

NAZARETH BOROUGH COUNCIL--REGULAR MEETING--APRIL 2, 2012

The regular monthly meeting of the Borough of Nazareth was held on Monday, April 2, 2012 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 Vice President Larry Stoudt, Mayor Fred C. Daugherty Jr., Councilpersons Cynthia Werner, Jack R. Herbst, Carl A. Fischl, Frank S. Maurek and Michael Kopach, Solicitor Alfred S. Pierce, Engineer Aaron Sisler, and Highway Superintendent Robert Reimer. Absent were Councilmen Charles A. Donello and Reverend William W. Matz, President Daniel Chiavaroli and Chief of Police Thomas Trachta.

Recognition of Citizens From the Floor: Debra Miller of 359 South Broad Street told Council that she is actively seeking to have some members of Council and the Mayor recalled from office. Miller stated that she is displeased with the Borough's policing situation and the drug problem.

Richard Troxell of High Street complimented the Highway Department for their work and asked why the Borough had towed a vehicle parked behind the 134 South Main Street Municipal Building and then reimbursed the vehicle owner for the charges. Troxell asked if the same courtesy and repayment would be afforded to other citizens.

Communications: Vice President Stoudt read a letter and presented a copy of a check in the amount of fifty thousand (\$50,000.00) dollars received from The Charles Chrin Companies as payment for the removal of parking meters and the maintenance of the traffic signal which was installed at the intersection of South Broad and East Walnut Streets.

The Secretary's minutes from the regular meeting of March 5, 2012 were approved as presented.

On a motion by Jack R. Herbst, seconded by Frank S. Maurek, the Treasurer's Report for the month of March 2012 was approved as follows:

General Fund--Cash on Hand February 29, 2012	\$	280,038.67
Waste & Recycling Fund--Cash on Hand February 29, 2012	\$	108,707.59
General Fund--Total Receipts	\$	896,331.34
Waste & Recycling Fund--Total Receipts	\$	72,935.54
General Fund--Total Receipts & Cash	\$	1,176,370.01
Waste & Recycling Fund--Total Receipts & Cash	\$	181,643.13
General Fund--Total Disbursements	\$	893,881.31
Waste & Recycling Fund--Total Disbursements	\$	106,368.73
General Fund--Cash on Hand March 31, 2012	\$	282,488.70
Waste & Recycling Fund--Cash on Hand March 31, 2012	\$	75,274.40
Payroll Account	\$	494.00
State Fund Checking Account	\$	308.65
State Fund Money Market	\$	113,434.47
Improvement Fund	\$	-0-

Park Account	\$	2,822.38
Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$	975,293.90
Total of All Borough Funds.....	\$	1,450,114.50

Jack R. Herbst moved and Frank S. Maurek seconded a motion to approve the payment of bills totaling \$350,250.04. The motion passed unanimously.

The Report of the Zoning & Code Officer for the month of March 2012 was approved.

An Emergency Management Report for the month of March 2012 was not presented.

An Ambulance Report for March 2012 was presented and approved.

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

The motion passed unanimously.

Cynthia Werner moved and Jack R. Herbst seconded a motion to approve the following 2012 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.

Police: Jack R. Herbst moved and Frank S. Maurek seconded a motion to approve the payment of two hundred (\$200.00) dollars to complete the Borough’s portion of the purchase of PBT’s...portable breath test devices...which are part of the Police Grant the Borough received.

The motion passed unanimously.

Jack R. Herbst moved and Michael Kopach seconded a motion to approve a handicapped parking space at 38 E. Center Street for Marlene Unangst.

The motion passed unanimously.

Jack R. Herbst moved and Carl A. Fischl seconded a motion to approve sending Officer Scott Ledo to the National Rifle Association Tactical Shotgun Training Course at a cost of five hundred and twenty five (\$525.00) dollars. Ledo will then assume the role of Firearms Instructor within the Department.

The motion passed unanimously.

Jack R. Herbst moved and Larry Stoudt seconded a motion to donate the abandoned bikes being held by the police Department to Lehigh Valley Juvenile Probation.

The motion passed unanimously.

Jack R. Herbst moved and Carl A. Fischl seconded a motion to approve the annual Memorial Day Parade to be held on Monday, May 28, 2012 at 10:00 am.

The motion passed unanimously.

Jack R. Herbst moved and Frank S. Maurek 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 Cynthia Werner seconded a motion to allow Copiers Inc. to hold outdoor musical events on Friday and Saturday evenings from 7:00 pm till 10:00 pm from April to November of 2012.

