

NAZARETH BOROUGH COUNCIL--REGULAR MEETING--APRIL 1, 2013

The regular monthly meeting of the Borough of Nazareth was held on Monday, April 1, 2013 at 7:00 p.m. at the Nazareth Borough Municipal Building. The meeting was called to order by the President, followed by the recitation of the Pledge of Allegiance to the Flag. Present were President Daniel Chiavaroli, Vice President Larry Stoudt, Mayor Fred C. Daugherty Jr., Councilpersons Cynthia Werner, Jack R. Herbst, Carl A. Fischl, Frank S. Maurek, Michael Kopach, Charles A. Donello and Christian Audenried, Solicitor Alfred S. Pierce, Chief of Police Thomas Trachta and Highway Superintendent Robert Reimer.

Mayor Daugherty then addressed the evening's honorees, the Nazareth Girl's Basketball Team and invited team members and coaches to come to the front of the Chamber. Daugherty then congratulated the team on its record setting 2012-2013 season in which it won its first ever Lehigh Valley Conference Championship and also its first ever District XI Championship. Daugherty congratulated Head Coach Rich Bickert for being named Girls Coach of the Year by both the Express Times and the Morning Call. Led by seniors Morgan Calabrese, Molly Calabrese, Elizabeth Coyle, Lizzie Deutsch, Lennon Kramer and Stephanie Madara, the team advanced into the second round of the state playoffs. Council congratulated each of the girls before a photo opportunity ended the proceedings.

Jack R. Herbst moved and Larry Stoudt seconded a motion to approve Resolution No. 3-13 as follows:

WHEREAS, the Borough of Nazareth seeks to recognize those individuals, coaches and teams who have distinguished themselves by their extraordinary accomplishments on the court , in the classroom or through their civic contributions to the community,

WHEREAS, our Nazareth High School Girls Basketball Team recently completed their incredibly successful 2012 - 2013 season having won both the Lehigh Valley Conference and District XI championships, both for the first time in their history,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that the Nazareth Lady Eagles Basketball Team has in 2012 - 2013, brought honor to themselves, their school and to our community through their hard work and dedication. By winning their first District XI championship and by defeating all of the Lehigh Valley's perennial powers en route to a Lehigh Valley Conference crown, the program has risen to lofty prominence in our region as it successfully reached the second round of the state playoffs. Coach Rich Bickert, the Morning Call 2013 Coach of the Year, and his staff have guided this great group of girls to three consecutive 20 win seasons and unprecedented success in district and state play. Nazareth Borough Council commends the players of the Nazareth Lady Eagles Basketball Team, Head Coach Rich Bickert and his assistants, parents and everyone involved with the program and directs the Secretary to issue a citation memorializing this Resolution for presentation to a wonderful group of basketball players and deserving young ladies who have made us all extremely proud. Nazareth Borough Council is pleased to once again congratulate the Nazareth Lady Eagles Basketball Team and thank it for the pride and the enjoyment it has brought to us all.

The motion passed unanimously.

Recognition of Citizens From the Floor: Communications: Michael Behler of 237 E. Walnut Street told Council he was a Scout searching for an Eagle Scout Project.

Robert Dieter of Easton Road thanked Council for the new “Stop Signs” in his area of the Borough. Dieter asked if rumble strips could be installed to slow traffic in the area of Easton Road and South Broad Street.

Brian Regn of 129 N. Main Street asked Council if any progress had been made in establishing responsibility for the sidewalks which lead to the Park. Redden stated that the walks were in disrepair and presented a hazard for children going to the Park.

The Secretary’s minutes from the regular meeting of March 4, 2013 were approved as presented.

On a motion by Larry Stoudt, seconded by Frank S. Maurek, the Treasurer’s Report for the month of March 2013 was approved as follows:

General Fund--Cash on Hand March 1, 2013	\$	392,728.75
Waste & Recycling Fund--Cash on Hand March 1, 2013	\$	127,598.87
General Fund--Total Receipts	\$	632,271.29
Waste & Recycling Fund--Total Receipts	\$	64,679.78
General Fund--Total Receipts & Cash	\$	1,025,000.04
Waste & Recycling Fund--Total Receipts & Cash	\$	192,278.65
General Fund--Total Disbursements	\$	252,320.40
Waste & Recycling Fund--Total Disbursements	\$	106,298.97
General Fund--Cash on Hand February 28, 2013	\$	772,679.64
Waste & Recycling Fund--Cash on Hand February 28, 2013	\$	85,979.68
Payroll Account	\$	2,308.43
State Fund Checking Account	\$	267.80
State Fund Money Market	\$	1,503.77
Improvement Fund	\$	-0-
Park Account	\$	2,828.69
Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$	375,308.04
Total of All Borough Funds.....	\$	1,240,876.05

Larry Stoudt moved and Jack R. Herbst seconded a motion to approve the payment of bills totaling \$358,619.37. The motion passed unanimously.

