

DECEMBER 26, 2019

THE REGULAR WEEKLY MEETING OF THE CARBON COUNTY BOARD OF COMMISSIONERS CONVENED THIS DATE AT 10:30 A.M. IN THE COMMISSIONERS' MEETING ROOM, CARBON COUNTY ADMINISTRATION BUILDING, JIM THORPE, PENNSYLVANIA.

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

THE COUNTY TREASURER, COURT ADMINISTRATOR, CLERK OF COURTS, AND COMMISSIONER ELECT LUKASEVICH WERE ALSO PRESENT.

COMMISSIONER GERHARD WAS ABSENT.

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. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD DECEMBER 19, 2019.

BOARD POLLED:	O'GUREK	YES
	NOTHSTEIN	YES

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

THERE WERE NO GUESTS CONCERNING COUNTY BUSINESS.

CLERK OF COURTS:

CLERK OF COURTS FRANCINE HEANEY ADDRESSED THE BOARD ON THE PROGRESS MADE IN THE CLERK OF COURTS OFFICE SINCE SHE WAS APPOINTED IN OCTOBER 2018. WHEN APPOINTED THERE WAS A TWENTY-SEVEN MONTH BACK LOG; AS OF THIS DATE, THERE ARE TWELVE MONTHS LEFT. THE STAFF OF BOTH THE CLERK OF COURTS OFFICE AND BUREAU OF COLLECTIONS ARE NOW FULLY TRAINED. ALL BAIL MONEY THAT WAS MISSING HAS BEEN REPLACED AND ALL REFUNDS HAVE BEEN MADE.

MS. HEANEY THANKED EVERYONE FOR THEIR SUPPORT FOR THE PAST FOURTEEN (14) MONTHS, STATING SHE WAS PROUD TO SERVE THE PEOPLE OF CARBON COUNTY.

THE BOARD THANKED MS. HEANEY FOR THE AMAZING JOB SHE AND HER STAFF ACCOMPLISHED.

EXECUTIVE SESSIONS:

THE CHAIRMAN REPORTED THAT THERE WERE NO EXECUTIVE SESSIONS HELD.

DEPARTMENT REPORTS:

CHIEF CLERK/COUNTY ADMINISTRATOR:

BUDGET TRANSFERS:

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO APPROVE THE BUDGET TRANSFERS AS LISTED ON TRANSMITTALS DATED DECEMBER 26, 2019.

BOARD POLLED: O'GUREK YES
 NOTHSTEIN YES

SUPPLEMENTAL APPROPRIATIONS:

THERE WERE NO SUPPLEMENTAL APPROPRIATIONS.

EXPENDITURE APPROVAL:

PAYROLL FUND CHECKING ACCOUNT:

APPROVAL OF PAYROLL CHECK NUMBERS 72013 THROUGH 72053 AND DIRECT DEPOSIT CHECK NUMBERS 6015322 THROUGH 6015739 FOR THE PAYROLL PAID THROUGH THE PAYROLL FUND CHECKING ACCOUNT FOR ALL COUNTY FUNDS TOTALING \$562,274.69 (PAYROLL DATED DECEMBER 20, 2019).

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO RATIFY PAYMENT OF THE PAYROLL CHECKS AS LISTED ABOVE.

BOARD POLLED: O'GUREK YES
 NOTHSTEIN YES

GENERAL FUND CLEARING ACCOUNT:

APPROVAL OF CHECK NUMBERS 210517 THROUGH 210669 FOR EXPENDITURES THROUGH THE GENERAL FUND CLEARING ACCOUNT AS FOLLOWS:

GENERAL FUND	\$ 75,841.96
COUNTY PARKING FUND	\$ 2,400.00
AREA AGENCY ON AGING FUND	\$ 62,341.65
CHILDREN & YOUTH FUND	\$ 73,587.80
DOMESTIC RELATIONS FUND	\$ 373.37
PARKS & RECREATION FUND	\$ 159.93
CARBON TRANSPORTATION FUND	\$ 143,198.65
9-1-1 FUND	\$ 3,020.77
HAZ-MAT RESPONSE FUND	\$ 1,651.85
OFFENDER SUPERVISION FUND	\$ 96,728.00
CDBG FUND	\$ 166,131.51
CAPITAL PROJECTS FUND	\$ 15,013.50
TOTAL:	\$ 640,448.99

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO APPROVE PAYMENT OF THE CHECK NUMBERS AS LISTED ABOVE.

BOARD POLLED: O'GUREK YES*
 NOTHSTEIN YES

* MR. O'GUREK STATED, "I VOTE YES, ALTHOUGH I WOULD HAVE ABSTAINED FROM THE TIMES NEWS, BLUE RIDGE COMMUNICATIONS, AND PENTELEDATA DUE TO MY PART-TIME EMPLOYMENT, BUT ACCORDING TO THE ETHICS COMMISSION I AM ALLOWED TO VOTE ON THESE IN ORDER TO EFFECTUATE PAYMENT OF BILLS."

