

NOVEMBER 14, 2019

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENE
D THIS DATE AT 10:30 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, AND EXECUTIVE SECRETARY MARIANNE BUTRIE.

THE COUNTY CONTROLLER, COUNTY TREASURER, COUNTY PROTHONOTARY, 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 NOVEMBER 7, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

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

JERRY STRUBINGER, JIM THORPE, PA

RE: SOLAR ENERGY ON COUNTY LAND;
STATUS OF ELECTION CANVASSING

FRANK TAMBOREE, EAST PENN TOWNSHIP

RE: LEGALITY OF DECISION TO CONDUCT
BALLOT HAND COUNT; CANDIDATES
NOTIFICATION OF RECOUNT

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 TRANSMITTAL DATED NOVEMBER 14, 2019.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SUPPLEMENTAL APPROPRIATIONS:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE THE SUPPLEMENTAL APPROPRIATIONS AS LISTED ON TRANSMITTALS DATED NOVEMBER 14, 2019.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

EXPENDITURE APPROVAL:

PAYROLL FUND CHECKING ACCOUNT:

APPROVAL OF PAYROLL CHECK NUMBERS 71889 THROUGH 71930 AND DIRECT DEPOSIT CHECK NUMBERS 6014068 THROUGH 6014478 FOR THE PAYROLL PAID THROUGH THE PAYROLL FUND CHECKING ACCOUNT FOR ALL COUNTY FUNDS TOTALING \$557,408.88 (PAYROLL DATED NOVEMBER 8, 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 209581 THROUGH 209785 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 107,394.94
RENTAL PROPERTY FUND	\$ 1,266.17
COUNTY PARKING FUND	\$ 1,633.07
LIQUID FUELS FUND	\$ 103.63
AREA AGENCY ON AGING FUND	\$ 8,301.38
CHILDREN & YOUTH FUND	\$ 112,329.87
HUMAN SERVICE AGENCY FUND	\$ 38.27
DOMESTIC RELATIONS FUND	\$ 2,978.96
WORKFORCE INVESTMENT ACT FUND	\$ 419.05
PARKS & RECREATION FUND	\$ 548.71
9-1-1 FUND	\$ 5,524.94
HAZ-MAT RESPONSE FUND	\$ 18.88
CENTRALIZED BOOKING FUND	\$ 81.83
VICTIM/WITNESS FUND	\$ 93.18
AFFORDABLE HOUSING FUND	\$ 9.55
CDBG FUND	\$ 82.42
DEBT SERVICE FUND	\$ 746,067.84
CAPITAL PROJECTS FUND	\$ 5,762.83
TAX CLAIM FUND	\$ <u>125,125.68</u>
TOTAL:	\$ 1,117,781.20

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 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

11/14/2019

TREASURER'S REPORT:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE TREASURER'S REPORT DATED NOVEMBER 1, 2019 TO NOVEMBER 8, 2019 REPORTING BALANCES AS FOLLOWS:

BALANCES AS OF NOVEMBER 8, 2019:

