

The Coolbaugh Township Board of Supervisors February 5, 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 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 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 January 22, 2008 Minutes

Mr. Hutchins moved to approve the January 22, 2008 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

### **Authorization to advertise Notice of Intent to adopt two Ordinances relating to the Coolbaugh Township Sewer Project: PennVest Loan and PennWorks Loan**

Mr. Frutchey moved to authorize the advertisement of the Notice of Intent to adopt two Ordinances relating to the Coolbaugh Township Sewer Project: PennVest Loan and PennWorks Loan. Seconded by Mr. Hutchins. Discussion followed about the time frame needed for the advertisement, etc. The motion carried 5-0.

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## Letter of Support for PMREMS

Mr. O'Boyle summarized a letter faxed to the Township on January 26, 2008 from Mark Lemley, Supervisor and Engineer for the Pocono Mountain Regional EMS, requesting a

a letter in support of PMREMS concerns about plans to dead-end southbound SR 196.

Mr. Zito moved, in light of PMREMS concerns regarding the closing off of SR 196, to send a letter of

support, per their request. Seconded by Ms. Kelly. Discussion followed in which Mr. Frutchev said he attended a public meeting in the Mount Pocono Borough regarding traffic plans for the area and also voiced his concerns about closing off this road. Mr. Hutchins commented that the PMREMS letter should have been cleaned up and sent from the whole Board. Public comment was heard from Kamal Ebeid and Georgia Sullivan. The motion was called and carried 5-0.

### **Revised Sale \ Land Lease Agreement between Pocono Mountain Public Library and Coolbaugh Township**

A lengthy discussion followed about the Revised Sale \ Land Lease Agreement between Pocono Mountain Public Library and Coolbaugh Township. Mr. Frutchev said at the last Board Work Session a Library Board member suggested both entities have a Work Session to discuss the matter. Discussion followed.

Mr. Hutchins commented that he was against contributing \$87,000.00 to the Library when they are already getting one mill of tax money and cautioned against making capital expenditures in the Township's present financial situation. He also noted that he had spoken with a Library Board member who said there was no urgency in doing the

Revised Sale \ Land Lease Agreement. He also suggested an addendum to the agreement allowing the library to withdraw in order to accept an offer for the sale of their land.

Ms. Kelly commented about the possibility of considering in-kind contributions to help save money.

Mr. Zito moved to approve and send the PMPL the revised Land Lease Agreement as drafted by Township Solicitor Jerry Hanna. Seconded by Ms. Kelly. Discussion - Mr. Hutchins requested that language be inserted into the agreement that the PMPL can accept an offer for the sale of their land. Further discussion ensued over revised language in favor of the library being able to withdraw from the agreement. Mr. Zito said he wanted to get the matter off the Board's table and asked that the motion be called. The motion carried 3-2-0 (Mr. Frutchev and Mr. Hutchins opposed).

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Mr. Hutchins made a motion to have Solicitor Hanna insert language into the agreement that gives the PMPL an "out clause". Seconded by Mr. Frutchev. Discussion followed. The motion did not carry 2-3-0 (Mr. O'Boyle, Ms. Kelly and Mr. Zito opposed).

### **Request for a change in Zoning District - from Rural Residential (R-1) Zone to Convenience Commercial -(C-1) Zone - Applicant - RGM Holdings LLC**

Mr. O'Boyle summarized the zone change request and the "reason for seeking action" from applicant RGM Holdings LLC. Discussion followed.

Mr. Zito moved to authorize the Township Secretary to place the advertisement for a Public Hearing on March 18, 2008 to hear a request for a change in Zoning District - from Rural Residential (R-1) Zone to Convenience Commercial -(C-1) Zone - Applicant - RGM Holdings LLC. Seconded by Mr. Hutchins. Discussion followed in which Solicitor Hanna cautioned the Board about the start time of 6:00 p.m. for the hearing not being sufficient. It was the consensus of the Supervisors to change the time from 6:00 p.m. to 5:00 p.m. The motion carried 5-0.

