

**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES**

**April 5, 2016**

The meeting was called to order by Chairman William Weimer at 7:07 pm in the meeting room of the Coolbaugh Township Municipal Office, 5520 Municipal Drive, Tobyhanna, PA.

**Board Members present:**

William Weimer, Juan Adams, Lynn Kelly, Alma I. Ruiz-Smith, and Anthony Lamantia

**Board Members absent:**

None

**Staff present:**

Jerry Hanna, Solicitor, Erin Masker, Recording Secretary and Maureen Mills, Controller

**Staff absent:**

None

**Announcements:**

Mr. Weimer announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public will be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes.

**1. Public input**

- A gentleman in the audience stated that he has concerns regarding his property frontage on Harvest Lane with regard to drainage and flooding. Mr. Weimer stated that he will look at the entire road.

**2. Approval of minutes / notes : March 15, 2016 Regular Meeting Minutes**

*Mr. Adams made a motion, seconded by Mr. Lamantia to approve the minutes of the March 15, 2016 meeting as presented.*

- **Discussion:** None
- **Vote:** All in favor, motion passes

**3. Dog Park Update**

*Ms. Kelly made a motion second by Mr. Adams to require all fence posts be re-installed with sonotubes and concrete and that the Township assist with completing the project by allocating both labor and financial resources to the project. The DPW Assistant Foreman will coordinate Township labor to dig the post holes and work with the Eagle Scout Candidate, Jason Gonzalez to oversee the installation of the posts in the concrete by the scouting volunteers. Additionally that the Township will purchase the new materials needed, that is the sonotubes and concrete. That the Township accept the fence height change from 4' to 6' and that the EAC punch list be completed in respect to the fence tension, gates, top rail and ground slope.*

- **Discussion:** Mr. Adams asked if this is for any help needed, being advised by Mr. Weimer that contact was made with the Scout Council and we asked what we can do to help with project. The council advised that we can provide funding and labor as long as the Eagle Scout is involved in the project, but that the money and time would have to be accounted for in the final report. Ms. Ruiz-Smith asked who is responsible for the upkeep after the project completion with Mr. Weimer stating the Township. Mr. Weimer stated that he would like a "warning track" installed around the fence area on both sides to assist with protecting the fence from weed wacking and mowing. The track will also help with longevity where it pertains to the fence. Ms. Ruiz-Smith stated that in the future we should require a professional serve as the project manager at the expense of the Scout to ensure the project is completed properly. Ms. Kelly stated we also need to have our professionals review projects before they start. Ms. Kelly also stated that we currently have our professionals reviewing the composting aspect of the project so once we receive the review we will address that phase, until then we will not move forward with that phase. Mr. Lyman from the Eagle Scouts stated that the offer that the Supervisors made is very generous, but stated that Mr. Gonzalez is working and we will have to discuss this with him and see what his availability is. Mr. Lyman asked if it is possible that the DPW do the work with Mr. Gonzalez overseeing the project, being advised by Mr. Weimer that

this is an Eagle Scout project, we will provide DPW to oversee it but the Eagle Scout and his volunteers will have to provide the work. We will dig the holes with our equipment but we will not be doing the work. D. Pope asked how many posts are there up at the Dog Park stating it may be more cost effective and make the project easier to have a concrete truck come and have DPW direct the shoot into the sonotube instead of mixing bags of concrete.

M. Fairservice stated that the Parks and Rec only received \$10,000.00 in their budget this year and was wondering whose budget the money for this project would come from, being advised by Mr. Weimer it would not come from Parks budget.

- **Vote:** All in favor, motion passes.

Mr. Weimer asked Mr. Lyman to contact Mr. Gonzalez and get back to him to let him know if this plan will work for him. In the meantime Mr. Weimer stated that he will have Kyle cost out a concrete truck.

#### 4. Pocono Mountain Public Library Board Meeting Update

Library Director, Ann Shincovich was in attendance to update the Board on the PMPL Board meeting held last month. A. Shincovich stated that the Library Board is working on a strategy regarding funding so that they can speak with Mount Pocono Borough Council, stating that they have not met yet. A. Shincovich presented the Supervisors with copies of financials for 2015 as well as the 2015 annual highlights for the library which included collections data, public computer usage data as well as attendance and usage stats. MS. Shincovich stated that the library board will be meeting tomorrow evening to further discuss the strategy, stating that their meetings are open to the public and are held on the first Wednesday of the month at 7pm at the library.