NOVEMBER 14, 2019

GENERAL FUND CHECKING ACCOUNT	\$ 12,397.41
GENERAL FUND SP NOW	\$ 9,749,990.81
OPERATING RESERVE FUND	\$ 976,046.61
RENTAL PROPERTY FUND	\$ 191,157.93
COUNTY PARKING FUND	\$ 1,230,443.26
LIQUID FUELS TAX FUND	\$ 537,996.03
AREA AGENCY ON AGING FUND	\$ 218,601.45
CHILDREN & YOUTH FUND	\$ 697,779.80
HUMAN SERVICE AGENCY FUND	\$ 21,592.98
DOMESTIC RELATION IV-D FUND	\$ 171,764.98
WORKFORCE INVESTMENT ACT	\$ 14,037.80
PARKS & RECREATION FUND	\$ 172,360.74
CARBON TRANSPORTATION SYSTEM FUND	\$ 353,172.45
9-1-1 FUND	\$ 831,264.91
HAZMAT RESPONSE FUND	\$ 151,810.91
OFFENDER SUPERVISION FUND	\$ 407,258.62
ADULT ELECTRONIC MONITORING FUND	\$ 207,117.97
FARMLAND PRESERVATION FUND	\$ 64,498.48
HUMAN SERVICE DEVELOPMENT FUND	\$ 24,655.60
HOMELESS GRANT FUND	\$ 13,506.80
CENTRALIZED BOOKING FUND	\$ 153,895.68
VICTIM/WITNESS FUND	\$ 6,422.86
RECORDER OF DEEDS IMPROVEMENT FUND	\$ 41,028.64
COUNTY RECORDS IMPROVEMENTS FUND	\$ 14,134.81
JUVENILE SUPERVISION FEE FUND	\$ 40,979.63
COMMUNITY SERVICE FEE FUND	\$ 9,350.30
PROTHONOTARY AUTOMATION FUND	\$ 92,112.06
AFFORDABLE HOUSING FUND	\$ 273,425.51
CLERK OF COURTS AUTOMATION FUND	\$ 4,354.82
REGISTER OF WILLS AUTOMATION FUND	\$ 13,477.80
JUVENILE ELECTRONIC MONITORING FUND	\$ 6,239.61
VITAL STATS IMPROVEMENT FUND	\$ 41,031.61
SUBSTANCE ABUSE EDUCATION	\$ 154,597.70
LIQUID FUELS/ACT 44	\$ 487,614.54
HIGHWAY BRIDGE IMPROVEMENT ACT 13	\$ 646,093.72
VICTIMS SERVICES FUND	\$ 60,829.14
HOTEL ROOM EXCISE TAX FUND	\$ 285,437.60
CDBG FUND	\$ 112.85
DEBT SERVICE FUND	\$ 1,201,638.15
CAPITAL PROJECTS FUND	\$ 16,332,214.78
FRINGE BENEFIT PAYMENT FUND	\$ 575,237.02
PAYROLL FUND	\$ 157,652.30
TAX CLAIM FUND	\$ 886,938.45

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

PERSONNEL REPORT:

RESIGNATION:

DAVID A. SLINGER, LEHIGHTON, PA - AGING CARE MANAGER III, AREA AGENCY ON AGING - EFFECTIVE NOVEMBER 15, 2019.

COURT APPOINTMENT:

NICOLE L. DROB, WEATHERLY, PA - DISTRICT JUSTICE SECRETARY I - EFFECTIVE NOVEMBER 25, 2019.

LEAVES OF ABSENCE:

DISTRICT ATTORNEY

CHRISTOPHER T. RITTER, JIM THORPE, PA

COUNTY DETECTIVE

FROM: DECEMBER 6, 2019

TO: MARCH 5, 2020

SHERIFF

MICHAEL P. MAHER, SR., LEHIGHTON, PA

PART-TIME SECURITY OFFICER

FROM: OCTOBER 28, 2019

TO: JANUARY 31, 2020

SEMINAR/TRAINING REQUESTS:

AREA AGENCY ON AGING

SUSAN E. ZEIGLER

PDA QUARTERLY REVIEW MEETING & P4A MEMBERSHIP MEETING

HERSHEY, PA

COST: CONFERENCE FEE \$110, LODGING, MEALS, MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

EMERGENCY MANAGEMENT AGENCY

MARK S. NALESNIK

STORM READY PA DAY

HARRISBURG, PA

PUBLIC DEFENDER

MATTHEW J. MOTTOLA

2019 CAPITAL AND HOMICIDE SEMINAR: GETTING THE STORY STRAIGHT

KING OF PRUSSIA, PA

COST: CONFERENCE FEE \$325, MILEAGE (IF COUNTY VEHICLE UNAVAILABLE)

VETERANS AFFAIRS

CHRISTINE M. LECLAIR

ROUNDTABLE DISCUSSION ON VETERANS SUICIDE

SCHNECKSVILLE, PA

COST: MILEAGE (IF COUNTY VEHICLE IS UNAVAILABLE)

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ACCEPT THE PERSONNEL REPORT DATED NOVEMBER 14, 2019.

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

CORRESPONDENCE:

MINUTES RECEIVED: OCTOBER 11, 2019 MEETING OF THE CARBON COUNTY PARKS AND RECREATION COMMISSION.

