

NAZARETH BOROUGH COUNCIL--REGULAR MEETING--FEBRUARY 6, 2017

The regular monthly meeting of the Borough of Nazareth was held on Monday, February 6, 2017 at 6:00 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 John N. Samus Councilpersons Lance E. Colondo, Jessica Teel, Carl A. Fischl, Frank S. Maurek, Michael Kopach, Charles A. Donello, and Brian F. Regn, Solicitor Alfred S. Pierce, Engineer Albert Kortze and Public Works Superintendent Robert Reimer. Absent was Police Commissioner Randall Miller.

Recognition of Citizens From the Floor: Ray Orwig of Orwig Property Management addressed Council about its proposed Request For Proposal for a new Code Enforcement, Building Inspection and Zoning Officer. Orwig told Council that he interacts frequently with current Zoning, Building and Code Officer Dennis Huth and that he (Huth) responds in a timely and professional manner. Orwig asked Council if the RFP would allow for more than one person or firm to perform the multiple and varied tasks of the position. Orwig also stated that Huth is accessible and responsive to the pressing needs of the position.

Communications:

The Secretary's minutes from the regular meeting of January 3, 2017 were approved as presented.

On a motion by Michael Kopach, seconded by Charles A. Donello, the Treasurer's Report for the month of January 2017 was approved as follows:

General Fund--Cash on Hand December 31, 2016	\$	71,968.83
Waste & Recycling Fund--Cash on Hand December 31, 2016	\$	414,528.69
General Fund--Total Receipts	\$	414,327.91
Waste & Recycling Fund--Total Receipts	\$	71,749.93
General Fund--Total Receipts & Cash	\$	486,296.74
Waste & Recycling Fund--Total Receipts & Cash	\$	486,278.62
General Fund--Total Disbursements	\$	258,569.22
Waste & Recycling Fund--Total Disbursements	\$	135,466.90
General Fund--Cash on Hand January 31, 2017	\$	227,727.52
Waste & Recycling Fund--Cash on Hand January 31, 2017	\$	350,811.72
ESSA Payroll Account	\$	50.89
ESSA Loan Account	\$	-0-
State Fund Checking Account - Embassy Bank	\$	76,653.32
State Fund Money Market	\$	-0-
Improvement Fund	\$	-0-
Reserve Funds - Embassy Bank	\$	777,352.88
Park Account - Embassy Bank	\$	3,074.07
Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$	25,006.87

Total of All Borough Funds..... \$ 1,460,677.27

Michael Kopach moved and Charles A. Donello seconded a motion to approve the payment of bills totaling \$304,036.12. The motion passed unanimously.

The Report of the Zoning & Code Officer for the month of January 2017 was approved.

An Emergency Management Report for the month January 2017 was not presented.

An Ambulance Report for January 2017 was not presented.

Law: Lance E. Colondo moved and Frank S. Maurek seconded a motion to advertise for an amendment to the Borough's Ordinance to prohibit the parking of motor vehicles on yards and outside of approved off-street parking areas

The motion passed unanimously.

Lance E. Colondo moved and Charles A. Donello seconded a motion to advertise for an amendment to the Borough's Zoning Ordinance to prohibit the off-street parking of trucks, tractor trailers, RV's, campers, boats, ATV's and construction equipment in the Residential and General Commercial districts of the Borough unless parked or stored in a garage

The motion passed. There was one (1) "No" vote.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to direct the Engineer, Assistant Solicitor and Secretary/Treasurer to prepare a Request For Proposal for the position of Code Enforcement Officer and related duties. The application deadline for the position will be March 30, 2017 with interviews and the review of applicants in April of 2017. The planned award of the new agreement is planned for the May 2017 meeting.

The motion passed unanimously.

Lance E. Colondo moved and Frank S. Maurek seconded a motion to approve Resolution No. 2 - 17 establishing a disabled parking space on the west side of S. Fairview Street beginning 279 feet from the apex of East Walnut Street and ending 301 feet from the apex of East Walnut Street.

The motion passed unanimously.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to approve Resolution No. 2 -17 - A honoring the Chamber of Commerce Award of Excellence recipient, Wind Gap Chevrolet/Buick.

The motion passed unanimously.

Lance E. Colondo moved and Michael Kopach seconded a motion to proceed with the adoption of the Family Medical Leave Act (FMLA) provisions with further refinements to the policy

language and other requirements for use of the benefits. The Borough's Finance Committee will establish the financial ramifications of the policy.

The motion passed unanimously.

Fire: Jessica Teel presented the Fire Report for the month of January 2017 and it was approved as presented.

