

NAZARETH BOROUGH COUNCIL--REGULAR MEETING--JANUARY 3, 2017

The regular monthly meeting of the Borough of Nazareth was held on Tuesday, January 3, 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, Borough Engineer Albert Kortze, Police Commissioner Randall Miller and Public Works Superintendent Robert Reimer.

Recognition of Citizens From the Floor: Becky Butz 37 N. Broad Street had questions about the Zoning situation and the Borough's issuing of an RFP to find a new firm. Butz also asked for details on the Borough's appeal of the Zoning decision involving the Harry Graak property. She was told that the appeal would be heard in County Court. Butz also asked if occupancy permits had been issued for the new apartments at Lincoln Commons.

Sandra Klotz of 481 East Center Street referred Council to a recent article on Lehigh Valley Live with the salaries of all local police chiefs. Klotz stated that between the Police Commissioner and Police Chief, the Borough is paying \$148,500 in salary which is more than any community that was surveyed for the article.

Communications: None.

The Secretary's minutes from the regular meeting of December 5, 2016 were approved as presented.

On a motion by Charles A. Donello seconded by Michael Kopach, the Treasurer's Report for the month of December 2016 was approved as follows:

General Fund--Cash on Hand November 30, 2016	\$	155,312.76
Waste & Recycling Fund--Cash on Hand November 30, 2016	\$	400,568.29
General Fund--Total Receipts	\$	249,189.68
Waste & Recycling Fund--Total Receipts	\$	296,331.62
General Fund--Total Receipts & Cash	\$	404,502.44
Waste & Recycling Fund--Total Receipts & Cash	\$	696,899.91
General Fund--Total Disbursements	\$	332,533.61
Waste & Recycling Fund--Total Disbursements	\$	282,371.22
General Fund--Cash on Hand December 31, 2016	\$	71,968.83
Waste & Recycling Fund--Cash on Hand December 31, 2016	\$	414,528.69
ESSA Payroll Account	\$	50.20
Embassy Bank State Fund Checking Account	\$	89,626.02
State Fund Money Market	\$	-Closed-
Embassy Bank Park Account	\$	2,000.00
Embassy Bank Reserve Account	\$	927,000.00

Pennsylvania Investment Trust Fund (Reg + Term Investment)	\$	25,000.00
Total of All Borough Funds.....	\$	1,530,173.74

Frank S. Maurek moved and Michael Kopach seconded a motion to approve the payment of bills totaling \$363,112.73. The motion passed unanimously.

The report of the Zoning & Code Officer for the month of December 2016 was presented and approved.

An Emergency Management Report for the month of December 2016 was not presented.

An Ambulance Report for December 2016 was not presented.

Law: Lance E. Colondo moved and Carl A. Fischl seconded a motion to appoint Richard Kocher to serve a four (4 yr) year term on the Borough's Planning Commission.

The motion passed unanimously.

Lance E. Colondo moved and Brian F. Regn seconded a motion to appoint Cathy Huber to a three (3 yr) year term on the Borough's Zoning Hearing Board.

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

Lance E. Colondo moved and Larry Stoudt seconded a motion to appoint Gail Kromer to a one (1 yr) year term on the Borough's Vacancy Board

The motion passed unanimously.

Lance E. Colondo moved and Brian F. Regn seconded a motion to appoint Barbara Fischl to a six (6 yr) year term on the Borough's Civil Service Commission.

The motion passed unanimously.

Lance E. Colondo moved and Charles A. Donello seconded a motion to set times and dates for Borough Workshops and General Business Meetings during 2017.

The motion passed unanimously.

Lance E. Colondo moved and Michael Kopach seconded a motion to direct the Secretary to advertise in a publication of general circulation, the dates for Borough Workshops and General Business Meetings during 2017.

The motion passed unanimously.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to approve an ordinance for an amendment of Chapter 1, Part 2 of the Borough Code of Ordinances, deleting in its entirety, Section B "Recreation Board". The motion passed unanimously and a Roll Call vote followed. Voting "Yes" for passage were Councilpersons Colondo, Teel, Fischl, Maurek, Stoudt, Kopach, Donello, Regn and Chiavaroli. Nine (9) voting "Yes" and Ordinance #824 is adopted into the Borough Code of Ordinances.

Lance E. Colondo moved and Charles A. Donello seconded a motion to approve Resolution No. 1-17 as follows:

A Resolution of the Council of the Borough of Nazareth establishing the Nazareth Day Commission.