NOVEMBER 14, 2019

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

ADVERTISING REQUESTS:

#19-502 BUDGET/2020:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE NECESSARY ADVERTISEMENTS RELATIVE TO THE 2020 CARBON COUNTY BUDGET.

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 NEW WHERE THE ADVERTISEMENT WILL BE PUBLISHED."

#19-503 COMMISSIONERS:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE NECESSARY ADVERTISEMENT RELATIVE TO THE BOARD OF COMMISSIONERS ATTENDANCE AT THE DECEMBER 2ND MEETING OF THE PENN FOREST TOWNSHIP SUPERVISORS REGARDING CARBON COUNTY BRIDGE 12 REPLACEMENT PROJECT.

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 NEW WHERE THE ADVERTISEMENT WILL BE PUBLISHED."

#19-504 2020 HOLIDAYS:

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO AUTHORIZE THE ADVERTISEMENT OF THE 2020 HOLIDAYS AS FOLLOWS:

JANUARY 1	NEW YEAR'S DAY
FEBRUARY 17	PRESIDENT'S DAY
APRIL 10	GOOD FRIDAY
MAY 25	MEMORIAL DAY
JULY 3	INDEPENDENCE DAY
SEPTEMBER 7	LABOR DAY
OCTOBER 12	COLUMBUS DAY
NOVEMBER 11	VETERANS DAY
NOVEMBER 26	THANKSGIVING HOLIDAY
NOVEMBER 27	THANKSGIVING HOLIDAY
DECEMBER 25	CHRISTMAS

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 NEW WHERE THE ADVERTISEMENT WILL BE PUBLISHED."

CHILDREN & YOUTH:

#19-505 AGREEMENT/FY 2018/19:

A FY 2018-19 PURCHASE OF SERVICE AGREEMENT WAS SUBMITTED FOR THE FOLLOWING PROVIDER:

THE BRADLEY CENTER, PITTSBURGH, PA

RESIDENTIAL \$350.00/PER DIEM

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

PLANNING & DEVELOPMENT:

#19-506 CDBG 2019 SINGLE APPLICATION:

THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SINGLE APPLICATION WAS SUBMITTED TO BE FILED WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION.

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

RECORDER OF DEEDS:

#19-507 OPTICAL STORAGE SOLUTIONS:

AGREEMENT BETWEEN THE COUNTY AND OPTICAL STORAGE SOLUTIONS, INCORPORATED, LEBANON, PENNSYLVANIA, FOR THE CARBON COUNTY RECORDER OF DEEDS OFFICE, EFFECTIVE JANUARY 1, 2020 TO DECEMBER 31, 2020, WAS SUBMITTED FOR THE FOLLOWING:

LANDEX SOFTWARE MAINTENANCE
 13 – LANDEX FULL LICENSES @ \$9,963.00 PER YEAR
 LANDEX HARDWARE MAINTENANCE/SUPPORT @ \$2,530.00 PER YEAR

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

BOARD POLLED:	O'GUREK	YES
	GERHARD	YES
	NOTHSTEIN	YES

SERVICE AGREEMENT:

#19-508 STENOGRAPH LLC/COURTS:

STENOGRAPH WRITER PROTECTION PLAN RENEWAL CONTRACT #MQ110531 (BASIC PROTECTION WITH LOANER) FOR THE DIAMANTE STENO MACHINE SERIAL #Z02167 BLUE ICE WRITER, COURTROOM #1, FOR THE TERM 12/10/19 TO 12/09/20, AT A COST OF \$389.00 (\$20.00 INCREASE) WAS SUBMITTED FOR BOARD ACTION.

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

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

PARKING LOT TRAIL PROJECT

#19-509 TA SET ASIDE GRANT:

THE TRANSPORTATION ALTERNATIVES SET ASIDE GRANT, #R19050005, BETWEEN THE COUNTY AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A PEDESTRIAN TRAVEL PATH TO CONNECT THE PEDESTRIAN BRIDGE TO THE DL TRAILHEAD LOCATED AT THE NORTH END OF THE PARKING LOT WAS SUBMITTED FOR APPROVAL.

