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Board of Supervisors
August 19, 2008 Meeting
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The Coolbaugh Township Board of Supervisors August 19, 2008 Meeting was held in the Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania.

Call To Order

Chairman Joseph O'Boyle called the meeting to order at approximately 7:00 p.m. and led those in attendance in the recitation of the Pledge of Allegiance to the Flag.

Roll Call

Supervisors present for the meeting include: Mr. Joseph O'Boyle, Ms. Lynn Kelly, Mr. James H. Frutchey, Jr., Mr. Robert B. Hutchins and Mr. Robert M. Zito. Also in attendance were Township Solicitor Jerry Hanna and Township Secretary Linda Frutchey.

Statement on the Agenda: Mr. O'Boyle announced that the Public will be given an opportunity to speak on each agenda matter. Public Input is considered at the end of the meeting for other issues.

Approval of August 5, 2008 Meeting Minutes

Mr. Frutchey moved to approve the August 5, 2008 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

S.R. 196 & King's Way/Seven Nations Drive Traffic Signal Intersection Signalization

Mr. James A. Milot of Hanover Engineering was present to go over the proposed plans for the above referenced Proposed Signalization Project explaining that the work would include installation of the traffic signal with corresponding left turn lanes, shoulder upgrading, drainage improvements, final grading, topsoil preparation, seeding and mulch, erosion and sedimentation control necessary to complete the project. Mr. Milot said when the project starts, he will notify the adjacent home owners about the road changes, which is a requirement of PennDOT.

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Mr. Frutchey motioned to authorize the Chairman to sign the PennDOT Highway Occupancy Permit for S.R. 196 Kings Way/Seven Nations Drive. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Coolbaugh Realty Partners, LP - Land Development Plan

Tim Townes of J. Loew Associates, Inc. was present on behalf of the plan referenced above.

Mr. Townes went over the outstanding engineering comments from Township Engineer Russ Kresge and Hanover Engineering which included the following: receipt of a letter of commitment from PAWC, DEP Approval of the Planning Module and the NPDES Permit, MCCD Approval of the E & S Plan, the PennDOT Highway Occupancy Permit for the driveway to SR 940, the construction cost and the development agreements meeting the satisfaction of the Township Solicitor and Engineer, the new drainage being tied into the existing drainage at their expense and a Maintenance Agreement being finalized for the on-site stormwater runoff facilities and for the storm sewer that is located within the PennDOT right-of-way.

Mr. Hutchins moved as per the recommendation of the Township Planning Commission to approve the Coolbaugh Realty Partners, LP - Land Development Plan provided that all outstanding comments in letters dated August 5, 2008 from Township Engineer Russ Kresge and August 11, 2008 from Hanover Engineering are addressed. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Arcadia North Business Park, Lot 2 - Preliminary Land Development Plan - Request for Extension

Shawn Langen of Arcadia Properties, LLC and August Antol of Liberty Engineering, Inc. were present on behalf of the above referenced request.

Mr. Frutchey moved to grant the extension for the Arcadia North Business Park, Lot 2 - Preliminary Land Development Plan until December 3, 2008. Seconded by Ms. Kelly. Discussion - Mr. Langen and Mr. Antol gave an update on the project. The motion carried 5-0.

Request from Township Engineer re: Arcadia North Business Park - South Phase, Section 1 - determine if proposed construction of second curve is acceptable

Shawn Langen of Arcadia Properties, LLC and August Antol of Liberty Engineering, Inc. were present on behalf of the above referenced matter.

A lengthy discussion followed about Township Engineer Russ Kresge's August 13, 2008 letter relating to the proposed construction of the horizontal curves in Industrial Park Drive North at the Arcadia North Business Park. Mr. Kresge said the first curve will be satisfactory, provided it is redesigned and approved prior to construction; however, the second curve will not be able to accommodate anticipated future conditions. Further discussion ensued about the problems with the design of the second curve, proposed corrections, road construction, the need for a bond contingent upon the costs of the redesign, etc.

Mr. Frutchey made a motion to approve the temporary proposed construction of the second curve and cul-de-sac in Industrial Park Drive North contingent upon Arcadia Properties providing bonding for future milling/removal & reconstruction and completion of the roadway project per the approved Subdivision Plan. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

2008 Monthly Reports

Coolbaugh Township Volunteer Fire Company

No report was given.

Pocono Mountain Regional Emergency Medical Services

Mr. O'Boyle summarized the majority of calls made in July 2008 by the PMREMS, including 147 in Coolbaugh Township, 88 in Tobyhanna Township, 44 in Tunkhannock Township, 4 in Paradise Township and 25 in the Borough of Mount Pocono. He also noted that the ambulance association needs to put in a new septic sand mound and made a request to the Board on behalf of the PMREMS to clear the area for the septic sand mound. Mr. Zito moved to approve the request from the PMREMS to clear the area for the septic tank bed. Seconded by Ms. Kelly. Discussion followed about septic permit fees. Mr. Zito amended his motion to waive the fees for the permit. The amended motion was seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

Pocono Mountain Regional Police

Mr. Hutchins presented the July 2008 PMRPD Monthly Report as follows: 1481 complaints, 79 accidents, 135 criminal arrests, 287 traffic arrests, 166 traffic warnings, and 14 ordinance arrests for a total of 1560 calls within the area covered by the regional police, which includes Tobyhanna, Tunkhannock and Coolbaugh Townships and the Borough of Mount Pocono. He noted that there were 990 patrol hours and 1022 investigation hours expended in Coolbaugh Township and that the Township was over by 123 hours for July and over 400 hours year to date. Regarding hiring, Mr. Hutchins reported that there was one new hire in training in the academy and 239 applications on file for future positions. He also commented that by having two officers in each car, 920 gallons of fuel have been saved so far.

