

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 7, 2017
MEETING MINUTES

The meeting was called to order by Chairman William Weimer at 7:06PM in the meeting room of the Coolbaugh Township Municipal Office, 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

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

Staff present:

Jerry Hanna, Solicitor and Erin Masker, Recording Secretary

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.
- When speaking please state your name and the community or city that you live in.

1. **Public Input**

- P. Williams, Coolbaugh Township Historical Society Representative stated that on March 8, 2017 Representative Maureen Madden will be having a meeting for Women in Politics which will include a light lunch at 12pm. The Historical Society will also be coordinating a Wreaths Across America event with the VFW for the Coolbaugh Township cemeteries and would like to get the information out to Mount Pocono if they would like to participate.
- D. Pope stated that there is a property located by Lexington Woods and it looks like they are building a shack/shed. Mr. Weimer stated that he will have Zoning Officer Joe Brady look in to it.

2. **Approval of Minutes/Notes**

Ms. Ruiz-Smith made a motion seconded by Ms. Kelly to approve the minutes for January 17, 2017 as presented.

- **Discussion:** None
- **Vote:** 4-0-1, motion passed. (Mr. Adams abstained due to his absence at that meeting.)

3. **Authorization to Advertise 2017 Meeting Schedule for Coolbaugh Township Commissions/ Councils**

Mr. Lamantia made a motion second by Mr. Adams to advertise the meeting schedule for commissions and councils as presented.

- **Discussion:** None
- **Vote:** All in favor; motion passed.

4. Resignation of Parks and Recreation Member Pete Volpe- Appointment or Authorization to Advertise New Member for the Commission

Ms. Kelly made a motion second by Ms. Ruiz-Smith to accept the resignation of Pete Volpe with regrets.

- **Discussion:** None
- **Vote:** 4-1-0; motion passed. (Mr. Adams opposed)

Mr. Weimer stated that the Board received two letters of interest for the open position on Parks and Recreation, one from Dan Broxmeier and one from Margaret Miller.

Ms. Ruiz-Smith made a motion second by Mr. Weimer to appoint Dan Broxmeier to the vacant seat on the Parks and Recreation Commission.

- **Discussion:** Dan Broxmeier thanked the Board for the appointment
- **Vote:** All in favor; motion passed.

5. Parks and Recreation Recommendation to Pre-Pay Lawn Specialties for Field Weed Treatment before 2/24/2017 to receive a 10% discount

Mr. Weimer made a motion second by Ms. Ruiz-Smith to pre-pay Lawn Specialties for field weed treatment before 2/24/2017 in order to receive the 10% discount.

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

6. Adoption of Resolution #04-2017- Tax Collector Compensation 2018-2021

Ms. Kelly made a motion second by Ms. Ruiz-Smith to adopt Resolution #04-2017- Tax Collector Compensation with a 3% increase per year based on the 2017 salary of \$24,406.65.

- **Discussion:** Mr. Adams asked what the tax collector receives from the other entities for his service including Monroe County, Pocono Mountain School District and the fees that are collected also asking if we are providing him with his stationary supplies and postage. Ms. Kelly stated that we do not provide his stationary and postage and that he has overhead expenses which include the rents that are paid to the Township for the space he uses. Ms. Ruiz-Smith stated that she doesn't believe that his income from other sources is our concern, and that we need to be concerned with what we are paying him. Discussion ensued about the income from the fees that are being collected with Mr. Adams stating that we are already paying for his time, so that cost for a duplicate bill being \$5.00 seems excessive for a piece of paper and postage. M. Fairservice stated that the last she heard the tax collector made 65-70,000.00 per year also stating that Scranton and Dunmore are currently looking into the fees collected by their tax collector as the borough is only receiving a small portion of the fees back. Mr. Adams asked if we receive any compensation from the tax collector for the fees charged being told that we do not. P. Williams asked if the increase is 3% per year or 3% total over the four years being advised it would be 3% per year. B. Sandford asked what the previous pay increase was from the resolution that was passed the last time being advised that it was also 3% per year.
- **Vote:** 2-3-0, motion failed. (Mr. Weimer, Mr. Lamantia, and Mr. Adams opposed)

Mr. Lamantia made a motion second by Mr. Adams to adopt Resolution #04-2017- Tax Collector Compensation with an increase based on the index.

*** Solicitor Hanna stated that the rate has to be an actual number and not based on the index but based on an actual percentage rate***

Mr. Lamantia amended his motion and Mr. Adams his second to adopt Resolution #04-2017- Tax Collector Compensation with a 1.2% increase per year based on the 2017 salary of \$24,406.65.

