

## NAZARETH BOROUGH COUNCIL--REGULAR MEETING--MAY 7, 2012

The regular monthly meeting of the Borough of Nazareth was held on Monday, May 7, 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 President Daniel Chiavaroli, Vice President Larry Stoudt, Mayor Fred C. Daugherty Jr., Councilpersons Cynthia Werner, Jack R. Herbst, Carl A. Fischl, Michael Kopach, Charles A. Donello, and Reverend William W. Matz, Solicitor Alfred S. Pierce, Engineer Aaron Sisler, Chief of Police Thomas Trachta and Highway Robert Reimer. Absent due to injury and rehabilitation was Councilman Frank S. Maurek.

Recognition of Citizens From the Floor: Joseph Lichner of 493 East Center Street asked Council for details concerning the condemnation of the nine acres between Stoudt Boulevard and Sage Street. Lichner also had questions about a proposed motion for repair of the baseball batting cage at the Park.

Brian Regn of 129 North Main Street asked Council about the sidewalks on the north side of Schoeneck Road which lead to the Borough Park. Regn asked Council if they knew the owners of the sidewalks and had concerns about the conditions of the pavements and the danger they present to walkers.

Deb Miller of 359 South Broad Street stated that the Council Handbook says that the public can speak and she asked why a ten minute segment could not be dedicated at the meeting's end for public commentary on what has happened during the meeting. Miller also had questions about the large number of vandalism incidents in the Borough reported during April. Miller told Council that she has a copy of the plan which Bethlehem used to revitalize their downtown and would be willing to share it with Council. She ended by telling Council that the downtown group she is a part of is sponsoring a "money bomb" promotion on Friday, May 25<sup>th</sup> to help downtown businesses.

Les Little of 1567 Bushkill Center Road approached Council representing the Nazareth Area Food Bank. Little thanked all who had made donations to the Food Bank before telling Council that negotiations were underway with Essroc Cement for a Community Garden plot on the west side of South Main Street. Little said the project was proceeding but the Food Bank needed soil to fill the raised planting beds. Little asked if Council would reconsider and donate some of the soil which it has at the Highway Garage.

Joseph Biernat of 172 South Broad Street also had questions about the large number of police vandalism complaints.

Rick Troxell of 126 E. North Street asked Council if a fee was paid for state police coverage. Troxell also asked if the public could be told about the amount of hours that the Borough relies on state police coverage. He also asked if there have been any further discussions about police regionalization.

Toni Hummel of 353 South Broad Street told Council that she is aware that the police shifts have changed but did not know if there were any lapses or periods in which the Borough did not have any coverage

Communications: None..

The Secretary's minutes from the regular meeting of April 2, 2012 were approved as presented.

On a motion by Jack R. Herbst, seconded by Cynthia Werner, the Treasurer's Report for the month of April 2012 was approved as follows:

General Fund--Cash on Hand April 1, 2012	\$	282,488.70
Waste & Recycling Fund--Cash on Hand April 1, 2012	\$	75,274.40
General Fund--Total Receipts	\$	398,697.27
Waste & Recycling Fund--Total Receipts	\$	101,360.56
General Fund--Total Receipts & Cash	\$	681,185.97
Waste & Recycling Fund--Total Receipts & Cash	\$	176,634.95
General Fund--Total Disbursements	\$	309,002.73
Waste & Recycling Fund--Total Disbursements	\$	124.99
General Fund--Cash on Hand April 30, 2012	\$	372,183.24
Waste & Recycling Fund--Cash on Hand April 30, 2012	\$	176,509.96
Payroll Account	\$	387.29
State Fund Checking Account	\$	491.65
State Fund Money Market	\$	106,935.45
Improvement Fund	\$	-0-
Park Account	\$	3,157.61
Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$	975,298.46
Total of All Borough Funds.....	\$	1,634,963.66

Jack R. Herbst moved and Cynthia Werner seconded a motion to approve the payment of bills totaling \$309,127.72. The motion passed unanimously.

