SHAFT CORPORATION, HAZLETON, PA

WAIVER GRANTED REGARDING PERMIT REQUIREMENT

COAL EXPLORATION – DRILLING ONLY, INTENT TO EXPLORE NOTICE #13161101

BANKS TOWNSHIP

KOVATCH MOBILE EQUIPMENT CORPORATION (KME), NESQUEHONING, PA

PLAN APPROVAL APPLICATION TO CONSTRUCT, MODIFY, OR REACTIVATE AN

AIR CONTAMINATION SOURCE AND/OR AIR CLEANING DEVICE (30-DAY COMMENT PERIOD)  
PANTHER CREEK POWER OPERATING, LLC, NESQUEHONING, PA  
NOTIFICATION BY OES LLC OF INTENT TO APPLY FOR PLANTWIDE APPLICABILITY LIMIT (PAL)

AN INVITATION WAS RECEIVED FROM THE PENNSYLVANIA TURNPIKE COMMISSION TO ATTEND A PUBLIC OFFICIALS MEETING REGARDING THE HAWK FALLS BRIDGE REPLACEMENT PROJECT, NORTHEAST EXTENSION, MILEPOST A-88.59, PENN FOREST AND KIDDER TOWNSHIPS, TO BE HELD OCTOBER 6, 2016 AT 6 PM AT THE KIDDER TOWNSHIP BUILDING.

A LETTER WAS RECEIVED FROM JOAN ELLIOTT, TOWAMENSING TRAILS PROPERTY OWNERS ASSOCIATION, ENCLOSING A COPY OF A LETTER SENT BY HER TO THE MEMBERS OF THE PENN FOREST TOWNSHIP ZONING BOARD REGARDING THE WIND TURBINE APPLICATION.

A COPY OF CORRESPONDENCE SENT TO THE FEDERAL ENERGY REGULATORY COMMISSION PROVIDING ADDITIONAL COMMENT ON VARIOUS TECHNICAL DETAILS OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) OF THE PROPOSED PENNEAST PIPELINE PROVIDED BY THE EXPERTISE OF THE US GEOLOGICAL SURVEY, AS WELL AS POTENTIAL IMPACTS TO THE USGS WATER QUALITY AND QUANTITY MONITORING ACTIVITIES WAS RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR.

**ADVERTISING REQUESTS:**

**#16-365 CDBG/MODIFICATION:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY ADVERTISEMENT OF A PUBLIC NOTICE REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM MODIFICATION FOR MAHONING TOWNSHIP, FY2015 AS FOLLOWS:

\$68,943.00 - FROM STREET IMPROVEMENTS CENTER ROAD  
(MAHONING STREET TO MAPLE DRIVE)  
TO STREET IMPROVEMENTS – REX ROAD BRIDGE RECONSTRUCTION

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**COURTS/CJAB:**

**#16-366 VETERANS COURT/AGREEMENT:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO RATIFY THE EXECUTION OF PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY (PCCD) SUBGRANT AWARD #2015-GO-ST-26892, IN THE AMOUNT OF \$100,000, FOR A ONE-YEAR MATCH FREE GRANT TO ESTABLISH A VETERANS COURT IN CARBON COUNTY TO DIVERT ELIGIBLE INDIVIDUALS FROM INCARCERATION AND INTO APPROPRIATE TREATMENT PROGRAMS.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**HUMAN SERVICES:**

**#16-367 STATE FOOD/DISTRIBUTION:**

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE STATE FOOD PURCHASE PROGRAM FIRST QUARTER DISTRIBUTION REPORT FOR FY 2016/2017 AS SUBMITTED BY SHEPHERD HOUSE, INCORPORATED.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**SOLICITOR'S REPORT:**

**EMERGENCY OPERATIONS & TRAINING CENTER PROJECT:**

**#16-368 DELTA DEVELOPMENT/AMENDMENT #3:**

THE THIRD AMENDMENT TO THE ORIGINAL AGREEMENT DATED FEBRUARY 19, 2015, WITH DELTA DEVELOPMENT GROUP, INCORPORATED OF MECHANICSBURG, PENNSYLVANIA, FOR PROFESSIONAL SERVICES RELATING TO THE FIRE AND EMERGENCY SERVICES TRAINING FACILITY PROJECT WAS SUBMITTED FOR BOARD ACTION.

