

**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**TUESDAY, AUGUST 5, 2014**  
**MINUTES**

The meeting was called to order by Chairman Lynn Kelly at 7:00pm in the meeting room of the Coolbaugh Township Municipal Center, 5520 Municipal Drive, Tobyhanna, PA.

Ms. Kelly led those present in the Pledge of Allegiance.

**Board Members present:**

Lynn Kelly, Fred Pope and Bill Weimer.

**Board Members absent:**

Juan A. Adams and Robert M. Zito.

**Staff present:**

Doug Hein, Business Manager / Controller and Jerry Hanna, Solicitor.

**Announcements:**

Ms. Kelly announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public would 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**

- **Ms. Rosemary (last name unintelligible):** Commented on her concern about a car lot / junkyard type lot next to her property on State Route 196. Zoning Assistant Tomas Keané was asked by the Supervisors to check for allowable uses on the property.
- **Mr. Calvin Lane:** Representing the Tobyhanna Conservation Association, he inquired again about TCA's 2013 stipend, claiming that their records indicate no monies were received in 2013. This matter will be researched further.
- **Mr. Dave Pope:** Asked if any of the youth sports organizations had signed out the automatic external defibrillators purchased by the Township. He also asked about the status of the proposed Veteran's Memorial on the Township grounds. Finally, he inquired about the status of the Olympic Sports Camp.

2. **Approval of Minutes / Notes**

- July 15, 2014 Regular Meeting Minutes
- July 15, 2014 Work Session Notes

The minutes of July 15, 2014 were reviewed and considered for approval.

**Mr. F. Pope made a motion, seconded by Mr. Weimer to approve the minutes of July 15, 2014 as presented.**

- **Discussion:** None
- **Vote:** All in Favor. Motion Passed.

**Work Session Notes / Public Hearing Notes**

The notes for the work session held on July 15, 2014 were presented for review. It was agreed by consensus that these documents would be published for public viewing on the Township website.

3. **Minor Subdivision to join lots 4 & 5, Block 1606, Section 16, Arrowhead North, Property Owners - David and Monica Strucko**

**Mr. F. Pope made a motion, seconded by Mr. Weimer to approve the Minor Subdivision to join lots 4 & 5, Block 1606, Section 16, Arrowhead North, Property Owners - David and Monica Strucko.**

- **Discussion:** None
- **Vote:** All in Favor. Motion Passed.

4. **Minor Subdivision to join lots 89 & 90, Section J, A Pocono Country Place, Property Owner - Antonio Russo**

**Mr. F. Pope made a motion, seconded by Mr. Weimer to approve the Minor Subdivision to join lots 89 & 90, Section J, A Pocono Country Place, Property Owner - Antonio Russo**

- **Discussion:** None
- **Vote:** All in Favor. Motion Passed.

5. **EAC's recommendation relating to PA Natural Heritage Program & Fieldwork study**

Ms. Kelly read a letter from the Township Environmental Advisory Commission recommending that the PA Natural Heritage Program be allowed to conduct fieldwork on the open space properties known as the "Wiley Preserve" and the Hemlock Sanctuary"

**Mr. Weimer made a motion, seconded by Ms. Kelly to allow the PA Natural Heritage Program to conduct fieldwork on the open space properties known as the "Wiley Preserve" and the Hemlock Sanctuary".**

- **Discussion:** After making the motion Mr. Weimer reiterated some of the prior concerns the Supervisors had regarding this program when it was first discussed at a recent public meeting. Ms. Phyllis Williams also commented.

**At this point Mr. Weimer amended his motion, and Ms. Kelly amended her second to allow the PA Natural Heritage Program to conduct fieldwork on the open space properties known as the "Wiley Preserve" and the Hemlock Sanctuary", and that, if possible, a member of EAC be present when the fieldwork was being done.**

- **Vote: All in Favor. Motion Passed.**

6. **Joseph O'Boyle letter of resignation from EAC and Parks and Recreation Commission**

**Ms. Kelly made a motion, seconded by Mr. Weimer to accept, with regret, Joseph O'Boyle's letter of resignation from EAC and Parks and Recreation Commission**

- **Discussion:** None.
- **Vote: All in Favor. Motion Passed.**

7. **Request from EAC to advertise open position on Commission**

Due to Mr. O'Boyle's resignation, there was one open position that needed to be filled on both the EAC and the Parks and Recreation Commission. A letter of interest for the P&R position, submitted by Mr. Mickey Denig, was presented to the Supervisors.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to authorize advertising one open position each on the Environmental Advisory Commission and the Parks and Recreation Commission.**

- **Discussion:** it was decided that letters of interest will be accepted through the end of August, and that appointments were expected to be made at the Supervisors' first meeting in September.
- **Vote: All in Favor. Motion Passed.**

8. **Tobyhanna United Methodist Church request for a waiver of the fees to reserve the Tobyhanna House Pavilion on September 14, 2014**

Mr. Weimer made a motion, seconded by Ms. Kelly to grant Tobyhanna United Methodist Church a waiver of the fees to reserve the Tobyhanna House Pavilion on September 14, 2014.