### **Request for a change in Zoning District from Industrial (I) Zone to Office Park - (C-2) Zone -**

### **Applicant - Kamal Ebeid**

Mr. O'Boyle summarized the request for a change in Zoning District from Industrial (I) Zone to Office Park - (C-2) Zone by applicant Kamal Ebeid.

Mr. Frutchey moved to authorize the Township Secretary to place an advertisement for a Public Hearing on March 18, 2008 at 6:00 p.m. to hear a request for a change in Zoning District from Industrial (I) Zone to Office Park - (C-2) Zone - Applicant - Kamal Ebeid. Seconded by Ms. Kelly. Discussion - none. The motion passed 5-0.

## **PennDOT's response to request for No Parking signs at SR 423 and SR 611**

Mr. O'Boyle summarized communications between the Township and PennDOT regarding the above referenced matter. Discussion followed about needing a traffic and engineering study.

Mr. Hutchins made a motion to submit three traffic studies that were already done by Wal-Mart, Arcadia Properties, LLC and at Hemlock Drive for PennDOT's consideration. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

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Mr. Hutchins amended his motion to go forward with having a traffic study completed in the event PennDOT does not accept the three traffic studies submitted to them. The amended motion was seconded by Mr. Zito. Discussion - none. The motion passed 5-0.

## **Michael Brightman's resignation from the Environmental Advisory Council**

Mr. Frutchey made a motion to accept with regret Michael Brightman's resignation from the EAC. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

### **Coolbaugh Township Community Partnership Commission's request for shirts with Township Logo**

Mr. Zito moved to grant the request from the CTCPC for the Township to purchase them seven (7) polo shirts with the Township logo, one (1) per member. Seconded by Ms. Kelly. Discussion followed about purchasing such items during the current fiscal situation, a low cost place to purchase shirts, etc. The motion carried 5-0.

### **Authorization to Solicitor Hanna to participate in a conference call with the Solicitors from the Boro of Mount Pocono, the Townships of Paradise, Tobyhanna and Tunkhannock relating to the current status of the Intermunicipal Agreement and the Municipal Services Agreement with Guardian Inspection Services**

Mr. Hutchins requested that the above referenced matter be on the Agenda, noting that the members of the Building Codes Enforcement Program have everything under control and that they have held numerous meetings to work out any issues, etc.

Mr. Hutchins moved to not authorize Solicitor Hanna to participate in the conference call with the

Solicitors from the Boro of Mount Pocono, the Townships of Paradise, Tobyhanna and Tunkhannock relating to the current status of the Intermunicipal Agreement and the Municipal Services Agreement with Guardian Inspection Services. Seconded by Mr. Frutchey. Discussion followed in which Ms. Kelly commented that the easy portions of the contract are resolved, but the harder parts must be worked out among the members, noting that she did not believe Solicitor Hanna could help with this. Mr. Hutchins said the meetings are advertised and anyone can attend and thanked Ms. Kelly and Mr. Frutchey for going to the meetings and Ms. Kelly for summarizing the situation, etc. The motion passed 5-0.

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#### **Coolbaugh Township Fee Resolution Number 03-2008**

Discussion followed about making the following changes to the Township's Fee Resolution: page 5, Public Hearing before the Building Code Board of Appeals, change from \$450.00 to \$600.00; page 6, depositing of snow or ice on roadways and fire hydrants, change to \$50.00 to \$100.00.

Mr. Frutchey moved to adopt the Coolbaugh Township Fee Resolution Number 03-2008, with the changes as noted. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

#### **Authorization to advertise for the position of Controller / Business Manager**

Discussion ensued about advertising for a Controller/Business Manager. Ms. Kelly commented that it is possible to hire a recruiter to advertise and interview for the position and send candidates to the Board for consideration. The process involves signing a contract, providing a job description and salary range and paying a fee of 20% of the starting rate. Further discussion followed.