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

Establishment. The Borough Council of Nazareth ("Borough Council") hereby creates and establishes a Nazareth Day Commission ("Commission"), pursuant to the authority granted by the Borough Code § 1202(41).

Purpose of Commission. On behalf of the Borough Council, the Commission shall organize, promote, and manage the Borough's annual "Nazareth Day" celebration.

Composition; Terms of Office. The Commission shall be composed of five (5) persons who shall be appointed by Borough Council. Any vacancy occurring on the Commission shall be filled by appointment by Borough Council. Duly appointed Commission members shall serve for a term of five (5) years, except that initial appointments shall be so staggered that the terms of approximately one-fifth (1/5) of the membership of the Commission shall expire each year, the terms of their successors to be of five (5) years each. Borough Council shall designate the Chairman of the Commission.

Compensation. Commission members shall receive no compensation for their services, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

Meetings. The Commission members shall meet as needed.

Records to be Kept; Annual Report. The Commission shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual municipal report, if any, or, if there shall be no annual municipal report, the Commission shall otherwise make its written annual report to Borough Council and generally make the report known and available.

Funds for Expenses Incurred. Funds for the expenses incurred by the Commission shall, at the discretion of Borough Council, be appropriated to the Commission. The Commission may expend monies for such administrative, clerical printing and legal services as may from time to time be required, but its expenditures shall be limited to the amount of funds appropriated to it by Borough Council. The whole or any part of any funds so appropriated in any year may be placed in a reserve fund, allowed to accumulate from year to year, or be expended in any year. The

Commission shall submit a detailed written itemized budget proposal to Borough Council at least thirty (30) days prior to adoption of the Borough's preliminary budget.

The motion passed unanimously.

Lance E. Colondo moved and Larry Stoudt seconded a motion to appoint Donald Broad to a five year term on the Nazareth Day Commission.

The motion passed unanimously.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to appoint Carl Strye Jr. to a four year term on the Nazareth Day Commission.

The motion passed unanimously.

Lance E. Colondo moved and seconded a motion to vote on an ordinance for an amendment to Chapter 15, Part 4, Section 402 of the Borough Code of Ordinances prohibiting parking on the south side of Mauch Chunk Street between Green Street and Progress Avenue. The motion passed unanimously and a Roll Call vote followed. Voting "Yes" for passage were Councilpersons Colondo, Teel, Fischl, Maurek, Stoudt, Kopach, Donello, Regn and Chiavaroli. Nine (9) voting "Yes" and Ordinance #825 is adopted into the Borough Code of Ordinances.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to direct the Secretary-Treasurer to send a notice to each resident with a handicapped parking space reminding them of their obligation to annually submit a renewal application on or before June 1st or they will lose their space. The fee for a renewal application is \$10.00 for the year.

The motion passed unanimously.

Fire: The Fire Report for December 2016 was presented and approved.

Jessica Teel moved and Brian F. Regn seconded a motion to appoint Larry Stoudt to a five year term on the Ambulance Board.

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

Jessica Teel moved and Carl A. Fischl seconded a motion to appoint Carl R. Strye Jr. to a two (2 yr) year term as an "alternate" on the Ambulance Board.

The motion passed unanimously.

Jessica Teel moved and Lance E. Colondo seconded a motion to appoint John N. Samus to a one (1 yr) year term as an "alternate" on the Ambulance Board.

The motion passed unanimously.

Jessica Teel moved and Carl A. Fischl seconded a motion to approve the Fireman's/Kiwanis Carnival in our Park for June 7, 2017, June 8, 2017, June 9, 2017 and June 10, 2017.

The motion passed unanimously.

Jessica Teel moved and Larry Stoudt seconded a motion to approve the Fireman's Firework's Show for Nazareth Day, Saturday, July 15th, 2017 at dusk.

The motion passed unanimously.

Jessica Teel moved and Lance E. Colondo seconded a motion to approve the Fireman's Easter Egg Hunt to be held on Sunday, April 9, 2017 at the Nazareth Park at 1:00 pm. No rain date was requested.

The motion passed unanimously.

Police: Carl A. Fischl moved and Brian F. Regn seconded a motion to appoint Christopher Crook to a three (3 yr) term on the Library Board.

The motion passed unanimously.