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

An Emergency Management Report for the month of April 2012 was presented and approved.

An Ambulance Report for April 2012 was approved as presented.

Economic Development & Paving: Cynthia Werner moved and Reverend William Matz seconded a motion to approve the hiring of Jeanette Hartzell as the director of the Borough's Summer Recreation Program. Hartzell will be paid four thousand six hundred (\$4,600.00) dollars.

The motion passed unanimously.

Cynthia Werner moved and Reverend William Matz seconded a motion to approve a one hundred and fifty (\$150.00) dollar rate for the 2012 Summer Recreation Program.

The motion passed unanimously.

Cynthia Werner moved and Jack R. Herbst seconded a motion to appoint Heather Coyle, Erin Michael, Amy Federico and Jeanette Hartzell as co-pool managers at a rate of twelve (\$12.00) dollars per hour. The total budget for manager's salary for 2012 is eight thousand six hundred (\$8,600.00) dollars and only one of the co-managers is to be on duty at the twelve (\$12.00) dollar rate at any given time. Those with other positions on the Pool staff will return to their regular hourly rate when performing other pool lifeguarding and swim lesson duties.

The motion passed unanimously.

Police: Jack R. Herbst moved and Larry Stoudt seconded a motion to uphold the suspension, without pay, of Officer Frederick J. Lahovski Jr., and set the term of the suspension at ten (10) regularly scheduled shifts, with compensation to be adjusted accordingly.

The motion passed unanimously.

Jack R. Herbst moved and Cynthia Werner seconded a motion to approve a handicapped parking space at 350 S. Whitfield Street for Marie Fehnel.

The motion passed unanimously.

Jack R. Herbst moved and Charles A. Donello seconded a motion to begin the process of hiring three (3) part-time police officers

The motion passed unanimously.

Jack R. Herbst moved and Reverend William Matz seconded a motion to name Phillip Bell as the Borough's Animal Control Officer at a salary of one hundred and seventy five (\$175.00) dollars per month.

The motion passed unanimously.

Jack R. Herbst moved and Charles A. Donello seconded a motion to direct the Secretary to advertise an "Executive Session" Meeting for May 22, 2012 at 7:00 pm at Council Chambers for the purpose of personnel.

The motion passed unanimously.

Jack R. Herbst moved and Reverend William Matz seconded a motion to send Officer Alan Koch to a three day "DUI" training session at Lehigh Township at a cost of forty (\$40.00) dollars.

The motion passed unanimously.

Jack R. Herbst moved and Reverend William Matz seconded a motion to accept with regret, the resignation of Police Administrative assistant Lisa Kimble.

The motion passed unanimously.

Jack R. Herbst moved and Charles A. Donello seconded a motion to direct the Secretary to advertise for police administrative assistant candidates.

The motion passed unanimously.

The President then named the Hiring Committee for the police administrative assistant position. The Committee will be comprised of Jack R. Herbst, Chairman of the Police Committee, President Daniel Chiavaroli, Councilwoman Cynthia Werner and Human Resources Director Paul Kokolus.

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

Carl A. Fischl moved and Jack R. Herbst seconded a motion to deny the request of the Borough Fire Marshall to attend a conference at Penn State University at Borough expense. The Fire Chairman has determined that the content of the matters being covered at the conference are not applicable to the Borough.

The motion passed unanimously.

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

Carl A. Fischl moved and Charles A. Donello seconded a motion to direct the Engineer to proceed with preparations to file a DEP Grant with Northampton County to fund the moving of the Yard Waste and Recycling Center on G.W. Stoudt Boulevard.

The motion passed unanimously.

Carl A. Fischl moved and Jack R. Herbst seconded a motion to direct the Engineer to proceed with preparing the 2012 CDBG Stormwater Grant seeking assistance for the balance of the Spring Street project.

The motion passed unanimously.

Carl A. Fischl moved and Reverend William Matz seconded a motion to have the Borough institute a "homeowner income survey" for the residents in the affected zone for the 2012 CDBG Spring Street Stormwater Project.