The Report of the Zoning & Code Officer for the month of March 2013 was approved.

An Emergency Management Report for the month of March 2013 was presented and approved.

An Ambulance Report for March 2013 was presented and approved.

Economic Development & Paving: Cynthia Werner moved and Jack R. Herbst seconded a motion to approve the following 2013 rates for the Nazareth Pool. Weekday daily passes are \$6.00 for adults, \$5.00 for senior citizens and juniors under 18 while children under the age of five are admitted “free”. On weekends, daily passes are \$7.00 for adults and \$6.00 for seniors and juniors. Season pass rates are as follows: all family passes are \$134.00, adult single rate is \$60.00, junior single rate is \$45.00 and senior citizen rate is \$45.00. Family passes include two adults and two children and there is a charge of ten (\$10.00) dollars per child over the stated limit of four family members.

The motion passed unanimously.

Cynthia Werner moved and Larry Stoudt seconded a motion to approve a one hundred and fifty (\$150.00) dollar rate for the 2013 Summer Recreation Program.

The motion passed unanimously.

Cynthia Werner moved and Jack R. Herbst seconded a motion to approve use of the Circle on Saturdays in 2013 for a Farmer’s Market. Approval is contingent on the purchase of a group transient merchant’s permit.

The motion passed unanimously.

Police: Jack R. Herbst moved and Michael Kopach seconded a motion to approve a handicapped parking space at 50 Park Street for Theodore Nagle.

The motion passed unanimously.

Jack R. Herbst moved and Charles A. Donello seconded a motion to approve the Memorial Day Parade to be held on Monday, May 27, 2013 at 10:00 am.

The motion passed unanimously.

Jack R. Herbst moved and Cynthia Werner seconded a motion to approve a donation of fifty (\$50.00) dollars to help defray expenses associated with the annual Memorial Day Parade.

The motion passed unanimously.

Jack R. Herbst moved and Charles A. Donello seconded a motion to direct the Secretary to place ads for “Alternate” crossing guards.

The motion passed unanimously.

Jack R. Herbst moved and Carl A. Fischl seconded a motion to advertise for an ordinance adding “Stop” signs in both north and south directions on South Green Street at the intersection of West Walnut Street.

The motion passed unanimously.

Jack R. Herbst moved and Carl A. Fischl seconded a motion to advertise for an ordinance prohibiting parking on the west side of South Broad Street between Meeser and Bacon Streets.

The motion passed unanimously.

Fire: The Fire Report for the month of March 2013 was approved as presented.

Carl A. Fischl moved and Larry Stoudt seconded a motion to accept the 2010 Audit of Finances of the Nazareth Fireman’s Relief Fund as submitted to the Borough by the Pennsylvania Auditor General’s Office.

The motion passed unanimously.

Public Property: Frank Maurek moved and Christian Audenried seconded a motion to approve use of the bandstand behind the refreshment stand at the Park on July 6, 2013 at 8:00 pm for the Fab Five concert.

The motion passed unanimously.

Frank S. Maurek moved and Jack R. Herbst seconded a motion to direct the Solicitor to draw up a lease for rental of the refreshment stand with a 2013 rate of thirteen (\$13.00) dollars per day when the Pool is open more than an hour and a half. Discussion followed. Charles A. Donello asked for the 2012 rate.

The motion passed unanimously. There was one (1) abstention.

Finance: Larry Stoudt moved and Jack R. Herbst seconded a motion to pay Auditors Joseph Lichner and Thomas Heckman for services performed in completing the 2013 Borough Audit. The Auditors will receive thirty (\$30.00) dollars for each session worked.

The motion passed unanimously.

Public Works: The Public Works Report for the month of March 2013 was approved as presented.

Michael Kopach moved and Jack R. Herbst seconded a motion to approve the CDBG Code of Conduct Resolution, Borough Resolution No. 3 -13 - A as follows:

A Resolution of the Council of the Borough of Nazareth authorizing the adoption of a Code of Conduct for participation in and acceptance of Federal funds associated with the Community Development Block Grant Program.

WHEREAS, the following standards will be used by the Borough of Nazareth, County of Northampton (hereinafter "Borough") to govern the performance of Borough employees, officers or agents engaged in the award and administration of contracts supported by Federal funds; and

WHEREAS, the requirements are desired to protect Federal grant funds, as well as those who administer the Program.