Carl A. Fischl moved and Brian F. Regn seconded a motion to approve Resolution No. 1 - 17 - C which proposes an offer of employment to Peter Paluscio for a twelve (12) month probationary period as a full time police officer following and conditioned upon the passage of medical and psychological testing.

A Resolution of the Council of the Borough of Nazareth to extend a conditional offer of employment to Peter Paluscio for the position of full-time patrol officer in the Nazareth Borough Police Department:

WHEREAS, the Borough Council directed the Nazareth Borough Civil Service Commission establish an eligibility list of candidates for the position of patrol officer;

WHEREAS, the Civil Service Commission has certified a list of eligible candidates for the position of patrol officer;

WHEREAS, the Borough Council wishes to extend a conditional offer of employment to a candidate from the certified eligibility list;

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

1. The Borough of Nazareth extends a conditional offer of employment to candidate Peter Paluscio for the position of full-time patrol officer;

2. This offer is conditioned upon the following:

- (a) The conditional appointee undergoing a physical medical examination by a physician or other qualified medical professional and a determination by said physician or other qualified medical professional that the conditional appointee is capable of performing all essential functions and tasks of a patrol officer, and

(b) The conditional appointee undergoing a psychological medical examination by a psychiatrist or psychologist and a determination by said psychiatrist or psychologist that the conditional appointee is capable of performing all essential functions and tasks of a patrol officer.

3. Upon successful completion of the requirements stated in Paragraph 2(a) and (b) above, the conditional appointee shall be sworn-in to the position of patrol officer.

4. The officer's twelve (12) month probation period, seniority for collective bargaining rights, and eligibility for salary and benefits shall all commence effective on the date he is sworn-in.

The motion passed unanimously.

Carl A. Fischl moved and Lance E. Colondo seconded a motion to direct the Secretary to place a single ad for "alternate" Crossing Guards

The motion passed unanimously.

Carl A. Fischl moved and Charles A. Donello seconded a motion to hire Brandon Rader and Stephen Searfoss as part-time police officers conditioned upon the passage of medical and psychological testing and other required certifications.

The motion passed unanimously.

Public Property: Frank S. Maurek moved and Lance E. Colondo seconded a motion to approve a Girl Scout project for the Dog Park setting up obstacles and jumps for the dogs.

The motion passed unanimously.

Frank S. Maurek reported that all outstanding contracts have been approved and signed. Maurek stated that his Committee is holding signed rental agreements from State Representative Joseph Emrick for his offices in the Borough Municipal Building, for the Park Refreshment Stand and for the Nazareth Center for the Arts at 30 Belvidere Street. Maurek reported that the Arts Center has agreed to a one hundred (\$100.00) dollar per month rental fee for the Year 2017.

Finance: Larry Stoudt moved and Lance E. Colondo seconded a motion to approve Resolution No. 1 - 17, the yearly resolution prohibiting member contributions to the Police Pension Plan for all of 2017 as follows:

WHEREAS, Chapter 1, Part 6©, of the Code of Ordinances of the Borough of Nazareth provides for a police pension plan,

WHEREAS, Act No. 600 requires that the elimination of member contributions under the police pension plan be done annually by resolution following authorization by the plan's actuary,

WHEREAS, Conrad M. Siegel, Inc., the auditor of the pension plan has authorized the elimination of member contributions for 2017,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved in Borough Council assembled, that member contributions to the Nazareth Police Pension Plan for the calendar year 2017, are hereby eliminated.

The motion passed unanimously.

Larry Stoudt moved and Charles A. Donello seconded a motion to hire Palmer & Company to perform the real estate audit of Tax Collector Carole Bowers for the Year 2016.

The motion passed unanimously.

Larry Stoudt moved and Charles A. Donello seconded a motion to hire Palmer & Company to do the annual Borough audit for 2016 and submit it to the Pennsylvania DCED by the March 31, 2017 deadline.

The motion passed unanimously.

Larry Stoudt moved and Michael Kopach seconded a motion to name Alfred Pierce as the Borough's 2017 "delegate" to the Northampton County Tax Collection Commission and Paul Kokolus as the Borough's "alternate delegate".

The motion passed unanimously.

Public Works: The Public Works Report for December 2016 was approved as presented.

Michael Kopach moved and Lance E. Colondo seconded a motion to extend the current employment contract of the Public Works employees for the foreseeable future or until a new contract is ratified. Discussion followed. Lance E. Colondo reported on the Borough's attempt to resolve the contract situation with the Public Works Bargaining Group. Colondo 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 motion passed. There was one (1) "No" vote.