The motion passed unanimously.

Carl A. Fischl moved and Larry Stoudt seconded a motion to pay Robert Oswald four hundred (\$400.00) dollars for spreading the leaves collected in the Fall of 2011.

The motion passed unanimously.

Carl A. Fischl moved and Larry Stoudt seconded a motion to approve Resolution 5-12-D, the Borough's resolution to certify the 2012 CDBG Grant application as follows:

WHEREAS, the Borough of Nazareth, Northampton County, Pennsylvania, is eligible to apply for a Community Development Block Grant (CDBG) From the Pennsylvania Department of Community Affairs; and

WHEREAS, the Borough is competing for part of the Northampton County allocation for the Federal Fiscal Year 2012 Pennsylvania Community Development Block Grant Program to solve the storm water flooding problem along Phoenix and Spring Streets within the Borough by installing additional catch basins, upgrading existing storm sewers, adding new inlets where needed, and to reconstruct portions of Phoenix and Spring Streets per Pennsylvania Department of Transportation regulations; and

WHEREAS, completion of this project will benefit residents of the area by eliminating flooding and drainage problems along Phoenix and Spring Streets, by increasing property values, and by reducing insurance claims for water damage; and

WHEREAS, the Borough will be contributing twenty five thousand (\$25,000) dollars to the overall project costs, including engineering, planning and legal services; and

WHEREAS, the Borough has met and complied with the required regulations pertaining to the preparation and submission of the application;

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

1. An application for the Pennsylvania 2012 Community Development Block Grant, including the understanding and assurances contained therein, is hereby authorized to be submitted by and on behalf of the Borough to the County of Northampton for consideration of receiving said grant.

2. The President of Borough Council is hereby authorized and directed to execute and sign said application, including all necessary certifications and other documents pertinent to the application submission, and to act in connection with the application, including all necessary certifications and other documents pertinent to the application submission, and to act in connection with the application and to provide such additional information as may be required.  
The motion passed unanimously.

Public Property: Larry Stoudt moved and Reverend William Matz seconded a motion to approve the removal of twenty six (26) tree stumps at the Park and another at Green and Center Streets by Hoppes Tree Service at a cost of eighteen hundred and seventy five (\$1,875.00) dollars.

The motion passed unanimously.

Larry Stoudt moved and Reverend William Matz seconded a motion to approve Resolution No. 5-12 condemning the nine (9) acre Essroc owned parcel which runs from Phoenix Street to the Borough line and includes all of the property between G.W. Stoudt Boulevard and Sage Street as follows:

A Resolution of the Council of the Borough of Nazareth authorizing the condemnation of that certain tract or lot of ground being nine (9) acres known a Tax Parcel No. J7-16-2A, more fully described in Exhibit A attached hereto and made a part hereof, for the improvements thereon situated for the purpose of public playgrounds, public parks and the erection of buildings and facilities for public purposes, including ambulance service, fire service and to support the Borough Highway Department and Police Department and their respective activities and for recycling facilities and related services for solid waste management.

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

Larry Stoudt moved and Reverend William Matz seconded a motion to approve Resolution No. 5-12 condemning the nine (9) acre Essroc owned parcel which runs from Phoenix Street to the Borough line and includes all of the property between G.W. Stoudt Boulevard and Sage Street as follows:

A Resolution of the Council of the Borough of Nazareth authorizing the condemnation of that certain tract or lot of ground being nine (9) acres known a Tax Parcel No. J7-16-2A, more fully described in Exhibit A attached hereto and made a part hereof, for the improvements thereon situated for the purpose of public playgrounds, public parks and the erection of buildings and facilities for public purposes, including ambulance service, fire service and to support the Borough Highway Department and Police Department and their respective activities and for recycling facilities and related services for solid waste management.