- **Discussion:** Ms. Ruiz-Smith asked how much state funding does the library receive each year. Ms. Shincovich responded that it is based on a formula which corresponds with the amount of funds raised, stating that the library has received \$57,000.00 in 2016, \$55,000.00 in 2015 as opposed to the \$84,000.00 they received in 2004. Stating that the money from the state goes to operations and must be spent within the year that it is awarded.

#### 5. E-911 Readdressing Update

Code Enforcement Officer, Tomas Keane presented the Board with the updated totals of properties in compliance as well as properties that are out of compliance along with a spreadsheet breaking down the violations.

- **Discussion:** Mr. Weimer asked for the status of the property on Route 196 with issues, and was advised that he went to court with the homeowner and that he was given a week to comply. Mr. Keane stated he had to file again because the property is still not in compliance. Mr. Keane stated that we will have to get a sheriff or constable to go out and serve the homeowner this time. An audience member asked when Mr. Keane will be checking J, K & L sections of APCP being advised that he is currently working on it. Mr. Keane stated that all of main section of APCP has already been checked except for Country Place Drive.

#### 6. Dangerous Structure Update

Ms. Kelly reviewed the current statuses of the dangerous structures in the Township, with six properties being newly added in the first quarter of 2016. Stating that we are moving forward with trying to bring all properties into compliance as we had 22 properties brought into compliance by the end of December 2015. Stating that the Belgravia property is on the agenda separately tonight so that we can move forward with it as we are unable to find someone to take ownership of the property as the owners on record are deceased.

- **Discussion:** H. Smith asked for an update on the cost to tear down the Old Mill being advised by Mr. Weimer it was roughly \$23,000.00. B. Sandford thanked Ms. Kelly for the updates and asked about the property located at 3122 Hamlet wanting to know how long a property can stay in the current status of being vacant and boarded up, being advised indefinitely due to the fact that it is not in violation of the Township Ordinance. D. Broxmeier asked about the debris that is located on the 3122 Hamlet property as it is an eyesore, Mr. Weimer asked Code Enforcement Officer, Tomas Keane to look into the property.

#### 7. Belgravia Blighted Property- Authorization to Advertise

*Mr. Adams made a motion second by Mr. Weimer to authorize the legal advertisement as presented for the blighted property located at 1418 Belgravia Drive in Pocono Farms East.*

- **Discussion:** B. Sandford asked what happens after no contact is made after the 15 days, being advised by Solicitor Hanna that the Board of Supervisors can decide under the Ordinance Section to take action. Mr. Hanna stated that we as a Township have made a good faith effort to contact property owners or heirs on this property and that he spoke with a lady at the property in New York that identified herself as a relative that stated the owners are deceased. Mr. Hanna expects that we will not hear anything from anyone relating to this property, but if we did they would have a legal hearing before the Board of Supervisors.
- **Vote:** All in favor, motion passes.

**8. Request to notify PennDot of Pocono Summit Volunteer Fire Co. Annual Fireman's Parade**

Mr. Weimer read the request received from Pocono Summit Volunteer Fire Co. requesting that the Board contact PennDot as in past years to notify them of their parade on June 25, 2016.

*Mr. Adams made a motion second by Ms. Ruiz-Smith to grant the request for the Township to notify PennDot of the June 25, 2016 Annual Pocono Summit Volunteer Fireman's Parade.*

- **Discussion:** None
- **Vote:** All in favor, motion passes.

**9. Parks and Recreation Recommendations**

- **Coolbaugh Soccer Association- Multi-purpose field request**

*Mr. Adams made a motion second by Mr. Weimer to grant the usage request for use of the Multi-Purpose Field from June 11-August 27, 2016 from 5:00pm-8:00pm.*

- **Discussion:** None
- **Vote:** All in favor, motion passes.

- **TAA- Field Use Request**

*Ms. Ruiz-Smith made a motion second by Mr. Adams to approve the TAA Field use request for the Armed Forces Field, Volunteer Field and the Freedom Field for April 1-October 31, 2016 on Mondays –Fridays from 4-9:30pm and Saturdays from 9:00am-9:30pm.*

- **Discussion:** None
- **Vote:** All in favor, motion passes.

- **TAA Request for Labor from DPW for Freedom Field Foul Pole Installation**

*Mr. Adams made a motion second by Ms. Kelly to authorize the request for DPW to install the foul poles on the Freedom Field with TAA purchasing the poles.*

- **Discussion:** M. Fairservice said maybe you could coordinate the concrete for the dog park and the foul poles for the same time.
- **Vote:** All in favor, motion passes.

