

**Coolbaugh Township
Board of Supervisors
August 4, 2009 - Page 1**

The Coolbaugh Township Board of Supervisors August 4, 2009 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 included: Mr. Joseph O'Boyle, Ms. Lynn Kelly, Mr. James H. Frutchey, Jr., Mr. Robert B. Hutchins and Mr. Robert M. Zito. Also present were Township Solicitor Jerry F. Hanna and Township Secretary Linda Frutchey. Douglas Hein, Business Manager/Controller was absent.

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.

Moment of Silence

Mr. O'Boyle announced the recent passing of Richard Van Noy, Tunkhannock Township Supervisor, and asked for a moment of silence in his memory.

Announcement

Mr. O'Boyle announced that Agenda item #7 - Agreement between Teamster Local 773 and Coolbaugh Township would be moved to the end of the meeting and that after Public Input the Supervisors would recess to an Executive Session relating to Personnel and Legal Issues. The Supervisors would hold the meeting open and take action on Agenda Item #7.

**Board of Supervisors
August 4, 2009 Meeting
Page 2**

Approval of July 21, 2009 Meeting Minutes

Mr. Zito moved to approve the July 21, 2009 Meeting Minutes as presented and dispense with the reading. Seconded by Ms. Kelly. Discussion - on page 4, first paragraph under Pocono Mountain Regional Police, the word "extra" should be inserted after 5000. The motion carried 5-0.

Township Resolution #16-2009 - Square One Markets, Inc.- Preliminary Land Development Plan - Sewage Facilities Planning Module

Mr. Hutchins moved to adopt Township Resolution #16-2009 thereby forwarding the Sewage Facilities Planning Module to PADEP for the Preliminary Land Development Plan for Square One Markets, Inc. Seconded by Mr. Frutchet. Discussion - none. The motion carried 5-0.

Appointment of Building Code Official

Mr. Frutchet moved to appoint William J. Burton as the Building Code Official for Coolbaugh Township. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Appointment to the Joint Building Code Board of Appeals Board

Ms. Kelly moved to appoint Dennis Noonan to the Joint Building Code Board of Appeals for a term ending on December 31, 2011. Seconded by Mr. Hutchins. Discussion - Dan Ferguson asked if this appointment would be a conflict of interest as Mr. Noonan is employed with Pocono Mts. Economic Development Corp. Harry Smith expressed concern about a conflict of interest. Discussion followed about having an alternate member on the Board, the Appeals Board having their own Solicitor who would guide them, etc. The motion carried 5-0.

Pocono Mountain Arts Council request to put a plastic shed behind the garage at the Township Municipal Center

Ms. Kelly moved to allow the Pocono Mountain Arts Council to place a shed behind the garage at the direction of Wayne Regan and to waive the Zoning Permit fees of \$35.00.

**Board of Supervisors
August 4, 2009 Meeting
Page 3**

Seconded by Mr. Zito. Discussion - Ms. Kelly asked that the shed be a neutral color. The motion carried 5-0.

Authorization to mechanical engineer to prepare bid specification to convert the oil-fired steam boilers to natural gas-fired steam boilers

Mr. Hutchins moved to authorize Township Engineer Russ Kresge and Strunk-Albert to work together to prepare bid specifications to convert the oil-fired steam boilers to natural gas-fired steam boilers. Seconded by Mr. Frutchey. Discussion ensued over the age of the underground fuel oil tank, etc. Dave Pope and Harry Smith asked questions relating to Labor and Industry approval, locking in a price for the gas, etc. The motion carried 5-0.

Edward Comstock request for a pavilion rental refund due to celebration cancellation

Ms. Kelly moved to grant Edward Comstock's request for a pavilion rental refund in the amount of \$75.00 due to a celebration cancellation. Seconded by Mr. Hutchins. Discussion - it was noted that the rental of the pavilion was to be held in September, so there was still a chance that it could be rented out. The motion carried 5-0.

Lease Proposals - Postage Machine

Mr. Hutchins moved to approve the Lease Proposal from Neopost for the Postage Machine with the condition that the pricing is extended beyond the July 31, 2009 deadline. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

Current Obligations

General Fund	\$361,168.29
Capital Projects Fund	\$ 3,112.42
Escrow Account Fund	\$ 7,774.32
Sewer System Fund	\$ 10,531.21
Total Disbursements	\$382,586.24

**Board of Supervisors
August 4, 2009 Meeting
Page 4**

Mr. Frutchev moved to approve paying the Current Obligations in the amount of \$382,586.21. Seconded by Mr. Hutchins. Discussion followed about the quarterly payment to Pocono Mountain Regional Police and the donation to the Coolbaugh Township Volunteer Fire Company being the highest expenditures. The motion carried 5-0.

Other Business

Reinstatement of Scheduled Overtime

Mr. Hutchins moved that effective August 1, 2009, the August 5, 2008 motion to stop scheduling overtime hours is hereby rescinded and scheduled overtime hours for the DPW, Zoning Officer and Planning Commission Recording Secretary are hereby reinstated. Seconded by Mr. Zito. A brief discussion followed about scheduled overtime at the drop off site. The motion carried 5-0.

Special Notice - Recycling and Drop Off Site

Mr. O'Boyle announced that to avoid any confusion about which weekend is the "first weekend of a month", The Year Round Drop Off And Recycling Site was opened on Friday, July 31 and Saturday, August 1 and will be open on Friday, August 7 and Saturday, August 8 from 7:30 a.m. - 3:00 p.m.