The motion passed unanimously.

Fire: The Fire Report for the month of March 2012 was approved as presented.

Carl A. Fischl moved and Cynthia Werner seconded a motion to direct the Code Enforcement Officer to inform the Fire Department more than thirty (30) days in advance of a property that is going to be demolished. The Fire Department will be responsible to attain consent from the property owner for use of the property for firefighter training.

The motion passed unanimously.

Ecology & Lighting: The Ecology Report for March 2012 was approved as presented.

Frank S. Maurek moved and Jack R. Herbst seconded a motion to have the Ecology Chairman and the Borough Engineer inspect all of the dumpsters in the Borough to insure they are indeed being billed and the billing is for the proper amount.

The motion passed unanimously.

Frank S. Maurek moved and Cynthia Werner seconded a motion to acknowledge the receipt of the \$50,000 fee due to the Borough for the removal of nine parking meters and the maintenance of the new traffic signal at the intersection of Broad and Walnut Streets from Charles Chrin Inc..

The motion passed unanimously.

Public Property: Frank S. Maurek moved and Jack R. Herbst seconded a motion to approve the request of Girl Scout Troop 8435 for use of the Park on May 22, 2012 from 5:00-7:00 pm for a bridging ceremony and picnic.

The motion passed unanimously.

Frank S. Maurek moved and Carl A. Fischl seconded a motion to approve the Brenton's Hope 5K Run/Walk through our Borough on September 22, 2012

The motion passed unanimously.

Frank S. Maurek moved and Jack R. Herbst seconded a motion to approve the request of the Mad Conductor Band for use of the Bandstand at the Park on July 22, 2012 from 7:00 pm till 10:00 pm.

The motion passed unanimously.

Frank S. Maurek moved and Jack R. Herbst seconded a motion to approve the low bid of Bath Supply for a Weil-McClain boiler and feeder unit for the Memorial Library at a total price of seven thousand eight hundred and fifty (\$7,850.00) dollars

The motion passed unanimously.

Frank S. Maurek moved and Michael Kopach seconded a motion to contract with Mr. John for providing Porta-Potties to the Borough at a rate of sixty two (\$62.75) dollars and seventy five cents per month for standard models and ninety two (\$92.75) dollars and seventy five cents per month for handicapped versions for use at ballfields and for events.

The motion passed unanimously.

Frank S. Maurek moved and Michael Kopach seconded a motion to approve the request of the YMCA of Nazareth Child Watch Group for use of the Park and the Gazebo for an Easter Egg Hunt on Tuesday, April 3, 2012 from 11:00 am till 1:00 pm.

The motion passed unanimously.

Frank S. Maurek moved and Cynthia Werner seconded a motion to approve the request of Jesse Stoudt and Danielle Werner for use of the Amphitheater in the Park on July 28, 2012 from 12 noon till 3:00 pm for a marriage ceremony.

The motion passed unanimously.

Frank S. Maurek moved and Michael Kopach seconded a motion to accept the low bid of four thousand, sixty eight (\$4,068.41) dollars and forty one cents for purchase of the handicapped lift to be installed in the Pool to make it compliant with current ADA rules.

The motion passed unanimously.

Frank S. Maurek moved and Jack R. Herbst seconded a motion to approve eleven hundred and eighty (\$1,180.00) dollars of repair work on the fencing of the batting cage at the ballfield at the Park.

The motion passed unanimously.

Finance: Michael Kopach moved and Frank S. Maurek seconded a motion to direct the Treasurer to set rates for maintenance and repair services being performed by our Highway Superintendent and employees of the Highway Department. Proposed rates are seventy (\$70.00) dollars per hour for our Highway Superintendent and thirty (\$30.00) dollars per hour for other Highway Department employees.

The motion passed unanimously.

Michael Kopach moved and Jack R. Herbst seconded a motion to approve the payment of compensation to the elected and appointed Nazareth Borough auditors for services performed completing the 2011 Borough Audit. The Auditors are paid thirty (\$30.00) dollars per session...each session being 2 ½ to 3 hours. Each Auditor this year will be paid for seven (7) sessions for a total of two hundred and ten (\$210.00) dollars.

The motion passed unanimously.

Michael Kopach moved and Cynthia Werner seconded a motion to amend sections Four and Five of the Borough's Purchase Order Policy passed at the March 2009 Borough Business Meeting. The change is necessary to incorporate the state's new thresholds for requirements of telephone bids (\$10,000-\$18,500) and formal bids (over \$18,500) and the elimination of bids of any type for purchases under \$10,000.