- **Discussion:** None
- **Vote:** 4-1-0, motion passed. (Ms. Ruiz-Smith opposed)

7. Adoption of Resolution #05-2017- Tax Collector Fee Collection Authorization

Mr. Adams made a motion second by Mr. Weimer to adopt Resolution #05-2017 setting the fees collected by the Tax Collector at 25.00 for a tax certification and 5.00 for a duplicate bill.

- **Discussion:** Mr. Lamantia questioned the 5.00 fee stating it is excessive to just print a bill and mail it out since we are already paying for his time to be there.
- **Vote:** 4-1-0, motion passed. (Mr. Lamantia opposed)

8. Adoption of Ordinance #126-2017- Directing the Issuance of a General Obligation Demand Note in the Amount of \$671,150.15

Ms. Ruiz-Smith made a motion second by Mr. Weimer with the correction being made on page 3 changing the word "Borough" to "Township".

- **Discussion:** Ms. Ruiz-Smith stated that this is not an actual loan that the Township is taking out, but it is a requirement from PennDot in order to move forward with the Route 196 project. They require financial security before issuing the approval to do the work on a state road.
- **Vote:** All in favor, motion passes.

9. Request for Letter of Support from Tobyhanna Township for an Open Space Mini Grant

Mr. Weimer made a motion second by Mr. Lamantia to provide a letter of support to Tobyhanna Township for their application for an Open Space Mini Grant

- **Discussion:** Mr. Weimer stated that it is for 1.76 portion of rail line for improvements. C. Colgan stated that it is part of the Rails and Trails project.
- **Vote:** All in favor, motion passed.

10. Current Obligations

• General Fund	\$	327,684.33
• Sewer Fund	\$	18,521.50
• Escrow Fund	\$	<u>0.00</u>
Total Disbursements	\$	346,205.83

Mr. Adams made a motion second Ms. Ruiz-Smith to pay the current obligations in the amount of \$346,205.83.

- **Discussion:** Mr. Lamantia asked for clarification on check #6898.
- **Vote:** All in favor; motion passed.

11. Other Business

Mr. Weimer made a motion second by Mr. Adams to authorize the legal advertisement for Ordinance #127-2017 to Amend Chapter 1, by adding Part 9 regarding the re-conveyance of property back to the successors of the original grantor. (Red Barn)

- **Discussion:** Ms. Ruiz-Smith asked for clarification on the reasoning behind this Ordinance with Mr. Hanna advising this is in regard to the Red Barn being re-conveyed to the successors of the original owner which has to be done through an Ordinance since we received the Order from Monroe County Court. K. Winowich thanked the Board.
- **Vote:** All in favor, motion passed.

Ms. Kelly made a motion second by Mr. Adams stating Whereas, Coolbaugh Township and Wal-Mart Stores East, LP have engaged in ongoing discussions regarding possible Sewer Ordinance effluent limits violations; and

Whereas, the Parties have agreed to resolve the matters discussed without resorting to litigation and without admission of fault, by entry into a Settlement Agreement.

Now therefore, Motion to adopt and approve the Settlement Agreement with Release as submitted by Township Special Counsel, Nicholas C. Haros, Esq., including a settlement payment of \$60,000.00 to the Township and a release of Wal-Mart and agreements by both not to sue.

- **Discussion:** Ms. Ruiz-Smith stated that she was not in favor of this settlement as she believed it should have been at least \$70,000.00.
- **Vote:** 3-1-1, motion passed. (Ms. Ruiz-Smith opposed, Mr. Weimer abstained due to his employment with Walmart)

Mr. Adams made a motion second by Ms. Ruiz-Smith stating Whereas, Coolbaugh Township and Wal-Mart Stores East, LP have engaged in ongoing discussions regarding possible Sewer Ordinance effluent limits violations; and Whereas, the Parties have agreed to partially resolve the matters discussed without resorting to litigation and without admission of fault, and further by agreement of Wal-Mart-Stores East, LP to the inclusion in the 2017 renewal of Wal-Mart's Significant Industrial User Pretreatment Permit requirements for installing a Sampling Manhole and Equipment, and Replacement of Pipelines and Rehabilitation of Existing Manholes; and Whereas, some of the construction involved with that installation, replacement and rehabilitation will occur on Coolbaugh Township owned premises.

Now therefore, Motion to authorize entry onto the Township real estate premises by Wal-Mart and its agents and contractors, to complete the installation/construction required by the Part III, Special Conditions contained in the 2017 Permit Renewal.