DECEMBER 26, 2019

TREASURER'S REPORT:

THERE WAS NO TREASURER'S REPORT.

PERSONNEL REPORT:

RESIGNATION:

TYRA L. BONI, LEHIGHTON, PA - FIRST DEPUTY, REGISTER OF WILLS - EFFECTIVE DECEMBER 20, 2019.

CHANGE OF STATUS:

FRANCINE A. HEANEY, NESQUEHONING, PA

FROM: CLERK OF COURTS

TO: GIS TECHNICIAN, GIS

EFFECTIVE: JANUARY 6, 2020

COURT APPOINTMENT:

THOMAS S. KUPRES III, MCADOO, PA - IT SPECIALIST, COURT COMPUTER - EFFECTIVE DECEMBER 30, 2019.

SHERIFF APPOINTMENT:

IAN O. ACHBERGER, ALLENTOWN, PA - SPECIAL DEPUTY SHERIFF TRAINEE - EFFECTIVE DECEMBER 30, 2019.

LEAVE OF ABSENCE EXTENSION:

CORRECTIONS

EDWARD B. HERRING JR., POTTSVILLE

SERGEANT

FROM: DECEMBER 31, 2019

TO: FEBRUARY 17, 2020

COURTS SEMINAR/TRAINING REQUEST ACKNOWLEDGEMENT:

DOMESTIC RELATIONS

BRIDGET M. JOHNSTON

2020 SPRING DIRECTORS MEETING

STATE COLLEGE, PA

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

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO ACCEPT THE PERSONNEL REPORT
DATED DECEMBER 26, 2019.

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

CORRESPONDENCE:

A COMMUNICATION WAS RECEIVED REGARDING THE FOLLOWING PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT APPLICATION:

AMPAL, INCORPORATED, PALMERTON, PA

AIR QUALITY PROGRAM STATE-ONLY OPERATING PERMIT #13-00013

NOTICE WAS RECEIVED FROM THE PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES INFORMING THAT CARBON COUNTY'S FY 2019-2020 HUMAN SERVICES PLAN HAS BEEN RECEIVED AND APPROVED.

A COPY OF CORRESPONDENCE SENT TO RAPID RESPONSE, INCORPORATED CONFIRMING THAT THEY HAVE BEEN RECERTIFIED AS A HAZARDOUS MATERIALS RESPONSE TEAM (HMRT) FOR A TERM OF FOUR YEARS REMAINING VALID UNTIL APRIL 30, 2024, UNLESS CANCELLED PURSUANT TO THE PROVISIONS OF THE COMMONWEALTH HAZARDOUS MATERIALS SAFETY PROGRAM WAS RECEIVED FROM THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

BOARDS/AUTHORITIES:

#19-566 REDEVELOPMENT AUTHORITY:

APPOINTMENTS:

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO APPOINT THE FOLLOWING INDIVIDUALS TO VACANCIES ON THE CARBON COUNTY REDEVELOPMENT AUTHORITY:

MICHAEL BARAN, BEAVER MEADOWS, PA - TERM EFFECTIVE TO MAY 5, 2024

JEFFREY HAGER, PALMERTON, PA – TERM EFFECTIVE TO MAY 5, 2023

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

COURTS:

#19-567 WESTLAW NEXT:

CONTRACT REVISION:

A REQUEST WAS SUBMITTED BY THE COURT ADMINISTRATOR FOR APPROVAL OF A REVISION TO THE THREE-YEAR CONTRACT WITH WEST PUBLISHING CORPORATION FOR WESTLAW NEXT SUBSCRIPTION PACKAGE (JULY 2017 - JUNE 2020) FOR BOTH THE ELECTRONIC WESTLAW PROFLEX AND WEST COMPLETE LIBRARY. THE REVISION COVERS A PRODUCT SUBSTITUTION, CONCOURSE SECTION BEING CHANGED TO PROFLEX (KM EXPRESS). THE TOTAL PROPOSED CONTRACT FOR 2020 IS \$9,026.80/MONTH (INCREASE OF \$494.51/MONTH)

THE WESTLAW PROFLEX COVERS TEN (10) USERS (3 JUDGES, 3 LAW CLERKS, AND 4 OTHER COURT EMPLOYEES). ADULT PROBATION AND DOMESTIC RELATIONS HAVE ELECTRONIC ACCESS.

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

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

SERVICE AGREEMENT:

#19-568 GIS/MAPPING - ESRI:

THE SOFTWARE MAINTENANCE AGREEMENT WITH ESRI, INCORPORATED, REDLANDS, CALIFORNIA, WAS SUBMITTED FOR THE YEAR 2020 LISTING THE FOLLOWING CHARGES: ASSESSMENT - \$400.00; ELECTIONS - \$300.00; LIQUID FUELS - \$10,900.00; 911 - \$3,500.00, FOR A TOTAL COST OF \$15,100.00 (NO INCREASE).