NOW THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that:

1. No employee, officer, or agent of the Borough shall participate in selection or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise if any of the aforementioned individuals:

- a. obtained personal or financial interest or benefits, including money, favors, gratuities, entertainment, or anything of value that might be interpreted as conflict of interest; or
- b. obtained a direct or indirect interest in any contract, subcontract, or agreement for any CDBG activity. This prohibition extends to contracts in which a member of the immediate family or business associate may have personal or financial interest; and the prohibition extends for one (1) year after the employee, officer, or agent leaves his or her position with the CDBG activity or program.

The Department of Community and Economic Development office may grant an exception to this conflict of interest provision if it determines that such an exception will enhance the effectiveness of the project.

2. No employee, officer, or agent may:
- a. circumvent competitive bidding requirements by;
    - i. failing to advertise for sealed bids or soliciting proposals and engaging in noncompetitive negotiation;
    - ii. failing to use established evaluation criteria in negotiations;
    - iii. splitting bids by breaking down contracts into small parts so that purchase order procedures can be used except to meet Minority/Women Business Enterprise goals;
    - iv. favoring or providing a competitive advantage to any one firm or individual;
    - v. identifying the names of those invited to bid; or
    - vi. preparing fictitious bids to stimulate competition.

- b. fail to adhere to contract award requirements by:
  - i. allowing excessive price charges;
  - ii: awarding contracts to other than the lowest responsible bidder without adequate justification; or
  - iii. accepting a bid that does not contain a price for all items or services included in the invitation to bid form.
- c. fail to verify contractual and programmatic compliance by contractors by:
  - i. authorizing payment for work not completed;
  - ii. falsifying inspection reports;
  - iii. altering contractor invoices; or
  - iv. misusing modification or change orders.
- d. use firms and individuals on the Federal consolidated list of debarred, suspended, and ineligible contractors and grantees.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding Five Hundred (\$500.00) Dollars and may, by Decree of the Court, be removed from office. (1978 P.L., 873 No. 170)

3. Any contract or purchase the Borough wishes to make, where an official has a personal interest, will be closely scrutinized as to its legality. For situations that may constitute an apparent conflict of interest, the following procedures will be followed:

- a. The Borough Solicitor shall review the circumstances involved and render an opinion based on applicable municipal codes whether the situation constitutes a conflict of interest;
- b. The Borough shall then forward a letter along with the Solicitor's opinion to the DCED Central office;
- c. DCED will then render a final opinion and will recommend if the Borough needs to request a decision from the State Ethics Commission.

4. The Borough will comply with the following requirements of the Office of Management and Budget (OMB) CDBG Regulations. The Borough will:

- a. establish internal controls to safeguard cash, inventory and equipment;
- b. establish a special ledger account for all CDBG monies;
- c. maintain financial records for four (4) years including:
  - i. a register of cash receipts and disbursements;
  - ii. a record of all non cash transactions;
  - iii. general ledger to show the status of each CDBG account;

- iv. a fixed account ledger; and
- v. a record of lump sum draw downs, Treasury checks received, and balances of Federal funds.
- d. use income generated from grant activities for other eligible activities; and
- e. use program income before drawing additional grant funds to pay for allowable program expenses.

5. The Borough is not permitted to draw down more funds than are needed for CDBG activities.

6. CDBG funds will not be used for ineligible activities including:

- a. expenses required to carry out the regular responsibilities of the general local government;
- b. partisan political activities (e.g. contributions toward political campaigns, voter registration or candidate forums); or
- c. expenses to maintain buildings used for the general conduct of government (e.g. city halls, county administration buildings, etc.)

7. The Borough will constantly monitor the performance of grant supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being met.

The motion passed unanimously.

Ecology & Lighting: The Ecology Report for March 2013 was approved as presented.

Charles A. Donello moved and Michael Kopach seconded a motion to compensate Robert Oswald for the composting and spreading of leaves collected throughout the Borough during the Fall of 2012 with a payment of four hundred (\$400.00) dollars.

The motion passed unanimously.

Law: Christian Audenried reported that the Borough's Technology Committee had met and will be making recommendations for the Borough's website.

Mayor: Mayor Daugherty presented the Police Report for March 2013.

Solicitor: No report.

Engineer: No report.

Old Business:

New Business: Carl A. Fischl asked that the Borough notify the Zoning Officer and request that he become more pro-active in enforcing violations within the Borough.

There being no further business at 8:47 pm, on a motion by Larry Stoudt, seconded by Jack R. Herbst, the meeting was adjourned.

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Paul A. Kokolus, Secretary

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Daniel Chiavaroli, President