- **Discussion:** Mr. F. Pope stated that he was a lay leader of TUMC and sought Mr. Hanna's advice on whether he was required to abstain from this vote. Mr. Hanna did not see a reason why he could not vote on this issue.
- **Vote: All in Favor. Motion Passed.**

9. **Letter of Support - LSA Grant - PMI and Arcadia Properties**

Ms. Kelly read the draft of a letter from the Supervisors to the Department of Community & Economic Development supporting Pocono Mountain Industries and Arcadia Properties, LLC in their application for grant funding in the amount of \$1,050,000.00 from DCED's Monroe County LSA program. This grant would be used to construct a speculative flex space in the Pocono Mountains Corporate Center East with the hope that it would spur investment in the County.

Mr. F. Pope made motion, seconded by Mr. Weimer to send Letter of Support - LSA Grant - PMI and Arcadia Properties to PA DECD.

- **Discussion:** None.
- **Vote: All in Favor. Motion Passed.**

10. **Pocono Rail Historical Society request to be considered for free internet service through the Blue Ridge Agreement**

Ms. Kelly read a request from PRHS to the Supervisors asking that, as part of the new cable franchise agreement, the Township ask Blue Ridge Cable to provide internet access, free of charge, to the Tobyhanna Rail Station.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to ask Blue Ridge Cable to provide internet access, free of charge, to the Tobyhanna Rail Station, as part of the new cable franchise agreement.**

- **Discussion:** Comments were heard from Mr. F. Pope, Ms. Michelle Fairservice and Ms. Kelly. Ms. Kelly noted that there likely were other organizations that should be considered for a free internet connection.
- **Vote: All in Favor. Motion Passed.**

#### **11. Cable Franchise Agreement**

The first draft of the proposed new Cable Franchise Agreement was presented to the Supervisors. It was the consensus of the Supervisors present that more consideration needed to be given to this agreement before a final vote was taken.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to table consideration of the proposed Blue Ridge Cable franchise agreement.**

- **Discussion:** None.
- **Vote: All in Favor. Motion Passed.**

#### **12. Authorization to advertise Public Hearing- request for a Zoning District Change - Worthington & Spinieo Pocono Holdings LLC**

Mr. Hanna gave a brief explanation of Worthington & Spinieo Pocono Holdings LLC's request that a zoning district change be granted for lots 3 and 10, and to create a new lot (lot 11) in the Smoke Ridge Development. He suggested that the hearing be held on September 16, 2014.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to authorize advertising a Public Hearing- request for a Zoning District Change - Worthington & Spinieo Pocono Holdings LLC, to be held at 6:00pm on September 16, 2014.**

- **Discussion:** None.
- **Vote: All in Favor. Motion Passed.**

#### **13. Resolution #05-2014 re: APCP Turning Lane Project Condemnation**

Mr. Hanna gave a brief explanation of the process of the condemnation, and he stated that due to a change in the required right of way, the matter should be tabled at this time.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to table Resolution #05-2014 re: APCP Turning Lane Project Condemnation.**

- **Discussion:** None.
- **Vote:** All in Favor. Motion Passed.

**14. UGI Condemnation - authorize Solicitor Jerry Hanna to accept service**

Mr. Hanna again gave a brief explanation of issues associated with UGI's condemnation process relating to a new gas line. He stated that one road was a "paper road", and having never been built, the road was still held in the name of the first developer of the Pocono Summit Lakes community. Being a paper road, Coolbaugh Township was also named party to this action.

**Mr. Weimer made a motion, seconded by Mr. F. Pope to authorize Solicitor Jerry Hanna to accept service relating to the UGI condemnation.**

- **Discussion:** None.
- **Vote:** All in Favor. Motion Passed.

**15. Business Manager / Controller's Financial Report**

Mr. Hein gave a brief report. Total revenue to date for the General Fund is \$4,877,032.00. Total expenses to date are \$3,474,283.00. Total revenue to date for the Sewer Fund is \$176,232.00. Total expenses to date are \$223,387.00.