Adoption of Ordinance 109 re: entry into an Intergovernmental Cooperation and Implementation Agreement to implement the Regional Comprehensive Plan

Mr. Frutchey moved to adopt Ordinance 109 re: entry into an Intergovernmental Cooperation and Implementation Agreement to implement the Regional Comprehensive Plan. Seconded by Ms. Kelly. Discussion - public comment was heard from Werner Frank, who expressed satisfaction that this ordinance was finally adopted after 5-6 years of seminars and work sessions. The motion carried 5-0.

Retirement of Township Employee Mary Ann Lawless

Mr. O'Boyle commended Mary Ann Lawless for her service as an employee of the Township over a period of 16 years. Mr. Hutchins moved to accept, with both regret and congratulations, the notice of retirement from Mary Ann Lawless, effective August 29, 2008. Seconded by Ms. Kelly. Discussion - none. The motion passed 5-0.

Retirement of Township Employee Neil Hay

Mr. O'Boyle commended Neil Hay for his service as an employee of the Township over a period of approximately 6 years. Ms. Kelly moved to accept, with both regret and congratulations, the notice of retirement from Neil Hay, effective October 8, 2008. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Request to use Township Park and move the picnic tables to accommodate a wedding

Mr. O'Boyle summarized a letter dated August 6, 2008 from Misty Scott requesting to use the pavilions at the Township Park for her wedding in May of 2009 and to move the picnic tables to better accommodate her guests. Discussion followed about the date requested, relative to other events in May, such as "Run for the Red" and the "Pitch 'n Run" and whether Township employees should move the picnic tables for a fee, rather than private citizens, as suggested in Ms. Scott's letter.

It was the consensus of the Supervisors that they would approve the request, provided Ms. Scott and her guests follow the rules and regulations for rental of the pavilions, that the pavilion fees of \$50.00 and \$75.00, the \$100.00 deposit and \$100.00 for Township employees to move the picnic tables are paid. The Board agreed that Ms. Scott should also be made aware of the "Run for the Red" and "Pitch 'n Run" in the month of May, and Wayne Regan of the DPW should coordinate the details.

Ron Roberts request to purchase the parcel of land with the red barn structure

Mr. O'Boyle summarized a letter dated July 28, 2008 from Ron Roberts asking to buy the parcel of land with the red barn on it belonging to the Township.

Solicitor Hanna said the Township cannot sell property, and a lengthy discussion ensued over the reasons such a sale is not possible, including Second Class Township Code procedures involving bidding and private auctions, language in the Deed regarding conveyance, court approval, etc. No determination was made, but it was the consensus of the Supervisors to consider conveying this parcel back to the original owners/heirs and to forward information regarding this discussion to Mr. Roberts.

Request for a refund of \$189.89 on an overpayment of real estate taxes by Township resident Joseph Williams, due to a Veteran's Exemption approved 12-03-2007

Mr. Hutchins made a motion to grant the request for a refund of \$189.89 on an overpayment of real estate taxes by Township resident Joseph Williams, due to a Veteran's Exemption approved 12-03-2007. Seconded by Mr. Zito. Discussion - none. The motion passed 5-0.

Bid Award - Addition to Municipal Garage for Coolbaugh Township

The Bid for the Addition to Municipal Garage for Coolbaugh Township was advertised in the *Pocono Record* on Monday, July 16 and Friday, July 20, 2008 with a bid opening on Monday, August 11, 2008 at 2:00 p.m.

The following General Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Grimm Construction in the amount of \$349,725.00; Bognet, Inc. in the amount of \$378,400.00; Alfero Co., Inc. in the amount of \$338,267.00; S & K Construction in the amount of \$359,000.00; Potcher Construction in the amount of \$299,000.00; and Kistler Buildings in the amount of \$529,879.00.

The following Mechanical Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Bognet, Inc. in the amount of \$150,700.00; K.C. Mechanical Service, Inc. in the amount of \$129,000.00; Dual Temp in the amount of \$150,200.00; and Potcher Construction in the amount of \$101,200.00.

The following Electrical Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Lombardo & Lipe Electrical Contractors, Inc. in the amount of \$48,700.00; Mark Whitehead Electrical Contractor, Inc. in the amount of \$26,750.00; G.R. Noto Electrical Construction in the amount of \$31,900.00; Ace Electric, Inc. in the amount of \$43,895.00; and Hartmann Electric in the amount of \$38,000.00.

