

## NAZARETH BOROUGH COUNCIL--SPECIAL MEETING--JUNE 4, 2020

### **Please Note That This Meeting Was Digitally Recorded**

Due to the current public health crises and the Governor's Declaration of Emergency for the state of Pennsylvania and the Borough remaining as a "Red" county, a "Special" meeting of the Borough of Nazareth was held "remotely" on GoToMeeting.com on Thursday, June 4, 2020 at 6:00 p.m. The meeting was called to order by the President. Present were President Daniel Chiavaroli, Mayor Lance E. Colondo, Councilpersons Carl R. Strye Jr., Jessica Teel, Kayla Green, Michael Kopach, Charles A. Donello. and Christopher D. Crook and Assistant Solicitor Scott Steirer. Absent were Vice President Carl A. Fischl, Councilman David D. Mattei, Solicitor Alfred S. Pierce, Engineer Albert Kortze, Chief of Police Randall Miller and Public Works Superintendent Keith Knecht..

President Chiavaroli explained to everyone, the etiquette and protocols for the "virtual" meeting and clarified that questions from e-mails, phoned in questions and video questions from those remotely attending the meeting would be entertained just before the meeting ended. He explained that many potential questions might be answered by the reports given by Council members and the official actions that Council may take.

Public Property: Carl R. Strye Jr. moved and Charles A. Donello seconded a motion to reopen all Borough parks, playgrounds, tennis and basketball courts, baseball and soccer fields, the Skate Park and the West End Walking Trails for "cautious" public use. Those using these facilities would do so "at their own risk". Discussion followed. Christopher Crook asked what signage would be used at these parks and other facilities. Crook stated that although the Borough has sovereign immunity for liability protection which works very much in the Borough's favor, he added that we would be initially responsible for dollar one in defending claims. Crook asked that commentary follow from Paul Pugielli, representing Brown and Brown, the Borough's insurance broker. Pugielli joined the meeting remotely and explained the Borough's coverage in relation to the several exclusions on the Borough policy to include Communicable Diseases, Virus Protection and Fungus, Wet Rot, Dry Rot and Microbe exclusions. Following Pugielli's explanations of the intricacies of Borough coverage and the fact that complainants would have to prove gross negligence, Crook requested to make a statement about the reopening and the possibility of rethinking the decision to close the Pool for the 2020 season, a decision passed by Borough Council at its Monday, June 1, 2020 Business Meeting. Crook requested that his statement be added to the Public Record and advised the Secretary that a document would be sent to him for inclusion in the Minutes. That statement follows.

Fellow members of Borough Council:

Now that we have opened up our Borough Parks and Playgrounds, I urge you to consider opening up the Borough Pool at some point in the near future, as well. I know we have already decided the issue on Monday night, but we had also voted against the Porta-Potties and Playgrounds, which for some reason were also mixed up in that vote. We have corrected that mistake tonight, and we can

correct this one as well. One of the major unknowns discussed at Monday's meetings was our General Liability coverage; However, as discussed tonight we recognize the issues and have gone ahead with trying to mitigate the risk as much as possible. The Pool shares the same Liability coverage and, I would argue that, in point of fact, we are better covered at the Pool since we can and should follow the State and CDC guidelines to the last letter. I do not want to minimize the other issues that people have brought up, and I will try to address a subset of them here:

1. "We will be inundated with people from other locations / There is no way to control entry". I believe a reasonable solution to that dilemma, is for us to open the first two hours to Season Pass holders only, and those are only available to households within the Nazareth Area School District footprint. After that, we only allow entry up to maximum capacity, and anyone not allowed in will need to wait in their vehicle. We could also hand out paper tickets like the deli, and post a sign in the parking lot to let people know a spot has opened up.
2. "Our staff is not trained to do all the disinfecting necessary / The disinfecting routine happens too often." We can hire someone to take over this responsibility and the new Pool guidelines offer a timetable for the disinfecting. There is no need to "chase people around with wipes."
3. "What if an outbreak occurs?" This is a concern with the Parks as well, and we will handle it the same way, immediately reconsider the current measures, reach out to the Health Department, and follow their guidelines.
4. "The snack bar contract and rental was drawn up with a consideration for a full Pool, not 50% occupancy." I am sure the new snack bar company would be more than happy to negotiate a lower rate for the rental.
5. "There are too many things that can go wrong, we cannot anticipate them all." I fully agree that this will be hard to do, but it is not impossible. I have experience it with my company, the two Boards I sit on, the Public Works Department, the Police Department – when things get tough we as a people step up and get things done. This is a time to figure things out and bring a small semblance of normalcy to our lives.

Finally, I say to you, fellow Council Members, let's make a bold choice tonight to open the Nazareth Borough Pool in a safe and thoughtful manner. To that end, I would like to make a motion to open the Borough Pool at the earliest feasible time, following all guideline, and with ample time to plan for a safe and healthy season.

Thank you.