- **Approval for Grecco Painting to Paint the Pavilions at the Park**

*Mr. Weimer made a motion second by Ms. Kelly to authorize Grecco Painting to power wash and stain the underneath of the pavilion roof at a cost not to exceed \$3,000.00.*

- **Discussion:** Mr. Lamantia asked if there is a reason that it cannot be done in house, with Ms. Kelly responding that we do not have the skill set to complete the project. Mr. Weimer stated that he would like to have it completed professionally the first time and then moving forward we could maintain it in house. Ms. Ruiz-Smith asked if we could negotiate a payment plan with the contractor so that we may get a percentage for paying sooner. Mr. Weimer stated that we can ask. Mr. Adams asked if there is a warranty being advised by Mr. Weimer that it is probably until inspection and accepted by the Township. A gentleman in the audience stated that you have to be careful with using a pressure washer as sometimes it can do more harm than good if you are inexperienced.
- **Vote:** 4-1-0, motion passes. (Mr. Lamantia opposed stating he is for the project but not to having an outside contractor do it.)

**10. Dog Goods USA Land Development**

Brian Courtright from Brian Courtright Surveying was in attendance and presented his plans to the Board of Supervisors. Mr. Courtright stated that his clients want to put up a pole barn. Mr. Courtright reviewed the plans with the Board pointing out the changes that were made in accordance to the Township Engineer, Russ Kresge's review letter dated February 22, 2016. Mr. Hanna explained that the note alone on the plan did not negate the need for an indemnification agreement to be entered into with regard to the driveway encroachment onto the neighboring property. Mr. Courtright stated that he was unsure of the wording that needed to be used for that agreement with Mr. Hanna advising that the attorney for Dog Goods USA would be able to provide the legal verbiage. Mr. Courtright discussed the waiver of the lighting plan that is being requested stating that this is a dawn to dusk operation as noted on the plan. Mr. Weimer stated that he is not very comfortable with granting this waiver as the hours of operations could change with time and we would have to be able to monitor this. Ms. Kelly asked Mr. Hanna how legally binding this note on the plan is should we need to enforce it if there is a change, with Mr. Hanna responding that the Township would be able to enforce it under the SALDO. Ms. Ruiz-Smith stated that the lighting would be an extensive project. Mr. Weimer stated that he feels that enforcing the requirement for the lighting plan is the right thing to do. Ms. Kelly stated that she understands the request as it is in a residential area. Mr. Hanna suggested a standalone agreement that would depict a future need to complete the lighting plan.

Ms. Kelly made a motion seconded by Ms. Ruiz-Smith to approve the Dog Goods USA land development plan with the following conditions: (1) that the waiver of the submission of the lighting plan requires additional legal agreement which states that should the hours of operation change, the lighting plan would be required; this document should include language that it holds harmless and indemnifies the Township which will be reviewed by Township Solicitor Hanna, (2) upon submission and approval of this document, a note reflecting this should be added to the plan stating that "no activity after dusk and that a waiver has been granted", (3) an indemnification agreement must be entered into with regard to the driveway encroachment which would also include the language that that it holds harmless and indemnifies the Township, which will be reviewed by Township Solicitor Hanna (4) that compliance with building codes is required, and (5) that all conditions have been met in accordance with Township Engineer, Russ Kresge's review.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

**11. Lot Consolidation Plan-Arrowhead**

Mr. Adams made a motion second by Mr. Weimer to approve the lot consolidation plan for Section 11, Block 66, Lots 13 & 14 with Tax parcel ID#03/20A/2/149 and 03/20A/2/150.

- **Discussion:** Mr. Hanna confirmed with Ms. Masker that the conditions listed in the review letter from Township Engineer Russ Kresge had been met, with Ms. Masker responding that they had. These conditions included the revision of a scale on the plan and the correction of Ordinance No. 51 being changed to Chapter 27 on the plan.
- **Vote:** All in favor, motion passes.

**12. PMRPC Concerns**

Ms. Kelly discussed that at the last police commission meeting she requested information on the increase of patrol hours in January and February as it was two and a half times as many hours as in 2015, Chief Wagner stated he would look into it. Ms. Kelly asked PMRPC representatives in attendance where the meeting is this month being advised it is still at Tobyhanna Township as the building repairs are not yet complete.