Police: Carl A. Fischl moved and Charles A. Donello seconded a motion to advertise for an ordinance to remove two (2) separate "No Parking areas on Whitfield Street. The first area is on the west side of Whitfield Street between Belvidere Street and Walnut Street and the second area is also on the west side of Whitfield Street between Walnut Street and East Prospect Street. Also, it would add a "No Parking" area on the east side of Whitfield Street between Walnut Street and East Prospect Street.

The motion passed unanimously.

Carl A. Fischl moved and Brian F. Regn seconded a motion to approve Resolution No. 2-17-B which revises the Police Department Policy and Procedure Manual by amending the sections regarding with Physical Arrest and Transport of People in Custody.

The motion passed unanimously.

Carl A. Fischl moved and Charles A. Donello seconded a motion to hire Ian McCloud as a part-time police officer conditioned upon the passage of medical and psychological testing and other required certifications.

The motion passed unanimously.

Carl A. Fischl moved and Larry Stoudt seconded a motion to advertise for an amendment to the Borough's Motor Vehicle Ordinance which would prohibit the operation of motor vehicles on or across sidewalks.

The motion passed unanimously.

Public Property: Frank S. Maurek moved and Larry Stoudt seconded a motion to approve the request of the Nazareth/Bath Chamber of Commerce to stage the annual BikeFest at Council Chambers on May 13, 2017 from 1:00 pm till 7:00 pm and to sell beer at this event.

The motion passed unanimously.

Frank S. Maurek moved and Michael Kopach seconded a motion to grant permission to the Nazareth/Bath Chamber of Commerce to stage the annual NazJazz Fest at the Nazareth Borough Park on April 29, 2017.

The motion passed unanimously.

Frank S. Maurek moved and Brian F. Regn seconded a motion to approve payment of the current January 2017 invoices to Spotts Brothers for the HVAC project at 134 S. Main Street in the amount of \$32,668.20. The Borough Engineer has approved their work and certifies that payment should be made.

The motion passed unanimously.

Frank S. Maurek moved and Carl A. Fischl seconded a motion direct the Engineer to advertise for the air conditioning bids for the Library Air Conditioning Project. These bids will be opened at the March Workshop at 6:00 pm on March 2, 2017.

The motion passed unanimously.

Frank S. Maurek moved and Charles A. Donello seconded a motion to officially open the Pool on Saturday, May 27, 2017 and remain open May 28th and May 29th, 2017 for the Memorial Day weekend. The Pool will re- open the following weekend and then open daily from 12 noon till 7:00 pm when school officially ends...pending the announcement of that date by the NASD

The motion passed unanimously.

Frank S. Maurek moved and Brian F. Regn seconded a motion to approve the request of the Crime Victims Council of the Lehigh Valley for their Rally Through the Valley and use of the Park as a starting point for their 18th annual Motorcycle event on Sunday, September 17, 2017 from 8:00 am till noon.

The motion passed unanimously.

Frank S. Maurek moved and Michael Kopach seconded a motion to approve use of the Park and the stage behind the Refreshment Stand on Saturday, May 20, 2017 from noon till 8:00 pm by the Lehigh Valley Chamber of Commerce for their Nazareth Car Cruise and Show. A certificate of co-insurance has been provided in advance of the approval.

The motion passed unanimously.

Finance: Larry Stoudt moved and Michael Kopach seconded a motion to direct the Treasurer to pay the current outstanding invoices to Spotts Brothers for the HVAC project at 134 S. Main Street in the amount of \$32,668.20. The Borough Engineer has approved their work and certifies that payment should be made.

The motion passed unanimously.

Larry Stoudt moved and Michael Kopach seconded a motion to direct the Treasurer to advertise the opening for election for the position of Tax Collector.

The motion passed unanimously.

Larry Stoudt moved and Michael Kopach seconded a motion to establish a yearly compensation of \$9,500 for the collection of Borough Real Estate Taxes.

The motion passed unanimously.

Larry Stoudt moved and Frank S. Maurek seconded a motion to offer rental of the office at 132 S. Main Street to the elected Tax Collector at a rate of \$1,000 per year to include all utilities

The motion passed unanimously.

Larry Stoudt moved and Lance E. Colondo seconded a motion to confirm that the Borough will pay for the continuing education of the Tax Collector as required by Act 48

The motion passed unanimously.

Public Works: The Public Works Report for the month of January 2017 was approved as presented.

Ecology: The Ecology Report for the month of January 2017 was approved as presented.

Charles A. Donello moved and Larry Stoudt seconded a motion to allow the Nazareth/Bath Area Chamber of Commerce to sell beer at the Nazareth Jazz Festival in the Park on April 29, 2017.

The motion passed. There was one (1) "No" vote.

Charles A. Donello moved and Lance E. Colondo seconded a motion to proceed with the Circle Lighting Project with funding coming from the Borough's Ecology Budget.