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

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

SOLICITOR'S REPORT:

ANIMAL SHELTER:

#19-569 MERLUZZI ESTATE:

A COMMUNICATION WAS RECEIVED FROM ATTORNEY JASON M. RAPA, RAPA LAW OFFICES, ADVISING THAT THEIR OFFICE REPRESENTS THE ESTATE OF GORDON L MERLUZZI. MR. MERLUZZI BEQUEATHED \$1,500 TO BE GIVEN TO A DOG SHELTER IN CARBON COUNTY, AND THE COUNTY HAS RECEIVED THE MONEY. A RELEASE FORM WAS ENCLOSED FOR EXECUTION.

MOTION BY MR. O'GUREK, SECONDED BY MR. NOTHSTEIN, TO ACCEPT AND AUTHORIZE EXECUTION OF THE RELEASE FORM.

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

CORRECTIONAL FACILITY:

#19-570 SAVIN PROGRAM:

THE ANNUAL MAINTENANCE/SERVICE AGREEMENT BETWEEN THE PENNSYLVANIA DISTRICT ATTORNEY'S INSTITUTE AND CARBON COUNTY RELATIVE TO THE SAVIN PROGRAM (STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM) IN CARBON COUNTY WAS SUBMITTED FOR APPROVAL AND EXECUTION.

THE TERM IS JANUARY 1, 2020 TO DECEMBER 31, 2020. THERE IS NO COST FOR 2020.

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

BOARD POLLED: O'GUREK YES
NOTHSTEIN YES

RESOLUTION:

#19-571 FRANCIS E. WALTER DAM:

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

RESOLUTION #19-044
FRANCIS E. WALTER DAM

WHEREAS, RAFTING, WHITEWATER RECREATION AND FISHING ON THE LEHIGH RIVER HAS GROWN IN RECENT YEARS AND MAKES SIGNIFICANT CONTRIBUTIONS TO THE ECONOMY AND WELL-BEING OF EASTERN PENNSYLVANIA; AND

WHEREAS, THE U.S. ARMY CORPS OF ENGINEERS HAS BEEN AN OUTSTANDING PARTNER WITH THE LOCAL COMMUNITY IN MANAGING THE FRANCIS E. WALTER DAM PROJECT AND ACHIEVING NEW BENEFITS FROM THE PROJECT THROUGH INNOVATIVE MANAGEMENT OF STORAGE CAPACITY; AND

WHEREAS, THERE HAS BEEN SOME SUGGESTION THAT CURRENT FRANCIS E. WALTER DAM STORAGE BE SEQUESTERED TO AUGMENT FLOWS FOR THE BENEFIT OF NEW YORK CITY AT THE LOSS OF CURRENT RECREATION BENEFITS AT THE PROJECT; AND

WHEREAS, THE CORPS OF ENGINEERS IS EMBARKING ON A FEASIBILITY STUDY WHICH MAY INCLUDE CHANGES TO PROJECT OPERATIONS AND BENEFITS THAT COULD RESULT IN MODIFICATIONS TO THE PROJECT ITSELF; AND

WHEREAS, ADDITIONAL WHITEWATER RECREATION OPPORTUNITIES AND THE JOBS CREATED BY RAFTING AND FISHING ON THE LEHIGH RIVER ARE AN IMPORTANT POTENTIAL BENEFIT OF A MODIFIED PROJECT.

NOW THEREFORE, BE IT RESOLVED THE COUNTY OF CARBON ADOPTS THE FOLLOWING POSITION: EXISTING FLOW MANAGEMENT FOR WHITEWATER RECREATION AND FISHING OPPORTUNITIES SHOULD BE MAINTAINED OR IMPROVED AT FRANCIS E. WALTER DAM AND NOT SACRIFICED FOR OTHER USES.

ADOPTED BY THE CARBON COUNTY BOARD OF COMMISSIONERS THIS 26TH DAY OF DECEMBER, 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
	NOTHSTEIN	YES

COMMISSIONERS' REPORTS:

COMMISSIONER O'GUREK COMMENTED ON THE CHANGE OF STATUS OF FRANCINE HEANEY AND HER GREAT PERFORMANCE AS A COUNTY EMPLOYEE BASED ON WHAT SHE HAS DONE IN THE COURT SYSTEM.

COMMISSIONER O'GUREK SPOKE ON HIS CAREER IN PUBLIC OFFICE, INCLUDING HIS SIXTEEN (16) YEARS AS COMMISSIONER. HE THANKED PAST AND PRESENT BOARDS OF COMMISSIONERS, SOLICITORS, COUNTY ADMINISTRATORS, STAFF, ROW OFFICERS, COUNTY EMPLOYEES, AND THE PEOPLE OF CARBON COUNTY FOR THE TREMENDOUS PRIVILEGE TO SERVE THEM.

COMMISSIONER NOTHSTEIN WISHED COMMISSIONER O'GUREK THE BEST IN HIS RETIREMENT.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,

THE MEETING OF THE BOARD OF COMMISSIONERS ADJOURNED SINE DIE AT 10:48 A.M.

ELOISE K. AHNER,
CHIEF CLERK/COUNTY ADMINISTRATOR

WAYNE E. NOTHSTEIN, CHAIRMAN