**16. Current Obligations**

Before them, the Supervisors had details of the Township's current obligations totaling \$446,673.75.

**Mr. F. Pope made a motion, seconded by Mr. Weimer to pay current obligations in the amount of \$446,673.75.**

- **Discussion:** Ms. Fairservice questioned check #2958 (General Fund). Mr. Harry Smith questioned check # 1035 (Escrow Fund).
- **All in Favor. Motion Passed.**

#### **Release of Donation to Tobyhanna Conservation Association for 2014**

In light of the confusion regarding the 2013 donation to TCA, **Ms. Kelly made a motion, seconded by Mr. F. Pope to immediately release the 2014 donation to the Tobyhanna Conservation Association.**

- **Discussion:** None.
- **All in Favor. Motion Passed.**

#### **17. Other Business**

##### **Gas tank at the Municipal Park**

**Mr. Weimer made a motion, seconded by Mr. F. Pope to, depending on value, either auction on Municibid or scrap the gasoline tank currently at the Municipal Park.**

- **Discussion:** None.
- **All in Favor. Motion Passed.**

##### **Inter-municipal agreement RE: Coolbaugh Recycling / Compost center**

**Mr. Weimer made a motion, seconded by Ms. Kelly to inform Tobyhanna Township, Tunkhannock Township and Mt. Pocono Borough that Coolbaugh Township will not be renewing the Recycling / Compost center Inter-municipal agreement under the current terms, and that proposed revised terms would be forthcoming.**

- **Discussion:** Comment was heard from Mr. Smith.
- **All in Favor. Motion Passed.**

##### **DPW overtime for 40<sup>th</sup> Anniversary Municipal Park Celebration**

**Mr. Weimer made a motion, seconded by Mr. F. Pope to authorize overtime for the 40<sup>th</sup> Anniversary Municipal Park Celebration for three DPW workers, between the hours of 11:00am and 6:00pm on August 23<sup>rd</sup> (Rain date August 24<sup>th</sup>).**

- **Discussion:** Comment was heard from Mr. Smith.
- **All in Favor. Motion Passed.**

**High Concerns over discipline against PMRP Personnel.**

Mr. Weimer told PMRP Interim Chief Wagner his "high concerns" regarding discipline conducted under Former Chief Lewis, and if was actually meted out by Chief Lewis alone or by the PMRP Commission. Mr. Weimer asked Chief Wagner to give him the "who, what, how" on this issue by the next PMRPC meeting on August 12<sup>th</sup>.

**Discussion:** Comment was heard from Chief Wagner and Ms. Fairservice on this issue. Mr. Smith asked about the status of GPS units in PMRP vehicles.

**18. Board of Supervisors Executive Sessions**

- Ms. Kelly announced that the Board of Supervisors held Executive Sessions:
  - o Tuesday, August 5, 2014 @ 6:42pm – Legal.

Ms. Kelly announced that an Executive Session would be held for Personnel at this time and that the meeting be held open.

**The meeting was recessed at 8:21pm.**

**The meeting was reconvened at 10:09pm.**

**19. Letter to Pocono Mountain Regional Police Commission**

Ms. Kelly read the following draft letter:

August 6, 2014

Mr. James H. Frutchey, Jr.  
Chairman  
Pocono Mountain Regional Police Commission

Via e-mail: james.frutchey@yahoo.com

Dear Jim:

The Coolbaugh Township Board of Supervisors would like to make known its strong support of the comments / requests made by Commission Representative Bill Weimer at the July 8<sup>th</sup> meeting of the Pocono Mountain Regional Police Commission.

To that end we state the following:

- We request immediate release of the "Morris Report" regarding the incident involving former Chief Harry Lewis. This report, with an approximate cost of \$50,000, was paid for with taxpayer money,



approximately 42% of which comes from our municipality. The Board of Supervisors owes it to the taxpayers to ensure that proper action was taken by the Commission relative to this matter, and without viewing the report, we cannot make that assurance. Please be aware that this request is in no way meant to reflect upon former Chief Lewis – with him being gone that is basically a dead issue – but rather to assure ourselves that there was a clear basis for the relative inaction of the Commission of this matter.

- We agree with Mr. Weimer's statement that the recently passed PMRPC By-laws are flawed and Coolbaugh Township will not recognize them as to how they pertain to our inter-municipal agreement.

Thank you for your consideration.