- **Discussion:** B. Sandford stated that at the meeting last month a letter was submitted by the representatives expressing the Township's concerns pertaining to transparency on the website and following the sunshine act. Ms. Kelly stated that decisions made privately in executive session are not coming out in the public for a vote. V. Massaro stated that PMRP are being called to Kalahari multiple times which should increase the Tobyhanna Township hours, being advised by the representatives that Tobyhanna Township purchased more hours. Mr. Weimer explained that there is a computer in the car that can track the location and hours, but we do not have access to view it. Mr. Weimer stated that we want to find the balance. Mr. Adams explained that patrol hours are flexible and investigative time is not. D. Broxmeier asked for an update on the company that the Board hired and authorized paying \$25,000 to research the best options for the Township, being advised by Ms. Kelly that the study is underway and it could take some time.

**13. Controller Report**

Ms. Mills read the Controllers Report for the month of February 2016, giving a breakdown of the income and expenses.

- **Discussion:** None

**14. Current Obligations**

• General Fund	\$	283,576.72
• Sewer Fund	\$	9,291.72
• Capital Projects Fund	\$	0.00
• Emergency Services Fund	\$	0.00
• Liquid Fuels Fund	\$	0.00
• Escrow Fund	\$	<u>583.50</u>
<b>Total Disbursements</b>	<b>\$</b>	<b>293,451.94</b>

Mr. Adams made a motion seconded by Ms. Kelly to pay the current obligations totaling \$293,451.94.

- **Discussion:** Ms. Ruiz-Smith Ms. Ruiz-Smith asked about check# 5975 and check# 1713 both to Direct Energy being advised that check# 5975 was multiple bills compiled into one payment and check# 1713 was for the sewer plant. Ms. Ruiz-Smith stated that she does not see a check for UGI, Ms. Mills stated that it may not have come in yet.
- **Vote:** All in favor, motion passes.

15. Other Business

- **Authorize Township Engineer, Russ Kresge to prepare the 2016 Paving Contract Documents to be voted on May 17, 2016**  
*Mr. Adams made a motion seconded by Ms. Ruiz-Smith to authorize Township Engineer, Russ Kresge to prepare the 2016 paving documents and authorize the advertisement so the awarding of the bid can be voted on at the May 17, 2016 meeting.*
  - **Discussion:** Ms. Kelly stated that we have the proposal of the roads for 2016 and the liquid fuels money for the project, but what do we want to do if the proposal comes back that we can't afford inclusion of all the roads we originally anticipated, how do we determine what roads we will do. Mr. Weimer stated that Russ Kresge will work up the numbers of how many miles we can afford from the liquid fuels money which will be less 20% as we agreed to use money from liquid fuels toward the purchase of the new Volvo truck. Mr. Weimer stated that he would leave it up to Russ as he knows the list of roads and what needs to be done, if we can only do half the roads, he would be able to determine the best option. H. Smith asked about the gas company going through Industrial Park, being advised by Mr. Weimer that they did but it did not affect the entire road. Ms. Ruiz-Smith agreed with Mr. Weimer and stated that we have a long standing relationship with Mr. Kresge we should trust his judgement.
  - **Vote:** All in favor, motion passes.
- **\*FYI\*-Route 196 Turning Lane Project- LSA Grant Extension was approved until June 30, 2017.**  
**Discussion:** Ms. Ruiz-Smith asked what will happen if the LSA money does not come in, do we have the money to fund the project. Mr. Lamantia stated that the money should be earmarked for the project. Ms. Ruiz-Smith stated that her concern is with the issues with the state budget. Ms. Kelly stated that we pay for the expenses and submit the receipts for reimbursement from LSA.

16. Board of Supervisors Executive Sessions

- Prior: Thursday, March 24, 2016 from 7:00pm-9:20pm Re: Legal
- Prior: Tuesday, April 5, 2016 from 6:00pm-7:04pm Re: Legal
- After: Tuesday, April 5, 2016 from 9:20pm-10:10pm Re: Legal

17. Adjournment

There being no further business, a motion was made by Mr. Adams, seconded by Ms. Ruiz-Smith to adjourn the meeting. All in favor, motion passed. Meeting adjourned at 9:15 pm.

**NEXT REGULAR BOARD MEETING: Tuesday, May 3, 2016 at the Coolbaugh Township Municipal Office meeting room.**

- **Work Session – 6:00 pm**
- **Business Meeting – 7:00 pm**

Submitted by: Erin Masker, Recording Secretary

Reviewed by: \_\_\_\_\_  
Lynn Kelly, Township Secretary

Witnessed by: \_\_\_\_\_  
William Weimer, Chairman

Date: \_\_\_\_\_