The motion passed unanimously.

Highway: The Highway Report for the month of March 2012 was approved as presented.

Jack R. Herbst moved and Frank S. Maurek seconded a motion to direct the Engineer to serve notice to the residents of Spring Brook Terrace informing them that they have thirty (30) days to install curbing at their properties. Herbst added that a low bid of twenty two (\$22.71) dollars and seventy one cents per linear foot has been received from Dennis White Concrete. Discussion followed. Michael Kopach asked for the procedure that the Borough uses to serve a lien on a property owner who is in bankruptcy and if the Borough ever does receive the money it is due.

The motion passed unanimously.

Jack R. Herbst moved and Cynthia Werner seconded a motion to have the Borough place liens on any property at Spring Brook Terrace which does not follow the directive to install curbing. The Borough will install curbing for any resident that does not comply at Borough expense so that the project may proceed and then place the appropriate lien.

The motion passed unanimously.

Jack R. Herbst moved and Michael Kopach seconded a motion to direct the Engineer to inform PennDot that the Borough prefers to stick with the original plan for the left turn arrow at South Broad Street and Easton Road rather than assume additional costs and add other PennDot suggested enhancements to the project.

The motion passed unanimously.

Jack R. Herbst moved and Michael Kopach seconded a motion to direct the Highway Superintendent to work with neighboring municipalities to develop a plan and implement a way that equipment can be shared and costs can be contained.

The motion passed unanimously.

Law: Jack R. Herbst moved and Cynthia Werner seconded a motion to vote on an ordinance which would place two (2) “No Parking” signs on the western side of South Whitfield Street in the vicinity of 181 South Whitfield Street. The motion was unanimously approved and a “Roll Call” vote followed. Voting “Yes” were Councilpersons Cynthia Werner, Jack R. Herbst, Carl A. Fischl, Larry Stoudt and Michael Kopach. There were no “No” votes. Six voting to the affirmative and Ordinance #778 is adopted into the Borough Code of Ordinances.

Jack R. Herbst moved and Frank S. Maurek seconded a motion to vote on a police pension ordinance update which would shift the pension and survivorship responsibility for “officers killed in action” to the State of Pennsylvania and its funding and away from the Borough’s pension plan. The motion was unanimously approved and a “Roll Call” vote followed. Voting “Yes” were Councilpersons Cynthia Werner, Jack R. Herbst, Carl A. Fischl, Larry Stoudt and Michael Kopach. There were no “No” votes. Six voting to the affirmative and Ordinance #779 is adopted into the Borough Code of Ordinances.

Jack R. Herbst moved and Frank S. Maurek seconded a motion to approve Resolution No. 4 -12 dealing with enforcement procedures for complaints as follows:

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

1. The Code Enforcement Officer is directed to respond to complaints about property maintenance in the Borough of Nazareth by initiating notices in the event of ordinance violation.
2. If notices do not bring suitable and appropriate responses from property owners to correct violations of the property maintenance ordinances, then the Code Enforcement Officer is authorized to issue citations seeking per diem fines for ordinance violations.
3. In the event that action by the Magisterial District Judge does not result in the clean up or elimination of property maintenance ordinance violations, then the Code Enforcement Officer shall present the matter to the Nazareth Borough Council Law Committee.
4. The Law Committee shall review each violation presented by the Code Enforcement Officer and determine if clean up or other maintenance action is required. If it is determined that action is required, then the Law Committee is empowered to employ suitable contractors to make and complete clean up or maintenance. The Law Committee is further directed to employ the Borough Solicitor to file a municipal lien to recover all costs incurred in clean up or maintenance of property maintenance violations.

The motion passed unanimously.

Jack R. Herbst moved and Michael Kopach seconded a motion to appoint Anthony Todora of 369 S. Whitfield Street to fill the opening on the Borough's Zoning Hearing Board. Todora's term will end on December 31, 2014.

The motion passed unanimously.

Mayor: Mayor Daugherty presented the Police Report for March 2012.

Solicitor: No report.

Engineer: No report.

Old Business: None.

New Business: None.

There was a request for an "Executive Session" and the regular meeting was adjourned to the "Executive Session" at 8:05 pm.

There being no further business at 8:43 pm, following the Executive Session, on a motion by Larry Stoudt, seconded by Jack R. Herbst, the meeting was adjourned.

Paul A. Kokolus, Secretary

Daniel Chiavaroli, President