THE GRANT IS IN THE AMOUNT OF \$403,986 (FEDERAL FUNDS – CONSTRUCTION ONLY) AND SHALL BECOME EFFECTIVE FROM THE DATE ASSIGNED BY THE COMMONWEALTH UPON EXECUTION.

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO APPROVE GRANT #R19050005.

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

MOTION BY MR. GERHARD, SECONDED BY MR. O'GUREK, TO ADOPT THE FOLLOWING RESOLUTION AND AUTHORIZE THE CHAIRMAN TO EXECUTE ELECTRONICALLY SAID GRANT AGREEMENT AND ANY SUPPLEMENTS THEREOF:

RESOLUTION #19-038

TA SET ASIDE GRANT

A RESOLUTION OF THE COUNTY OF CARBON AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF TRANSPORTATION ALTERNATIVES SET ASIDE FUNDS (TA SET ASIDE FUNDS).

WHEREAS, THE COUNTY OF CARBON HAS BEEN AWARDED TA SET ASIDE FUNDS UNDER THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION'S TA SET ASIDE PROGRAM FOR A PEDESTRIAN TRAVEL PATH TO CONNECT THE D & L TRAIL TO THE PEDESTRIAN BRIDGE SPANNING THE LENGTH OF THE CARBON COUNTY PARKING LOT.

NOW, THEREFORE, BE IT RESOLVED, THE COUNTY OF CARBON DOES HEREBY APPROVE THE ACCEPTANCE OF THE TA SET ASIDE FUNDING IN THE AMOUNT OF \$403,986.

BE IT FURTHER RESOLVED, THE CARBON COUNTY BOARD OF COMMISSIONERS DOES HEREBY AUTHORIZE THE CHAIRMAN TO SIGN AND THE CHIEF CLERK/COUNTY ADMINISTRATOR TO ATTEST, ON BEHALF OF THE COUNTY, FEDERAL AID REIMBURSEMENT AGREEMENT #R19050005 AND ANY SUPPLEMENTS BETWEEN THE COUNTY AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND HAVE SAME DELIVERED TO THE COMMONWEALTH OF PENNSYLVANIA.

ADOPTED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 14TH DAY OF NOVEMBER 2019.

CARBON COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

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

BOARD POLLED: O'GUREK YES
GERHARD YES
NOTHSTEIN YES

TAX CLAIM BUREAU:

#19-510 RESOLUTION/FEE INCREASE:

MOTION BY MR. GERHARD, SECONDED BY MR. O’GUREK, TO ADOPT THE FOLLOWING RESOLUTION AMENDING THE CARBON COUNTY TAX CLAIM BUREAU’S SCHEDULE OF COSTS TO REFLECT A CHARGE OF THREE HUNDRED DOLLARS (\$300.00) TO BE ASSESSED ON FEBRUARY 1ST OF EACH YEAR, AND THE ACTUAL COST OF THE TITLE SEARCHES TO BE ASSESSED ON NOVEMBER 1ST OF EACH YEAR (OR UPON SUCH OTHER DATE EACH YEAR AS MAY BE DEEMED NECESSARY FROM TIME TO TIME IN THE SOLE DISCRETION OF THE BUREAU):

RESOLUTION #19-039
FEE INCREASE

WHEREAS, PURSUANT TO THE PENNSYLVANIA REAL ESTATE TAX SALE LAW, 72 P.S. § 5860.101 ET SEQ., AS AMENDED (HEREINAFTER, “RETSL”), THE CARBON COUNTY TAX CLAIM BUREAU (HEREINAFTER, THE “BUREAU”) IS CHARGED WITH THE DUTY TO COLLECT DELINQUENT REAL ESTATE TAXES FOR REAL PROPERTY LOCATED IN THE COUNTY OF CARBON, COMMONWEALTH OF PENNSYLVANIA THROUGH THE JUDICIAL SALE PROCESS; AND