Mr. Hutchins moved to table the authorization to advertise for the position of Controller / Business Manager until the next Work Session. Seconded by Mr. Frutchey. Discussion - Mr. Hutchins said the Township must get its finances in order before hiring a Controller/Business Manager and consider advertising for someone in July to start in January 2009. Mr. Frutchey agreed. Mr. Zito commented that we have to move forward. The motion was called and carried 5-0. Ms. Kelly asked the Township Secretary to put the matter on the February 19, 2008 meeting Agenda, when she will have details from the recruiting company for the packets.

#### **Current Obligations**

General Fund	\$104,370.46
Escrow Fund	\$ 1,124.50
Pocono Community Bank (Sewer)	\$293,035.15
Sewer System Fund	\$ 7,710.48
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Total Disbursements	\$406,240.59

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Mr. Frutchey made a motion to pay the Current Obligations in the amount of \$406,240.59. Seconded by Ms. Kelly. Discussion followed about the problem with a check to the PMRPD, financial responsibilities with the WWTP, help from Senator Mellow and Representative Scavello with funding requests, etc. The motion carried 5-0.

## **Other Business**

### ***Parks & Recreation Commission Resignation - Robert M. Zito***

Mr. Zito announced that he must resign from his appointment to the Parks & Recreation Commission, as he is not allowed to be both a Supervisor and a member of the commission. Mr. Frutchey moved to accept Mr. Zito's resignation with regret. Seconded by Mr. Hutchins. Discussion - Mrs. Frutchey suggested that Mr. Frutchey step down as the Board's liaison to the Parks & Recreation Commission, so Mr. Zito could take that place. Mr. Zito respectfully declined. The motion was called and carried 4-0-1 (Mr. Zito abstained).

### ***Vacancies on Boards and Commissions***

Discussion followed about vacancies on Township boards and commissions, including a Second Alternate to the ZHB and one member to serve on the Parks & Recreation Commission and one on the EAC. Mr. Zito asked that a press release be placed in the *Journal of the Pocono Plateau* relating to these open positions. Ms. Kelly asked the public if anyone was interested in serving. It was also suggested that letters be sent to past members. Werner Frank, present in the audience offered to serve as the Second Alternate on the ZHB in the event we did not get another offer. Mr. Zito moved to appoint Werner Frank as the Second Alternate on the ZHB. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Mr. Zito moved to authorize the Township Secretary to write up something to send to the *Journal of the Pocono Plateau* as a press release. Seconded by Mr. Hutchins. Discussion - none. The motion passed 5-0.

### ***Police Cruiser***

Mr. Frutchey raised the subject of the cost of repairing the police cruiser acquired by the Township from PMRPD. Discussion followed about advertising it, offering it to Property Owners Associations, etc. It was the consensus of the Supervisors to take the matter to the next meeting.

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### ***Clothes and shoes being stored/sold near the Food Pantry in the basement***

Discussion ensued about the above referenced matter, and questions were raised about who is responsible for these items, where they got permission to store/sell them on Township property, etc.

Ms. Kelly said she would check into it.

**Announcement commending Supervisor Robert B. Hutchins, VP of Centennial Homes**

Mr. Frutchey reported that Mr. Hutchins recently received a State Board Award as VP of Centennial Homes, commending him for this achievement and adding that we are fortunate to have Mr. Hutchins head up our Building Codes Program, grants, etc.

## Public Input

**Georgia Sullivan** - brought up issues of concern regarding litter, signs and the possibility of putting limits on certain types of development in the Township. Discussion followed.

## Board of Supervisors Executive Sessions

Mr. O'Boyle announced that an Executive Session was held on Tuesday, January 22, 2008 at 5:00 p.m. re: Pending Litigation and on Tuesday, February 5, 2008 at 8:40 p.m. re: Litigation.

## Adjournment

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

Respectfully submitted:

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Linda Frutchey  
Township Secretary

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Joseph O'Boyle  
Board Chairman