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

1. The Borough selects and appropriates the nine (9) acre plot more fully described in Exhibit A for the purposes above described.
2. The Borough Solicitor is authorized and directed to prepare and file with the appropriate Court, a Declaration of Taking which shall be executed by the President of Borough Council to take any action that may be necessary and desirable to carry out the intent and purpose of the Resolution.
3. The Borough shall acquire fee simple title.
4. The institution of such proceedings and any damages which may be agreed upon or awarded to any party in interest, including the owner of said property, shall be paid out of the general funds of the Borough of Nazareth.

The motion passed unanimously.

Larry Stoudt moved and Michael Kopach seconded a motion to approve the request of Holy Family Church for use of the parking lot at the Park for shuttle bus parking service for their church picnic on Saturday, July 28, 2012 from 3:00 pm till 1:00 am.

The motion passed unanimously.

Larry Stoudt moved and Charles A. Donello seconded a motion to approve the low bid of East Lawn Supply for a 50 gallon water heater for the Memorial Library at a total price of two hundred and fifty six (\$256.80) dollars and eighty cents.

The motion passed unanimously.

Larry Stoudt moved and Reverend William Matz seconded a motion to contract with RAPCO Environmental to remove the asbestos at the Library and to test for air quality approval and the right to proceed with the furnace installation at the Library. The price for the removal is nine hundred and eighty five (\$985.00) dollars and the testing is an additional two hundred (\$200.00) dollars.

The motion passed unanimously.

Larry Stoudt moved and Michael Kopach seconded a motion to approve use of the Circle on Saturday, July 14, 2012 from 2:00 pm till 7:30 pm by the Chamber of Commerce for a Woody Guthrie Centennial Festival.

The motion passed unanimously.

Larry Stoudt moved and Cynthia Werner seconded a motion to approve use of the stage at the Park at 5:30 pm for a pre-school graduation ceremony by the Learning Experience Day Care Center on June 20, 2012.

The motion passed unanimously.

Larry Stoudt moved and Reverend William Matz seconded a motion to approve two thousand three hundred and seventy (\$2,370.00) dollars of repair work on the fencing of the batting cage at the ballfield at the Park. This motion replaces an April 2012 motion for \$1,180 of repair work.

The motion passed unanimously.

Larry Stoudt moved and Reverend William Matz seconded a motion to approve use of the Essroc Fields by the Nazareth Soccer Club for the period August 1, 2012 through November 30, 2012.

The motion passed unanimously.

Finance: Michael Kopach moved and Reverend William Matz seconded a motion to approve a new maintenance contract for the Borough's phone system with "Tec 4 You" at a cost of one hundred and five (\$105.00) dollars per quarter. The Borough has been paying one hundred and sixty five (\$165.00) dollars per quarter to our previous provider. There is a 10% prepayment discount if we prepay the entire year saving us forty two (\$42.00) dollars additional should Council so decide.

The motion passed unanimously.

Michael Kopach moved and Jack R. Herbst seconded a motion to prepay the contract with Tec 4 You and receive the ten (10%) percent prepayment discount.

The motion passed unanimously.

Michael Kopach moved and Jack R. Herbst seconded a motion to advertise for an ordinance to amend Section 111 increasing late payment fees...30 days late fee is 10%...if not paid within 90 days - 1% per month for each month in excess of ninety days and a fee of \$200.00 for filing a municipal lien. Also a ten (\$10.00) dollar administrative charge will be levied for certification of the balance due amount and will be due before the final certification of the payoff becomes official.

The motion passed unanimously.

Michael Kopach moved and Reverend William Matz seconded a motion to approve a new Human Resource policy defining procedures for dismissal from employment.

The motion passed unanimously.

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

Charles A. Donello moved and Reverend William Matz seconded a motion to approve the purchase of a stainless steel Swenson Spreader from Kuntz & Company to be used on the 1989 International dump truck. Cost of the spreader is three thousand five hundred thirty two (\$3,532.00) dollars.

The motion passed unanimously.

Charles A. Donello moved and Reverend William Matz seconded a motion to approve the purchase of two (2) Fisher eight (8') foot snow plows from the RTS Company for the 2009 Chevrolet and 2011 GMC pickups. Installed total price of the plows is seven thousand, two hundred and ninety (\$7,290.00) dollars.