Mr. Frutchey made a motion, per the recommendations in letters dated August 15, 2008 from Schoonover & Vanderhoof, Architects, LCC, to award the General Construction Bid to Potcher Construction in the amount of \$299,000.00, the Mechanical Construction Bid to Potcher Construction in the amount of \$101,200.00 and the Electrical Construction Bid to Mark Whitehead Electrical Contractor, Inc. in the amount of \$26,750.00 for a total of \$426,950.00 for the entire project. Seconded by Ms. Kelly. Discussion - Mr. Hutchins commented that the total came in about half of what was expected. The motion carried 5-0.

Bid Award - Renovation to Building No. 2 at the Coolbaugh Township Municipal Center

The Bid for the Renovation to Building No. 2 at the Coolbaugh Township Municipal Center was advertised in the *Pocono Record* on Monday, July 16 and Friday, July 20, 2008 with a bid opening on Monday, August 11, 2008 at 2:30 p.m.

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The following General Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Grimm construction in the amount of \$118,997.00; Bognet, Inc. in the amount of \$113,878.00; Alfero Co., Inc. in the amount of \$168,045.00; S & K Construction in the amount of \$139,000.00; and Potcher Construction in the amount of \$103,000.00.

The following Mechanical Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Bognet, Inc. in the amount of \$88,000.00; Spotts Brothers, Inc. in the amount of \$95,900.00; K. C. Mechanical in the amount of \$99,000.00; Dual Temp in the amount of \$140,000.00; and Potcher Construction in the amount of \$88,000.00.

The following Electrical Construction bids were received by Schoonover & Vanderhoof, Architects, LCC on behalf of the Township: Lombardo & Lipe Electrical Contractors, Inc. in the amount of \$40,300.00; Mark Whitehead Electrical Contractor, Inc. in the amount of \$27,650.00; Ace Electric, Inc. in the amount of \$42,250.00; G.R. Noto Electrical Construction, Inc. in the amount of \$29,900.00; and Hartmann Electric in the amount of \$32,000.00.

Discussion followed about two Mechanical Construction Bids coming in at \$88,000.00 from Potcher Construction and Bognet, Inc. Mr. Schoonover stated in his letter of recommendation that he had never encountered a tied Bid for a public project, so he contacted Solicitor Hanna to help determine what to do in this instance. Solicitor Hanna said he consulted the Second Class Township Code and called the legal department at PSATS for guidance. It was the consensus of the professionals involved that if the Board is satisfied that both bidders are responsible and their bids are in order, they may select the contractor of their choice. Further discussion followed about both Bognet and Potcher being reliable, but that accepting the bid from Potcher Construction will reduce the number of contractors the Township has to deal with on the project.

Mr. Zito moved to award the Bid for General Construction to Potcher Construction in the amount of \$103,000.00, the Electrical Construction Bid to Mark Whitehead Electrical Contractor, Inc. in the amount of \$27,650.00 and the Mechanical Construction Bid to Potcher Construction in the amount of \$88,000.00, with the replacement of the windows. Seconded by Ms. Kelly. Discussion - Mr. Hutchins commented that we are ahead on the project, as the bids came in lower than expected. Ms. Kelly noted that this is a Community Services project. The motion was called and passed 5-0.

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Current Obligations

General Fund	\$101,142.52
Sewer System Fund	\$ 7,039.95
PLGIT - Capital Construction	<u>\$ 3,690.00</u>
Total Disbursements	\$111,872.47

Ms. Kelly moved to approve the Current Obligations in the amount of \$111,872.47. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Other Business

Mr. O'Boyle - summarized a letter dated August 15, 2008 from Gary A. Hoffman, Director of Communications for the Monroe County Control Center (MCCC) informing the Township that MCCC is able to waive the fourth (4th) quarter municipal dispatch fees for the year 2008, for a total savings to Coolbaugh Township of \$58,805.34 and approximately \$476,870.00 for all municipalities. Mr. Hoffman went on to explain that Act 56 revenue and prudent purchasing allowed them to achieve these one time savings for the municipalities and urged the Board and the public to lobby State legislators to continue approving this Act, which provides a valuable revenue stream, scheduled to end in May of 2009. It was the consensus of the Supervisors to send letters to our State legislators in support of Act 56.

Public Input

Frank Whalen - asked about progress on his request to the Board to approach the New Jersey Transit Authority for a quiet zone from midnight to 4:30 a.m. for the blowing of train whistles on northbound trains.

Board of Supervisors Executive Sessions

Mr. O'Boyle announced that the Board of Supervisors held Executive Sessions on Tuesday, August 5, 2008 at 5:30 p.m. regarding Legal/Personnel Issues, on August 18, 2008 at approximately 8:30 p.m. Re: Personnel Issues, and on Tuesday, August 19, 2008 at 6:00 p.m. re: Legal Issues/Personnel Issues.

Adjournment

With no further business before the Board, Mr. Hutchins moved to adjourn the meeting. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 8:45 p.m..

Respectfully submitted:

Linda Frutchey
Township Secretary

Joseph O'Boyle
Chairman