THE AMENDMENT EXTENDS SAID AGREEMENT AND PRIOR AMENDMENT FOR AN ADDITIONAL SIX (6) MONTHS, SEPTEMBER 9, 2016 THROUGH MARCH 9, 2017, AND MODIFIES SECTION 4 CHANGING THE RATE FROM \$5,000/MONTH TO \$3,500/MONTH; ALL OTHER TERMS SHALL REMAIN THE SAME.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE AND AUTHORIZE EXECUTION OF THE THIRD AMENDMENT TO THE AGREEMENT WITH DELTA DEVELOPMENT.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**#16-369 LSA RESOLUTION:**

THE SOLICITOR PRESENTED A RESOLUTION REGARDING APPLICATION FOR A LOCAL SHARE ACCOUNT (LSA) IN THE AMOUNT OF \$750,000 TO BE USED FOR THE DEVELOPMENT AND CONSTRUCTION OF A NEW CARBON COUNTY EMERGENCY OPERATIONS AND TRAINING CENTER IN THE BOROUGH OF NESQUEHONING.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE EXECUTION AND FILING OF THE GRANT APPLICATION AND ADOPT THE RESOLUTION AS FOLLOWS:

**RESOLUTION #16-033**  
**LOCAL SHARE ACCOUNT (LSA)**

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

**BE IT FURTHER RESOLVED,** THE APPLICANT DOES HEREBY DESIGNATE WAYNE E. NOTHSTEIN, CHAIRMAN OF THE BOARD OF COMMISSIONERS, 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 REQUEST 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 29<sup>TH</sup> DAY OF SEPTEMBER, 2016, 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 29<sup>TH</sup> DAY OF SEPTEMBER, 2016.

COUNTY OF CARBON 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: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

LEGAL SERVICES:

**#16-370 K&L GATES:**

A PROPOSAL WAS RECEIVED FROM K&L GATES LLP OF HARRISBURG, PENNSYLVANIA, FOR PROFESSIONAL LEGAL SERVICES IN RELATION TO A RECENT EMINENT DOMAIN FILING BY THE READING & NORTHERN RAILROAD FOR APPROXIMATELY .85 ACRES OF PROPERTY OWNED BY THE COUNTY IN CONNECTION WITH THE ADDITIONAL BRIDGE UPRIVER THAT IS ANTICIPATED BY READING & NORTHERN.

FEES FOR SERVICES ARE \$550.00 PER HOUR FOR ATTORNEY BOWMAN; \$300.00 PER HOUR FOR ATTORNEY DECESAR, PLUS EXPENSES.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PROPOSAL FROM K&L GATES LLP.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

**#16-371 NOSSAMAN LLP:**

A PROPOSAL WAS RECEIVED FROM NOSSAMAN, LLP, OF WASHINGTON, DC, FOR CONTINUED PROFESSIONAL LEGAL SERVICES REPRESENTING THE COUNTY ON EVALUATING ISSUES WITH THE AGREEMENTS WITH THE RAILROAD AND MATTERS INVOLVING THE RAILROAD.

THE ESTIMATED FEES FOR ATTORNEY FISHMAN (PREVIOUSLY WITH K & L GATES) FOR SERVICES ARE BROKEN DOWN INTO THREE (3) PHASES AS FOLLOWS, PLUS EXPENSES:

- PHASE I \$ 5,000 – EMINENT DOMAIN ACTION
- PHASE II \$25,000 – CONTINUED WORK ON EVALUATION AND RECOMMENDATIONS ON EXISTING AGREEMENTS
- PHASE III \$20,000 TO \$70,000 (IF NECESSARY) – ADVICE AND CONSENT ON ANY FUTURE DISPOSITION OF THE RAILROAD

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PROPOSAL FROM NOSSAMAN, LLP.

BOARD POLLED: O'GUREK YES  
GERHARD YES  
NOTHSTEIN YES

FURTHER BUSINESS:

VETERANS INFORMATION:

THE CHAIRMAN PROVIDED INFORMATION RECEIVED FROM THE COUNTY VETERANS AFFAIRS DIRECTOR FOR VETERANS THAT SERVED IN THE PERSIAN GULF IN THE YEARS 1990 TO 1991 REGARDING FORMS THAT MUST BE SUBMITTED AND BOOKLETS ON INFORMATION AND BENEFITS FOR THEM AND ALSO

THOSE VETERANS WHO SERVED IN KUWAIT.

**COMMISSIONERS' REPORTS:**

THE COMMISSIONERS COMMENTED ON THE BENEFITS MADE AVAILABLE TO VETERANS, AND COMMENDED CARBON COUNTY'S VETERANS DIRECTOR HENRY DESROSIERS AND HIS ASSISTANT FOR THE GREAT WORK THEY DO FOR CARBON COUNTY VETERANS, NOTING THAT CARBON COUNTY VETERANS ARE RECEIVING MUCH MORE MONEY COLLECTIVELY THAN THEY ARE IN MOST OF THE OTHER COUNTIES.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 10:45 A.M.

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ELOISE K. AHNER,  
CHIEF CLERK/COUNTY ADMINISTRATOR

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WAYNE E. NOTHSTEIN, CHAIRMAN