The motion passed unanimously.

Charles A. Donello moved and Cynthia Werner seconded a motion to approve the purchase of a seven (7') foot Fisher Polycaster Hopper Spreader from RTS & Company for use as a salt spreader on any of the Borough's pickup trucks. Installed cost of the Hopper Spreaders is four thousand five hundred and fifteen (\$4,515.00) dollars.

The motion passed unanimously.

Charles A. Donello moved and Larry Stoudt seconded a motion to approve a Highway Department policy making it mandatory for all employees to hold a current CDL Drivers License and for the Borough to assume the costs of our current CDL licensed Highway employees to be medically examined for their CDL renewals.

The motion passed unanimously.

Charles A. Donello moved and Larry Stoudt seconded a motion to approve the rehiring of Nolan Sauerzopf, Kevin Jandrositz and Kenneth Shook as summer employees.

The motion passed unanimously.

Charles A. Donello moved and Cynthia Werner seconded a motion to begin the process of hiring one (1) additional summer Highway employee.

The motion passed unanimously.

Charles A. Donello moved and Reverend William Matz seconded a motion for the Borough to assume the twenty seven hundred (\$2,700.00) dollar cost for curbing of the “delinquent” house at Spring Brook Terrace so that the project there may continue. A municipal lien will be filed so that those costs can be recovered.

The motion passed unanimously.

Charles A. Donello moved and Reverend William Matz seconded a motion to have the Borough proceed with the materials needed to proceed with the Spring Brook Terrace. Orders for four (4) C Tops, one (1) M Top and piping at a cost of six thousand six hundred and forty one (\$6,641.00) dollars.

The motion passed unanimously.

Charles A. Donello moved and Jack R. Herbst seconded a motion to direct the Engineer to set the road elevations at Spring Brook Terrace.

The motion passed unanimously.

Charles A. Donello moved and Jack R. Herbst seconded a motion to accept the low bids for miscellaneous road materials and rental equipment.

The motion passed unanimously.

Law: Reverend William Matz moved and Jack R. Herbst seconded a motion to approve Resolution No. 5-12-C which sets a methodology for the tax collector to collect fees for providing “tax duplicate” bills at a charge of five (\$5.00) dollars per bill as follows:

WHEREAS, Council of the Borough of Nazareth desires to provide a method for the Tax Collector to supply duplicate tax bills upon request of lenders, agents and sundry other persons,

WHEREAS, the real estate tax collector for the Borough of Nazareth is entitled to a reasonable fee for providing duplicate tax bills upon request,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that the Nazareth Borough real estate tax collector is authorized to collect and receive a fee in the amount of Five (\$5.00) dollars for each duplicate tax bill requested and prepared by the tax collector. The fee shall be treated as reimbursement to the tax collector for the costs incurred in preparing and delivering each duplicate tax bill.

The motion passed unanimously.

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

Solicitor: No report.

Engineer: No report.

Old Business: None.

New Business: Cynthia Werner reminded everyone of the upcoming Bike Fest on Saturday, May 19, 2012 from noon till 7:00 pm in the downtown area. Werner also told Council of the airing of the series “The Pacific” each Thursday evening in May at the Arts Center.

Reverend William Matz asked Police Chief Thomas Trachta about the recent spike in reported crimes of vandalism and mischief. Matz asked the Chief if there was a specific reason.

Jack R. Herbst moved and Larry Stoudt seconded a motion to send Councilman Carl A. Fischl to a seminar dealing with rentals and landlords and establishment of a rental registration system,

The motion passed unanimously

There being no further business at 8:12 pm, on a motion by Larry Stoudt, seconded by Jack R. Herbst, the meeting was adjourned to an “executive session” meeting on May 22, 2012 at 7:00 pm at Council Chambers.

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Paul A. Kokolus, Secretary

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Daniel Chiavaroli, President