- **Discussion:** Ms. Kelly stated that she will not vote for this motion as she is opposed to installing a permanent 6x6x7' tall building on a concrete slab in the front yard of the Township to cover the testing manhole. She believes this shed is an unsightly and unnecessary addition since both Walmart and Coolbaugh have been testing for years by using portable equipment. It is setup for the testing timeframe only, which are four times a year for Walmart and twice a year for Coolbaugh Township. Ms. Ruiz-Smith stated that Walmart was opposed to our engineer's proposal due to the additional expense that would be incurred. Ms. Kelly stated that she understands Walmart would save money but stated that it is our responsibility to look at all the

options and make a decision that is in the best interest of the Township, stating that we are always looking for ways to sell the WWTP and instead, we are now adding another building that would be part of it. M. Fairservice asked why the building is an issue in the front yard as there is a big library in the front yard that is facing the wrong way. D. Pope asked why there is a need to upgrade the pipes and manhole in the front yard, suggesting that it may be a better option to move to a different manhole for testing or install a vault. D. Pope asked if our engineer will be on site at all times during this process to be sure that everything is completed the way it should be.

- **Vote:** 3-1-1, motion passed. (Ms. Kelly opposed, Mr. Weimer abstained due to his employment with Walmart)
- Mr. Weimer asked the Board to look at the proposed stickers for the Commercial Compost Facility passes to be put on the trucks for the businesses that purchase the annual pass.

Mr. Weimer made a motion second by Ms. Ruiz-Smith to pay Sundance 1,292.00 to install a wireless bridge into the maintenance garage in the Municipal Complex.

- **Discussion:** Mr. Adams expressed concern over the cost of the labor to do the installation. M. Fairservice asked where it will be installed being advised in the garage next to the Municipal Building as Assistant Foreman Kyle Knecht will be moving into that location.
- **Vote:** 4-1-0, motion passed. (Mr. Adams opposed)

Mr. Weimer made a motion second by Ms. Ruiz-Smith to purchase new hard hats and vests for DPW, Zoning, Codes and Maintenance staff to replace the old ones that are no longer safe for use.

- **Discussion:** None
- **Vote:** All in favor, motion passed.
- Mr. Weimer stated that he is scheduling a meeting with Township Engineer, Russ Kresge as well as Dave Altmiller from PA American Water due to many issues with roads in Pocono Farms and Pocono Farms East that they have torn up and not brought back to Township standard, stating that all work has been done without a permit. Mr. Weimer would like the support of the Board as this issue needs to be resolved or we will have to take legal action against them. Mr. Weimer would like to propose a shutdown of road work during the year when the weather no longer allows for quality work to be completed.
 - **Discussion:** D. Pope stated that it would be what is called a Winter Shutdown and this would occur when the asphalt plants are closed and paving is unable to be done. K. Winowich asked if they have been put on notice.

Ms. Ruiz Smith stated that she contacted the governor's office as they scheduled a meeting in Stroudsburg and Coolbaugh Township was not invited to attend, but Tax Collector Gratz Washenik was. She contacted the office to make them aware that Mr. Washenik is not a representative of the Coolbaugh Township Board of Supervisors and that they need to be contacted when there are meetings in order to attend.

They stated that they will be contacting Ms. Ruiz-Smith to either notify when there is another meeting scheduled or to schedule a time to meet with the Board.

- Ms. Ruiz-Smith stated that she contacted WNEP as they continued to report that Aldi's was being built in Mount Pocono and she advised them that it is being built in Coolbaugh Township. Scott Schafer apologized to Ms. Ruiz-Smith for reporting incorrect information.
- Ms. Ruiz-Smith will be continuing to speak with the news media and will be promoting the Compost Facility and the DPW Bulk Drop Off program that we offer so that we can get the word out.
- Ms. Ruiz-Smith stated that she has information that she will be giving to Ms. Masker to send to the Board regarding the phone system upgrade. She has a system that she feels would benefit the Township and would like the Board to review the information.
- Mr. Weimer stated that there are issues with the Beast that need to be repaired including a belt replacement, stating that he will have quotes for the next meeting. He also stated that there are flags and poles around the Township that need to be replaced.

Mr. Weimer made a motion second by Mr. Adams to terminate the employment of Stanley Morgan due to violation of the personnel manual.

- **Discussion:** None
- **Vote:** 4-1-0, motion passed. (Ms. Kelly opposed)

Board of Supervisors Executive Sessions

- Prior: Tuesday, January 24, 2017 from 5:30pm- 8:10pm re: Legal
- Prior: Tuesday, February 7, 2017 6:02pm-7:04pm re: Legal
- After: Tuesday, February 7, 2017 8:25pm-_____ re: Legal

12. Adjournment

There being no further business, a motion was made by Mr. Adams, seconded by Ms. Kelly to adjourn the meeting. All in favor; motion passed.

Meeting adjourned at 8:15 pm.

NEXT REGULAR BOARD MEETING: Tuesday, February 21, 2017 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: _____
Bill Weimer, Chairman

Date: _____