

**Coolbaugh Township
Board of Supervisors
February 19, 2008 Meeting
Page 1**

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

Call To Order

Mr. O'Boyle called the meeting to order at approximately 6:00 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 F. 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 February 5, 2008 Meeting Minutes

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

Attorney Jens H. Damgaard of Rhoads & Sinon was present to discuss the following:

Adoption of Ordinance Number 103 re: General Obligation Note to PennVest

Mr. Damgaard presented information regarding Ordinance Number 103 authorizing the issuance of a guaranteed sewer revenue bond, in the maximum principal amount of \$1,831,383.00, to the Pennsylvania Infrastructure Investment Authority (PennVest), pursuant to the Pennsylvania Local

Government Unit Debt Act and accepting a grant in the maximum amount of \$415,406.00 and pursuant to a

**Board of Supervisors
February 19, 2008 Meeting
Page 2**

number of other actions in connection with the issuance and securing of the bond. Discussion followed regarding the interest rate and term, that a Letter of No Prejudice was obtained by our Engineer Dave Kavitski, pledging our sewer revenue, advertising our Local Government Debt Act, etc.

Mr. Hutchins moved to adopt Ordinance Number 103 re: the General Obligation Note to PennVest. Seconded by Mr. Frutchey. Discussion followed about the differences between Ordinance No. 103 and No. 104. Ms. Kelly pointed out that Pocono Community Bank was listed as the depository and asked if it should be listed as Wachovia Bank. Discussion followed.

Mr. Hutchins amended his motion to name Wachovia Bank instead of Pocono Community Bank in the ordinance language. The amended motion was seconded by Mr. Frutchey. The motion carried 5-0.

Adoption of Ordinance Number 104 re: General Obligation Note to PennWorks

Mr. Hutchins moved to adopt Ordinance Number 104 re: the General Obligation Note to PennWorks. Seconded by Mr. Frutchey. Discussion - none. The motion passed 5-0.

Tax Anticipation Note

Mr. Damgaard explained the financing proposal submitted by Lisa Hutchins, Commercial Loan Officer for ESSA Bank & Trust, noting that it does not require approval from the PA DCED and should be adopted by Resolution. Mr. Frutchey made a motion to adopt Resolution #5-2008 authorizing and securing a tax and revenue anticipation note of this Township pursuant to the Pennsylvania Local Government Unit Debt Act. Seconded by Ms. Kelly. Mr. Hutchins said he would be abstaining from voting. The motion was called and carried 4-0-1 (Mr. Hutchins abstained because he is related to Lisa Hutchins).

Mr. Hutchins asked that the check for \$250,000.00 to Pocono Mountain Regional Police be paid at the loan closing.

Mr. Frutchey moved to draw the payment of \$250,000.00 for Pocono Mountain Regional Police Department at the loan closing at ESSA. Seconded by Ms. Kelly. Discussion followed relating to various payments, etc. Mr. Frutchey amended his motion to present a letter requesting the full amount of \$750,000.00 at the

closing. Ms. Kelly seconded the amended motion. Discussion - none. The motion carried 5-0.

**Board of Supervisors
February 19, 2008 Meeting
Page 3**

General Obligation Bond, Series of 2008 re: 2008 Capital Projects

Discussion followed about Resolution No. 4-2008 regarding the projected debt service savings resulting from re-funding the Township's outstanding General Obligation Bonds, Series of 2003, and the debt service necessary to fund capital projects of the Township, which would require new debt to be incurred. Mr. Zito moved to approve Resolution No. 4-2008 with Exhibit A being amended to include Project years to cover 2008 through 2010 and to add an additional \$135,000.00 to the contingency fund. Seconded by Ms. Kelly. Public comment was heard from Valerie Soul. The motion carried 5-0.

A break in the meeting was called at 6:55 p.m. The meeting resumed at 7:04 p.m.

Emergency Access related to the new cul-de-sac - Lot 2 - Arcadia North Business Park

Shawn K. Langen of Arcadia Properties, LLC and Paul Szewczak of Liberty Engineering were present on behalf of the matters referenced above. They offered an overview of the proposed Higgins Warehouse project located on Lot 2 across from J & J, showed the Supervisors the plans for the 1.4 million square foot facility and discussed the emergency access issue related to the new cul-de-sac. It was the consensus of the Supervisors and Mr. Langen and Mr. Szewczak that further discussion should be taken to the February 26, 2008 Work Session and have Township Engineer Russ Kresge and Township Solicitor Jerry Hanna present.