Ecology: The December 2016 Refuse and Recycling Report was presented and approved.

Charles A. Donello moved and Lance E. Colondo seconded a motion to retain James Gordon on the Nazareth Borough Municipal Authority for the balance of 2017.

The motion passed unanimously.

Charles A. Donello moved and Michael Kopach seconded a motion to appoint Robert Krause to a five (5 yr) year term on the Nazareth Borough Municipal Authority.

The motion passed unanimously.

Charles A. Donello moved and Brian F. Regn seconded a motion to appoint Harry Lance to a two (2 yr) year term on the Nazareth Borough Municipal Authority.

The motion passed unanimously.

Technology: No report.

Mayor: Mayor Samus presented the Police Report for the month of December 2016. Mayor Samus said that he is looking forward to more Borough improvements, particularly with the Police Department, in 2017. Samus also reported that the Park will be open for the parking of vehicles during a Snow Emergency before issuing Happy New Year greetings to all.

Old Business: None.

New Business: Frank S. Maurek asked when work could get started on proposed roof repairs addressed in a 2016 Monroe County Grant request seeking \$84,900 to repair five different roofs on Borough buildings. The Secretary/Treasurer answered the question by stating that the Borough would not know of Monroe County LSA Grant Awards until late June of 2017 when those announcements are traditionally made.

Michael Kopach asked if Council had received an appraisal for the land it owns on Schoeneck Road and has considered selling. The Borough has received the appraisal which lists the value of the property at \$54,956.

Carl A. Fischl told Council that he had received a request for the use of Council Chambers for the filming of a movie by Michael Owen. Fischl reported that he had not yet received firm dates for

the use and filming but would get more information before a formal approval for use is officially submitted to the Borough's Public Property Committee.

Lance E. Colondo moved and Carl A. Fischl seconded a motion to approve Resolution No. 1 - 17 – A which appoints members of the various boards and commissions for 2017 as follows:

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Borough of Nazareth, in Borough Council assembled, that the Council nominates and appoints the following persons to the various boards and commissions of the Borough of Nazareth as hereby provided:

<u>PLANNING COMMISSION:</u>	<u>4 - Year Terms Expire</u>
Glenn Boerstler	12/31/17
Becky Butz	12/31/18
Barbara Fischl	12/31/18
Chris Erdo	12/31/19
Richard Kocher	12/31/20

<u>NAZARETH DAY COMMISSION:</u>	<u>5 - Year Terms Expire</u>
Donald D. Broad	12/31/21
Carl R. Strye Jr.	12/31/20

<u>CIVIL SERVICE COMMISSION:</u>	<u>6 - Year Terms Expire</u>
Zack Audenried	12/31/20
Harrison Bauman	12/31/21
Dr. Barbara Fischl	12/31/22

<u>MUNICIPAL AUTHORITY:</u>	<u>5 – Year Terms Expire</u>
James Gordon	12/31/17
Robert N. Mertz	12/31/17
Harry Lance	12/31/18
Harry Smith	12/31/19
John Gum (Upper Nazareth)	12/31/19
Robert L. Krause	12/31/21

<u>ZONING HEARING BOARD:</u>	<u>3 - Year Terms Expire</u>
Anthony Todora	12/31/17
John Huber	12/31/18
Cathy Huber	12/31/19

<u>NAZARETH AMBULANCE BOARD:</u>	<u>5 – Year Terms Expire</u>
John N. Samus (Alternate - 1 yr term)	12/31/17
Gail Kromer	12/31/17
Nancy Shiffert Herman	12/31/18
Carl R. Strye Jr. (Alternate – 2 yr term)	12/31/18
Michael Macy	12/31/19
Daniel Chiavaroli	12/31/20
Larry Stoudt	12/31/21

LIBRARY BOARD:

Dr. Barbara Fischl
Harry Adams
Christopher Crook

3 – Year Terms Expire

12/31/17
12/31/18
12/31/19

VACANCY BOARD:

Gail Kromer

1 – Year Term Expires

12/31/17

EMERGENCY MANAGEMENT:

Randy Brown

1 – Year Term Expires

12/31/17

There being no further business, on a motion by Larry Stoudt, seconded by Carl A. Fischl, the meeting was adjourned at 8:02 p.m.

Paul A. Kokolus, Secretary

Daniel Chiavaroli, President