The motion passed unanimously.

Charles A. Donello moved and Brian F. Regn seconded a motion to direct the Engineer to advertise for bids for the construction portion of the Lighting Project in the Circle

The motion passed unanimously.

Charles A. Donello told Council that an issue has arisen concerning people who are renting garages in the Borough and are then placing garbage curbside for collection as if they were a property owner. Donello explained that these people are not being billed for Refuse and Recycling pickup services and are therefore not entitled to weekly pickup of garbage and refuse. Donello told Council that the Ecology Committee is looking into ways to resolve this issue and insure that billing and payment occurs.

Technology: No report.

Mayor: Mayor John N. Samus presented the Police Report for January 2017.

Solicitor: No report.

Engineer: No report.

Zoning: Zoning and Code Enforcement Officer Dennis Huth reported that the Borough currently has 1,078 rental units within its territorial limits. Huth also reported that his office is in the process of beginning the second phase of apartment inspections for the area south of Belvidere Street and east of Main Street. Huth estimates that over 500 apartments are in this zone and will be inspected before the end of 2017.

Old Business: Larry Stoudt told Council that he will be meeting with the Baseball Committee and the Baseball Booster Club to discuss the upcoming high school baseball season and possible new improvements to the field and facility in the Park.

New Business: Larry Stoudt moved and Carl A. Fischl seconded a motion to consent to and to authorize borough insurance defense counsel to negotiate a settlement as discussed. Settlement details must remain confidential at this time because negotiations are still "ongoing."

The motion passed unanimously.

Carl A. Fischl asked if Council could authorize the placement, in Council Chambers, of a picture from the October 2016 Council visit of Nazareth resident and 2016 Olympic Shot Put Silver Medalist, Joe Kovacs. President Daniel Chiavaroli told Council that he had taken a number of pictures that evening and that he would investigate further if an appropriate photo could be found.

Frank S. Maurek stated that the Borough had received \$24,255 from PEMA as a public assistance reimbursement/grant for the snow removal done during the January 2016 snowstorm.

Frank S. Maurek moved and Larry Stoudt seconded a motion to advertise and seek sealed bids for the nearly 3/4 (.75 acre) acre parcel of land which the Borough owns just off Schoeneck Road and known as the Hickory Street property. Deadline for receipt of the sealed bids will be March 28, 2017.

The motion passed unanimously.

Mayor Samus pointed to the work being done by Meals on Wheels in the Borough and the help they provide in providing food for elderly citizens.

Lance E. Colondo asked for the floor and reported on the Borough's ongoing attempt to resolve the contract situation with the Public Works Bargaining Group as he had done one month ago in January of 2017. Colondo once again spoke of "social media" posts which he states blame the Borough for not giving raises to Public Works employees but do not state all of the facts about dramatically increased health care costs which the Borough pays entirely for this group. Colondo referenced attempts by Councilmen Kopach and Donello in the latter parts of 2012 and the first months of 2013 to come to an agreement with our Public Works employees. Their proposals, on behalf of the Borough, which included pay increases, some back pay and a \$250 yearly health insurance contribution, were voted down by the employee group. In 2014, the Borough Secretary/Treasurer attempted to reach an agreement with the employee group with a four (4 yr) year contract offer which included pay increases averaging nearly 3%, health insurance contributions which started at \$275 for the year, in Year One, \$325 for the year, in Year Two, \$375 for the year, in Year Three and \$425 for the Year in Year Four. All but two of the employees currently receive 40 days of sick pay annually to accumulate to 120 days over three years. That

amount would be reduced in the 2014 proposal to sixty days. The employees rejected Council's 2014 offer in August of that year. In 2015, Councilman Carl A. Fischl again attempted to resolve the contract impasse with a four year contract offer and a three year offer which included an average of \$4,000 in back pay, pay increases which would increase wages by 8.8% over four years, ten days of sick time per year and health insurance contributions which started at 4% in Year One and ended at 12% in the final year of each contract offer. Both the three year and four year contract offers were rejected. Councilman Colondo told the assemblage that the Borough has made creditable offers to the Public Works employees bargaining group who currently pays nothing to supplement their ever increasing health insurance costs before revealing that a Family Plan for just health insurance costs the Borough \$24,840 annually, a husband/wife plan costs \$19,272 with no contribution from the employee. Colondo closed his remarks by stating that the Employee Bargaining Group does not even answer repeated letters inviting them to meet and try to resolve the contract impasse.

The Meeting was then adjourned to several "executive sessions" at 7:20 pm.

There being no further business at 8:04 pm, on a motion by Larry Stoudt, seconded by Brian F. Regn, the Meeting was adjourned.

Paul A. Kokolus, Secretary

Daniel Chiavaroli, President