Mr. Langen noted that the Camp Tegawitha road will be paved as soon as the weather breaks.

Inter-Municipal Agreement re: financial support of the Pocono Mountain Regional Emergency Medical Services

Before the Board was a letter dated January 30, 2008 from Patrick M. Armstrong, Esq. of Grim, Biehn & Thatcher, written on behalf of the Tobyhanna Township Board of Supervisors, commenting on the proposed Inter-Municipal Agreement for the Pocono Mountain Regional Emergency Medical Services. Mr. O'Boyle explained the funding

proposal to financially assist the PMREMS. Discussion followed about the letter from Patrick M. Armstrong, Esq. that suggested adding a paragraph to outline what the money is going to be used for and/or which fund within PMREMS it should be distributed to, etc.

**Board of Supervisors
February 19, 2008 Meeting
Page 4**

Mr. O'Boyle explained that the Operations Manager and the PMREMS Board members preferred not adding any language to the Inter-Municipal Agreement that outlines what the financial support is to be used for, etc. Discussion followed about Coolbaugh Township's contributions to PMREMS never having had stipulations as how the money should be used etc. It was also noted that Mr. Armstrong commented that an ordinance must be passed to enter into an intergovernmental agreement, but that this is already stipulated in Solicitor Hanna's Draft Proposed Inter-Municipal Agreement on pages 4 - 5 , No. 8., Enactment of Ordinance. Solicitor Hanna was directed to send a letter.

Request to increase the presence of police patrols in the Pocono Farms East Development

Mr. O'Boyle summarized a letter from Lawrence Williams of Pocono Farms East (PFE) regarding the high levels of vandalism in their community development and the need to increase the presence of police patrols there. Discussion followed. Mr. Hutchins said he and Ms. Kelly will take the request to the next meeting of the PMRPC.

The request from Faith Outreach Ministries to distribute free of charge clothing to those in need during the hours of service for the food bank

Ms. Kelly explained her Memo to the Board dated February 19, 2008 regarding a request from Phyllis White of Faith Outreach Ministry, asking to distribute free clothing and small household items during the Food Bank's service hours. They would like to use of a corner of the large room used as the Food Bank's waiting area, most of the donations will be stored off-site, will be cleaned/sanitized and be packed in plastic storage bins between service hours, etc. Ms. Kelly noted that she spoke with Michael Stern, President of the Ecumenical Food Bank regarding the proposal and his concern was consistency in the hours of distribution. She suggested allowing a trial period of three months and require designated food bank service hours for distributions to ensure consistency of availability.

Mr. Hutchins proposed sending the matter to the Coolbaugh Township Community Partnership Commission. Mr. Zito agreed. Ms. Kelly said she would take care of the details and contact Phyllis White to fill out the CTCPC Project Support Form, etc.

Taxpayer James Crowe - Code #03/7J/2/7 request for a refund of \$155.97

due to incorrect building information

Ms. Kelly moved to refund \$155.97 to James Crowe, Tax ID #03/7J/2/J due to incorrect building information. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Board of Supervisors

February 19, 2008 Meeting

Page 5

The use of an employment agency to assist in recruiting qualified applicants for the position of Controller / Business Manager

Ms. Kelly presented and led discussion regarding a spreadsheet outlining the services of three different Accounting and Financial Recruiting Agencies serving the Northeast PA region: Nancy Jackson, Inc. of Scranton, Robert Half of King of Prussia, PA and Kelly Services of New Brunswick, NJ.

Mr. Hutchins moved to contract with Nancy Johnson, Inc. conditioned upon the agreement not being signed until after the Sewer Plant, bond issues and Township finances are in order, in or around June or July 2008, for a possible start in January 2009. Seconded for purposes of discussion by Mr. Frutchey. A lengthy discussion followed. Public comment was heard from Valerie Soul and Jerry Teicher. The motion was called and did not pass 2-3-0 (Mr. O'Boyle, Ms. Kelly and Mr. Zito opposed).