Coolbaugh Township Waste Oil Recycling Center

Mr. O'Boyle announced that Coolbaugh Township is proud to announce the opening of its Waste Oil Recycling Center. Starting on Monday, August 17, 2009, this service will be available Monday through Friday and on Saturday of the first full weekend of the month from 7:30 a.m. - 3:00 p.m. The site will be closed if it is snowing or on holiday weekends, but it will be open on the weekend following a holiday closure. Harry Smith asked about how it would be handled for the drop off plastic oil jugs, etc. Dave Pope asked about oil spills on the ground. A lengthy discussion followed.

24 Mill Street Property

Discussion ensued about having the Township begin the process of tearing down the structure on Mill Street, due to it being dangerous, whether it was still in the same ownership as several years ago, asbestos, what legal steps had to be taken, etc. Mr. O'Boyle moved to authorize the Township to begin the process of tearing down the structure as outlined in the Dangerous Building Section of the Code of Ordinances. Seconded by Ms. Kelly. Discussion ensued with Solicitor Hanna over the steps that would have to be taken, etc. The motion carried 5-0.

Township Paving Project Extension Request - Hanson Aggregates, Inc.

Mr. Frutchey said that due to the amount of rain we have had the last few weeks, he would move to approve granting the Hanson Aggregates request for an extension of fourteen calendar days to complete the Township Paving Project. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

PA Dept of Transportation Permit 05038202 - Tegawitha Road

Mr. Frutchey moved to approve requesting a 12 month extension on PA Dept of Transportation Permit 05038202 for improvements to be completed by Arcadia Properties on Tegawitha Road. Seconded by Mr. Hutchins. Discussion - Mr. Frutchey explained that Coolbaugh Township's name is on the Permit, but Arcadia Properties is responsible to complete the work; he met at the site today with PennDOT representatives to go over what items needed to be completed and that a list of those items would be forwarded to the Township, etc. Further discussion followed about sending a letter to Arcadia Properties with a copy of the PennDOT Report listing the items needing to be completed, and if the items are not completed, the Township may have to proceed with doing the work and billing Arcadia Properties, etc. The motion carried 5-0.

Square One Markets, Inc. Project - SR 196 - Kings Way Traffic Signal Project

Solicitor Hanna said he has been participating in an email dialog with Township Engineer Russ Kresge, Jim Milot of Hanover Engineers and Doug Hein Business

**Board of Supervisors
August 4, 2009 Meeting
Page 6**

Manager/Controller regarding the Square One Markets, Inc. project which consists of the construction of a new retail store with a gasoline station at the corner of Kings Way and State Route 196, etc.

A lengthy discussion followed about the benefit the Square One Markets project would receive from having the traffic signal, whether we can charge impact fees for offsite improvements to the gas station developer, whether to request financial assistance from the developer, etc. Following further discussion, it was the consensus of the Supervisors that it does not hurt to ask for financial assistance from the developer, but there is no legal basis to demand or require payment. The Supervisors agreed that a dialog could be started with the developer, provided it in no way delays or stops the traffic signal project.

Public Input

Dave Pope - said the sewer lids on Main Street are too low and something should have been done to ensure that they were raised before the paving job was done. Discussion followed.

Mr. Pope asked when something was going to be done about the dangerous situation with cars pulling out at Cayuga when a driver is trying to turn onto Laurel Drive. Discussion followed.

Harry Smith - asked if the Township had a bond to ensure that Arcadia Properties does the work at Tegawitha Road and suggested that the Township do the work and bill Arcadia. Discussion followed.

Mr. Smith mentioned that Gallagher Road is a mess and needs a lot of work.

Dan Ferguson - commented that PennDOT is scheduled to do milling at Gallagher Road. Discussion ensued.

Board of Supervisors Executive Sessions

Mr. O'Boyle announced that the Board of Supervisors held an Executive Session on Tuesday, July 28, 2009 at 5:30 p.m. for Legal Issues and at 8:20 p.m. for Legal and Personnel Issues. He went on to say that they would go into an Executive Session on Legal and Personnel issues and leave the meeting open.

Executive Session - 8:02 p.m.

Reconvene at 9:26 p.m.

Best Wishes for a speedy recovery to Zoning Officer Todd Schollhammer

Mr. Zito moved that due to Todd Schollhammer being off sick, back surgery and the recent passing away of his brother that in lieu of sending a basket of fruit or sending a flower arrangement to give him \$100.00. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Agreement between Teamster Local 773 and Coolbaugh Township

Mr. Zito moved to approve the Agreement between Teamster Local 773 and Coolbaugh Township. Seconded by Ms. Kelly. Discussion - Mr. Frutchey commented that the Board is in charge of looking out for the welfare of its employees, but now it is the union in charge. He said the senior employees were not up to where they should be with the new pay rates in the contract, that the most junior employees "made out like bandits" in comparison, and those in the middle seniority were not looked into well enough.

Mr. Zito responded that union contracts are more objective than subjective, and he believed a good contract was negotiated for both the Township and the employees. The motion was called and carried 4-1-0 (Mr. Frutchey opposed).

Seasonal Help -Rehire Jonathan Grillot

Mr. Frutchey explained that Kyle Meixell would be leaving summer employment to go to school next Thursday and Wayne Regan asked if the Board would consider rehiring Jonathan Grillot to replace Mr. Meixell until the middle of October. Mr. Frutchey moved to rehire Jonathan Grillot until the middle of October. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

**Board of Supervisors
August 4, 2009 Meeting
Page 8**

Adjournment

With no further business before the Board, Mr. Hutchins moved to adjourn the meeting. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 9:38 p.m.

Respectfully submitted:

Linda Frutchey
Township Secretary

Joseph O'Boyle
Board Chairman