There was "No" second to the motion to reconsider and rescind the motion to close the Pool. Discussion about the Pool closure and Councilman's Crook's statement followed. Carl R. Strye Jr. stated that the decision to close the Pool was not a mistake and that the safety of our citizens and Pool patrons was the number one concern. Strye added that countless hours, phone calls, investigations into other municipalities and their policies on this matter plus calls to the State Department of Health and even the Governor's Office, aided in the process of making this decision. Strye also said that he looked at every possible way to safely and effectively open the Pool before he and his Committee came to the painful realization that it could not be safely done and could not be managed properly. He assured Council that his Committee's decision to close was not an

insurance decision but a decision based on safety and that no one hated the decision to close the Pool more than he and his Committee did. Strye said sleepless nights and searches for solutions led up to the final call that they reluctantly had to make.

The motion to rescind the June 1, 2020 motion to close the Pool and further to open the Pool for the 2020 season was defeated. A further comment offered by Councilman Crook revealed that he had expected that outcome.

Councilman Crook requested the floor and asked to present a statement which he wished to have added to the Public Record and the official Meeting Minutes. That statement follows:

Acceptance of the results of the motion:

To each and every one on the Council, I want to thank you for the thought and care you have put into considering this motion.

Although, I disagree with the outcome, I believe in my heart that each of you, were voting your conscience and acting with what you believe is best for Nazareth. I know that none of us sit on this Council for any other reason than we truly love our town and community.

I also want to express my appreciation for the Public Property Committee and its Chairman, Carl Strye. You have put in long hours checking and rechecking for guidance from the Health Department and CDC. Reached out to other municipalities to understand their plans for the summer. Met and spoke with countless people. Thank you.

To the community as a whole, whether you are for or against the Pool opening, I humbly ask that you treat all of us on Council with understanding. By no means, do I mean that you should not let us know your opinion because we, as your representatives, have a duty to listen. I am asking, that you keep in mind that each of us chose the path that we thought best for Nazareth. I have tried very hard over the past few years to learn the art of "disagreeing without being disagreeable". I often fall short of that mantra, but I am getting better each day. No one on Council made the decision lightly or with malice. Please keep that in mind when posting, emailing, or calling.

May God bless Nazareth and our Greater Community, as well as Bless and Heal our Great Nation.  
Thank you

The proceedings then reverted to the motion on the floor to reopen all Borough parks, playgrounds, tennis and basketball courts, baseball and soccer fields, the Skate Park and the West End Walking Trails for public use and for normal specified hours of operation. Discussion about that motion followed. Kayla Green asked what signage would be put up on playground equipment and would be posted at park and facility entrances. Charles A. Donello stated that the Borough signs should be the same as those being used by neighboring municipalities. Assistant Solicitor Scott Steirer stated that he would call the Public Works Superintendent to insure that proper wording would be used on all signs and that placement of the signs would be in the best locations. A "voice vote" followed.

The motion passed unanimously.

Carl R. Strye Jr. moved and Michael Kopach seconded a motion to approve the rental of two (2) Porta Potties for use in the Park. Discussion followed. Christopher D. Crook stated that he has concerns and worries about the sanitation involved with Porta Potties. Carl R. Strye Jr. stated that the Porta Potties contract insured that they would be sanitized twice each week and that they were already in place in anticipation of the June 5, 2020 openings of all parks and playgrounds.

The motion passed unanimously.

Carl R. Strye Jr. moved and Charles A. Donello seconded a motion to negotiate a contract settlement with the Pool/Park Manager following the closure of the Pool for the Summer season. Michael Kopach asked if the Pool/Park Manager could collect Unemployment Compensation if she accepted a severance settlement. The Borough is self-insured and would have to pay all unemployment payments to Diane Mullen. Council agreed to set the settlement maximum at \$3,000.00 for the balance of 2020 wages and directed the Secretary to contact Ms. Mullen and negotiate a settlement.

The motion passed unanimously.

Carl R. Strye Jr. moved and Michael Kopach seconded a motion to give final approval to Camp Cake of 143 S. Main Street to place tables on the sidewalk and offer patrons their baked goods to comply with what is allowed in the "Yellow" phase of the State's Pandemic Reopening Plan. Carl Strye stated that he had personally gone to Birthright Brewing and measured their sidewalk space to insure conformity and no overreach by Camp Cake when they placed tables on their sidewalks. He further stated that Camp Cake would be using only half of the allowed space following conversations he had with Tara Burnett, the owner of Camp Cake. Further discussion followed. Christopher Crook asked if we need to limit this approval to this year and if the approval applies to everyone else wishing sidewalk space for tables and outdoor dining. Carl Strye responded that we need this approval "now" to help those in need and that we can talk further down the road.

The motion passed unanimously.

Carl R. Strye Jr. moved and Michael Kopach seconded a motion to reopen Council Chambers at 159 W. Center Street for public meetings, effective immediately.

The Motion passed unanimously.

Mayor: Mayor Lance E. Colondo asked for the official opening time for the parks, fields and facilities now that Council had passed the motion for reopening. Carl Strye informed him that all facilities would officially open at 12 noon.

Old Business: None

New Business: None.

There being no further business at 6:52 pm, on a motion by Michael Kopach, seconded by Kayla Green, the Meeting was adjourned.

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Paul A. Kokolus, Secretary

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Daniel Chiavaroli, President