Mr. Zito moved to engage Nancy Jackson, Inc. and Robert Half to recruit for the position of Township Controller/Business Manager, with the agreements being sent to Solicitor Hanna for review prior to the Chairman signing them. Seconded by Ms. Kelly. Discussion - none. The motion carried 3-2-0 (Mr. Frutchey and Mr. Hutchins opposed).

Discussion - Sale / Donation of 2000 Ford Cruiser

Mr. O'Boyle outlined the repairs needed, per a report completed by Ray Price Mt. Pocono Ford Sales, Inc., for the 2000 Ford Cruiser donated to the Township by the PMRPD and the Blue Book value.

Mr. Hutchins made a motion to donate the vehicle to the Coolbaugh Township Volunteer Fire Company (CTVFC) for practice with the Jaws of Life. Seconded by Mr. Zito. Discussion - Solicitor Hanna confirmed that the vehicle can be donated. Public comment was heard from Valerie Soul who suggested that the cruiser could also be donated to a school. A brief discussion followed.

Mr. Hutchins amended his motion to donate the car to a school as a back-up, in the event the CTVFC does not accept the donation of the 2000 Ford Cruiser. The amended motion was seconded by Mr. Zito. Discussion - none. The motion passed 5-0.

Purchase through the PA Capital City Contract - 2008 International Tandem Dump Truck Chassis in the amount of \$103,896.51- an aluminum dump body in the amount of \$55,075.00 - expenditures to be taken out of the State Liquid Fuels Funds

Discussion followed regarding the above referenced matter. Mr. Hutchins moved to approve purchasing through the PA Capital City Contract a 2008 International Tandem Dump Truck Chassis in the amount of \$103,896.51 and an aluminum dump body in the amount of \$55,075.00 with the expenditures to be taken out of the State Liquid Fuels Funds. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Current Obligations

General Fund	\$104,505.00
Pocono Community Bank (Sewer)	\$ 19,804.02
Sewer System Fund	\$ 14,236.70
_____Total Disbursements	<u>\$138,545.72</u>

Mr. Frutchey made a motion to pay the Current Obligations in the amount of \$138,545.72. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

Other Business

Speeding by Airport

Mr. O'Boyle brought up the problem of speeding by the Pocono Mountains Municipal Airport on SR 611 and Hemlock Drive. He suggested considering a three-way stop at the intersection of Green Road and Hemlock. It was the consensus to discuss it further at the February 26, 2008 Work Session as Township Engineer Russ Kresge would be present.

Suggestion to take Township Meetings to Property Owners Associations

Mr. O'Boyle suggested taking the Board of Supervisors' meetings to local Property Owner Associations. Mr. Zito agreed, pointing out that this would be a

way to reach out to the community. Public comment was heard from Valerie Soul. It was the consensus of the Supervisors to discuss the matter at their February 26, 2008 Work Session.

**Board of Supervisors
February 19, 2008 Meeting
Page 7**

Public Input

Keith Boswell - was present on behalf of a Service Request he submitted about mold and other problems at his apartment at 4005 Memorial Blvd. Discussion followed. It was the consensus of the Supervisors to send Zoning Officers Todd Schollhammer and Tim Kresge to the site to take photos and do a report for the Board and Township Engineer Russ Kresge.

Mr. Hutchins - asked that the Township Secretary order six copies of the Property Maintenance Code to have at the March Work Session.

Valerie Soul - invited Mr. O'Boyle to attend the next meeting at the Stillwater Lakes development and made several requests for assistance from the Township, which were not possible for the Board, due to Stillwater Lakes being a private community.

Jerry Teicher - asked questions as to what has been done about the two structures on SR 196, noting that he sent a letter to the Township about it in July of last year, and things continue to get worse. Discussion followed.

Board of Supervisors Executive Sessions

Mr. O'Boyle announced that the Board of Supervisors held Executive Sessions on Tuesday, February 5, 2008 at 8:40 p.m. regarding Pending Litigation and on Monday, February 11, 2008 at 4:00 p.m. re: Pending Litigation.

Adjournment

With no further business before the Board, Mr. Frutchey moved to adjourn the meeting. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 8:59 p.m.

Respectfully submitted:

Linda Frutchey

Joseph O'Boyle

Township Secretary

Board Chairman