WHEREAS, SECTION 205 OF THE RETSL PROVIDES THAT MONEY RECEIVED ON ACCOUNT OF COSTS, FEES AND EXPENSES ADVANCED BY ANY TAXING DISTRICT SHALL BE REPAYED TO THE TAXING DISTRICT MAKING THE ADVANCE; AND

WHEREAS, THE BUREAU IS REQUIRED TO ADVANCE THE ACTUAL COSTS, FEES AND EXPENSES ASSOCIATED WITH EXPOSING DELINQUENT PROPERTIES TO JUDICIAL SALE, INCLUDING, BUT NOT LIMITED TO, ADVERTISING, THIRD-PARTY TITLE SEARCHES, SHERIFF’S SERVICES, POSTAGE AND PHOTOCOPYING; AND

WHEREAS, THE BUREAU’S SCHEDULE OF COSTS DOES NOT CURRENTLY REFLECT THE ACTUAL JUDICIAL SALE COSTS FEES AND EXPENSES WHICH ARE ADVANCED BY THE BUREAU; AND

WHEREAS, IT HAS BECOME NECESSARY FOR THE BUREAU TO UPDATE ITS SCHEDULE OF COSTS TO REIMBURSE THE BUREAU FOR THE ACTUAL COSTS ADVANCED IN EXPOSING DELINQUENT PROPERTIES TO JUDICIAL SALE; AND

WHEREAS, THE THIRD-PARTY TITLE SEARCH FEES ATTRIBUTABLE TO EACH PROPERTY TO BE EXPOSED TO THE JUDICIAL SALE PROCESS ARE VARIABLE EXTERNAL COSTS WHICH HAVE HISTORICALLY INCREASED ON AN ANNUAL BASIS; AND

WHEREAS, THE BUREAU’S ADVANCED COSTS, FEES AND EXPENSES IN ADDITION TO THE AFORESAID THIRD-PARTY TITLE SEARCH FEES WHICH ARE ATTRIBUTABLE TO EACH PROPERTY TO BE EXPOSED TO THE JUDICIAL SALE PROCESS TOTAL APPROXIMATELY THREE HUNDRED DOLLARS (\$300.00) PER PROPERTY.

NOW, THEREFORE, BE IT RESOLVED, THAT EFFECTIVE IMMEDIATELY, THE BUREAU’S SCHEDULE OF COSTS SHALL BE AMENDED TO REFLECT THE FOLLOWING CHARGES AGAINST EACH PROPERTY TO BE EXPOSED TO JUDICIAL SALE IN THE CALENDAR YEAR WHICH FOLLOWS:

1. THREE HUNDRED DOLLARS (\$300.00) TO BE ASSESSED ON FEBRUARY 1ST OF EACH YEAR, OR UPON SUCH OTHER DATE EACH YEAR AS MAY BE DEEMED NECESSARY FROM TIME TO TIME IN THE SOLE DISCRETION OF THE BUREAU; AND
2. THE ACTUAL COSTS OF THE TITLE SEARCHES TO BE ASSESSED ON NOVEMBER 1ST OF EACH YEAR, OR UPON SUCH OTHER DATE EACH YEAR AS MAY BE DEEMED NECESSARY FROM TIME TO TIME IN THE SOLE DISCRETION OF THE BUREAU.

CARBON COUNTY BOARD OF COMMISSIONERS

/S/ WAYNE E. NOTHSTEIN, CHAIRMAN
/S/ TOM J. GERHARD, VICE-CHAIRMAN
/S/ WILLIAM J. O’GUERK, COMMISSIONER

ATTEST:

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

BOARD POLLED: O’GUREK YES
GERHARD YES
NOTHSTEIN YES

NOVEMBER 14, 2019

COMMISSIONERS' REPORTS:

COMMISSIONER NOTHSTEIN STATED THAT THE WATER TANKER WILL BE MOVED TODAY AND THE ANIMAL SHELTER WILL BE UTILIZING WELL #2 FOR THEIR WATER SUPPLY. ISSUES WITH WELL #1 ARE BEING LOOKED INTO.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED AT 10:47 A.M.

ELOISE K. AHNER,
CHIEF CLERK/COUNTY ADMINISTRATOR

WAYNE E. NOTHSTEIN, CHAIRMAN