Sincerely,  
ON BEHALF OF THE COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

***Robert M. Zito***

Robert M. Zito  
Supervisor / Secretary, Coolbaugh Township

**Ms. Kelly made a motion, seconded by Mr. F. Pope to send the draft letter, as presented, to the Pocono Mountain Regional Police Commission.**

- **Discussion:** None.
- **All in Favor. Motion Passed.**

**20. Letter to Tobyhanna Township Board Chairman, Tunkhannock Township Board Chairman and Mount Pocono Borough Council President**

Ms. Kelly read the following draft letter:

August 6, 2014

John J. Holahan III  
Chairman  
Tobyhanna Township

John P. Finnerty  
President  
Mt. Pocono Borough

Francis DePiano  
Chairman  
Tunkhannock Township

Via e-mail:

Dear Gentlemen:

At our regular meeting last evening the Coolbaugh Township Board of Supervisors voted unanimously to invite representatives from the four municipalities that comprise of the Pocono Mountain Regional Police Department to a roundtable to discuss changes to the PMRP inter-municipal legal agreement.

To try to make this meeting as productive as possible we are requesting that a maximum of two elected representatives be sent from all municipalities with the exception of Tunkhannock Township. We ask that Tunkhannock Township send only one representative, since two would be a majority of their Board and trigger advertising and other requirements that we feel would be counterproductive at this time. We respectfully request, for the sake of unbiased dialogue, that representatives sent to this meeting NOT be persons who are presently seated on PMRPC.

As we had originally requested in early 2013, we request that this initial meeting be closed and not open to the public. Public meetings at a later date can certainly be discussed. At that time (early 2013) we consented to a series of open meetings that frankly turned into a "circus" that only resulted in accusations and one-upmanship and put forth no constructive dialogue.

At this time we feel it will be most constructive to speak directly to the municipalities and not the PMRP Commission. There appear to have been several troubling actions taken by the Commission that need to be discussed by the elected officials who CREATED and FUND the entity (the Commission) and the Department (PMRP).

A case in point is the following e-mail received by our Board Chairman Lynn Kelly from Commission member Phyllis Haase, supposedly acting on behalf of the ENTIRE Commission:

*Lynn,*

*On behalf of the Pocono Mountain Regional Police Commission, we request that you kindly provide two dates the Coolbaugh Township Supervisors would be available to meet with the Police Commissioners.*

*The goal of the meeting is to address and resolve the concerns of Coolbaugh Township that was brought forth to the Commission.*

*The Commission looks forward to your response.*

*Phyl*

*Phyllis Haase, Township Manager  
Township of Tobyhanna  
105 Government Center Way  
Pocono Pines, PA 18350  
(570) 646-1212 Ext. 226*

We presume that this was a response to an email sent to all PMRP Commission members by Chairman Kelly on July 17, 2014 stating Coolbaugh Township's unavailability for a meeting with the Commission on July 22, 2014.

While we appreciate the continued effort on the part of Ms. Haase to schedule this meeting, the following questions arise:

- Who authorized that this email be sent?
- If Ms. Haase is speaking on behalf of the Commission, why were not our representatives Mr. Adams and Mr. Weimer aware that this request was forthcoming.
- Since there was no PMRPC public meeting between the date of Ms. Kelly's email and the receipt of Ms. Haase's email, there could be an appearance of decisions, effecting four municipalities, being made by a select few, behind closed doors.

While this incident may seem trivial taken on its own, it appears to speak to a broader pattern of conduct by the Commission, especially since the beginning of the year.

We would like a frank, civil dialogue to try to move PMRP to a position where all four municipalities cooperate and compromise with one another.

We would like to suggest the dates of September 9<sup>th</sup> or 23<sup>rd</sup> at 6:30pm at the Coolbaugh Municipal Center for such a meeting. Please let us know your thoughts by August 31<sup>st</sup> so we can plan appropriately.

Thank you for your consideration.

Sincerely,

ON BEHALF OF THE COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

***Robert M. Zito***

Robert M. Zito  
Supervisor / Secretary, Coolbaugh Township

CC: Coolbaugh Township BOS

**Mr. F. Pope made a motion, seconded by Mr. Weimer to send the draft letter, as presented, to the Tobyhanna Township Board Chairman, Tunkhannock Township Board Chairman and Mount Pocono Borough Council President.**

- **Discussion:** None.
- **All in Favor. Motion Passed.**

#### 21. Adjournment

**There being no further business, a motion was made by Mr. Weimer, seconded by Mr. F. Pope, to adjourn the meeting. All in favor. Motion passed. Meeting adjourned at 10:19pm.**

#### **NEXT REGULAR BOARD MEETING: August 19, 2014**

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

Submitted by: \_\_\_\_\_

**Robert M. Zito, Township Secretary**

Witnessed by: \_\_\_\_\_  
Lynn Kelly, Chairman

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